

REGULAR MEETING

April 28, 2009

City of Newburgh Zoning Board of Appeals

Summary of Record of Actions Taken at the Regular Meeting of the Newburgh Zoning Board of Appeals held on April 28, 2009 at 7:30 p.m. at the Newburgh Activity Center, 401 Washington Street, Newburgh, NY.

Members Present: Joanne Lugo
Victor Mirabelli
MaryAnn Prokosch
Barbara Smith
Joshua Smith
David Schwartz

Also Present: Michelle Kelson, Assistant Corporation Counsel
Michelle Mills, Secretary to the Board

Motion Made to Approve Minutes of March 24, 2009 Meetings

Motion Made: Joshua Smith

Motion Second: Victor Mirabelli

Motion Carried: Unanimous

One Year Extension:

- 1. Appeal No. 2008-16**
Location: 21-29 Cerone Place
Applicant/Owner: Michael Smith/Elant, Inc.

Mr. Smith appeared before the Board and advised that the request for an extension was due to the economy and financial market crisis.

Motion Made to approve one-year Extension: MaryAnn Prokosch

Motion Second: Victor Mirabelli

Motion Carried: Unanimous

New Business:

- 1. Appeal No. 2009-09**
Location: 152 Washington Street
Applicant/Owner: Habitat for Humanity of Greater Newburgh

Requesting an **Area Variance** for 6260 feet on lot area, 62.6 feet on lot width, 15 feet on front yard setback, 10 feet on side yard setback and 2 parking spaces which does not meet the Schedule of Bulk Regulations in an **R1 Zone**.

Lisa Biggin, Project Manager representing Habitat for Humanity appeared before the Board and advised of the plan to demolish the current structure and replace it with a new two story home, at this site. The new property address will change from Washington Street to Johnston Street.

At this time the Chairperson opened the public hearing by reading the text of the notice.
No one spoke in favor or opposition of the applicant.

The public hearing was duly convened and completed on April 28, 2009.

Motion to Close Public Hearing: Joshua Smith

Motion Second: Barbara Smith

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Zoning Board of Appeals to assume Lead Agency status for S.E.Q.R.A.:

Motion Made: Victor Mirabelli

Motion Second: Mary Ann Prokosch

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Zoning Board of Appeals declares a Negative Declaration for S.E.Q.R.A.:

Motion Made: Mary Ann Prokosch

Motion Second: Joshua Smith

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Motion Made to approve **AREA VARIANCE**: Victor Mirabelli

Motion Second: Mary Ann Prokosch

Roll Call Vote: Unanimous

Motion Carried: Unanimous

2. Appeal No. 2009-10
Location: 11 Benkard Avenue
Applicant/Owner: Edgar Lugo & Lynn Smith

Requesting an **Area Variance** for four parking spaces which does not meet the Schedule of Bulk Regulations in an **R2 Zone**.

Lynn Smith appeared before the Board and advised of that the two family structure has no off street parking. Mary Ann Prokosch requested verification of the required number of spaces according to Code and was advised by Counsel that the number should be four, not two. The request was amended as required.

At this time the Chairperson opened the public hearing by reading the text of the notice.
No one spoke in favor or opposition of the applicant.

The public hearing was duly convened and completed on April 28, 2009.

Motion to Close Public Hearing: Joshua Smith

Motion Second: Victor Mirabelli

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Zoning Board of Appeals to assume Lead Agency status for S.E.Q.R.A.:

Motion Made: Victor Mirabelli

Motion Second: Joshua Smith

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Zoning Board of Appeals declares a Negative Declaration for S.E.Q.R.A.:

Motion Made: MaryAnn Prokosch

Motion Second: Joshua Smith

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Motion Made to approve **AREA VARIANCE**: Joshua Smith

Motion Second: Mary Ann Prokosch

Roll Call Vote: Unanimous

Motion Carried: Unanimous

3. Appeal No. 2009-11

Location: 70 DuBois Street

Applicant/Owner: Highland Associates/St. Luke's Cornwall Hospital

Requesting an **Area Variance** for 17 feet on front yard setback which does not meet the Schedule of Bulk Regulations in a **PO-1 Zone**.

Philip Baldoni from Highland Associates appeared before the Board and described the intention of the Hospital to create a new lobby which will extend onto the front yard setback . The plan also calls for a protective canopy type awning over the lobby entrance which will provide coverage to patients and visitors to the hospital from inclement weather.

At this time the Chairperson opened the public hearing by reading the text of the notice.

No one spoke in favor or opposition of the applicant.

The public hearing was duly convened and completed on April 28, 2009.

Motion to Close Public Hearing: Mary Ann Prokosch

Motion Second: Victor Mirabelli

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Zoning Board of Appeals to assume Lead Agency status for S.E.Q.R.A.:

Motion Made: Mary Ann Prokosch

Motion Second: Victor Mirabelli

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Zoning Board of Appeals declares a Negative Declaration for S.E.Q.R.A.:

Motion Made: MaryAnn Prokosch

Motion Second: David Schwartz

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Motion Made to approve **AREA VARIANCE**: Victor Mirabelli

Motion Second: Mary Ann Prokosch

Roll Call Vote: Unanimous

Motion Carried: Unanimous

OTHER:

1. Joshua Smith raised a question regarding the proper use and zoning of the lot on the corner of DuBois Street and Gidney Avenue. Michelle Kelson will obtain information from Code Compliance.
2. Ian MacDougall appeared before the Board to seek a volunteer to represent the ZBA on the City's Land Use Committee. Mary Ann Prokosch volunteered for the seat.

Meeting Adjourned: 8:00 p.m.

Respectfully Submitted:

Approved:

Michelle M. Mills, Secretary

Joanne Lugo, Chairperson