

REGULAR MEETING

May 26, 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 May 26, 2009 at 7:30 p.m. at the Newburgh Activity Center, 401 Washington Street, Newburgh, NY.

Members Present: Victor Mirabelli
MaryAnn Prokosch
Mirta Rivas
Barbara Smith
Joshua Smith

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

Motion Made to Approve Minutes of April 28, 2009 Meetings

Motion Made: Victor Mirabelli

Motion Second: Joshua Smith

Motion Carried: Unanimous

New Business:

- 1. Appeal No. 2009-12**
Location: 18 Mandigo Place
Applicant: Sal's Contracting
Owners: Alfonso Pallan & Claudia Chirinos-Pallan

Requesting an AREA Variance for 8 feet on side yard setback, which does not meet the requirements of the Schedule of Use and Bulk Regulations in a R1 Zone.

Mr. Salazar from Sal's Contracting appeared before the Board on behalf of the owners and advised that the request for the variance was to enlarge two window wells in the basement to allow for the use of two rooms as bedrooms. Without the variance, the rooms did not meet code requirements for ingress and egress for use as bedrooms.

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

No one spoke in favor of the applicant.

The following people spoke in opposition:

Barbara Simon, South Miller Street: Voiced concern about historic property status.

Laura DePace, 15 Mandigo Place; Inquired of legality of basement bedrooms, additional doorway and extended driveway.

The public hearing was duly convened and completed on May 26, 2009.

Motion to Close Public Hearing: Victor Mirabelli

Motion Second: Joshua 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: Joshua Smith
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: Victor Mirabelli
Motion Second: Mirta Rivas
Roll Call Vote: Unanimous
Motion Carried: Unanimous

Motion Made to approve **AREA VARIANCE**: Victor Mirabelli
Motion Second: Mirta Rivas
Roll Call Vote: Unanimous
Motion Carried: Unanimous

2. Appeal No. 2009-13&14
Location: 185 & 185A West Street
Applicant/Owners: Michael Zimet & Mari Rendich

Requesting a **Use Variance** for a two family dwelling and an **AREA Variance** for 1.7 feet on front yard setback, 3.6 feet on side yard setback and 6.3 feet on rear yard setback, which does not meet the requirements of the Schedule of Use and Bulk Regulations in a **R1 Zone**.

The applicant/owners did not appear at this meeting.

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

No one spoke in favor of the applicant.

The following people spoke in opposition:

Sheldon Heil, 179 West Street; Described negative impact on neighborhood, supplied photos of trash.

Jean McGowen, 181 West Street: 33 year resident, can no longer eat outside, neighborhood deteriorating.

Dave McGowen: 181 West Street: Not opposed to a two-family but does not want a boarding house. Says Landlord should be held accountable.

A motion was made to table the item for one month: Joshua Smith

Motion Second: Victor Mirabelli

Roll Call Vote: Unanimous

Motion Carried: Unanimous

3. Appeal No. 2007-16
Location: 41 DuBois Street
Applicant/Owner: HOGAR/City of Newburgh

Requesting an **Area Variance** for four (4) parking spaces, which does not meet the requirements of the Schedule of Use and Bulk Regulations in a **R2 Zone**.

AJ Coppola appeared before the Board on behalf of the applicant. He advised that two years ago when use and area variances were obtained that parking was not requested since there had been an agreement with an adjacent property owner. He further advised that the project is 99% complete and that the variance is required to obtain the Certificate of Occupancy.

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

No one spoke in favor of the applicant.

The following people spoke in opposition:

Hillary Rayford, Johnston Street; Inquired of effect on resident parking.

Barbara Simon, South Miller Street; Also concerned about resident parking and maintaining historical district houses.

The public hearing was duly convened and completed on May 26, 2009.

Motion to Close Public Hearing: Victor Mirabelli

Motion Second: Joshua 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: Barbara Smith

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: Joshua Smith

Motion Second: Mirta Rivas

Roll Call Vote: Unanimous

Motion Carried: Unanimous

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

Motion Second: Mirta Rivas

Roll Call Vote: Unanimous

Motion Carried: Unanimous

4. Appeal No. 2007-17
Location: 43 DuBois Street
Applicant/Owner: HOGAR/City of Newburgh

Requesting an **Area Variance** for four (4) parking spaces, which does not meet the requirements of the Schedule of Use and Bulk Regulations in a **R2 Zone**.

AJ Coppola appeared before the Board on behalf of the applicant. He advised that two years ago when use and area variances were obtained that parking was not requested since there had been an agreement with an adjacent property owner. He further advised that the project is 99% complete and that the variance is required to obtain the Certificate of Occupancy.

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

The public hearing was duly convened and completed on May 26, 2009.

Motion to Close Public Hearing: Victor Mirabelli

Motion Second: Joshua 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: Barbara Smith

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: Joshua Smith

Motion Second: Mirta Rivas

Roll Call Vote: Unanimous

Motion Carried: Unanimous

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

Motion Second: Mirta Rivas

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Meeting Adjourned: 8:25 p.m.

Respectfully Submitted:

Approved:

Michelle M. Mills, Secretary

Mary Ann Prokosch, Acting Chairperson