

ZONING BOARD OF APPEALS MEETING

Summary of record of actions taken at the regular meeting of the Newburgh Zoning Board of Appeals (“ZBA”) held on May 25, 2021 at 7:00 p.m. using Zoom videoconference.

Members Present: Joanne Lugo, Chairperson
Corey Allen
Ben Brandt
Dianne Dixon
Melvin Hales
Julie Lindell

Absent: Michael Papaleo

Also Present: Jeremy Kaufman, Assistant Corporation Counsel
J.K. Gentile, Secretary

The Chairperson called the meeting to order at 7:08 p.m. after confirming a quorum.

OLD BUSINESS

Appeal No. 2021-02

Applicant: Rafiq Majeed
Owner: 393 Liberty St., Inc.
Location: 212 South Street

Requesting an **AREA Variance** for 27 feet on lot depth, 7 feet on the front yard setback, 5 feet on the side yard setback and 5 feet on the rear yard setback, which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium Density Residential Zone.

Darren Doce and A.J. Coppola appeared before the Board.

Mr. Doce gave a brief status update on the project. He said the face of the existing building could not align with the new construction proposal because all of the utilities enter the original building at the right front corner.

Mr. Coppola said the addition should be set back also in order to distinguish between the original building and the new construction.

Mr. Brandt said the addition looks like a separate building.

The Assistant Corporation Counsel said the City received the GML §239 response. The Board could vote on the application tonight if it wished.

Ms. Dixon asked for confirmation of the cost to move the utility meters.

Mr. Coppola said the cost was approximately \$25,000.

Mr. Doce said the variance request has nothing to do with the addition; the variance is based on the existing building.

Dianne Dixon moved to declare the action Type II under SEQRA.
Julie Lindell seconded the motion.
The motion passed unanimously via roll-call vote.

Dianne Dixon moved to approve the area variance.
Julie Lindell seconded the motion.
The motion was defeated 3-3 via roll-call vote.

Mr. Hales said his “no” vote was based on the project interfering with ingress/egress of the neighboring property and access to the back yard.

Mr. Coppola confirmed that the project did not interfere with ingress/egress of the neighboring property at all. He added that there are 4 parking spaces in the back and a 12-foot lane that is not a driveway and separates the property from the neighbor to the east. Further, there is access to the back parking from Dubois Street.

Mr. Hales said he’d like to change his vote based on that representation and the site drawings in the record.

The Assistant Corporation Counsel asked Mr. Hales if he was clear about all of the issues and concerns he had about the project, and that his original vote was based on mistaken information.

Mr. Hales said he was clear and had no objections to the project.

Dianne Dixon moved for a re-vote to approve the area variance.
Julie Lindell seconded the motion.
The motion passed 4-2 via roll-call vote.

Appeal No. 2021-10

Applicant: Kearney Realty & Development Group
Owner: City Of Newburgh
Location: 15 S. Colden Street

Requesting an **AREA Variance** for 59 off-street parking spaces, which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Downtown Neighborhood Zone.

Sean Kearney, Jamie LoGiudice, and A.J. Coppola appeared before the Board.

The Assistant Corporation Counsel said the GML §239 comment letter had not yet been received. Thus, no Board action could be taken tonight.

Mr. Kearney gave a brief summary of the proposal and an update of the project status.

Ms. LoGiudice said the off-street parking lot was revised to accommodate 2 additional handicapped-accessible spaces, for a total of four.

Ms. Lindell asked about available parking for the residents.

Mr. Kearney spoke about the anticipated parking demand. He said the project is targeted at individuals with less reliance on cars.

Mr. Brandt asked how many spaces are filled by artists in the other Kearney Realty and Development Group developments.

Mr. Kearney said the majority of units are filled by artists and there is a waiting list.

Mr. Brandt said he is in support of development in this part of town and in support of a mixed income, mixed use project. However, he is not in favor of surface parking and would like to see other inclusions for parking.

Ms. Dixon raised a comment from a prior meeting that a parking garage or parking deck is extremely costly.

Mr. Kearney said this site is challenging because of significant grade changes, making garage or decked parking even more difficult.

Ms. Lindell asked about pedestrian safety.

Mr. Kearney said sidewalks and ADA-compliant curb ramps have been added to the detail, all in conformance with the City's streetscape standards.

Ms. Lindell asked if there are streetlights on the streets where there is available parking per parking study.

Ms. LoGiudice affirmed this detail.

Mr. Allen suggested speaking to the residents regarding parking as it is a major concern for those who live in that area.

The Chairperson opened for public hearing.

Bill O'Donnell spoke in favor of the application and the development.

Corey Allen moved to keep public hearing open and table the application.

Julie Lindell seconded the motion.

The motion passed unanimously via roll-call vote.

Appeal No. 2021-06

Applicant: Berg + Moss Architects, P.C.

Owner: Newburgh SHG 42 LLC

Location: 189 Grand Street

Requesting an **AREA Variance** for 2 off-street parking spaces, which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium-Density Residential Zone.

Chris Berg, Adam Shayanfekr, and Matthew Acocella appeared before the Board.

Chris Berg gave a brief overview of the project. He presented a parking study for consideration.

Ms. Dixon asked if the chart represents cars on Grand Street.

Mr. Berg confirmed this detail.

Ms. Lindell how many feet from the house the study reflects.

Mr. Shayanfekr said the study was conducted no more than 200-300 feet from the property.

The Chairperson opened the public hearing.

There was no one present for or against the application.

Julie Lindell moved to close the public hearing.

Ben Brandt seconded the motion

The motion passed unanimously via roll-call vote.

Corey Allen moved to declare the action Type II under SEQRA.
Julie Lindell seconded the motion.
The motion passed unanimously via roll-call vote.

Corey Allen moved to accept the application as submitted.
Julie Lindell seconded the motion.
The motion passed 4-1 via roll-call vote.

Appeal No. 2021-07

Applicant: Berg + Moss Architects, P.C.
Owner: Newburgh SHG 42 LLC
Location: 127 Chambers Street

Requesting an **AREA Variance** for 2 off-street parking spaces, which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium-Density Residential Zone.

Chris Berg, Adam Shayanfekr, and Matthew Acocella appeared before the Board.

Chris Berg gave a brief overview of the project. He presented a parking study for consideration.

Mr. Brandt asked what the original CO was.

Mr. Berg said a single-family.

The Chairperson opened the public hearing.

There was no one present for or against the application.

Dianne Dixon moved to close the public hearing.
Julie Lindell seconded the motion
The motion passed unanimously via roll-call vote.

Dianne Dixon moved to declare the action Type II under SEQRA.
Julie Lindell seconded the motion.
The motion passed unanimously via roll-call vote.

Dianne Dixon moved to accept the application as submitted.
Corey Allen seconded the motion.
The motion passed unanimously via roll-call vote.

Appeal No. 2021-11

Applicant: Matt Arbolino
Owner: Habitat for Humanity of Greater Newburgh
Location: 139 Johnston Street

Requesting an **AREA Variance** for two (2) off-street parking spaces, which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium-Density Residential Zone.

Mike Brooks appeared before the Board.

Mr. Brooks gave a brief overview of the project. The proposal is to construct a single-family house on the lot, in-fill construction. He presented a parking study for consideration. Mr. Brandt asked if one parking space per lot is the minimum requirement.

Mr. Brooks said two spaces per lot is required.

Dianne Dixon moved to accept the application as submitted.
Julie Lindell seconded the motion.
The motion passed unanimously via roll-call vote.

(Mr. Allen abstained from the vote on the application.)

Appeal No. 2021-11

Applicant: Matt Arbolino
Owner: Habitat for Humanity of Greater Newburgh
Location: 141 Johnston Street

Requesting an **AREA Variance** for two (2) off-street parking spaces, which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium-Density Residential Zone.

Mr. Brooks gave a brief overview of the project. The proposal is to construct a single-family house on the lot, in-fill construction. He presented a parking study for consideration. He said the application is the same as the 139 Johnston Street application.

Dianne Dixon moved to accept the application as submitted.
Julie Lindell seconded the motion.
The motion passed unanimously via roll-call vote.

(Mr. Allen abstained from the vote on the application.)

NEW BUSINESS

Appeal No. 2021-14

Applicant: Matt Arbolino
Owner: Habitat for Humanity of Greater Newburgh
Location: 142 N. Miller Street

Requesting an **AREA Variance** for two (2) off-street parking spaces, and 6% lot coverage, which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium-Density Residential Zone.

Mike Brooks appeared before the Board.

Mr. Brooks gave a brief overview of the project. The proposal is to construct a single-family house on the lot, in-fill construction. He presented a parking study for consideration. He said the application is the same as the 139 and 141 Johnston Street applications.

Mr. Brandt asked if this project has a consistent façade line with the neighboring properties.

Mr. Brooks confirmed this detail.

The Chairperson opened the public hearing.

Alvin Moonesar spoke in favor of the application.
Andrew Meier spoke against the application because of limited parking in the area.
Bill O'Donnell spoke in favor of the application.

Dianne Dixon moved to close the public hearing.
Julie Lindell seconded the motion.
The motion passed unanimously via roll-call vote.

Dianne Dixon moved to declare the action Type II under SEQRA.
Julie Lindell seconded the motion.
The motion passed unanimously via roll-call vote.

Dianne Dixon moved to accept the application as submitted.
Julie Lindell seconded the motion.
The motion passed 5-0 via roll-call vote.

(Mr. Allen abstained from all votes on the application.)

Appeal No. 2021-17

Applicant: Alvin Moonesar
Owner: NBNY 91 William LLC
Location: 91 William Street

Requesting an **AREA Variance** for two (2) off-street parking spaces, and 17% lot coverage, which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium-Density Residential Zone.

Alvin Moonesar and Leon Greene appeared before the Board.

Mr. Moonesar gave an overview of the project.

Ms. Dixon asked if the required parking variance is for the commercial space.

Mr. Moonesar confirmed that four parking spaces were for the commercial space.

Mr. Brandt asked if the residential portion of the building is being re-developed.

Mr. Moonesar confirmed this detail.

The Chairperson opened the public hearing.

There was no one present for or against the application.

Dianne Dixon moved to close the public hearing.

Cory Allen seconded the motion

The motion passed unanimously via roll-call vote.

Dianne Dixon moved to declare the action Type II under SEQRA.

Julie Lindell seconded the motion.

The motion passed unanimously via roll-call vote.

Corey Allen moved to accept the application as submitted.

Julie Lindell seconded the motion.

The motion passed unanimously via roll-call vote.

Appeal No. 2021-16

Applicant: Emerson Ramirez
Owner: Emerson Ramirez & Lisette Acosta-Ramirez
Location: 351 Third Street

Requesting an **AREA Variance** for 2.5 feet on the side yard setback which does not meet the requirements of the Schedule of Use and Bulk Regulations in the Low-Density Residential Zone.

Emerson Ramirez and Lisette Acosta-Ramirez, appeared before the Board.

Mr. Ramirez gave an overview of project.

The Chairperson opened the public hearing.

Bill O'Donnell spoke in favor of the application.
Mike Brooks spoke in favor of the application.

Dianne Dixon moved to close the public hearing.
Julie Lindell seconded the motion.
The motion passed unanimously via roll-call vote.

Corey Allen moved to declare the action Type II under SEQRA.
Julie Lindell seconded the motion.
The motion passed unanimously via roll-call vote.

Dianne Dixon moved to accept the application as submitted.
Corey Allen seconded the motion.
The motion passed unanimously via roll-call vote.

Approval of Minutes

Draft Minutes not available to review.

With no further business to discuss, the meeting was adjourned at 8:48 p.m.

Respectfully Submitted:

Approved:

J.K. Gentile, Secretary

Joanne Lugo, Chairperson