

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 June 22, 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 7:14 p.m. after confirming a quorum.

OLD BUSINESS

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, A.J. Coppola, and Richard D’Andrea appeared before the Board.

Mr. Kearney gave an update on the project. His team made additions to the site plan from feedback received at all recent land use board meetings. His team also conducted community outreach within proximity to supplement the parking study.

Mr. D’Andrea talked about existing and future parking availability within 500 feet of property. He said the immediate surrounding area can accommodate 250 on-street, non-delineated spaces. Mr. D’Andrea said the original study was conducted during the pandemic and winter season. The current numbers have been adjusted to reflect a busier traffic count.

Ms. LoGiudice said additional spaces were added along South Colden Street. The original plan added 27 spaces; that number increased to 34. They extended the sidewalk along South William Street up to Edward Street, connecting to the sidewalk network and providing a more pedestrian-friendly atmosphere.

Ms. Lindell asked where the nearest bus stop is.

Ms. LoGiudice said the nearest stop is on Liberty Street, about 2 to 3 blocks away from the site.

Ms. Lindell asked about the parking spaces along South Colden, and whether the City gave permission to mark the lines and create the additional spaces.

Mr. Kearney said the proposed spaces are City property, and they propose to make improvements to the street and those spaces as a condition of the site plan approval.

The Assistant Corporation Counsel said the Planning Board conditionally approved the site plan on June 15, 2021.

Mr. Kearney presented the community outreach information.

Ms. Lindell asked why local businesses were not considered in the outreach.

The Assistant Corporation Counsel said the applicant has met all public notice requirements by law. Any additional community survey work performed was at the applicant's choice and option. He cautioned the Board about imposing additional notice criteria beyond what the law required.

Ms. Lindell said many residents use taxis, and that would add to traffic congestion. Ms. Lindell also expressed concern for the residents that will have to walk 2-3 blocks for public transportation, carrying shopping bags, etc. and also for considerations during inclement weather.

Ms. Lindell reiterated consideration for the impact the project will have on parking for the surrounding businesses.

Mr. Hales said he's not in favor of denying a quality housing plan at the expense of accommodating parking for businesses within the area.

The Chairperson opened for public hearing.

Tamsin Hollo asked questions about the project generally.

James Kelly had concerns about the notice to the community, daytime parking, and gas supply coordination with Central Hudson.

Judy Thomas asked for a new parking study.

Hannah Anderson also asked for a new parking study.

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 approve the application as submitted.
Corey Allen seconded the motion.
The motion approved 5-1 via roll call vote.

NEW BUSINESS

Appeal No. 2021-11

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

Requesting an **AREA Variance** for 4 feet on the front yard setback which does 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. He said the request is an amendment to the application presented to the Board last month for a parking variance. The amended request presents a new site location on the property in anticipation of Architectural Review Commission concerns about continuity of facades for properties on the street.

The Chairperson opened for 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 action 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 unanimously via roll-call vote.

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

Appeal No. 2021-12

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

Requesting an **AREA Variance** for 4 feet on the front yard setback which does not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium-Density Residential Zone.

Mike Brooks appeared before the Board.

The amended request presents a new site location on the property in anticipation of Architectural Review Commission concerns about continuity of facades for properties on the street, and is similar to the 139 Johnston Street application.

The Chairperson opened for 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 action 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 unanimously via roll-call vote.

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

Appeal No. 2021-18

Applicant: Berg + Moss Architects, P.C.
Owner: Newburgh SHG 50 LLC
Location: 184 Liberty Street

Requesting an **AREA Variance** for 8 off-street parking spaces which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Downtown Neighborhood Zone.

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

Mr. Berg gave an overview of the project. The project proposes no major site work. The owner wants to convert the property from a renovating from 6 unit apartment house to an 8-unit apartment

house. The applicant is scheduled to appear before the Planning Board on July 20, 2021 for tree planting and sidewalk details. The applicant is scheduled to appear before the Conservation Advisory Council on July 12, 2021. The applicant received Architectural Review Commission approval on April 13, 2021. Mr. Berg also presented a parking study.

Ms. Dixon asked what the previous use of the building was.

Mr. Allen said it used to be the old NAACP building.

Ms. Lindell said this is close to a very busy corner. It has frequent accidents and low visibility.

Ms. Dixon said upon review of site plan, it does not appear there is space for parking to be created on site.

Mr. Berg confirmed this detail.

Ms. Lindell asked what the existing CO is.

The Assistant Corporation Counsel said the CO has commercial use for the ground floors and residential uses above, as reflected in the Informational Report in the ZBA packets.

Ms. Lindell asked for a parking study, especially in the evenings.

Ms. Dixon asked for any information that would show the difference between an 8-family as opposed to a 6-family in regards to the impacts on traffic congestion.

Mr. Brandt said an 8 unit building feels out of character for the neighborhood in terms of density.

The Chairperson opened the public hearing.

Tamsin Hollo had concerns about safety at that intersection.

Judy Thomas had concerns about traffic.

Paulien Lethen had concerns about traffic congestion and double-parking.

Dianne Dixon moved to close the public hearing.

Julie Lindell seconded the motion.

The motion was defeated 3-3 via roll-call vote (public hearing held open).

Application tabled for next month.

With no further business to discuss, the meeting adjourned at 9:08 p.m.

Respectfully Submitted:

Approved:

J.K. Gentile, Secretary

Joanne Lugo, Chairperson