CITY OF NEWBURGH — Joanne Lugo, Chairperson
ZONING BOARD OF APPEALS — J.K. Gentile, Secretary
123 Grand Street, Newburgh, NY 12550 — Phone (845) 569-7383 Fax: (845) 569-0188

# 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 July 27, 2021 at 7:00 p.m. at the Activity Center, 401 Washington Street, Newburgh, New York.

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| Members Present: | Joanne Lugo, Chairperson<br>Corey Allen<br>Ben Brandt<br>Dianne Dixon<br>Melvin Hales<br>Julie Lindell<br>Michael Papaleo |
| Also Present: | Jeremy Kaufman, Assistant Corporation Counsel<br>J.K. Gentile, Secretary |

The Chairperson called the meeting to order at 7:00 p.m. after confirming a quorum.

## OLD BUSINESS

### 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 and Adam Shayanfekr appeared before the Board.

Mr. Berg gave an update on the project. He presented an expanded parking study.

Mr. Hales said the street corner is prone to illegal parking, traffic and accidents.

The Chairperson opened the public hearing.

No one was 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 itself lead agency for SEQRA.
Julie Lindell seconded the motion.
The motion passed unanimously via roll-call vote.

Dianne Dixon moved to declare a negative declaration under SEQRA.
Julie Lindell seconded the motion.
The motion passed unanimously via roll-call vote.

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

## NEW BUSINESS

### Appeal No. 2021-15

**Applicant:** Nathan Litwin
**Owner:** Regional Economic Community Action Program, Inc. (RECAP)
**Location:** 116 Carson Avenue

Requesting an **AREA Variance** for 13,134 square feet on the lot area, 4'7" feet on the front yard setback, 4'7" feet on the East side yard setback, 6.9% on lot coverage, 6 off-street parking spaces and 1 additional dwelling unit which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium Density Residential zone.

Nate Litwin, J.C. Calderon, Michelle McKeon, and Charlie Quinn appeared before the Board.

Mr. Calderon gave an overview of the project.

The July 12, 2021 letter from the Zoning Enforcement Officer was made a matter of record. The letter clarified that the front yard was declared as the side facing Carson Avenue.

Mr. Brandt asked to explain why the parking spaces are placed at the lowest point of the property.

Mr. Calderon said the design provides relief from the backlog of water in the rear and also brings parking towards the main entrance.

Mr. Brandt asked if the units on the 1$^{st}$ floor are going to be ADA compliant.

Mr. Litwin confirmed.

Mr. Hales asked how the applicant arrived at a total of 11 units.

Mr. Litwin said 11 units will allow them to qualify for a conditional grant award.

Mr. Brandt said he has concerns regarding the front yard building set back. Setting it back would not comply with the character of the neighborhood. The building should be pulled closer to the street.

Mr. Litwin said that design is not feasible with some of the physical issues related to the property.

Mr. Calderon said an important consideration in keeping the building set back is to allow the playground and the front entrance to maximize the amount of daylight that hits that side of the property.

The Chairperson opened the public hearing.

John Cappello spoke in favor of the project.
Kurt Schreiber spoke against the project.
Oscar Hernandez spoke against the project.
Jose Romero spoke against the project.
Annette Sanabria spoke against the project.
Ethan Romero spoke against the project.

Corey Allen moved to close the public hearing.
Julie Lindell seconded the motion.
The motion passed 6-1 via roll-call vote.

Mr. Papaleo said he has concerns about the building being so close to the street.

Ms. Dixon asked how the site was selected for the project.

Mr. Litwin said RECAP purchased two separate, adjourning parcels in July 2008, 169 Renwick Street and 116 Carson Avenue. In addition, RECAP purchased 3 existing buildings in the neighborhood and rehabilitated all of them for supportive housing. Now RECAP is ready to develop the vacant lot to use for additional supportive housing in the neighborhood.

Assistant Corporate Counsel said there will be no Board action because the applicant needs to submit a revised, Full EAF for the project.

**Appeal No. 2021-20**

**Applicant:** Mark Finkelstein
**Owner:** Randy McMurtrie
**Location:** 35 South Lander Street

Requesting an **AREA Variance** for 20 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.

Mark Finkelstein, Alex Finkelstein, Mike Bloomer and Randy McMurtrie appeared before the Board.

Mr. McMurtrie gave an overview of the building's history and a summary of proposed project.

The Chairperson opened the public hearing.

No one was present for or against the application.

Corey Allen 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 action under SEQRA.
Julie Lindell seconded the motion.
The motion passed unanimously via roll-call vote.

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

**Approval of Minutes**

Corey Allen moved to approve the April 2021 meeting minutes.
Julie Lindell seconded the motion.
The motion passed unanimously via roll-call vote.

Corey Allen moved to approve the May 2021 meeting minutes.
Julie Lindell seconded the motion.
The motion passed unanimously via roll-call vote.

Dianne Dixon moved to approve the June 2021 meeting minutes.
Corey Allen seconded the motion.
The motion passed unanimously via roll-call vote.

With no further business to discuss, the meeting adjourned at 8:45 p.m.

Respectfully Submitted: Approved:

J.K. Gentile, Secretary

Joanne Lugo, Chairperson