

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 November 23, 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 7:07 p.m. after confirming a quorum.

OLD BUSINESS

APPEAL NO. 2021-24

Applicant: Sisha Ortuzar
Owner: Newburgh Enlarged City School District
Location: 191 Washington Street

Building A: Requesting an **AREA Variance** for 9 feet and 10 feet on the side yard setbacks, 10 feet on the rear yard setback, and 35 off-street parking spaces which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium Density Residential zone.

Building B and C (combined): Requesting an **AREA Variance** for 10 feet on the side yard setback, 10 feet on the front yard setback, 1 story on the building height, 10 feet on the building height and 118 off-street parking spaces, which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium Density Residential zone.

Sisha Ortuzar, Erik Cooney and Frank Filiciotto appeared before the Board.

Mr. Ortuzar gave an update of the project. He said a project re-design reduced the number of off-street parking spaces requested from 146 to 121. He said the project re-design reduced the number of apartment units by 5, reduced the square footage of the retail space by 1000 square feet, eliminated the restaurant use and allocated that space to the brewery and added 9 on-site parking spaces.

Mr. Ortuzar presented a new parking study based on the comments/feedback from the Board at the prior meeting. He said the revised study narrowed the scope of area considered.

Mr. Ortuzar said the design team is still working on renderings. He plans to submit them at the next meeting.

Mr. Ortuzar spoke about the public hearing follow up from the last Zoning Board meeting. He said his team organized a meeting with neighborhood community members and members from the brewery on November 7, 2021 to discuss the project and any concerns. The meeting was advertised using flyers posted within the community and social media.

Frank Filliciotto, Creighton Manning Engineering, spoke about the parking study.

DISCUSSION BY THE BOARD

Ms. Lindell asked if the canvased streets include clear sidewalks and lighting.

Mr. Filliciotto said yes.

Ms. Dixon asked the applicant to share the community's concerns from the meeting.

Mr. Ortuzar said the issue of parking was not raised. The issues raised focused on job creation and the overall size and scope of the project.

Mr. Cooney added all 11 people who attended the event were in favor of the project.

The Chairperson asked if the study considered alternate side of the street parking and parking during inclement weather.

Mr. Filliciotto said the parking study factored in existing parking regulations.

Ms. Lindell asked if the study included weekend parking.

Mr. Filliciotto said no.

Mr. Brandt asked for the total parking capacity during the weekday between 1 – 2 p.m.

Mr. Filliciotto referred to the parking study and said the total capacity is 991 observed parked vehicles.

The Chairperson opened the public hearing.

Alvin Moonesar spoke in favor of the application.

Mike Mamiye spoke in favor of the application

Charlotte Mountain spoke against the application.

Jason Otero spoke in favor of the application.

The Board held the public hearing open.

Mr. Hales asked if the design is prohibitive of on-site staff parking and an unloading zone.

Mr. Ortuzar they are exploring design options. They are not against on-site parking but they have to find the right balance to work financially.

Mr. Brandt asked about parking below the grade.

Mr. Ortuzar said they are looking into the feasibility of that option.

There were no additional Board comments. The Board tabled the application.

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, 5” feet on the front yard setback, 2.9/7” feet on the side yard setback, 20.7% on lot coverage, 7 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.

JC Calderon appeared before the Board and gave an overview of the variance updates, drawing updates, photos of the proposed curb, and changes made to on-site parking.

The Assistant Corporation Counsel said the Planning Board approved the site plan at its November 16, 2021 meeting.

DISCUSSION BY THE BOARD

Ms. Lindell asked if there is a loading zone.

Mr. Calderon showed where the 3 on-site parking spots and the loading zone are; located next to the secondary, ADA compliant entrance.

Ms. Lindell asked about staff parking.

Mr. Calderon said no more than 2 staff members on-site during the weekday hours only.

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. 2021-25

Applicant: Joseph & Maria Afonso
Owner: Joseph & Maria Afonso
Location: 56 Dubois Street

Requesting an **AREA Variance** for 5,573 square feet on lot area, 25% on lot coverage, 10 feet / 3.4 feet on the side yard setbacks and 5 off-street parking spaces which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium Density Residential zone.

Michael Mamiye and Alvin Moonesar appeared before the Board.

Mr. Mamiye said he officially purchased and closed on the property from the Afonsos last week.

Mr. Moonesar gave an overview of the project. He said it is an existing building with projected minimal exterior work.

DISCUSSION BY THE BOARD

The Chairperson asked about the parking study for 60 Dubois Street that was submitted for this project.

Mr. Moonesar said Mr. Mamiye is in the process of purchasing 60 Dubois Street and this study incorporates the same studied area for both 56 and 60 Dubois Street.

The Chairperson asked the Assistant Corporation Counsel if this study can be considered since it is not for the address before the Board.

The Assistant Corporation Counsel said the Board could consider this study as it shows available parking in the vicinity. The data would appear to be similar. It is up to the Board to afford whatever weight it wants to the study, accounting for the address difference.

The Chairperson said the study speaks about a whole different project.

Mr. Mamiye said besides the language in the study, the numbers/statistics for the parking in the neighborhood are the same.

Ms. Dixon asked if the request is for 5 off-street parking spaces.

Mr. Moonesar confirmed.

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.

Corey Allen 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.

Approval of Minutes

Dianne Dixon moved to approve the October 2021 meeting minutes.
Julie Lindell seconded the motion.
The motion passed unanimously via roll-call vote.

With no further business to discuss, the meeting adjourned at 8:41 p.m.

Respectfully Submitted:

Approved:

J.K. Gentile, Secretary

Joanne Lugo, Chairperson