

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 December 28, 2021 at 7:00 p.m. using Zoom videoconference.

Members Present: Joanne Lugo, Chairperson
Ben Brandt
Dianne Dixon
Julie Lindell
Michael Papaleo

Absent: Corey Allen
Melvin Hales

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 7 off-street parking spaces which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium Density Residential zone

Buildings B & C: 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 97 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, Dominic Cordisco, Colin Brice, Nick Moray, Charlotte Loveschal and Frank Filiciotto appeared before the Board.

Mr. Ortuzar gave an overview of the updates to the project. The number of bedrooms and the square footage of the retail space were reduced. The number of requested off-street parking spaces requested in the variance was therefore reduced to 104 in total. The parking study was adjusted to focus on a smaller area of observation, keeping it within a block of the proposed project as

requested by the Board. He presented the changes to the site plan that adjusted the variance setback requests.

Colin Brice spoke about the new design, presented different views and neighboring building perspectives.

DISCUSSION BY THE BOARD

Mr. Brandt asked why the corner building is set back the way it is.

Mr. Brice said they are trying to work with the existing requirements for setbacks in the zone, keep the urban “street edge” and by setting the building back that way it worked with the location of the elevator shafts.

Mr. Brandt said he is in favor of aligning the new buildings with the existing buildings on the block even if it means granting a larger variance.

The Chairperson opened the public hearing.

Belinda McKeon spoke in favor of the project.

Christopher Omar spoke in favor of the project.

Dan Gilbert spoke in favor of the project.

Eli Vaknin spoke in favor of the project.

Genie Abrams spoke in favor of the project.

Judy Thomas spoke in favor of the project.

Gene Reich spoke in favor of the project.

Gita Nandan spoke in favor of the project.

Gina Ciotti spoke in favor of the project.

Annie Scott Halaburda spoke in favor of the project.

Dianne Dixon moved to close the public hearing.

Julie Lindell seconded the motion.

The motion passed 5-0 via roll-call vote.

Ms. Lindell said the design contributes to the city streetscape.

Mr. Brandt said that although he is not in favor of a building so large, it seems to him that the current design works in the neighborhood.

Mr. Ortuzar said they could accommodate changing the building alignment by modifying the open green space.

The Chairperson asked if they are in the process of purchasing the property from the Newburgh City Enlarged School District.

Mr. Cordisco confirmed they are in contract to purchase.

The Assistant Corporation Counsel asked the applicant whether it wanted to proceed with a vote tonight or revise the plan in light of the feedback from the Board members.

Mr. Cordisco said the applicant would like to proceed with a vote tonight.

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 4-1 via roll-call vote.

NEW BUSINESS

APPEAL NO. 2021-27

Applicant: Habitat for Humanity of Greater Newburgh

Owner: Habitat for Humanity of Greater Newburgh

Location: 169 Ann Street

Requesting an **AREA Variance** for 46.25 on lot depth, 9.9 feet on the front yard setback and 4.9 feet on the rear yard setback which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Low Density Residential zone.

Mike Brooks appeared before the Board and gave an overview of the project.

The Chairperson opened the public hearing.

No one was present for or against the application.

Dianne Dixon moved to declare the action Type II for 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.

APPEAL NO. 2021-29

Applicant: Sarah Beckham Hooff
Owner: Sarah Beckham Hooff
Location: 95 Beacon Street

Requesting an **AREA Variance** for 4.9 feet on the front yard setback, 7.2/0 feet on the side yard setbacks and 2 off-street parking spaces which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Low Density Residential zone.

Sarah Beckham Hooff appeared before the Board and gave an overview of the proposed project.

DISCUSSION BY THE BOARD

Ms. Dixon asked for clarification of the 2 off-street parking space request.

Ms. Hooff explained that there was a modification done to the site plan to allow for 1 on-site parking space. This change did not make the meeting submission deadline.

Mr. Papaleo asked if the structure was going to be knocked down.

Ms. Hooff said no demolition was proposed. The structure is being converted to a single-family space with no proposed extension of the building footprint.

The Chairperson opened the public hearing.

Judy Thomas spoke in favor of the project.

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 for 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.

APPEAL NO. 2021-30

Applicant: Eli Vaknin
Owner: 420 Grand, LLC
Location: 420 Grand Street

Requesting an **AREA Variance** for 7.4 feet on the front yard setback and 8 off-street parking spaces which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Low Density Residential zone.

PRESENTATION ONLY

The Assistant Corporation Counsel reminded the Board that this application was for a use variance, and a different set of criteria applied for use variances as opposed to area variances. He briefly explained the use variance criteria. He said a 4-family dwelling is not allowed in the Low Density Residential Zone. He said the applicant needed to create a record and provide more information in support of its use variance application; otherwise the Board should not vote on the application tonight.

Eli Vaknin and Dan Gilbert appeared before the Board. Mr. Vaknin gave an overview of the project.

DISCUSSION BY THE BOARD

Ms. Dixon requesting time stamps on the parking study photos.

Ms. Lindell requested a parking study to include weekend study.

The Chairperson opened the public hearing.

Kippy Boyle spoke against this project.

Denise Cahill spoke against the project (submitted via email)

Judy Thomas spoke against the project.

Dianne Dixon moved to keep the public hearing open.

Julie Lindell seconded the motion.

The motion passed unanimously via roll-call vote.

Dianne Dixon moved to table the application.

Julie Lindell seconded the motion.

The motion passed unanimously via roll-call vote.

APPEAL NO. 2021-31

Applicant: Allon Azulai
Owner: 20 Bridge Group LLC
Location: 20 Bridge Street

Requesting an **AREA Variance** for 9 feet on the front yard setback, 20 feet on the rear yard setback, 1 foot on the lot width, 10/2.5 feet on the side yard setbacks, 5.7% on lot coverage and 6 off-street parking spaces which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Low Density Residential zone.

J.C. Calderon appeared before the Board and gave an overview of the proposed project.

DISCUSSION BY THE BOARD

Ms. Dixon asked if a parking study was conducted.

Mr. Calderon said no formal study has been done.

Ms. Lindell requested a parking study.

Mr. Papaleo asked if the work started for the third unit.

Mr. Calderon clarified that the work taking place currently is the addition of structural supports in the basement area.

The Chairperson opened the public hearing.

Janet Summerville-Daniel spoke against the project.

Judy Thomas spoke against the project.

Dianne Dixon moved to keep the public hearing open.

Julie Lindell seconded the motion.

The motion passed unanimously via roll-call vote.

Dianne Dixon moved to table the application.

Julie Lindell seconded the motion.

The motion passed unanimously via roll-call vote.

APPEAL NO. 2021-26

Applicant: Willie Carley
Owner: Willie Carley
Location: 540 Gidney Avenue

Requesting an **AREA Variance** for 8 feet and 6 inches on the front yard setback which do not meet the requirements of the Schedule

David Niemotko appeared before the Board and gave an overview of the proposed project.

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 the action Type II for 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 November 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 9:09 p.m.

Respectfully Submitted:

Approved:

J.K. Gentile, Secretary

Joanne Lugo, Chairperson