CITY OF NEWBURGH Joanne Lugo, Chairperson
ZONING BOARD OF APPEALS J.K. Gentile, Secretary
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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 April 26, 2022 at 7:00 p.m. at the Activity Center, 401 Washington Street, Newburgh, New York.

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

The Acting Chairperson called the meeting to order at 7:05 p.m. after confirming a quorum.

OLD BUSINESS

APPEAL NO. 2022-05

Applicant: Jonathan Powell AIA
Owner: AHNA 158 Lander LLC
Location: 158 Lander Street

Requesting an **AREA Variance** for 1.6 feet on the front yard setback, 2.2 feet on the side yard setback and 3 off-street parking spaces which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium Density Residential zone.

Jonathan Powell appeared before the Board and gave an overview of the parking study requested at the March meeting.

Mr. Brandt asked if the owner will occupy one of the rentals.

Mr. Powell said no.

Mr. Allen said the parking study does not feel comprehensive.

Mr. Powell said he conducted an honest study. He said he documented the blocks surrounding the site and the study reflects what was found available.

Michael Papaleo moved to approve application as submitted.
Julie Lindell seconded the motion.
The motion passed 4-2 via roll-call vote.

NEW BUSINESS

APPEAL NO. 2022-07

Applicant:	Nutopia Development Group
Owner:	Nutopia Development Group / Michael H. Mamiye
Location:	60 Dubois Street

Requesting an **AREA Variance** for 3.8 feet on the building height, 5.9% on lot coverage and 86 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, Alvin Moonesar, Albert Mizrahi and Rich D'andrea appeared before the Board.

Mr. Mamiye gave a brief overview of the scope of the project.

Mr. Moonesar gave an overview of how the existing building will change to accommodate the new use.

Ms. Lindell asked if the applicant has spoken to St. Luke's Hospital about available parking in its parking garage.

Mr. Moonesar said St. Luke's Hospital is not the owner of the parking garage. He said they are in conversations with the garage owner regarding reserving 50-60 parking spaces.

Ms. Dixon said the parking study describes the observation period as October 2021, yet the pictures attached reflect time stamps from January 2022.

Mr. Moonesar said the parking study did not include photos. The applicant provided the photos.

Ms, Dixon asked if the applicant took into consideration that the observation was conducted during the pandemic. Hospital restrictions for visiting patients at that time might impact the true representation of cars on the street during that period.

Mr. D'andrea said the parking study reflects a significant amount of parking available in the area. He asked the applicant to speak on the hours of operation for the event space.

Mr. Moonesar stated they observed available parking during the hours the event space would be active and accounted for available spaces within a 5-block radius. He said they are counting on securing reserved spaces within the parking lot to buffer the pressure of available street parking. He added the total seating capacity of the theatre space is 150 to 200.

Ms. Dixon asked when they expect negotiations to be complete for the parking garage availability.

Mr. Moonesar said he did not have a date.

The Chairperson opened the public hearing.

Carla Johnson spoke against the off-street parking.

John Zelehoski spoke in favor of the project and spoke against off street parking.

Andrew Murphy spoke in favor of the project and spoke against off street parking.

Nilda Rodriguez spoke in favor of the project and spoke against off street parking.

Elizabeth Ohuche spoke in favor of the project and spoke against off street parking.

The Board held the public hearing open.

Mr. Hales asked the applicant to consider community impact.

Mr. Allen asked the applicant to speak to citizens in the community.

The Applicant requested a table of its application until next meeting.

APPEAL NO. 2022-08

Applicant:	Carson Carter
Owner:	Josephine Clare Hollo (POA: Tamsin Hollo)
Location:	120 First Street Lot B

Requesting an **AREA Variance** for 42.6 feet on lot depth and 19.1 feet on the rear yard setback which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Downtown Neighborhood Zone.

Carson Carter appeared before the Board and gave an overview of the proposed project. He said if the project is approved the owner agreed to sell 12 feet of the side yard.

Mr. Brandt asked why the project does not require a parking variance request.

The Assistant Corporation Counsel said off-street parking is not a requirement for a subdivision of the property. If the subdivision application is approved, the applicant will likely submit a new application in the future to build a structure and declare a use. At that time, off-street parking will be determined based on the proposed use.

The Chairperson opened the public hearing.

No one was present for or against the project.

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

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

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

APPEAL NO. 2022-09

Applicant:	Newburgh Community Land Bank
Owner:	Newburgh Community Land Bank
Location:	39 S. Miller Street

Requesting an **AREA Variance** for 1.8 feet on the lot width, 2.0 feet/ 4.8 feet on the side yard setback and 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.

Jennifer Welles appeared before the Board and gave an overview of the proposed project. She said the NCLB is renovating this vacant property as part of a home ownership program. Currently this is a single-family home. Proposing an additional unit as an accessory rental to help the owner occupant with expenses.

The Assistant Corporation Counsel asked the applicant to confirm there will be no change to the building footprint.

Ms. Welles confirmed.

Mr. Brandt asked if they calculated the project as a single family.

Ms. Wells said the addition of the rental unit is designed to assist the homeowner/owner-occupant in making the property affordable. The rental income could be used to pay mortgage costs.

Ms. Dixon asked how long the property has been vacant.

Ms. Welles said she was not sure of the exact time.

The Chairperson opened the public hearing.

Nilda Rodriguez spoke in favor of the progress and spoke against off street parking.

Elizabeth Ohuche spoke in favor of the progress and spoke against off street parking.

John Zelehoski spoke against off street parking

Patricia Leon spoke against off street parking

Guadalupe Cruz spoke against off street parking

Emma Marin spoke against off street parking

The Assistant Corporation Counsel clarified for the public that the City Code off-street parking requirements does not mean reserved parking spaces on the street.

The Assistant Corporation Counsel recommended the applicant submit a parking study, as the Board has required that information of other applicants who request an off-street parking variance.

The Board held the public hearing open.

Mr. Brandt asked if the program requires the homeowner to reside at the property.

Ms. Welles said yes.

Mr. Hales asked if the Newburgh Community Land Bank owns additional properties on South Miller Street.

Ms. Wells said yes.

The Applicant requested a table of its application until next meeting.

Approval of Minutes

Dianne Dixon moved to approve the March 2022 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 8:44 p.m.

Respectfully Submitted:	Approved:
______________________	______________________
J.K. Gentile, Secretary	Michael Papaleo, Acting Chairperson