

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 25, 2024 at 7:00 p.m. at the Activity Center, 401 Washington Street, Newburgh, New York.

Members Present: Dianne Dixon (Acting Chairperson)
Ben Brandt
Tiffany Buxton
Melvin Hales (alternate)
Julie Lindell

Absent: Joanne Lugo, Chairperson
Corey Allen
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. 2024-15

Applicant: Gonzalo Medina
Owner: Gonzalo Medina
Location: 171 Chambers Street

Requesting an **AREA Variance** for 10 feet on the front yard setback, 0.1 feet on the north side yard setback, 5 feet on the south 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.

The GML §239 response was made a matter of record.

Gonzalo Medina appeared before the Board.

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

APPEAL NO. 2024-16

Applicant: Lisa Silverstone/Safe Harbors of the Hudson, Inc.
Owner: Safe William Street Partners LLC
Location: 69 William Street

Lot A: Requesting an **AREA Variance** for 300 square feet on the minimum lot area, 3 feet on the minimum lot width, 10 feet on the minimum front setback, 5 feet on the minimum north side setback, 5 feet on the minimum south side setback, 15% on the maximum lot coverage 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 in the Neighborhood Commercial Overlay District zone.

Lot B: Requesting an AREA Variance for 10 feet on the minimum front setback, 5 feet on the minimum north side setback, 5 feet on the minimum south side setback, 20 feet on the minimum rear yard setback, 2 stories and 15 feet on the maximum height, and 54% on the maximum lot coverage which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium-Density Residential in the Neighborhood Commercial Overlay District zone.

Lot C: Requesting an **AREA Variance** for 7,300 square feet on the minimum lot area, 10 feet on the minimum lot width, 10 feet on the minimum front setback, 10 feet on the minimum north side setback, 10 feet on the minimum south side setback, 8% on the maximum lot coverage and 8 off-street parking spaces which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium-Density Residential in the Neighborhood Commercial Overlay District zone

Lisa Silverstone, Bryan Tooze, and Joseph Frewer appeared before the Board.

Ms. Silverstone gave a brief overview of the project's status, and a brief history of how the owner acquired the property with the intention to bring density, vibrancy and well managed, maintained, affordable housing to the neighborhood. She said they received negative declaration for SEQRA from the Planning Board.

Mr. Tooze gave an overview of the changes made to the design as per the Zoning Board's request at the last meeting.

Mr. Hales asked to confirm the layout of the dwellings per building.

Mr. Tooze said Lot A would consist of a three-family dwelling, Lot B would consist of 41 dwelling units, including 16 supportive housing units with a case management office, and Lot C would consist of a six-family dwelling.

Mr. Hales asked to confirm that no parking would be provided.

Ms. Silverstone confirmed and said the Planning Board determine the off-street parking requirement for the Lot B residential care facility.

Ms. Buxton asked if they proposed handicapped-parking spaces in the front of the building.

The Assistant Corporation Counsel said that proposal would require City Council review and approval. Any handicapped-accessible parking space on the street would be public and not exclusive to the building.

The Acting Chairperson moved to approve the application as submitted.

Julie Lindell seconded the motion.

The motion passed unanimously via roll-call vote.

NEW BUSINESS

APPEAL NO. 2024-17

Applicant: Chris Berg, RA/Berg + Moss Architects, PC

Owner: John Schmidt

Location: 506 Liberty Street

Requesting an **AREA Variance** 5.5 feet on the minimum south side yard setback, 20 feet on the minimum rear setback and 4 off-street parking spaces which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Low Density Residential Zone.

Chris Berg appeared before the Board and gave an overview of the proposed project. He said the conversion from a two-family dwelling to a three-family dwelling has already been performed by the previous owner.

The Acting Chairperson asked where the two on-site parking spaces are located.

Mr. Berg said on the proposed new gravel parking in the rear, accessed off the alleyway.

The Acting Chairperson asked what the existing two-story rear structure is used for.

Mr. Berg said storage.

The Acting Chairperson opened the public hearing.

Kippy Boyle spoke against the application.

The Acting Chairperson moved to close the public hearing.

Julie Lindell seconded the motion.

The motion passed unanimously via roll-call vote.

The Acting Chairperson moved to declare the action Type II for SEQRA.

Julie Lindell seconded the motion.

The motion passed unanimously via roll-call vote.

Ms. Buxton asked how many cars could possibly fit comfortably in the backyard.

Mr. Berg said four cars.

Mr. Brandt suggested exploring the conversion of the existing two-story structure from storage into a parking garage.

The Assistant Corporation Counsel said a vote could not be rendered on the application as the property is located 500 feet from a state roadway and is thus subject to GML §239 review.

The application was tabled until the next meeting.

APPEAL NO. 2024-18

Applicant: Chris Berg/Berg + Moss Architects, PC

Owner: Nineteen Sixty-Nine LLC

Location: 176 South Street

Requesting an **AREA Variance** for 3 feet on the minimum lot width, 10 feet on the minimum front yard setback, 5 feet on the minimum east side yard setback, 5 feet on the minimum west side yard setback, 17.6 feet on the minimum rear setback, ½ story on the maximum building height, 15% on the maximum lot coverage 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.

Chris Berg appeared before the Board and gave an overview of the proposed project. Mr. Berg said there are no proposed changes to the building footprint or parking on site.

The Acting Chairperson asked for clarification on the answer given to question six of the ZBA01 application.

He said the property currently exists as an open two-family with only one entrance. He said the owner will be applying for SHPO credits and SHPO will reject subdividing the hallway. He said the rear entrance lends access to the second floor.

The Acting Chairperson asked what the existing shed would be used for.

Mr. Berg said it would be used for storage.

The Chairperson opened the public hearing.

Andrew Lemon spoke against the application.

Myron Henry spoke against the application.

The Acting Chairperson moved to close the public hearing.

Julie Lindell seconded the motion.
The motion passed unanimously via roll-call vote.

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

The Assistant Corporation Counsel said a vote could not be rendered on the application as the property is located 500 feet from a state roadway and is thus subject to GML §239 review.

The application was tabled until the next meeting.

APPEAL NO. 2024-19

Applicant: Chris Berg/Berg + Moss Architects, PC
Owner: 60 William St. LLC
Location: 60 William Street

Requesting an **AREA Variance** for 29,150 square feet on the lot area, 10 feet on the minimum front yard setback, 6.5 feet on the minimum north side yard setback, 6.5 feet on the minimum south side yard setback, 4.7% on the maximum lot coverage and 31 off-street parking spaces which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium Density Residential Zone.

Chris Berg appeared before the Board and gave an overview of the proposed project. He said this is a Brownfield lot.

The Acting Chairperson asked what type of building was historically present on this lot as the ZBA01 application states that this new construction proposal was in keeping with what was historically there.

Mr. Berg the intention is to keep in line with the historic William Street corridor.

The Acting Chairperson asked what type of buildings in the area are being referred to.

Mr. Berg said four story buildings.

The Acting Chairperson asked if there were any historic apartment buildings as large as this proposed in the area.

Mr. Berg could not say for certain.

The Acting Chairperson asked if parking will be provided.

Mr. Berg said there will be no provided parking.

The Acting Chairperson asked about retail parking.

Mr. Berg said parking during business hours is usually available where evening parking is the greater concern. He said there are public parking lots in proximity to the site.

The Acting Chairperson opened the public hearing.

William Bollinger spoke in favor of the application.

The Acting Chairperson moved to close the public hearing.

Julie Lindell seconded the motion.

The motion passed unanimously via roll-call vote.

The Assistant Corporation Counsel said a vote could not be rendered on the application as a coordinated review for SEQRA was pending with the Planning Board and a negative declaration had not yet been issued.

The application was tabled until the next meeting.

APPEAL NO. 2024-20

Applicant: Jonathan N. Millen, LLC/ACES

Owner: 374-376 Broadway LLC

Location: 374 Broadway

Requesting an **AREA Variance** for 20 feet on the minimum rear setback and 2 stories on the minimum building height which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Broadway Corridor Zone.

Jonathan Millen appeared before the Board and gave an overview of the proposed project.

The Assistant Corporation Counsel asked if the applicant proposed any change to the building footprint.

Mr. Millen said no.

The Assistant Corporation Counsel asked for the total square footage of the building.

Mr. Millen said 2,200 square feet.

The Acting Chairperson opened the public hearing.

No one was present for or against the application.

The Acting Chairperson moved to close the public hearing.

Julie Lindell seconded the motion.

The motion passed unanimously via roll-call vote.

The Acting Chairperson moved to declare the action Type II for SEQRA.

Julie Lindell seconded the motion.

The motion passed unanimously via roll-call vote.

The Acting Chairperson moved to approve the application as submitted.

Julie Lindell seconded the motion.

The motion passed unanimously via roll-call vote.

APPEAL NO. 2024-21

Applicant: Jake Chai

Owner: Shaw Building L.P.

Location: 24 Johnes Street

Requesting an **AREA Variance** for 19.25 feet on the maximum front setback on S. William Street, 3.66 feet on the maximum front setback on Edward Street, 43.3% minimum frontage occupancy, 1 story/5.8 feet on the minimum building height-shopfront and 38 off-street parking spaces which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Downtown Neighborhood Zone.

Jake Chai, Pat Mitchell, David Kruse and Chris Berg appeared before the Board.

Mr. Mitchell gave an overview of the proposed project and the proposed variance requests.

Mr. Berg elaborated on the front setback variance request.

The Acting Chairperson asked to confirm the total number of units and on-site parking spaces.

Mr. Mitchell said 55 units and 18 on-site parking spaces.

The Acting Chairperson said that is different from the application.

The Assistant Corporation Counsel said an updated Informational/Building Inspector's ruling will be presented for the Board's review at the next meeting.

The Acting Chairperson asked if the 18 parking spaces are designated as private parking spaces.

Mr. Mitchell confirmed.

The Acting Chairperson asked if that will be handled as first come, first serve.

Mr. Chai said the plan is to allot those spaces at an extra charge.

Mr. Brandt said he would like to see more units than available parking.

The Acting Chairperson asked how many units are proposed for the new construction.

Mr. Chai said 35 residential units. He said the new construction is 36,000 square feet and the existing building is 24,000 square feet.

The Acting Chairperson asked if the available parking is for both buildings.

Mr. Chai confirmed.

The Assistant Corporation Counsel said a vote could not be rendered as the application is subject to GML §239 comment and a coordinated review for SEQRA by the Planning Board.

The Acting Chairperson opened the public hearing.

No one was present for or against the application.

The Acting Chairperson moved to close the public hearing.

Julie Lindell seconded the motion.

The motion passed 4-1 via roll-call vote.

The Acting Chairperson said the traffic study analysis reflects upstate cities whose numbers are not comparable to Newburgh and that the numbers provided do not appear to accurately reflect the specific needs of Newburgh.

Mr. Kruse said that analysis was provided to demonstrate how parking works effectively elsewhere. He said 500 feet is used in other communities and is the standard distance study.

The application was tabled until the next meeting.

APPROVAL OF MINUTES

The Acting Chairperson moved to approve the May 2024 minutes as submitted.

Julie Lindell seconded the motion.

The motion was approved unanimously via roll-call vote.

EXECUTIVE SESSION

The Acting Chairperson moved to enter into the Executive Session.

Julie Lindell seconded the motion.

The motion was approved unanimously via roll-call vote.

The Acting Chairperson moved to exit out of the Executive Session.

Julie Lindell seconded the motion.

The motion was approved unanimously via roll-call vote.

With no further business to discuss, the meeting was adjourned at 9:05 p.m.

Respectfully submitted,

J.K. Gentile
Secretary to the Land Use Boards