

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 October 23, 2018 at 7:00 p.m. at the City of Newburgh Activity Center, 401 Washington Street, Newburgh, New York 12550.

Members Present: Joanne Lugo, Chairperson
Barbara Smith
Michael Papaleo
Corey Allen
Ben Brandt
Julie Lindell
Dianne Dixon (alternate, non-voting)
Melvin Hales (alternate, voting)

Also Present: Jeremy Kaufman, Assistant Corporation Counsel
Omar Balbuena-Palma, Secretary

The Chairperson said appeal numbers 2018-25, 2018-32, 2018-33, 2018-34, 2018-35, and 2018-36 are parts of a larger project. She said appeal number 2018-25 will be pushed back on the agenda to allow the Applicant to present the applications together. She said the Board will vote on each application individually.

New Business

Appeal No. 2018-31

Applicant: Jonathan Moss, RA
Owner: Executive Reality Group, LLC
Location: 152 Third Street

Requesting an **AREA Variance** for 6,850 feet on the lot area, 5 feet on lot depth, 3 feet and 5 feet on the side yard setback and 5 off-street parking spaces which does not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium Density Residential Zone.

Jonathan Moss, Project Architect from Berg + Moss Architects, PC appeared before the Board with the Property Owner, Wolf Friedman, from Executive Reality Group, LLC.

The Project Architect said the building was constructed in the 1870’s and the intent is to renovate the building into a 6-family dwelling (Apartment House). He said there is no available off-street parking but there is a permit parking lot within 500 feet of the property. He said there are no proposed changes to the site and requested approval to return the building to its previous 6-family use.

Ms. Lugo confirmed the property has six (6) apartments.

Mr. Papaleo said the Orange County Records lists the property as a 3-family, he asked for a copy of the CO.

The Property Owner said he does not have a copy of the CO. He said he found the CO on the property file at the Building Department.

Ms. Lugo said if there is a zoning change and a property is then left vacant for a certain period of time, the use of the building reverts to the most restrictive use allowed in that zone.

The Assistant Corporation Counsel said the Orange County records are not always accurate. He said the Planning Board recently approved the Site Plan application for 152 Third Street.

Ms. Smith requested hard copies of any resolution from the Planning Board for future Board meetings.

The Chairperson opened the public hearing.

Dmitry Pavlov, 146 Third Street, spoke in favor of the application. He said the previous Property Owner abandoned the building and he wants the new Property Owner to succeed.

There was no one else present for or against the application.

Mr. Allen moved to close the public hearing.

Ms. Lindell seconded the motion.

The motion carried unanimously.

Ms. Lindell moved to declare the application a Type II action under SEQRA.

Mr. Papaleo seconded the motion.

The motion carried unanimously.

Ms. Lindell moved to approve the Area Variance as requested

Ms. Lugo seconded the motion.

The motion was passed 5-2 via roll call vote with the voting results as follows:

Barbara Smith	Voting for granting the variance
Michael Papaleo	Voting against granting the variance
Corey Allen	Voting against granting the variance
Ben Brandt	Voting for granting the variance
Julie Lindell	Voting for granting the variance
Melvin Hales	Voting for granting the variance
Joanne Lugo	Voting for granting the variance

Appeal No. 2018-25

Applicant: Rural Ulster Preservation Company
Owner: Newburgh Community Land Bank, Inc.
Location: 116 Lander Street

Requesting an **AREA Variance** for 5 feet on the front yard setback, 2 feet and 5 feet on the side yard setbacks and 3 off-street parking spaces which does not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium Density Residential Zone.

Appeal No. 2018-32

Applicant: Rural Ulster Preservation Company
Owner: Newburgh Community Land Bank, Inc.
Location: 35 Dubois Street

Requesting an **AREA Variance** for 10 feet on the front yard setback, 5 feet and 2 feet on the side yard setback, 11% on lot coverage and 6 off-street parking spaces which does not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium Density Residential Zone.

Appeal No. 2018-33

Applicant: Rural Ulster Preservation Company
Owner: Newburgh Community Land Bank, Inc.
Location: 98 Lander Street

Requesting an **AREA Variance** for 3.5 feet on the front yard setback and 30% on lot coverage which does not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium Density Residential Zone.

Appeal No. 2018-34

Applicant: Rural Ulster Preservation Company
Owner: Newburgh Community Land Bank, Inc.
Location: 215 First Street

Requesting an **AREA Variance** for 872 feet on lot area, 47 feet on lot depth, 10 feet on the front yard setback, 13 feet on the rear yard setback, 15% on lot coverage and 6 off-street parking spaces which does not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium Density Residential Zone.

Appeal No. 2018-35

Applicant: Rural Ulster Preservation Company
Owner: Newburgh Community Land Bank, Inc.
Location: 33 Lander Street

Requesting an **AREA Variance** for 10 feet on the front yard setback, 1.5 feet on the side yard setback and 6 off-street parking spaces which does not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium Density Residential Zone.

Appeal No. 2018-36

Applicant: Rural Ulster Preservation Company
Owner: Newburgh Community Land Bank, Inc.
Location: 44 S. Miller Street

Requesting an **AREA Variance** for 1,395 feet on lot area, 2.9 feet on lot width, 45 feet on lot depth, 10 feet on the front yard setback, 5 feet on the side yard setbacks, 38% on lot coverage and 2 off-street parking spaces which does not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium Density Residential Zone.

Presentation

AJ Coppola, Project Architect, Emily Hamilton from RUPCO, and Burke Blackman from the Newburgh Community Land Bank appeared before the Board.

The Project Architect said appeal numbers 2018-25, 2018-32, 2018-33, 2018-34, 2018-35, and 2018-36 are part of the RUPCO/Land Bank, Phase II project. He said he will not be discussing appeal 2018-25 at this time and requested to table the application until the November ZBA meeting. The Project Architect gave a brief review of the project and highlighted the following:

- Phase I of the project consisted of renovating 15 buildings to create 41 apartments for affordable housing.
- Buildings are certified Leadership in Energy and Environmental Design (“LEED”)
- Phase I costs were approximately 12 million dollars (~\$285,000 per dwelling)
- Funded by the low-income housing tax credit (LIHTC) program and the Historic Tax Credit (HTC) program
- Phase I will be completed by Fall 2018
- Phase II of the RUPCO project has begun for 23 buildings and approximately 63 apartments (11 buildings will be renovated and 12 buildings will be new construction)
- Phase II buildings all have been abandoned for years
- Buildings will be handicapped-accessible (existing buildings will be lowered for accessibility)
- ZBA approved 11 applications and five (5) applications remain from the Phase II project
- Architectural Review Commission approved demolition for the following lots at the October 9, 2018 meeting:
 - 39 Dubois Street

- 33 Lander Street
- 133 Lander Street
- 135 Lander Street
- 35 Dubois Street
- Planning Board is reviewing the following Phase II applications:
 - Subdivision application for 116 Lander Street
 - Site Plan application for 98 Lander Street

He summarized the intent for each of the requested variances on the agenda:

- 35 Dubois Street
 - Demolition of existing building and construction of a new building, 3-family
- 98 Lander Street
 - Renovation of existing building, 3-family with a Community Meeting space on the first floor.
- 215 First Street
 - Construction of a new building, 3-family
- 33 Lander Street
 - Demolition of existing building and construction of a new building, 3-family
- 44 S. Miller Street
 - Renovation of existing building, 2-family
- Erected buildings will have three (3) foot alleys on the side for rear property access and installation of gas meters

The Project Architect said the carriage house at 98 Lander Street is not listed in the national register and will be removed but the carriage house at 193 First Street will be renovated.

Ms. Dixon confirmed a parking lot will be added to 98 Lander Street.

Mr. Papaleo confirmed the Phase II project will have a total of 62 units.

Mr. Brandt confirmed two (2) buildings from the Phase I project remain unoccupied.

The Assistant Corporation Counsel said the Board should open the public hearing for each application. He said granting an area variance for off-street parking does not mean that the Applicant will have reserved parking spaces on the street. He said the Board should consider the comments by the public and the parking impact on the community and the environment for the entirety of the Phase II project, even though the pending applications were Type II actions pursuant to SEQRA, because the City Code still requires consideration of whether the proposed variances will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. He said the Board may ask for additional information regarding parking-related issues and vote on each application separately.

With respect to Appeal No. 2018-32

The Chairperson opened the public hearing.

There was no one present for or against the application.

Mr. Allen moved to close the public hearing.

Ms. Lindell seconded the motion.

The motion carried unanimously.

Mr. Papaleo moved to declare the action a Type II action pursuant to SEQRA.

Ms. Lindell seconded the motion.

The motion passed unanimously.

Ms. Smith moved to approve the application as submitted.

Mr. Papaleo seconded the motion.

The vote passed unanimously via roll call vote.

With respect to Appeal No. 2018-33

The Chairperson opened the public hearing.

There was no one present for or against the application.

Mr. Allen moved to close the public hearing.

Mr. Papaleo seconded the motion.

The motion carried unanimously.

Mr. Allen moved to declare the action a Type II action pursuant to SEQRA.

Mr. Papaleo seconded the motion.

The motion passed unanimously.

Mr. Papaleo moved to approve the application as submitted.

Mr. Allen seconded the motion.

The vote passed unanimously via roll call vote.

With respect to Appeal No. 2018-34

The Chairperson opened the public hearing.

There was no one present for or against the application.

Mr. Allen moved to close the public hearing.

Ms. Lindell seconded the motion.

The motion carried unanimously.

Mr. Allen moved to declare the action a Type II action pursuant to SEQRA.
Ms. Lindell seconded the motion.
The motion passed unanimously.

Mr. Allen moved to approve the application as submitted.
Ms. Lindell seconded the motion.
The vote passed unanimously via roll call vote.

With respect to Appeal No. 2018-35

The Chairperson opened the public hearing.

There was no one present for or against the application.

Mr. Allen moved to close the public hearing.
Ms. Lindell seconded the motion.
The motion carried unanimously.

Mr. Allen moved to declare the action a Type II action pursuant to SEQRA.
Ms. Lindell seconded the motion.
The motion passed unanimously.

Mr. Allen moved to approve the application as submitted.
Ms. Lindell seconded the motion.
The vote passed unanimously via roll call vote.

With respect to Appeal No. 2018-36

The Chairperson opened the public hearing.

Diane Lee representing BRDNA neighborhood association at South Lander Street, spoke in favor of the application. She said the Applicant brought a lot of positive changes to the neighborhood.

There was no one else present for or against the application.

Mr. Allen moved to close the public hearing.
Ms. Lindell seconded the motion.
The motion carried unanimously.

Mr. Allen moved to declare the action a Type II action pursuant to SEQRA.
Ms. Lindell seconded the motion.
The motion passed unanimously.

Mr. Allen moved to approve the application as submitted.
Ms. Lindell seconded the motion.
The vote passed unanimously via roll call vote.

Approval of Minutes

Mr. Allen moved to approve the September minutes.

Ms. Lindell seconded the motion.

The motion passed unanimously.

With no further business to discuss, the meeting was adjourned at 7:35 p.m.

Respectfully Submitted:

Approved:

Omar E. Balbuena-Palma, Secretary

Joanne Lugo, Chairperson