

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 January 28, 2020 at 7:00 p.m. at the City of Newburgh Activity Center, 401 Washington Street, Newburgh, New York 12550.

Members Present: Joanne Lugo, Chairperson
Ben Brandt
Dianne Dixon
Melvin Hales

Absent: Barbara Smith
Michael Papaleo
Corey Allen
Julie Lindell

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

The Chairperson informed the Applicants that only four (4) Board members were present at the meeting and any vote on an application would require a unanimous vote for approval. She said the Applicants could present their applications to the Board but ask for a vote to be tabled until the next Zoning Board of Appeals meeting on February 25, 2020 where she expected more Board members present.

NEW BUSINESS

Appeal No. 2020-01

Applicant: Dena Shottenkirk
Owner: Dena Shottenkirk
Location: 221 Third Street

Requesting an **AREA Variance** for 5 feet on the side yard setback, which does not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium Density Residential Zone.

Arliss Contes appeared on behalf of the property owner before the Board. He submitted an owner's proxy statement (which was made part of the record) and said his mother, the property owner, was unable to appear.

Mr. Contes gave a brief overview of the project and highlighted the following:

- Demolishing the extension on the rear of the building;
- Rebuild and extend the rear addition;
- Addition would cover the full width of the lot, 25 feet, and extend approximately 30 feet;
- Lot length is approximately 150 feet;
- Extension would not exceed the allowed 40% maximum of lot coverage;
- Rear of the property is depressed and proposed extension would be elevated;
- Extension would meet egress requirements;
- Similar additions found nearby in the Medium Density Residential zone.

Ms. Lugo asked if there will be any significant impacts on the environment.

Mr. Contes said there will be no significant impacts.

Mr. Brandt confirmed the extension is a one-story addition. He asked for the height of the addition.

Mr. Contes said he does not know the height.

Mr. Brandt said it appears the intention is to be able to drive under the addition.

Mr. Contes said there is sufficient space under the addition for a car but that is not the intention because there are no plans to pave the space.

Mr. Brandt asked if the intention later is to construct a garage under the addition.

Mr. Contes said there are no plans to construct a garage and the addition will connect to the first floor via a new door. He said the addition will probably be supported by pillars.

Mr. Brandt asked if the space below the addition will be occupied.

Mr. Contes said there are no plans to occupy the space.

Ms. Dixon said the application mentions a carport under the addition. She asked for additional information.

Mr. Contes said he is not clear on the details of the carport.

Mr. Brandt asked if there are design plans for the addition.

Mr. Contes said he is unaware if the plans are complete.

Mr. Brandt asked for additional examples of similar additions in the neighborhood.

Mr. Contes said he does not have photographic evidence of similar structures.

Ms. Dixon asked if Mr. Contes would like to return with additional information to the next Board meeting.

Mr. Contes asked if the Board is in favor of approving the application now.

Ms. Dixon said some questions on the application were not addressed and she is unsure how the Board would vote on the application. She said it would help if photographs were provided and if additional information was provided on the carport.

Mr. Contes said he could provide photographs of similar additions in the area.

Mr. Brandt said the addition appears to be bigger than the existing structure. He said the addition would definitely impact both neighbors next to 221 Third Street. He said he is curious to see the design of the addition on the lot line and how drainage on-site will be addressed.

Mr. Contes said he does not know if there is a completed design.

The Chairperson suggested additional information should be submitted to address the questions of the Board.

Mr. Hales asked if there is access to the rear of the lot from the front of the building.

Mr. Contes said there is access to the rear from the street. He said he will forward the comments to the property owner and project engineer and requested to table the application until the next meeting in February.

The Application was tabled until the next ZBA meeting on February 25, 2020. The Applicant was informed to submit additional information prior to attending the meeting.

Appeal No. 2020-02

Applicant: Stephen P. Chinoransky
Owner: Stephen P. Chinoransky
Location: 162 Grand Street

Requesting an **AREA Variance** for 11 feet on the building height, which does not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium Density Residential Zone.

Steven Chinoransky, property owner, and Jeff Wilkinson, Project Architect, appeared before the Board.

The property owner gave a brief overview of the project and highlighted the following:

- Repairing slate roof;
- Extending existing porches to wrap around the building;
- Installing a new, walkout porch on the east elevation;
- Architectural Review Commission approved the project;
- Project requires area variance for building height due to cupola.

The Project Architect submitted photographs of the property (which were made part of the record) for consideration. He said the parking requirements are met and there are no proposed expansions to the building footprint. He said the cupola would extend approximately five (5) feet above the existing chimney.

Ms. Dixon confirmed the existing porch will also be renovated and the building will remain as a single-family dwelling.

The property owner said the renovations are mostly on the rear of the building and away from the street. He said the cupola will not be visible from the street.

The Chairperson opened the public hearing.

Elaine Lee, 10 Sherman Drive, supported the application. She said the property owner is only enhancing the building, which used to be owned by Judy Kennedy.

There was no else present for or against the application.

Ms. Dixon moved to close the public hearing.

Ms. Lugo seconded the motion.

The motion passed unanimously.

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

Mr. Brandt seconded the motion.

The motion passed unanimously.

Ms. Dixon moved to approve the Area Variance as requested

Ms. Lugo seconded the motion.

The motion passed 4-0 via roll call vote.

Appeal No. 2020-03

Applicant: Jeff Wilkinson

Owner: 129 Montgomery Street LLC

Location: 129 Montgomery Street

Requesting an **AREA Variance** for 10 feet on the front yard setback, 5 feet on the side yard setbacks, 20% on lot coverage and 3 off-street parking spaces that do not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium Density Residential Zone.

Laura Harrison from 129 Montgomery Street LLC and Jeff Wilkinson, Project Architect, appeared before the Board on behalf of the property owner.

The Project Architect submitted date-stamped photographs of the nearby streets (which were made part of the record) for consideration. He said the building is part of the "Reeve House" and can be

dated back to the 1800's. He said the building was purchased a year ago and the intent is to renovate the building and convert it into a three-family dwelling. He said an application to the State Historic Preservation Office has been submitted and they will submit an application to the Architectural Review Commission later.

Ms. Dixon confirmed there will be no expansion to the building footprint.

The Project Architect said there is no proposed extension to the building and most of the work will be on the interior. He said there is sufficient parking available on the street as demonstrated by the photographs and the intent is to restore the building back to its original condition.

The Chairperson opened the public hearing.

There was no one present for or against the application.

Ms. Dixon moved to close the public hearing.

Ms. Lugo seconded the motion.

The motion passed unanimously.

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

Ms. Lugo seconded the motion.

The motion passed unanimously.

Ms. Dixon moved to approve the Area Variance as requested

Ms. Lugo seconded the motion.

The motion passed 4-0 via roll call vote.

Appeal No. 2020-04

Applicant: Greenheart Holdings, LLC

Owner: Greenheart Holdings, LLC

Location: 131 Lander Street

Requesting an **AREA Variance** for 322 feet on the lot area, 2 feet on the lot width, 5 feet on the front yard setback, 3 feet and 5 feet on the side yard setbacks, 13% on 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.

Anthony Williams from Greenheart Holdings, LLC appeared representing the property owner.

Mr. Williams submitted date-stamped photographs of the nearby streets (which were made part of the record) for consideration. He gave a brief overview of the project and highlighted the following:

- Single-family building was previously used as an illegal three-family dwelling;
- Proposing to expand the use of the building into a legal three-family dwelling within a preexisting building;

- Not proposing to demolish the building;
- Not proposing an expansion to the footprint of the building;
- Neighborhood has similar three-family buildings in use;
- Sufficient parking available on the street;
- Requesting approval for three (3) off-street parking spaces and the corresponding setbacks.

Ms. Dixon confirmed the building is next to a vacant building.

The Chairperson opened the public hearing.

There was no one present for or against the application.

Ms. Dixon moved to close the public hearing.

Ms. Lugo seconded the motion.

The motion passed unanimously.

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

Ms. Lugo seconded the motion.

The motion passed unanimously.

Ms. Dixon moved to approve the Area Variance as requested

Mr. Brandt seconded the motion.

The motion passed 4-0 via roll call vote.

Appeal No. 2020-05

Applicant: Vishal Enterprises of Grand St. Inc.

Owner: Vishal Enterprises of Grand St. Inc.

Location: 405 Broadway

Requesting an **AREA Variance** for 60 feet and 28 feet on the front yard setbacks, 32 feet on the side yard setback, 31 feet on the building height and 80% on the frontage Occupancy that do not meet the requirements of the Schedule of Use and Bulk Regulations in the Broadway Corridor Zone.

Jonathan Cella, Project Engineer, and Bhajan Singh from Vishal Enterprises of Grand St. Inc. appeared before the Board representing the property owner.

The Project Engineer gave a brief overview of the project and highlighted the following:

- Gas station obtained an area variance in 2014;
- Project was never completed and requires new approvals;
- Project involves expanding the gas station, no change in use;
- Addition will be approximately 600 sq. ft.;
- Special Use Permit approval required from the Planning Board;
- Requesting area variance per the revised informational report dated January 13.

Ms. Dixon asked why the project was not completed.

The Project Engineer said the property owner did not have sufficient funding to complete the site plan modifications.

Ms. Dixon asked if the proposed site plan matches the previously approved plan.

The Project Engineer said the plan is mostly consistent with the previous iteration of the site plan but it has been revised to comply with the existing zoning code.

Mr. Brandt asked for the intent of the addition to the building.

The Project Engineer said the addition will be utilized for storage. He said the revised site plan incorporates the new streetscape standards and is currently under review by the Planning Board. He said they are not disturbing the existing tanks on site and they are not increasing impervious surfaces on the property.

The Assistant Corporation Counsel asked for the proposed number of parking spaces on site.

The Project Engineer said there are eight (8) parking spaces at the gas pumps with four (4) additional spaces proposed on the rest of the site. He said there are no additional parking spaces since the existing spaces will be reconfigured. He asked if the project required a rear yard setback because it is not listed on the Informational Report.

The Assistant Corporation Counsel said the Applicant may interpret the lack of a rear yard setback note on the Informational Report as complying with the required setback.

Ms. Dixon said the addition will increase the building size and asked how that impact on traffic will be mitigated.

The Applicant said the existing conditions on site do not allow for a smooth traffic flow. He said the revised site plan will begin to channel the traffic because the entry/exit ramps are clearly defined. He said the revised site plan will be a necessary improvement to reduce the hazardous flow of traffic.

Mr. Hales asked for the impact on pedestrian traffic.

The Project Engineer said the site will have redesigned sidewalks with street trees per the request of the Planning Board. He said the reduction in hazardous traffic will increase pedestrian safety.

Mr. Brandt said the parking areas seem inaccessible to larger vehicles.

The Project Engineer said he will provide turning templates for larger vehicles to the Planning Board for consideration.

Mr. Brandt said he is curious on the flow of pedestrian traffic.

Mr. Singh said he is making accommodations for foot traffic on site and he is complying with the requests of the Planning Board. He said he cannot stop customers from disobeying the proposed modifications to the site.

Mr. Brandt asked for the architectural design of the addition.

The Project Engineer said they will reframe the building and give the addition a residential appeal similar to the Sunoco Gas Station down the road.

The Chairperson opened the public hearing.

There was no one present for or against the application.

Ms. Dixon moved to close the public hearing.

Ms. Lugo seconded the motion.

The motion passed unanimously.

The Assistant Corporation Counsel said the application is considered a Type II action under SEQRA and the Board may proceed to a vote on the application.

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

Mr. Brandt seconded the motion.

The motion passed unanimously.

Ms. Dixon moved to approve the Area Variance as requested

Ms. Lugo seconded the motion.

The motion passed 4-0 via roll call vote.

Approval of Minutes

Mr. Brandt moved to approve the November 2019 minutes.

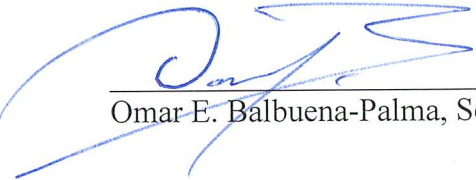
Mr. Hales seconded the motion.

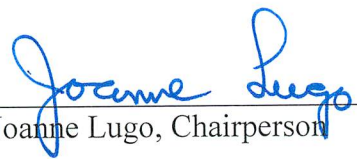
The motion passed unanimously.

With no further business to discuss, the meeting was adjourned at 8:05 p.m.

Respectfully Submitted:

Approved:



Omar E. Balbuena-Palma, Secretary

Joanne Lugo, Chairperson