

REGULAR MEETING

October 27, 2015

City of Newburgh Zoning Board of Appeals

Summary of Record of Actions Taken at the Regular Meeting of the Newburgh Zoning Board of Appeals held on October 27, 2015 at 7:30 p.m. at the Activities Center, 401 Washington Street, Newburgh, New York 12550.

Members Present: Joanne Lugo, Chairperson
Michael Papaleo
David Schwartz
Barbara Smith
Corey Allen
Lashawn Jasper

Also Present: Timothy Kramer, Assistant Corporation Counsel
Eliana Diaz, Secretary

New Business:

Appeal No. 2015-15

Applicant: Habitat for Humanity of Greater Newburgh

Owner: Habitat for Humanity of Greater Newburgh

Location: 123 Washington Street

Requesting an **AREA Variance** for 33.5% on building frontage occupancy, which does not meet the requirements of the Schedule of Use and Bulk Regulations in the Downtown Neighborhood Zone.

Nate Litwin, Construction Manager for Habitat for Humanity, appeared. Mr. Litwin stated that the property is located in the Downtown Neighborhood District. He is proposing construction of a mixed use building with a commercial use on the first floor and residential use on the upper floors. The proposed construction provides for 43 feet lot frontage, which does not meet the 80% frontage requirement in the district. 7 feet of the property is taken up with a shared driveway and the property is not large enough to subdivide. The applicant has appeared before, and will be returning to, the Planning Board for Site Plan approval, and has received approvals from the Architectural Review Commission. The proposed construction is part of a previously approved site plan project for the construction of a number of buildings, which was previously issued a negative declaration; therefore, no S.E.Q.R.A. action is required.

The public hearing was duly convened and completed on October 27, 2015.

Motion to Close Public Hearing: Barbara Smith

Motion Second: David Schwartz

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Motion Made to approve **AREA Variances:** Michael Papaleo

Motion Second: David Schwartz

Roll Call Vote: Unanimous

Motion Approved: Unanimous

Appeal No. 2015-10

Applicant: Rural Ulster Preservation Company

Owner: Newburgh Land Bank

Location: 19 South Miller Street

Requesting an **AREA Variance** for four parking spaces, which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Residential Medium Density Zone.

Appeal No. 2015-11

Applicant: Rural Ulster Preservation Company

Owner: Newburgh Land Bank

Location: 21 South Miller Street

Requesting an **AREA Variance** for four parking spaces, which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Residential Medium Density Zone.

Appeal No. 2015-12

Applicant: Rural Ulster Preservation Company

Owner: Newburgh Land Bank

Location: 39 B Johnston Street

Requesting an **AREA Variance** for five parking spaces, which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Residential Medium Density Zone.

Appeal No. 2015-13

Applicant: Rural Ulster Preservation Company

Owner: Newburgh Land Bank

Location: 54 Dubois Street

Requesting an **AREA Variance** for three parking spaces, which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Residential Medium Density Zone.

Appeal No. 2015-14

Applicant: Rural Ulster Preservation Company

Owner: Newburgh Land Bank

Location: 57 Dubois Street

Requesting an **AREA Variance** for three parking spaces, which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Residential Medium Density Zone.

A.J Coppola, Project Manager, Madeline Fletcher, Executive Director at the Newburgh Land Bank, and Chuck Snyder, Director of Real Estate and Construction at RUPCO appeared. A collective presentation and discussion was held regarding applications 2015-10, 2015-11, 2015-12, 2015-13 and 2015-14. The applications pertain to 5 buildings located in Newburgh's East End that are part of a proposed scattered site project composed of 46 apartments throughout 15 buildings. The apartments consist of 26 one bedroom, 12 two bedroom and 8 three bedroom apartments. None of the buildings are currently occupied. They will all be fully renovated. The buildings are all located in either the Residential Medium Density District or the Downtown Neighborhood District. . The proposed uses are permitted in the zone; however, 5 of the 15 buildings require parking variances. There is a total parking requirement for 46 apartments of 35 off-street parking spaces. The applicant has provided for 16 spaces. The applicant will be appearing before the ARC for approval of demolition of a building located at 183 First Street as part of the overall project, which, if approved, would be converted to a parking lot. Madeline Fletcher stated that the partner selection process focused on expertise on historic renovation because they look to save as

many buildings as possible. Chuck Snyder stated that the primary funding sources for the project are low income housing tax credits as well as both state and federal historic credits.

A discussion was held regarding the structure of the partnership in relation to the buildings between RUPCO and the Land Bank. The land bank currently owns the buildings, which they stabilize and abate for the time being. The Land Bank will then transfer ownership to RUPCO upon obtaining funding for the project, who will then perform the remainder of the rehabilitation. RUPCO would own the buildings for at least 30 years and would rent the buildings for that period of time; Safe Harbors would be employed as a management agent. There was a point of clarification in regards to the terminology used to describe the buildings as high quality rental units. Mr. Coppola stated that any low income tax credit funding requires a high level of construction above what is required by the building code and in relation to material used. However, high quality does not equal higher rent, it is all affordable housing.

The public hearing on each of the applications was duly convened and completed on October 27, 2015.

Mr. Dwayne Dodson and Ms. Martin, homeowners living on South Miller Street had questions regarding the variances of the four parking spaces that are being requested regarding 19 and 21 South Miller Street. Mr. Coppola stated there are four apartments in each of those buildings which require one off-street parking space per apartment. Neither of the buildings has any land to provide the required parking. Therefore, a variance is required. Mr. Dodson and Ms. Martin stated that they were under the impression that the apartments would each get their own parking space, which they were advised is not the case.

Motion to Close Public Hearing on Appeal Number 2015-11: Corey Allen

Motion Second: Barbara Smith

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Motion to Close Public Hearing on Appeal Number 2015-12: Barbara Smith

Motion Second: Joanne Lugo

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Motion to Close Public Hearing on Appeal Number 2015-13: Corey Allen

Motion Second: Joanne Lugo

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Motion to Close Public Hearing on Appeal Number 2015-14: David Schwartz

Motion Second: Corey Allen

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Motion to Close Public Hearing on Appeal Number 2015-15: Lashawn Jasper
Motion Second: Corey Allen
Roll Call Vote: Unanimous
Motion Carried: Unanimous

Other:

Michael Starace, owner of 2 Nicoll Street, appeared before the board after all of the applications listed on the agenda were heard. He stated that the Zoning Board of Appeals granted an area variance to the property on November 26, 2013 and an extension in 2014. He was unable to perform the work in the first year because he had to care for his ill mother, and was unable to perform the work in the second year because he underwent hip replacement. He stated that he has submitted a building permit application to the Building Department in order to begin the work and he has put over \$16,000 into the property this year; however, the variance is set to expire on November 26, 2015. Members of the Board stated that they would like to see the approvals and more documentation regarding the building prior to hearing the application. The request for an extension of the variance will be placed on the agenda for the November meeting.

Motion to approve minutes of July 28, 2015: David Schwartz
Motion Second: Michael Papaleo
Motion Carried: Unanimous

Meeting Adjourned 8:45 p.m.

Respectfully Submitted:

Approved:

Eliana Diaz, Secretary

Joanne Lugo, Chairperson