

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 March 22, 2022 at 7:00 p.m. at the Activity Center, 401 Washington Street, Newburgh, New York.

Members Present: Joanne Lugo, Chairperson
Corey Allen
Ben Brandt
Dianne Dixon
Melvin Hales
Julie Lindell
Michael Papaleo

Also Present: Jeremy Kaufman, Assistant Corporation Counsel
J.K. Gentile, Secretary

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

OLD BUSINESS

APPEAL NO. 2022-02

Applicant: Garfield A. Bruff
Owner: City of Newburgh
Location: 169 Johnston Street

Requesting an **AREA Variance** for 5,500 square feet on lot area, 3.1 feet on the front yard setback, 0 / 10 feet on the side yard setback and 5 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 applicant submitted a parking study, which was made matter of record.

Michael Henderson appeared before the Board and gave an update of the proposed project.

Ms. Dixon asked if the applicant counted the cars on the street while conducting the parking study.

Mr. Henderson gave the car counts on South Street and Johnston Street.

Mr. Henderson said the applicant explored revising the site plan to add 2 parking spaces on the property.

Mr. Allen asked the applicant to add later evening hours to the parking study.

Mr. Papaleo asked how many units/dwellings existing originally.

Mr. Henderson said the building was originally a one-family.

The Chairperson opened the public hearing.

Lisa Edwards spoke against the application.

George Bowles Jr. spoke against the application.

A written public comment and a submitted petition were made matter of record.

Corey Allen moved to close the public hearing.

Julie Lindell seconded the motion.

The motion passed unanimously via roll-call vote.

The Board tabled the application until the next meeting.

NEW BUSINESS

APPEAL NO. 2022-03

Applicant: Habitat for Humanity of Greater Newburgh
Owner: City of Newburgh
Location: 511 South Street

Requesting an **AREA Variance** for Lot A) 0/5 feet; Lot B) 5/0; Lot C) 0 /5; Lot D) 5/0 on the side yard setbacks which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Low Density Residential zone.

Corey Allen recused himself from vote.

Mike Brooks appeared before the Board and gave an overview of the project.

Ms. Lindell asked if this new construction.

Mr. Brooks confirmed.

Mr. Papaleo asked to explain the layout of two attached twin style townhouses on 4 separate parcels.

Mr. Brooks said there are 2 separate townhouse-style buildings. Each townhouse structure has a party wall proposed for build on the lot line of lots A/B and C/D respectively. There will be 4 townhouses total with 1 townhouse per parcel.

Ms. Lindell asked if each townhouse is 2-stories with its own backyard.

Mr. Brooks confirmed.

Ms. Lindell asked if all parking is on site.

Mr. Brooks confirmed.

The Chairperson opened the public hearing.

No one was present for or against the project.

Dianne Dixon moved to close the public hearing.

Julie Lindell seconded the motion.

The motion passed unanimously via roll-call vote.

Dianne Dixon moved to declare the action Type II for SEQRA.

Julie Lindell seconded the motion.

The motion passed unanimously via roll-call vote.

Dianne Dixon moved to approve application as submitted.

Julie Lindell seconded the motion.

The motion passed unanimously via roll-call vote.

APPEAL NO. 2022-04

Applicant: National Builders South, LP
Owner: Atkemix Thirty-Seven Inc.
Location: 700 South Street

Requesting an **AREA Variance** for 5 feet on the building height and 275 off-street parking spaces which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Industrial Zone.

Charlie Bazydlo, Walter Kubow and Brian Sekel appeared before the Board.

Mr. Bazydlo gave a brief introduction of the proposed project. He said the off-street parking number request does not reflect the actual amount of spaces needed. He said the off-street parking request is a function of the City Code requiring 429 spaces for the amount of space being used.

Mr. Kubow said they expect to need about 155 spaces per shift, 2 to 3 shifts per day.

Mr. Hales asked who the tenant will be.

Mr. Bazydlo said a tenant has not been specified.

Mr. Hales asked the applicant for clarification on the parking requirements for this type of project.

Mr. Sekel said the City Code bases the parking number on what would be identified as a factory, with a number of factory workers being on site in a single shift. Mr. Sekel said warehouse work for the modern warehouse facility is different, and the modern ratios used are about 1-2 employees per 1,000 square feet.

The Assistant Corporation Counsel said the current City Code requires a certain number of parking spaces based on square footage. The applicant proposed a plan with a certain amount of parking spaces on the site, with sensitivity to reducing impervious surface pavement and additional storm-water runoff.

Mr. Sekel said they will not disturb the capped area.

The Assistant Corporation Counsel said the project is in review by the Planning Board, and the Planning Board is in the process of performing a SEQRA analysis. He said the project is also subject to review by the Orange County Department of Planning.

The Chairperson opened the public hearing.

Diane LeRoy spoke against the application.

Dave Yvonne spoke against the application.

Lori Yvonne spoke against the application.

The Assistant Corporation Counsel said the buffering zone, traffic and noise concerns shared by the public opinion are more appropriately by the Planning Board in its SEQRA analysis.

Ben Brandt moved to close the public hearing.

Dianne Dixon seconded the motion.

The motion passed 5-2 via roll-call vote.

Mr. Hales asked the applicant to respond to the concerns addressed by the public regarding a buffer zone.

Mr. Kubow used the site plan to demonstrate the buffer zone details.

The Assistant Corporation Counsel said the Board members requested additional details be added to the buffer zone, including noise mitigation, for inclusion in the next submission.

The Assistant Corporation Counsel also asked the applicant to show where the main points of ingress and egress are proposed for the Board's benefit.

Mr. Kubow said there will be a truck entrance on South Street, an employee entrance on Pierces Road, and circulation around the entire building, with no disturbance to the remediation area.

Ms. Lindell asked how many trucks they anticipate entering/exiting a day.

Mr. Kubow said relatively constant, 10-12 trucks per hour.

The Board tabled the application until the next meeting.

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 proposed project.

Ms. Dixon asked if the applicant if a parking study was conducted.

Mr. Powell said no.

Ms. Lindell requested a parking study.

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

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

The Board tabled the application until the next meeting.

Approval of Minutes

Corey Allen moved to approve the February 2022 meeting minutes.
Dianne Dixon seconded the motion.
The motion passed unanimously via roll-call vote.

With no further business to discuss, the meeting adjourned at 9:00 p.m.

Respectfully Submitted:

Approved:

J.K. Gentile, Secretary

Joanne Lugo, Chairperson