

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 May 24, 2022 at 7:00 p.m. at the Hall Of Fame Building, 401 Washington Street, Newburgh, New York.

Members Present: Joanne Lugo, Chairperson
Tiffany Buxton
Dianne Dixon
Melvin Hales
Julie Lindell
Bryan Luna
Michael Papaleo

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

Absent: Corey Allen
Ben Brandt

The Chairperson called the meeting to order at 7:15 p.m. after confirming a quorum.

The Assistant Corporation Counsel introduced Tiffany Buxton and Bryan Luna, two newly-appointed Board members. Based on the timing of their appointment in proximity to the meeting, both Ms. Buxton and Mr. Luna elected to observe only and not vote at the meeting.

OLD BUSINESS

APPEAL NO. 2022-02

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

Requesting an **AREA Variance** for 5,304 square feet on lot area, 3.1 feet on the front yard setback, 0 / 10 feet on the side yard setback and 10 feet on the lot width which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium Density Residential zone.

Michael Henderson appeared before the Board and gave an overview of the updated site plan. He said all 5 parking spaces have been placed in the rear yard. Thus, the applicant no longer requested an off-street parking variance.

The Assistant Corporation Counsel said the Planning Board is acting as lead agency. The Planning Board must declare itself lead agency and issue a negative declaration before the Zoning Board of Appeals approval is activated.

Dianne Dixon moved for a conditional approval as submitted.
Julie Lindell seconded the motion.
The motion passed unanimously via roll-call vote.

APPEAL NO. 2022-09

Applicant: Newburgh Community Land Bank
Owner: Newburgh Community Land Bank
Location: 39 S. Miller Street

Requesting an **AREA Variance** for 1.8 feet on the lot width, 2.0 feet/ 4.8 feet on the 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.

Jennifer Wells and Eric Talbott appeared before the Board.

Jennifer Wells gave an overview of the parking study requested at the April meeting.

Ms. Dixon said the parking study reflects limited parking spaces.

Mr. Talbott agreed that South Miller is congested and asked the Board to consider the construction taking place in the area that is attributed to parking availability.

Ms. Dixon asked if they studied availability on side streets.

Mr. Talbott said the parking study focused on the immediate street.

Mr. Welles said they are renovating the vacant property as part of a homeownership program. This is a single-family home with an additional unit as an accessory rental to help the owner occupant with expenses and mortgage carrying costs. She said there are other properties on the block that are 2-family. Considering this property is located within the Medium Density Zone she does not consider their efforts as overdeveloping the area.

Ms. Dixon said she supports development and this project while also considering the concerns of the public.

The Chairperson opened the public hearing.

Sarah Mekhail spoke in favor of the application.

James Gibbons spoke in favor of the application.

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.

NEW BUSINESS

APPEAL NO. 2022-06

Applicant: Sarah Mekhail
Owner: Sarah Mekhail
Location: 31 Lutheran Street

Requesting an **AREA Variance** for 5.7 feet on the front yard setback and 2.1 feet on the side yard setback which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium Density Residential Zone.

James Gibbons and Sarah Mekhail appeared before the Board.

Mr. Gibbons gave a brief overview of the scope of the project.

Mr. Hales asked if the applicant has received any push back from any neighbors.

Ms. Mekhail said she has received no complaints.

The Chairperson opened the public hearing.

No one present for or against the application.

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. 2022-10

Applicant: Newburgh Community Land Bank
Owner: Newburgh Community Land Bank
Location: 44 S. Miller Street

Requesting an **AREA Variance** for 1,395 square feet on lot area, 2.9 feet in the lot width, 45 feet on lot depth, 8 feet on the front yard setback, 5 feet on the South side yard setback, 6 feet on the rear yard setback, 37% 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.

Jennifer Welles and Eric Talbott appeared before the Board.

Jennifer Welles gave an overview of the proposed project. She said it is 1 out of the 6 buildings Newburgh Community Land Bank is renovating as part of the Legacy Cities Home Ownership Program. It is designed to be an owner-occupied with rental income supporting units. The property needs a significant amount of renovation work. This particular building was historically used as a 3-family home.

The Assistant Corporation Counsel asked if they are proposing changes to the building footprint.

Ms. Welles said no.

Ms. Dixon asked if there are income guideline restrictions for the owner.

Ms. Wells said yes, it is affordable home ownership that requires the owner live in the building and there are income restrictions for the owner as well as the renters.

Ms. Lindell asked how many years the owner must live there.

Ms. Welles said 10 years. She added that a sale to another person within that 10 year window means the new owner will have to comply with the guidelines as well.

The Chairperson opened the public hearing.

Sarah Mekhail spoke in favor of the application.

James Gibbons spoke in favor of the application.

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. 2022-11

Applicant: Newburgh Community Land Bank
Owner: Newburgh Community Land Bank
Location: 59 Lander Street

Requesting an **AREA Variance** for 6 feet on the North side yard setback and 30% on the frontage occupancy which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Downtown Neighborhood zone.

Jennifer Welles and Eric Talbott appeared before the Board.

Jennifer Welles gave an overview of the proposed project saying this is also a Legacy Cities Home Ownership Program as 44 S. Miller Street.

The Assistant Corporation Counsel said there is no parking requirement for this application as the property was deemed to be in the Downtown Neighborhood Zone.

The Chairperson opened the public hearing.

James Gibbons spoke in favor of the application.

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.

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

Respectfully Submitted:

Approved:

J.K. Gentile, Secretary

Joanne Lugo, Chairperson