

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 July 25, 2023 at 7:00 p.m. at the Activity Center, 401 Washington Street, Newburgh, New York.

Members Present: Joanne Lugo Chairperson
Corey Allen (departed 9:03 p.m.)
Ben Brandt
Tiffany Buxton
Dianne Dixon
Julie Lindell
Michael Papaleo (departed 9:03 p.m.)

Absent: Melvin Hales (alternate)

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

The Chairperson called the meeting to order at 7:07 p.m. after confirming a quorum.

OLD BUSINESS

APPEAL NO. 2022-29

Applicant: Colin Jarvis / The Newburgh Ministry, Inc.
Owner (17 Johnston): City of Newburgh
Owner (19 Johnston): The Newburgh Ministry, Inc.
Location: 17 & 19 Johnston Street

Requesting an **AREA Variance** on **Lot A** for 7.9 feet on the front yard setback, 5 feet on the South side yard setback, 15.7 feet on the rear yard setback, 2 stories/16.5 feet on the building height and 35% on lot coverage which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium Density Residential Zone.

Requesting an **AREA Variance** on **Lot B** for 7.6 feet on the front yard setback, 5 feet on the North side yard setback, 5 feet on the South side yard setback, 20 feet on the rear yard setback and 56% on lot coverage which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium Density Residential Zone

Colin Jarvis, Lee Lasberg Don Petruncola, and Frank Cerbini appeared before the Board.

Mr. Lasberg said there were no updates made to the plan set since June 2023. The applicant appeared this evening for the continuation of the public hearing.

The Chairperson opened the public hearing.

Ray Harvey spoke in favor of the application.
Schnekwa McNeil spoke against the application.
Torrance Harvey spoke in favor of the application.
Carla Johnson spoke against the application.
Jose Vasquez spoke in favor of the application.
Katheryn Epps Smith spoke in favor of the application.
Andre Niles spoke in favor of the application.
Drew Kartiganer spoke against the application.
James Monk spoke in favor of the application.
Tamika Stewart spoke in favor of the application.
Giselle Martinez spoke in favor of the application.
Glynnis Hey spoke in favor of the application.
Ashley Harrigan spoke in favor of the application.
Abaigael Andersen spoke in favor of the application.
Antonella Lazar spoke in favor of the application.
Tara Beehler spoke in favor of the application.
Michele Basch spoke against the application.
Natalys Kavallaris spoke in favor of the application.
Michelle Montes spoke in favor of the application.
Samantha Reidy spoke in favor of the application.
Gaye Rolley spoke in favor of the application.
Steve Swyryt spoke in favor of the application.
Lajuan Booaer spoke in favor of the application.
Michael Lebron spoke against the application.
Genesis Ramos spoke in favor of the application.
Mark Sanchez Potter spoke in favor of the application.
Marcos Santos spoke in favor of the application.
Kenny Scott spoke in favor of the application.
Theresa Brandon spoke in favor of the application.
Claudio Gomez spoke in favor of the application.
Josiah Landers spoke in favor of the application.
Emily Alta spoke in favor of the application.
Lesly Retamozo spoke in favor of the application.
Julie Ubinas spoke in favor of the application.
Keith Anderson spoke in favor of the application.
Diane Guevera spoke against the application.
Rene Mejia spoke in favor of the application.
Rosemary Garcia spoke in favor of the application.
Mary Ellen Straebler spoke in favor of the application.

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

The Assistant Corporation Counsel cautioned that both Mr. Harvey and Ms. Martinez's comments should be viewed solely in their capacities as members of the public and not in their capacities as members of the City Council.

The Assistant Corporation Counsel said the Planning Board had assumed the lead agency role for SEQRA purposes. He said the Planning Board needs to complete the SEQRA process and issue a negative declaration before the Zoning Board of Appeals can issue a vote.

Ms. Dixon asked the applicant to discuss the selection of the location.

Mr. Jarvis said they own the property at 9 Johnston Street and that 17 Johnston Street is subject to a Site Development Agreement with the City of Newburgh. He said they purchased 19 Johnston Street to extend the property with the intention of new construction for this residential facility next to the established shelter at 9 Johnston.

Ms. Dixon asked how they determined the number of units for this new residential facility.

Mr. Jarvis said they applied to the NYS Empire State Supportive Housing Initiative (ESSHI) for a housing grant to supplement rental income. He said a project with less than fifty units would not meet the threshold for ESSHI funding.

Mr. Brandt said the building itself does not appear to align with the neighboring buildings.

Mr. Lasberg said the proposed building does not align with the existing The Newburgh Ministry building because the existing Newburgh Ministry building is not parallel to the street. He said the design reflects a choice to align the new building perfectly parallel to the street, rather than parallel to the existing building.

Mr. Brandt said the height of this new five-story building appears out of place with the neighboring buildings.

Ms. Dixon asked how tall the existing Newburgh Ministry building is.

Mr. Petruncola said the existing Newburgh Ministry building is 29 feet and the new proposed building is 56 feet.

The Applicant requested a table of its application until next meeting.

NEW BUSINESS

APPEAL NO. 2023-28

Applicant: John Waters/Dubois Street Associates
Owner: City of Newburgh
Location: 123 Renwick Street

Requesting an **AREA Variance** for 6.5 feet on the Lander Street front yard setback, 6.5 feet on the Renwick Street front 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.

Matthew Cordone and Kristine Magliano appeared before the Board.

Ms. Magliano gave an overview of the proposed project. She said the building is a pre-existing, non-conforming structure with no proposed change to the building footprint. She said the current proposal accounts for seven off-street parking spaces at the rear of the building.

Ms. Dixon asked to clarify the parking variance request.

Ms. Magliano said the residential portion consists of two studio apartments, two one-bedroom apartments and one four-bedroom apartment. She said the required parking calculation of .75 spaces multiplied by eight bedrooms is six parking spaces for the residential, plus three additional parking spaces for the ground floor commercial space.

Mr. Cordone presented a parking study.

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 the application as submitted.
Julie Lindell seconded the motion.
The motion passed unanimously via roll-call vote.

APPEAL NO. 2023-27

Applicant: Chris Berg/Berg + Moss Architects
Owner: Seymour B LLC
Locations: 158 Montgomery Street

Requesting an **AREA Variance** for 2 feet on the north side setback and 5 off-street parking spaces which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Low-Density Residential Zone.

Chris Berg appeared before the Board and gave an overview of the proposed project.

Ms. Dixon asked when this property was used as a Bed & Breakfast.

The Assistant Corporation Counsel said the property was historically a bed and breakfast. The Certificate of Occupancy was changed sometime in late 2021 or early 2022, just before the prior owner sold the property in March 2022.

Mr. Berg said the proposal is for five units for guests and one apartment for the caretaker. He said the property is currently undergoing exterior modifications. He said the requested five parking spaces will primarily be utilized for weekend stay only.

The Assistant Corporation Counsel asked if there is a proposed change to the building footprint.

Mr. Berg said no.

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 the application as submitted.
Julie Lindell seconded the motion.
The motion passed unanimously via roll-call vote.

APPEAL NO. 2023-29

Applicant: Sabrina Sargent
Owner: Living in Jesus Ministry Inc.
Location: 119 South Street

Requesting an **AREA Variance** for 56 feet on lot width, 17 feet on lot depth, 15 feet on the front yard setback, 10 feet on the side yard setback, 20 feet on the rear yard setback, 50% on lot coverage, 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.

Sabrina Sargent appeared before the Board and gave an overview of the proposed project.

Ms. Dixon asked the hours of operation for the daycare.

Ms. Sargent said Monday through Friday, 8:00 a.m. to 3:00 p.m.

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 the application as submitted.
Julie Lindell seconded the motion.
The motion passed unanimously via roll-call vote.

APPEAL NO. 2023-30

Applicant: Ann Marie Hines
Owner: B&H Broadway LLC
Location: 481 Broadway

Requesting an **AREA Variance** for 1 story on the building height which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Broadway Corridor.

Ann Marie Hines appeared before the Board and gave an overview of the proposed project.

The Assistant Corporation Counsel asked if there is a proposed change to the building footprint.

Ms. Hines confirmed no changes to the building footprint.

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 the application as submitted.

Julie Lindell seconded the motion.

The motion passed unanimously via roll-call vote.

APPROVAL OF MINUTES

Dianne Dixon moved to approve the June 2023 minutes as submitted.

Julie Lindell seconded the motion.

The motion was approved unanimously via roll-call vote.

With no further business to discuss, the meeting was adjourned at 9:35 p.m.

Respectfully submitted,

J.K. Gentile

Secretary to the Land Use Boards