

**REGULAR MEETING
May 26, 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 May 26, 2015 at 7:30 p.m. at Newburgh City Hall, 83 Broadway, Newburgh, New York 12550.

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

Also Present: Timothy Kramer, Assistant Corporation Counsel

Motion to approve minutes of the meetings of April 28, 2015: Michael Papaleo

Motion Second: David Schwartz

Motion Carried: Unanimous

New Business:

1. Appeal No. 2015-03

Applicant: Jay Diesing – Mauri Architects, PC

Owner: East Rock Corp.

Location: 401 Carpenter Avenue

Requesting USE VARIANCE which to allow for an interim residential living facility which does not meet the requirements of the Schedule of Use and Bulk Regulations in a R-1 Zone.

Jay Diesing of Mauri Architects, PC, Kelly Kostyal-Larrier, Executive Director of Safe Harbor of Orange County, and Allen Gordon appeared. The presented a plans for the construction of an interim home for victims of domestic violence. Mr. Diesing stated that the plans call for the renovation of an existing home on approximately five acres with an addition built on the west side of the building. He stated that the home is secluded from the road. It would have a play area for children, an area for gardening and a gazebo. There would be no signage, so it would look like other homes on the street. The property is owned by East Rock Corporation and is under contract for sale. Mr. Diesing further stated that the use is allowable under the proposed new zoning code, but not under the current zoning code.

A discussion was held between the parties who appeared and the members of the board regarding the proposed use. The residents would have a regular kitchen and do their own cooking and shopping. The maximum capacity is twenty people in the house, which is pursuant to the State. The project is funded through the State. There is one other location for this type of residential living facility in Orange County.

At this time the Chairperson opened the public hearing by reading the text of the notice.

1. Lisa Daily – In support of the project. She is the Chairperson of the City of Newburgh Planning Board. She stated that the location is ideal because it is secluded.
2. Janet Janopolis – She had questions about what services would be provided, because it is a busy street with school buses.

3. Christina Allie – Voiced concerns about the safety of the children, and had a question of whether the facility only serves victims of abuse, not also substance abuse.
4. Zoraida Quintana – Concerned that it is a small house and would need municipal water, because it currently has a well.
5. David Shea – He stated he was glad for the communication and information at the meeting because he thought it was a halfway house for substance abuse and prisoners. He asked whether there will be an on-site supervisor, and asked who decides what people become residents.
6. Christopher Quintane – Stated that he wants to keep the neighborhood residential.
7. Anthony Terry – Thinks the project is a good idea but for a different location.
8. Walter Fabiszak – Stated that he is concerned with expansion and with the need for increased security.

Jay Diesing, Kelly Kostyal-Larrier and Allen Gordon addressed the public comments. It was stated that there would be no expansion. There would be no need for large delivery trucks. The residents do their own shopping. The only trucks would be for services like a single family house would require, such as if a plumber is needed. The majority of people the residents do not own a vehicle, so there would be one van on the premises, which transports the residents when needed, such as for shopping. Safe Homes of Orange County would decide the people whom become residents. There would be twenty-four hour staffing. The project is before the Planning Board. There would be new municipal water service provided, and the inside of the house would be re-arranged with an addition, like the construction of other residential property.

The public hearing was duly convened and completed on May 26, 2015.

Motion to Close Public Hearing: Corey Allen

Motion Second: David Schwartz

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Corey Allen expressed concerns of the safety of the neighborhood. Michael Papaleo stated that the proposed location is in a residential area among single family homes, and that there are less secluded areas that could be a better option. Barbara Smith addressed a comment about the construction on the property, stating that the construction traffic would be temporary. She was advised that the staff takes the residence shopping one time per week David Schwartz asked whether there are any time limits on the amount of time that Safe Harbor must keep the property. He was advised that, pursuant to the grant, the home must be kept for twenty five years. David Schwartz also stated that, in looking at the S.E.Q.R.A. EAF form, he has drainage concerns. Mr. Diesing stated that the driveway is pervious asphalt so that there should not be any runoff, that the roof leaders lead into the ground like a house, and that he is working with the City Engineer and the Planning Board.

Motion Made to approve **AREA Variances: Barbara Smith**

Motion Second: Joanne Lugo

Roll Call Vote: 2 yay, 3 nay (David Schwartz, Michael Papaleo, Corey Allen)

Motion Defeated: 3-2

Meeting Adjourned 8:35 p.m.

Respectfully Submitted:

Approved:

Michelle Kelson, Acting Secretary

Joanne Lugo, Chairperson