CITY OF NEWBURGH | Joanne Lugo, Chairperson
ZONING BOARD OF APPEALS | J.K. Gentile, Secretary
123 Grand Street, Newburgh, NY 12550 | Phone (845) 569-7383 Fax: (845) 569-0188

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 June 28, 2022 at 7:00 p.m. at the Hall of Fame Building, 401 Washington Street, Newburgh, New York.

Members Present: Michael Papaleo, Acting Chairperson
Corey Allen - arrived 7:17 p.m.
Ben Brandt
Tiffany Buxton
Dianne Dixon
Melvin Hales
Julie Lindell

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

Absent: Joanne Lugo, Chairperson
Bryan Luna

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

OLD BUSINESS

APPEAL NO. 2022-07

Applicant: Nutopia Development Group
Owner: Nutopia Development Group / Michael H. Mamiye
Location: 60 Dubois Street

Requesting an **AREA Variance** for 3.8 feet on the building height, 5.9% on lot coverage and 86 off-street parking spaces which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium Density Residential zone.

Michael Mamiye, Alvin Moonesar and Albert Mizrahi appeared before the Board.

Alvin Moonesar presented an updated parking study. He said the applicant has abandoned seeking an agreement with St. Luke's Hospital with respect to parking garage access and use because no further progress could be made to secure an agreement. He said there are three available municipal parking lots within the vicinity.

DISCUSSION BY THE BOARD

Ms. Dixon asked for clarification on the images numbered 11 & 12 in the parking study reflected as available public parking. She asked if those images are the St. Luke's Hospital parking garage.

Mr. Moonesar confirmed. He said it is a public parking lot managed by St. Luke's Hospital.

The Chairperson opened the public hearing.

Jermaine Jacobs spoke in favor of the application.
Terry Brown spoke in favor of the application.
Elizabeth Vega LeBron spoke in favor of the application.
Michael LeBron spoke in favor of the application.
Andrew Schrijver spoke in favor of the application.
Marina Tsesarskya spoke in favor of the application.
Alessandro Russino spoke in favor of the application.
Gabrielle Hill spoke in favor of the application.
Leo Martinez spoke in favor of the application.
Michael Fox spoke in favor of the application.
Joyce Sitt 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.

Michael Papaleo moved to approve application as submitted.
Julie Lindell seconded the motion.
The motion passed unanimously via roll-call vote.

NEW BUSINESS

APPEAL NO. 2022-12

Applicant:	Newburgh Community Land Bank
Owner:	Newburgh Community Land Bank
Location:	136 Lander Street

Requesting an **AREA Variance** for 400 sf on lot area, 4 feet on the lot width, 0.8 ft on the front yard setback, 1 story on building height, 3% 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 Wells appeared before the Board and gave an overview of the proposed project. She said the only change is a change of use. There is no proposed change to the building footprint.

She said the project is part of the Legacy Cities Home Ownership Program. It is designed to be a three-family, owner-occupied home, with two rental income supporting units.

DISCUSSION BY THE BOARD

Ms. Dixon referenced the limited street parking.

Ms. Welles said there is available on this street, more so than the prior projects and added there is a municipal parking lot within the area.

Ms. Lindell asked if it is a vacant building.

Ms. Welles said it has been vacant for many years and will require a gut renovation.

The Chairperson opened the public hearing.

There was no one present for or against the application.

Corey Allen 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. 2022-16

Applicant:	Newburgh Community Land Bank
Owner:	Newburgh Community Land Bank
Location:	63 Lander Street

Requesting an **AREA Variance** for 2 feet on the lot width which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Downtown Neighborhood zone.

Jennifer Welles appeared before the Board and said gave an overview of the proposed project. She said the only change is a change of use. There is no proposed change to the building footprint.

She said this project is part of the Legacy Cities Home Ownership Program. It is designed to be a three-family, owner-occupied with two rental income supporting units.

DISCUSSION BY THE BOARD

Mr. Brandt asked why there is no request for a parking variance.

The Assistant Corporation Counsel said there is no parking requirement for this application because the property is located in the Downtown Neighborhood Zone, and that zone does not have the same parking requirements as the previous application.

The Chairperson opened the public hearing.

There was 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.

Corey Allen moved to approve application as submitted.
Julie Lindell seconded the motion.
The motion passed unanimously via roll-call vote.

APPEAL NO. 2022-15

Applicant:	Cheetah Transport / Marie Louis
Owner:	Real Cyber, Inc. / Walter Park
Location:	429 Broadway

Requesting an **AREA Variance** for 2 stories on the building height which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Broadway Corridor zone.

Jonathan Cella, Fred Juene, and Marie Louis appeared before the Board.

Jonathan Cella gave an overview of the proposed project.

DISCUSSION BY THE BOARD

The Chairperson opened the public hearing.

There was no one present for or against the application.

Corey Allen 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.
Julie Lindell seconded the motion.
The motion passed unanimously via roll-call vote.

Corey Allen moved to approve application as submitted.
Julie Lindell seconded the motion.
The motion passed unanimously via roll-call vote.

APPEAL NO. 2022-013

Applicant: 271 Grand Realty Partners LLC
Owner: 271 Grand Realty Partners LLC
Location: 271 Grand Street

Requesting an **AREA Variance** for 13.4 feet/5.9 feet on the front yard setback, 9.2 feet on the side yard setback, 58% 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 Low Density Residential Zone.

Jonathan Cella appeared before the Board and gave an overview of the project.

DISCUSSION BY THE BOARD

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

Mr. Cella said there are no proposed footprint changes.

The Assistant Corporation Counsel asked to confirm that the applicant is proposing three parking spaces on the property.

Mr. Cella confirmed.

Mr. Brandt asked if these spaces already existed.

Mr. Cella said the spaces do not exist, as there is adequate space in the rear yard, which currently is broken asphalt.

Mr. Brandt said turning the rear yard into a parking area is not consistent with the character of the neighborhood.

The Chairperson opened the public hearing.

Natalie Pawelek spoke 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 6-1 via roll-call vote.

APPEAL NO. 2022-017

Applicant: Chris Berg / Berg + Moss Architects
Owner: Aamir Mumtaz / Dupar Realty
Location: 10 Dubois Street

Requesting an **AREA Variance** for 232.5 sf on lot area, 4.3 ft on lot depth, 8 ft on the front yard setback, 12% on lot coverage and 8 off-street parking spaces which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium Density Residential Zone.

Chris Berg and Aamir Mumtaz appeared before the Board.

Mr. Mumtaz gave an overview of the proposed project.

Mr. Berg gave additional construction details.

DISCUSSION BY THE BOARD

Ms. Dixon asked how a four-family proposal works when this building will be similar to neighboring buildings in height, and that building appears to accommodate less units.

Mr. Berg said the property is on a slope which allows for a grade level basement apartment.

Mr. Allen asked how many units the original building had.

Mr. Berg said he did not know.

Mr. Papaleo asked where the basement apartment entrance will be located.

Mr. Berg said it will be located near the front entrance door.

Mr. Papaleo asked if the basement apartment has windows.

Mr. Berg said yes, in the rear. The basement apartment will be a garden apartment.

The Assistant Corporation Counsel recommended the applicant submit a parking study, as the Board has required that information of other applicants who request an off-street parking variance.

The Chairperson opened the public hearing.

There was one present for or against the application

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

Dianne Dixon moved to declare itself lead agency for SEQRA.
Julie Lindell seconded the motion.
The motion passed unanimously via roll-call vote.

Dianne Dixon moved to declare a negative declaration under SEQRA.
Julie Lindell seconded the motion.
The motion passed unanimously via roll-call vote.

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

APPEAL NO. 2022-014

Applicant:	Jaroslava Simone Kvapil / Alvin Moonesar
Owner:	Jaroslava Simone Kvapil
Location:	59 Courtney Avenue

Requesting an **AREA Variance** for 232.5 sf on lot area, 4.3 ft on lot depth, 8 ft on the front yard setback, 12% on lot coverage and 8 off-street parking spaces which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium Density Residential Zone.

Alvin Moonesar appeared before the Board and gave an overview of the project.

DISCUSSION BY THE BOARD

The Assistant Corporation Counsel recommended the applicant submit a parking study, as the Board has required that information of other applicants who request an off-street parking variance.

The Chairperson opened the public hearing.

There was no one present for or against the application.

Corey Allen 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.
Julie Lindell seconded the motion.
The motion passed unanimously via roll-call vote.

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

Approval of Minutes

Ms. Buxton abstained from vote of the April 2022 approval of meeting minutes.

Dianne Dixon moved to approve the April 2022 meeting minutes.
Julie Lindell seconded the motion.
The motion passed unanimously via roll-call vote.

Dianne Dixon moved to approve the May 2022 meeting minutes.
Julie Lindell seconded the motion.
The motion passed unanimously via roll-call vote.

With no further business to discuss, the meeting adjourned at 8:29 p.m.

Respectfully Submitted:	Approved:
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J.K. Gentile, Secretary	Michael Papaleo, Acting Chairperson