

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 October 25, 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
Tiffany Buxton
Dianne Dixon
Melvin Hales (alternate)
Michael Papaleo

Absent: Julie Lindell

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

The Chairperson called the meeting to order at 7:08 p.m. after confirming a quorum.

OLD BUSINESS

APPEAL NO. 2022-23

Applicant: Manuel Zacarias
Owner: Manuel Zacarias-Gregorio
Location: 288 South William Street

Lot A: Requesting an **AREA Variance** for 7.4 ft on the front yard setback, 5/8 feet on the side yard setbacks, 16.5 ft on the rear yard setback and 11% on lot coverage which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Low-Density Residential Zone.

Lot B: Requesting an **AREA Variance** for 6.8 ft on the front yard setback, 0 ft/9 ft on the side yard setbacks, 16.4 ft on the rear yard setback, 11% 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.

Floyd Johnson and Stephanie Midler appeared before the Board.

Ms. Midler gave an update to the plan since the August 2022 meeting.

Mr. Johnson gave an overview of the parking study requested at the August Meeting.

Corey Allen moved to approve the Lot A application as submitted.

Michael Papaleo seconded the motion.
The motion passed unanimously via roll-call vote.

Corey Allen moved to approve the Lot B application as submitted.
Michael Papaleo seconded the motion.
The motion passed unanimously via roll-call vote.

APPEAL NO. 2022-19

Applicant: Michael Mamiye
Owner: Nutopia 31 Dubois LLC
Location: 31 Dubois Street

Requesting an **AREA Variance** for 8655 sq ft on lot area, 25.1 ft on the lot width, 1.7 ft on the front yard setback, 9.6 ft/0 ft on the side yard setbacks, 2.3 ft on the rear yard setback, 18% on lot coverage 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.

Michael Mamiye, Albert Mizrahi and Chris Berg appeared before the Board.

Mr. Berg provided a summary of the proposed project.

Mr. Mamiye said converting this property into a six-family is the best option for the community. He said it will provide affordable one-bedroom units. He said the parking would actually be affected less by the proposed conversion. He said creating three-family building has the potential to increase the amount of occupants per unit to cover the cost of rent and add additional off-street parking.

DISCUSSION BY THE BOARD

Ms. Dixon asked if the proposed one-bedroom units will be affordable housing.

Mr. Mamiye said the units are market rate.

Ms. Dixon said her concern is the added density to an already crowded street.

Mr. Allen said his concern is adding a substantial amount of off-street parking.

The Chairperson said her concern is the also the added density to the street.

The applicant had no additional information to provide and requested a vote on the application as submitted.

Dianne Dixon moved to approve application as submitted.
Ben Brandt seconded the motion.
The motion passed 4-3 via roll-call vote.

APPEAL NO. 2022-18

Applicant: Alvin Moonesar
Owner: VIP Partners LLC
Location: 85 William Street

Requesting an **AREA Variance** for 5 ft/2.4 ft on the side yard setbacks, 23% 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 with a Neighborhood Commercial Overlay.

Alvin Moonesar appeared before the Board and gave an overview of the parking study requested at the August Meeting.

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

NEW BUSINESS

APPEAL NO. 2022-25

Applicant: Sonia Arias
Owner: Sonia Arias
Location: 73 Courtney Avenue

Requesting an **AREA Variance** for 6591 feet on lot area, 7 feet on lot depth, 10 feet on the front yard setback, 10/10 on the side yard setbacks, 5% 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.

Sonia Arias, Freddie Arias and Jonathan Cella appeared before the Board.

Mr. Cella gave an overview of the proposed project.

DISCUSSION BY THE BOARD

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

Mr. Cella said no footprint changes were proposed.

Mr. Papaleo asked if the property is currently occupied.

Mr. Cella said it has been vacant for at least one year.

Mr. Papaleo asked how the property is configured.

Mr. Cella said there is one (1), two-bedroom unit and four (4), one bedroom units.

The Chairperson opened the public hearing.

No one was present for or against the project.

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

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

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

APPEAL NO. 2022-27

Applicant: John V. Waters
Owner: Dubois Street Associates II, LLC
Location: 46 Dubois Street

Requesting an **AREA Variance** for 3.58 feet on the front yard setback which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium Density Residential Zone.

Kristine Magliano appeared before the Board and gave an overview of the proposed project.

DISCUSSION BY THE BOARD

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

Ms. Magliano said no footprint changes were proposed.

Mr. Brandt asked how the third unit will be added.

Ms. Magliano said the configuration is one basement unit, 1st floor unit and 2nd floor unit.

The Chairperson opened the public hearing.

No one was present for or against the project.

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

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

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

APPEAL NO. 2022-26

Applicant: Cian Hamill
Owner: 77 Chambers Street Property Owner LLC
Location: 77 Chambers Street

Requesting an **AREA Variance** for 1168 feet on lot area, 4.5 feet in the lot width, 30 feet on lot depth, 6 feet on the front yard setback, 5/5 on the side yard setbacks, 24% on lot coverage and 4 off-street parking spaces which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium Density Residential Zone.

Cian Hamill and Mian Ye appeared before the Board.

Mr. Hamill gave an overview of the proposed project.

DISCUSSION BY THE BOARD

Mr. Allen asked about the parking during evening hours.

Mr. Hamill said the property is surrounded by warehouses. He said there is adequate parking on the block in the evening hours.

Ms. Dixon agreed with Mr. Hamill's assessment.

The Chairperson opened the public hearing.

No one was present for or against the project.

Corey Allen moved to close the public hearing.
Dianne Dixon 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.

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

Approval of Minutes

Dianne Dixon moved to approve the August 2022 meeting minutes.
Corey Allen 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:

J.K. Gentile, Secretary

Joanne Lugo, Chairperson