

CITY OF NEWBURGH
ZONING BOARD OF APPEALS
123 Grand Street, Newburgh, NY 12550

Joanne Lugo, Chairperson
J.K. Gentile, Secretary
Phone (845) 569-7383

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 March 26, 2024 at 7:00 p.m. at the Heritage Center, 123 Grand Street, Newburgh, New York.

Members Present: Joanne Lugo, Chairperson
Corey Allen
Tiffany Buxton
Dianne Dixon
Melvin Hales (alternate)
Julie Lindell
Michael Papaleo

Absent: Ben Brandt

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

The Chairperson called the meeting to order at 7:16 p.m. after confirming a quorum.

OLD BUSINESS

APPEAL NO. 2024-06

Applicant: Eulogio Santiago
Owner: 133 North Miller Realty Partners LLC
Location: 133-141 North Miller Street

Requesting an **AREA Variance** for 12,600 square feet on the minimal lot area, 10 feet on the rear yard setback and 9 off-street parking spaces, which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium-Density Residential Zone.

Eulogio Santiago appeared before the Board.

The Assistant Corporation Counsel said the application was tabled last month pending a revised Informational/Building Inspector’s ruling. He said there are no other updates and there had been no changes made to the site plan.

The Chairperson opened the public hearing.

Wiktorija Staromiejska spoke against the application.

Lamont Melvin spoke against the application.
Phillip Gaskins 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 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.

Ms. Dixon asked to confirm that the applicant's initial proposal was to create two six-unit apartment buildings and that the current proposal is a one nine-unit apartment building.

Mr. Santiago confirmed.

Ms. Dixon asked the applicant why he chose nine units.

Mr. Santiago said the medium density zone allows for a three-story building and he chose three-units per story. He said he changed the proposal based on finances. He said the parking study was conducted in the winter and that the study demonstrated available parking despite off-street parking regulations and inclement weather conditions. He said his proposal revitalizes the neighborhood by providing a functioning building.

Mr. Allen asked the applicant how he would address the community's concerns.

Mr. Santiago said he considers his proposal to be a minimum request for variances and the proposal is within the permitted rights of the zoning district.

Ms. Dixon asked the applicant to confirm that he can provide nine parking spaces on-site.

Mr. Santiago confirmed.

Ms. Lindell asked the applicant if he could provide green space for his tenants.

Mr. Santiago confirmed.

Dianne Dixon moved to approve the application as submitted.
Julie Lindell seconded the motion.
The motion was approved 5-2 via roll-call vote.

APPEAL NO. 2024-02

Applicant: Austin Dubois
Owner: Austin Dubois
Location: 7 Benkard Avenue

Requesting an **AREA Variance** for 50 feet on lot depth, 20 feet on the rear yard setback and 15% minimum landscaped area which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Downtown Neighborhood Zone.

Austin Dubois appeared before the Board.

Mr. Dubois gave an overview of the proposed project for the Board members that were not present at the January meeting.

Dianne Dixon moved to approve the application as submitted.

Julie Lindell seconded the motion.

The motion passed unanimously via roll-call vote.

APPEAL NO. 2024-07

Applicant: Hector Gualpa
Owner: Great Riches Realty LLC
Location: 167 Chambers Street

Requesting an **AREA Variance** for 10 feet on the minimum front yard setback, 5 feet on the minimum south side yard setback 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.

Hector Gualpa appeared before the Board.

The Assistant Corporation Counsel said the application was tabled at the February meeting pending a GML §239 response letter. The GML §239 letter was received timely for the March meeting and made part of the record.

The Assistant Corporation Counsel asked the applicant if there have been any changes made to the site plan since the last meeting.

Mr. Gualpa said no changes have been made.

Ms. Dixon said that although the submitted parking study lacks sufficient documentation it is enough evidence for review on this application.

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

APPEAL NO. 2023-40

Applicant: Angelo Balbo
Owner: Angelo Balbo Management LLC
Location: 825 Broadway & 829 Broadway

Requesting a **USE Variance** for an Apartment House in the Low-Density Residential Zone with a Neighborhood Commercial Overlay.

Natalie Quinn and Kelly Lybolt for KARC Consulting appeared before the Board.

The Assistant Corporation Counsel said the applicant last appeared before the Board in January.

Ms. Quinn gave a brief overview of the proposed project. She referenced the current documents submitted for the Board's review.

Ms. Lybolt read from a letter submitted by Orange County Planning citing the need for housing. She said on February 8, 2024, Governor Hochul declared the City of Newburgh a Pro-Housing Community.

Mr. Allen asked the applicants what they considered affordable housing.

Ms. Quinn said 60 to 80 percent of the Area Median Income (AMI) and there are additional opportunities that will be considered in the future. She said the owner is open to affordable housing.

The Assistant Corporation Counsel said the comments and the inquiries about affordable housing were not relevant for Zoning Board consideration.

Mr. Allen asked the applicants how they would address the community's concerns regarding traffic.

Ms. Quinn said they are taking measures into consideration to lessen the impact this project would have on traffic safety.

Ms. Dixon said the preliminary rendering submitted does not fully support whether this proposal will alter the character of the neighborhood.

Ms. Quinn said they were tasked with the effort to give a response to what the structure would look like within the neighborhood. She said they could not financially flush out a final design without having some determination on whether the project will move forward.

Mr. Papaleo asked the applicants if they had commissioned a traffic study.

Ms. Lybolt said they had not conducted a traffic study for this use variance application but that that requirement would be subject for the Planning Board review.

The Assistant Corporation Counsel instructed the Board on the use variance criteria in the City Code.

Corey Allen moved to declare itself lead agency for SEQRA.

Julie Lindell seconded the motion.

The motion passed unanimously via roll-call vote.

Corey Allen moved to declare a negative declaration under SEQRA.

Julie Lindell seconded the motion.

The motion passed unanimously via roll-call vote.

Corey Allen moved to approve the application.

Julie Lindell seconded the motion.

The motion was approved 6-1 via roll-call vote.

NEW BUSINESS

APPEAL NO. 2024-09

Applicant: Floyd Johnson

Owner: Maria I. Rios-Ruiz

Location: 196 Broadway

Requesting an **AREA Variance** for 14 feet on the rear yard setback, 10% on the landscaped area, and 1 story on the minimum building height which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Broadway Corridor.

Maria Rios and Floyd Johnson appeared before the Board.

Mr. Johnson gave an overview of the proposed project.

Ms. Lindell asked if they proposed any change to the building footprint.

Mr. Johnson said no.

Mr. Papaleo asked to confirm that the applicant proposed two apartments on the second floor.

Mr. Johnson confirmed.

The Chairperson opened the public hearing.

No one was 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.

Michael Papaleo 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 the application as submitted.

Julie Lindell seconded the motion.

The motion passed unanimously via roll-call vote.

APPEAL NO. 2024-08

Applicant: Naftoli Pachman

Owner: Naftoli Pachman

Location: 374 Washington Street

Requesting an **AREA Variance** for 6 feet on the minimum front yard setback, 2.5 feet on the minimum west side 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.

Naftoli Pachman and Samuel Perl appeared before the Board.

Mr. Pachman gave an overview of the proposed project.

The Assistant Corporation Counsel asked if they propose any change to the building footprint.

Mr. Pachman said no.

Mr. Hales asked to confirm that the proposal is to convert a two-family dwelling into a three-family dwelling.

Mr. Pachman confirmed.

Ms. Dixon said the submitted parking study was insufficient.

Mr. Pachman said he did not provide an extensive parking study as there is a large public parking area directly across the street from the property.

Mr. Papaleo asked where the basement apartment exit is located.

Mr. Pachman said at the rear of the building.

The Chairperson opened the public hearing.

No one was 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 the application as submitted.

Julie Lindell seconded the motion.

The motion passed unanimously via roll-call vote.

APPEAL NO. 2024-10

Applicant: Jonathan Gatsik/FD Water Street Holdings, LLC

Owner: Statistical Analysis Inc.

Location: 272 Water Street

Requesting an **AREA Variance** for 20 feet on the minimum lot depth, 61.2 feet on the maximum north side yard setback, 265.7 feet on the maximum south side yard setback and 74.77% on the minimum frontage occupancy, which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Planned Waterfront Development Zone.

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Jonathan Gatsik and Cory Robinson appeared before the Board.

Mr. Robinson gave an overview of the proposed project.

The Assistant Corporation Counsel clarified the total proposal is to convert the 272 Water Street unit into an office and to convert the piece of property on Broad Street into a parking lot that will service 272 Water Street, and also to create a certain number of striped spaces along Water Street. He said the variance request is for the 272 Water Street property only, but the Board should consider the entirety of the project proposal.

The Chairperson opened the public hearing.

Nicholas Valentine spoke in favor of the application.

Rosemarie Lawal spoke against the application.

Robin Yanyiah-Pearson spoke against the application.

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

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

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

EXECUTIVE SESSION

Dianne Dixon moved to enter into the Executive Session.
Julie Lindell seconded the motion.
The motion was approved unanimously via roll-call vote.

Corey Allen moved to exit out of the Executive Session.
Julie Lindell seconded the motion.
The motion was approved unanimously via roll-call vote.

Dianne Dixon moved to vacate the Board's decision related to application number 2022-19, dated August 25, 2023, and restore the application back to the ZBA's calendar of regular business for further review and consideration.
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 9:15 p.m.

Respectfully submitted,

J.K. Gentile
Secretary to the Land Use Boards