

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 August 27, 2024 at 7:00 p.m. at the Activity Center, 401 Washington Street, Newburgh, New York.

Members Present: Joanne Lugo, Chairperson
Ben Brandt
Julie Lindell
Michael Papaleo

Absent: Corey Allen
Dianne Dixon
Tiffany Buxton

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

The Chairperson called the meeting to order at 7:10 p.m. after confirming a quorum.

OLD BUSINESS

APPEAL NO. 2024-19

Applicant: Chris Berg, RA/Berg + Moss Architects, PC
Owner: 60 William St. LLC
Location: 60 William Street

Requesting an **AREA Variance** for 29,150 square feet on the lot area, 10 feet on the minimum front yard setback, 6.5 feet on the minimum north side yard setback, 6.5 feet on the minimum south side yard setback, 4.7% on the maximum lot coverage and 31 off-street parking spaces which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium Density Residential Zone.

The Applicant contacted staff prior to the meeting to request a table of its application to the September meeting.

APPEAL NO. 2024-21

Applicant: Jake Chai
Owner: Shaw Building L.P.
Location: 24 Johnes Street

Requesting an **AREA Variance** for 19.25 feet on the maximum front setback on S. William Street, 3.66 feet on the maximum front setback on Edward Street, 43.3% minimum frontage occupancy, 1 story/5.8 feet on the minimum building height-shopfront and 38 off-street parking spaces which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Downtown Neighborhood Zone.

The Applicant contacted staff prior to the meeting to request a table of its application to the September meeting.

NEW BUSINESS

APPEAL NO. 2024-26

Applicant: Rene Campos
Owner: DMU Music Inc.
Location: 86 Broadway

Requesting an **AREA Variance** for 2.42 feet on the minimum lot width, and 20 feet on the minimum rear setback which does not meet the requirements of the Schedule of Use and Bulk Regulations in the Broadway Corridor.

Michael Henderson appeared before the Board and gave an overview of the proposed project.

The Assistant Corporation Counsel asked if there were any proposed changes to the building footprint.

Mr. Henderson said no.

Ms. Lindell asked to confirm that the front and rear of the second floor will be converted into one dwelling unit.

Mr. Henderson confirmed.

The Chairperson opened the public hearing.

No one was present for or against the application.

Julie Lindell moved to close the public hearing.
Michael Papaleo 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.

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

APPEAL NO. 2024-27

Applicant: Gildo DeOliveira
Owner: Newburgh 1 River View Place LLC
Location: 1 Riverview Place

Requesting an **AREA Variance** for 63.1 feet on the maximum side yard setback, and 52.1% on the minimum frontage occupancy which does not meet the requirements of the Schedule of Use and Bulk Regulations in the Downtown Neighborhood District.

Gildo DeOliveira appeared before the Board and gave an overview of the proposed project.

The Assistant Corporation Counsel asked if there were any proposed changes to the building footprint.

Mr. DeOliveira said no.

The Assistant Corporation Counsel said a vote could not be rendered on the application as the property is subject to GML §239 review, and the City has not yet received comment from the Orange County Department of Planning.

The Chairperson opened the public hearing.

No one was present for or against the application.

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

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

Mr. DeOliveira asked the Board if an appearance is required for a vote in receipt of the GML §239 response.

The Board discussed and agreed that an appearance is necessary at the next meeting to allow for the Board members who were not in attendance for the initial presentation to present any possible questions or concerns.

The application was tabled until the next meeting.

APPEAL NO. 2024-28

Applicant: Alvin Moonesar
Owner: Oragom LLC
Location: 784 Broadway

Requesting an **AREA Variance** for 15 feet on the front yard setback, 9.8 feet on the west side setback, 6.6 feet on the east side yard setback, 17.8 feet on the rear yard setback and 14 off-street parking spaces which does not meet the requirements of the Schedule of Use and Bulk Regulations in the Low Density Residential, in the Neighborhood Commercial Overlay District.

Alvin Moonesar, Lucia Gomez and Oscar Gomez appeared before the Board.

Mr. Moonesar gave an overview of the proposed project. He said there is no proposed changes to either building. He said the owner also owns the lot next door which is available for parking.

Ms. Lindell asked to confirm the location of the neighboring lot.

Mr. Moonesar used the aerial map to locate the neighboring lot.

Ms. Lindell asked to confirm that the two buildings are existing.

Mr. Moonesar confirmed.

Mr. Lindell asked if there are any proposed changes to the building footprint.

Mr. Moonesar said no.

Mr. Papaleo asked if the parking is sufficient for the number of parishioners attending the church.

The Assistant Corporation Counsel said parking requirement for a House of Worship is determined by the Planning Board as per City Code §300-32. He said at the July 16, 2024 Planning Board meeting, the Board found that 15 parking spaces was sufficient to accommodate the church use. He said the parking variance before the Zoning Board is for the Personal Services and residential uses.

The Chairperson opened the public hearing.

Francis Burke spoke in favor of the application.

Julie Lindell moved to close the public hearing.
Michael Papaleo 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.

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

APPEAL NO. 2024-29

Applicant: Balois Mejia
Owner: Real Cyber Inc.
Location: 427 Broadway

Requesting an **AREA Variance** for 3 stories on the building height which does not meet the requirements of the Schedule of Use and Bulk Regulations in the Broadway Corridor Zone.

Balois Mejia appeared before the Board and gave an overview of the proposed project.

The Assistant Corporation Counsel asked if there were any proposed changes to the building footprint.

Mr. Mejia said no.

The Assistant Corporation Counsel asked if he is the tenant acting on behalf of the property owner.

Mr. Mejia said yes.

Mr. Papaleo asked if the establishment will be a sit-down restaurant.

Mr. Mejia said the restaurant will be take out only.

The Chairperson opened the public hearing.

No one was present for or against the application.

Julie Lindell moved to close the public hearing.
Michael Papaleo 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.

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

APPROVAL OF MINUTES

Julie Lindell moved to approve the July 2024 minutes as submitted.
The Chairperson seconded the motion.
The motion was approved unanimously via roll-call vote.

With no further business to discuss, the meeting was adjourned at 7:35 p.m.

Respectfully submitted,

J.K. Gentile
Secretary to the Land Use Boards