

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 February 25, 2025 at 7:00 p.m. at the Activity Center, 401 Washington Street, Newburgh, New York.

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

Absent: Corey Allen
Ben Brandt
Julie Lindell

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

The Chairperson called the meeting to order at 7:05 p.m. after confirming a quorum.

OLD BUSINESS

APPEAL NO. 2024-30

Applicant: Charles P. May
Owner: Albro Utilities Corporation
Location: 18 Little Britain Road

Requesting an **AREA Variance** for 7.7 feet on the minimum north side setback, and 7 off-street parking spaces which does not meet the requirements of the Schedule of Use and Bulk Regulations in the Commercial District and in the Waterfront Protection Overlay.

The GML §239 response was made a matter of record.

Charles P. May and Mark Rothstein appeared before the Board.

Mr. May gave a brief overview of the proposed project

Dianne Dixon moved to approve the application as submitted.
Michael Papaleo seconded the motion.
The motion passed 5-0 via roll-call vote.

APPEAL NO. 2025-01

Applicant: Chris Berg/Fifth Street Architecture, PLLC
Owner: 157 Liberty Street LLC
Location: 157 Liberty Street

Requesting an **AREA Variance** for 1.7 feet on the north side setback which does not meet the requirements of the Schedule of Use and Bulk Regulations in the Downtown Neighborhood District.

The GML §239 response was made a matter of record.

Chris Berg appeared before the Board and gave a brief overview of the proposed project.

Dianne Dixon moved to approve the application as submitted.
Michael Papaleo seconded the motion.
The motion passed 5-0 via roll-call vote.

NEW BUSINESS

APPEAL NO. 2025-09

Applicant: Charles Neusch
Owner: Majid Younous
Location: 253 Broadway

Requesting an **AREA Variance** for 1 story on the minimum building height which does not meet the requirements of the Schedule of Use and Bulk Regulations in the Broadway Corridor Zone.

Charles Neusch 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. Neusch said no.

The Chairperson opened the public hearing.

Pastor Roberto Avila had a question about the location of the proposed project.

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

Dianne Dixon moved to declare the action Type II for SEQRA.
Tiffany Buxton seconded the motion.
The motion passed unanimously via roll-call vote.

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

APPEAL NO. 2025-10

Applicant: Michael Henderson
Owner: Emmanuel Popa
Location: 640 Broadway

Requesting an **AREA Variance** for 39% maximum lot coverage which does not meet the requirements of the Schedule of Use and Bulk Regulations in the Commercial District Zone.

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

Ms. Dixon asked the applicant to confirm that the proposed project includes the construction of a one-story addition.

Mr. Henderson confirmed.

Ms. Dixon asked if the proposed addition is what triggered the lot coverage variance request.

Mr. Henderson said the overall lot coverage is not changing. He said the property owner is replacing a concrete area in the front with grass to substitute for the lot coverage in the rear for the proposed addition.

Mr. Papaleo asked if the proposed addition is enclosed.

Mr. Henderson said the proposed addition will be enclosed and used as restrooms.

Mr. Papaleo asked why the bathrooms are not included in the existing space.

Mr. Henderson said there is not enough room.

Mr. Papaleo asked if the loading dock would be eliminated.

Mr. Henderson confirmed.

The Chairperson opened the public hearing.

No one was present for or against the application.

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

Dianne Dixon moved to declare the action Type II for SEQRA.
Tiffany Buxton seconded the motion.
The motion passed unanimously via roll-call vote.

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

APPEAL NO. 2025-11

Applicant: Michael Henderson
Owner: Rafiq Majeed
Location: 268 Carpenter Avenue

Requesting an **AREA Variance** for 7.3 feet on the minimum north side setback, 7.5 feet on the minimum south side setback, and 4 off-street parking spaces which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Low-Density Residential Zone.

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

Ms. Dixon said the parking study is incomplete as it does not reflect a weekend day.

Mr. Henderson apologized and said the pages are incorrectly labeled. He said page 2 was a study taken on a Saturday, February 8, 2025, and page 3 was a study taken on Sunday, February 9, 2025. He said the photos reflect the correct days, but the labeling on the parking study was inaccurate.

Ms. Dixon asked if the surrounding properties have driveways.

Ms. Buxton said most of the properties on the street have driveways.

The Chairperson opened the public hearing.

Nathaniel Williams Jr. had a question regarding the proposed construction and parking.

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

Dianne Dixon moved to declare the action Type II for SEQRA.
Tiffany Buxton seconded the motion.
The motion passed unanimously via roll-call vote.

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

APPEAL NO. 2025-12

Applicant: Wilson Guzman
Owner: Wilson Guzman
Location: 273 First Street

Requesting an **AREA Variance** for 8.84 feet on the minimum front yard setback, 3.6 feet on the minimum side yard setback, 4% on the maximum lot coverage and 3 off-street parking spaces which does not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium-Density Residential Zone.

Wilson Guzman appeared before the Board and gave an overview of the proposed project.

Ms. Dixon requested submission of a parking study for review and completion of form ZBA01.

The Chairperson opened the public hearing.

Jaime Salazar and Rosemarie Garcia had a question regarding parking.

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

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

The application was tabled until the next meeting.

APPEAL NO. 2025-13

Applicant: Antonio Sanchez
Owner: SSPaik LLC
Location: 467 Broadway

Requesting an **AREA Variance** for 20 feet on the minimum rear setback, and 1 story on the minimum building height which does not meet the requirements of the Schedule of Use and Bulk Regulations in the Broadway Corridor.

Antonio Sanchez 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. Sanchez said no.

The Chairperson opened the public hearing.

No one was present for or against the application.

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

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

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

APPROVAL OF MINUTES

Dianne Dixon moved to approve the November 2024 minutes as submitted.
The Chairperson seconded the motion.
The motion was approved unanimously via roll-call vote.

Dianne Dixon moved to approve the January 2025 minutes as submitted.
Tiffany Buxton seconded the motion.
The motion was approved unanimously via roll-call vote.

With no further business to discuss, the meeting was adjourned at 7:49 p.m.

Respectfully submitted,

J.K. Gentile
Secretary to the Land Use Boards