

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

Members Present: Michael Papaleo, Acting Chairperson
Corey Allen
Ben Brandt
Melvin Hales (alternate)
Julie Lindell

Absent: Joanne Lugo, Chairperson
Tiffany Buxton
Dianne Dixon

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

The Chairperson called the meeting to order at 7:01 p.m. after confirming a quorum.

OLD BUSINESS

APPEAL NO. 2024-36

Applicant: Eulogio Santiago
Owner: 10 Overlook Realty Partners LLC
Location: 10 & 12 Overlook Place

Requesting an **AREA Variance** for 10 feet for one maximum side yard setback, 3% on minimum landscaped area and 20% minimum frontage occupancy which do 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.

Nico Zapata appeared before the Board and gave an overview of the updates since the last presentation to the Board in November 2024. He said the project received Architectural Review Commission (ARC) approval March 11, 2025, and is set to present before the Planning Board in April 2025.

The Assistant Corporation Counsel said the SEQRA process has not been completed by the Planning Board.

Mr. Brandt said the new building should fit the bulk massing and align with the neighboring properties. He asked for pictures of neighboring properties to see how they align with each other and with the new proposed building.

The applicant requested a table of its application until the next meeting.

APPEAL NO. 2024-11

Applicant: Chris Berg, RA/Fifth Street Architecture PLLC

Owner: RD 242 South William Street LLC

Location: 242 South William Street

Requesting **AREA Variances** for:

Lot A: 4.9 feet on the minimum west side setback, 4.9 feet on the minimum east side setback and 6 off-street parking spaces which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Low-Density Residential zone.

Lot B: 10 feet on the minimum west side setback, 10 feet on the minimum east side setback and 6 off-street parking spaces which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Low-Density Residential zone.

Lot C: 10 feet on the minimum west side setback, 10 feet on the minimum east side setback and 6 off-street parking spaces which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Low-Density Residential zone.

Lot D: 10 feet on the minimum west side setback, 10 feet on the minimum east side setback and 6 off-street parking spaces which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Low-Density Residential zone.

Lot E: 10 feet on the minimum west side setback, 10 feet on the minimum east side setback and 6 off-street parking spaces which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Low-Density Residential zone.

Lot F: 10 feet on the minimum west side setback, 10 feet on the minimum east side setback, 4.63% on the maximum lot coverage and 6 off-street parking spaces which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Low-Density Residential zone.

Lot G: 10 feet on the minimum west side setback, 10 feet on the minimum east side setback, 4.63% on the maximum lot coverage and 6 off-street parking spaces which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Low-Density Residential zone.

Lot H: 10 feet on the minimum west side setback, 7 feet on the minimum east side setback, 0.62% on the maximum lot coverage and 6 off-street parking spaces which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Low-Density Residential zone.

Chris Berg appeared before the Board and gave an overview of the updates since the last presentation to the Board in April 2024. He said the project has been on hold while the Department of Health conducted its review of the eight-lot subdivision.

Ms. Lindell said she would like to review the previously submitted parking study.

Mr. Brandt said he is not in favor of the front yard setback as it does not align with the surrounding properties. He said the buildings should be pulled forward and be closer to the street, even if that meant requiring an additional front yard variance. He said the current design looks too “suburban.”

Ms. Lindell asked how far the proposed building from the front property line is.

Mr. Berg said 15 feet, to comply with current setback requirements. He said landscaping, bike racks and covered trash receptacles will be placed in front of each building.

Mr. Allen, Mr. Hales, Ms. Lindell and the Acting Chairperson spoke in favor of the current design proposal.

Mr. Brandt requested that the rendering includes the bike racks.

The Assistant Corporation Counsel said the SEQRA process has not been completed by the Planning Board.

The applicant requested a table of its application until the next meeting.

NEW BUSINESS

APPEAL NO. 2025-14

Applicant: Mark Ellison
Owner: Mark Ellison
Location: 255 Broadway

Requesting an **AREA Variance** for 19.2 feet on the minimum rear yard 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 Zone.

Mark Ellison 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. Ellison said no.

The Chairperson opened the public hearing.

No one was present for or against the application.

Corey Allen moved to close the public hearing.
The Acting Chairperson 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. 2025-15

Applicant: Paulien Lethen
Owner: Paulien Lethen
Location: 46 Chambers Street

Requesting an **AREA Variance** for 51.5 feet on the maximum north side setback, 20 feet on the minimum rear yard setback, 47% minimum frontage occupancy and 25 off-street parking spaces which does not meet the requirements of the Schedule of Use and Bulk Regulations in the Downtown Neighborhood District.

David Gordon and Laurie Heldman appeared before the Board.

Mr. Gordon gave an overview of the proposed project.

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

Mr. Gordon said no.

Mr. Allen said the parking study does not adequately reflect available parking during evening hours.

The Chairperson opened the public hearing.

Naomi Hersson-Ringskog submitted a written comment by e-mail, which was made part of the record.

Carson Carter spoke in favor of the application.

The Acting Chairperson moved to close the public hearing.
Julie Lindell seconded the motion.
The motion passed 4-1 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 Acting Chairperson moved to approve the application as submitted.
Julie Lindell seconded the motion.
The motion passed 4-1 via roll-call vote.

APPROVAL OF MINUTES

Corey Allen moved to approve the February 2025 minutes as submitted.
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 7:51 p.m.

Respectfully submitted,

J.K. Gentile
Secretary to the Land Use Boards