

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 April 22, 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)
Julie Lindell

Absent: Corey Allen
Ben Brandt
Michael Papaleo

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

The Chairperson called the meeting to order at 7:03 p.m. after confirming a quorum.

OLD BUSINESS

APPEAL NO. 2025-08

Applicant: Daniel Merino
Owner: Daniel Merino
Location: 162 Dubois Street

LOT A: Requesting an **AREA Variance** for 408 square feet on the minimum lot area, 11.4 feet on the minimum lot depth, and 41% on the maximum lot coverage, which does not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium Density Residential Zone.

LOT B: Requesting an **AREA Variance** for 408 square feet on the minimum lot area, 11.4 feet on the minimum lot depth, 7.8 feet on the minimum front yard, 5 feet on the minimum north side yard, 5 feet on the minimum south side yard, 29% on the maximum lot coverage, and 6 off-street parking spaces which does not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium Density Residential Zone.

Jonathan Millen appeared before the Board and gave an overview of the updates since the last presentation to the Board in January 2025 and an overview of the submitted parking study. Ms. Dixon asked about the status of shifting the building to accommodate on site parking.

Mr. Millen said the owner would not consider it as he felt there was adequate parking on the street.

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

NEW BUSINESS

APPEAL NO. 2025-16

Applicant: David Niemotko/David Niemotko Architect, P.C.
Owner: Soak and Rinse, LLC
Location: 750 Broadway

Requesting an **AREA Variance** for 4.1 feet on the minimal front yard setback, 7.4 feet on the minimum west side yard setback, 10 feet on the minimum east side yard setback, and 10.56% on maximum lot coverage which does not meet the requirements of the Schedule of Use and Bulk Regulations in the Low-Density Residential Zone in the Neighborhood Commercial Overlay.

David Niemotko appeared before the Board and gave an overview of the proposed project.

Ms. Dixon asked to confirm the number of stories as the Building Inspector's ruling reflects contradictory language.

Mr. Niemotko confirmed the proposal is to construct a two-story addition.

The Assistant Corporation Counsel said an updated Building Inspector's ruling is forthcoming for both the 750 Broadway and 754 Broadway projects.

Ms. Lindell asked how the new construction conforms to the neighboring properties.

Mr. Niemotko said the construction is contextual with the neighborhood and the building itself because the proposed extension will be at the rear of the building.

Ms. Buxton asked if the proposed new construction could be seen from the street.

Mr. Niemotko said no.

Ms. Lindell asked where the entrance to the new addition will be located.

Mr. Niemotko said the entrance to the new addition will be at the rear of the property.

Ms. Lindell asked to confirm the location of the driveway.

Mr. Niemotko said the shared driveway will be between 750 and 754 Broadway with six parking spaces behind each building.

The Chairperson opened the public hearing.

Nicholas Angelo spoke against the application for traffic flow and traffic safety impacts.

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

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

APPEAL NO. 2025-17

Applicant: David Niemotko/David Niemotko Architect, P.C.
Owner: Soak and Rinse, LLC
Location: 754 Broadway

Requesting an **AREA Variance** for 0.2 feet on the minimal front yard setback, and 9.7 feet on the minimum west side yard setback, which does not meet the requirements of the Schedule of Use and Bulk Regulations in the Low-Density Residential Zone in the Neighborhood Commercial Overlay.

David Niemotko appeared before the Board and gave an overview of the proposed project.

The Chairperson opened the public hearing.

Nicholas Angelo spoke against the application for traffic flow and traffic safety impacts.

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

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

APPEAL NO. 2025-18

Applicant: Shimon Deutsch
Owner: 27 S Montgomery LLC
Location: 102 Carter Street

Requesting an **AREA Variance** for 10 feet on the minimal front yard setback, 2.2 feet on the minimum east side yard setback, 3.7 feet on the west side yard setback, 10% 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.

Shimon Deutsch 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. Deutsch 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.

Julie Lindell seconded the motion.

The motion passed unanimously via roll-call vote.

Dianne Dixon moved to declare the action Type II for SEQRA.

Julie Lindell seconded the motion.

The motion passed unanimously via roll-call vote.

Dianne Dixon moved to approve the application as submitted.

Julie Lindell seconded the motion.

The motion passed unanimously via roll-call vote.

APPEAL NO. 2025-19

Applicant: Jaspreet Singh

Owner: 364-366 Broadway LLC

Location: 364 Broadway

Requesting an **AREA Variance** for 2 stories on the minimum building height which does not meet the requirements of the Schedule of Use and Bulk Regulations in the Broadway Corridor.

Jaspreet Singh and Sukhmani Singh appeared before the Board.

Sukhmani Singh gave an overview of the proposed project. He said the project received Planning Board approval in April 2025.

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

Sukhmani Singh said no.

The Chairperson opened the public hearing.

Mayra Garcia spoke against the application because of the impact it would have on her adjacent building and specifically the rear driveway access.

Ms. Lindell asked the applicant if there is any reason why the adjoining rear driveway could be impacted.

Sukhmani Singh said the neighboring property had issues with the current tenant utilizing the rear driveway but they will make sure not to disturb the neighboring property during interior construction and that delivery trucks are able to park elsewhere.

Mr. Hales asked about rear egress of the adjoining properties.

Jaspreet Singh said his property has its own rear egress.

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 the action Type II for SEQRA.

Julie Lindell seconded the motion.

The motion passed unanimously via roll-call vote.

Dianne Dixon moved to approve the application as submitted.

Julie Lindell seconded the motion.

The motion passed unanimously via roll-call vote.

APPROVAL OF MINUTES

Dianne Dixon moved to approve the March 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 7:45 p.m.

Respectfully submitted,

J.K. Gentile

Secretary to the Land Use Boards