

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 May 27, 2025 at 7:00 p.m. at the Heritage Center, 123 Grand Street, Newburgh, New York.

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

Absent: Corey Allen
Dianne Dixon

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

The Chairperson called the meeting to order at 7:04 p.m. after confirming a quorum.

NEW BUSINESS

APPEAL NO. 2025-21

Applicant: Shenny Cardona
Owner: Suzanne Group LLC
Location: 228 Washington Street

Requesting an **AREA Variance** for 14 off-street parking spaces which does not meet the requirements of the Schedule of Use and Bulk Regulations in the Low Density Residential and Neighborhood Commercial Overlay.

Shenny Cardona and Robert Cinque appeared before the Board.

Mr. Cinque gave an overview of the proposed project.

The Assistant Corporation Counsel asked to confirm the owner’s intent that the second and third floors will remain a two-family dwelling and that the Certificate of Occupancy will change from “Mercantile” to “Restaurant, carry out”.

Mr. Cinque confirmed.

Ms. Lindell asked if there were any proposed changes to the building footprint.

Mr. Cinque said no.

Mr. Brandt asked to confirm that there are no proposed changes to the residential portion of the building.

Mr. Cinque confirmed.

Mr. Papaleo asked to confirm it will be take-out only.

Mr. Cinque confirmed and said there is not enough space to make it into an eat-in restaurant but that carry-out will accommodate parking availability.

Mr. Papaleo said there is a concern regarding double-parking on the narrow street.

The Chairperson opened the public hearing.

No one was present for or against the application.

Julie Lindell moved to close the public hearing.

Ben Brandt 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.

APPEAL NO. 2025-22

Applicant: Alvin Moonesar

Owner: Nutopia 203 Grand, LLC

Location: 203 Grand Street

Requesting an **AREA Variance** for 10,402 sq. feet on the minimum lot area, 5 feet on the minimum lot width, 10 feet on the minimum east front yard setback, 10 feet on the minimum north front yard setback, 9.7 feet on the minimum south side yard setback, 9.4 feet on the minimum west side yard setback, 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

Alvin Moonesar and Austin Moonesar appeared before the Board.

Alvin Moonesar gave an overview of the proposed project.

Ms. Lindell asked if the existing apartments are currently rented.

Alvin Moonesar said yes, the existing six dwelling units are currently rented but the basement area is vacant.

Mr. Brandt asked for the square footage of each new unit.

Alvin Moonesar said 400 square feet per unit.

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. 2025-23

Applicant: Alvin Moonesar
Owner: Edgar R. Chacha
Location: 203 Robinson Avenue

Requesting an **AREA Variance** for 4.1 feet on the minimum east front yard setback, 6.4 feet on the minimum north front yard setback which does not meet the requirements of the Schedule of Use and Bulk Regulations in the Low-Density Residential Zone.

Alvin Moonesar and Austin Moonesar appeared before the Board.

Alvin Moonesar said the owner decided to maintain the property as a two-family dwelling and withdraws his proposal to convert the property into a three-family dwelling.

The Assistant Corporation Counsel requested the applicant submit withdrawal of its Planning Board and Zoning Board of Appeals applications in writing to the Secretary of the Land Use Boards.

The applicant confirmed and said he would submit in writing.

APPEAL NO. 2025-28

Applicant: Alvin Moonesar
Owner: Mordechai & Hillel LLC
Location: 137 Johnston Street

Requesting an **AREA Variance** for 10 feet on the minimum front yard setback, 5 feet on the minimum north side yard setback, 0.6 feet on the minimum south side yard setback, and 2 off-street parking spaces which does not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium Density Residential Zone.

Alvin Moonesar and Austin Moonesar appeared before the Board.

Alvin Moonesar gave an overview of the proposed project.

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.

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

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

APPEAL NO. 2025-24

Applicant: Tim Dexter/Dexter Development & Renovations, LLC
Owner: Ebenezer Baptist Church
Location: Robinson Avenue SBL: 3-9-24.21

Lot A: Requesting an **AREA Variance** for 5 feet on the minimum south side yard setback which does not meet the requirements of the Schedule of Use and Bulk Regulations in the Low-Density Residential zone.

Lot B: Requesting an **AREA Variance** for 148 SF on the minimum lot area, 5 feet on the north side yard setback, 5 feet on the minimum south side yard setback, and 2.06 feet on the minimum lot width, which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Low-Density Residential zone.

Lot C: Requesting an **AREA Variance** for 205 SF on the minimum lot area, 4.36 feet on the minimum lot depth, 5 feet on the north side yard setback, and 5 feet on the minimum south side yard setback, which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Low-Density Residential zone.

Lot D: Requesting an **AREA Variance** for 263 SF on the minimum lot area, 6.67 feet on the minimum lot depth, 5 feet on the minimum north side yard setback, and 5 feet on the minimum south side yard setback, which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Low-Density Residential zone.

Lot E: Requesting an **AREA Variance** for 9.97 feet on the minimum lot depth, and 5 feet on the minimum north side yard setback, 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 proposed project.

Mr. Brandt asked if the single-family units would be rented or sold.

Mr. Berg said the units will be sold.

Ms. Buxton said it appears there is minimal rear yard space.

Mr. Berg said there is enough space to accommodate driveways and two parking spaces per unit. He said the proposed retaining wall on the east side narrows the rear yard area.

The Chairperson opened the public hearing.

No one was present for or against the application.

Julie Lindell moved to close the public hearing.

Ben Brandt seconded the motion.

The motion passed unanimously via roll-call vote.

The Assistant Corporation Counsel said this application is subject to a coordinated review for SEQRA. He said the Planning Board declared its intent to be Lead Agency at its May 20, 2025 meeting. As such, other than the public hearing, no additional action could be taken on the application tonight.

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

APPEAL NO. 2025-25

Applicant: Richard DiPietro
Owner: Equity Trust Company Custodian
FBO Ronald DiPietro IRA
Location: 154 Third Street

Requesting an **AREA Variance** for 628 SF on the minimum lot area, 20 feet on the minimum lot depth, 1.5 feet on the minimum south front yard setback, 10 feet on the minimum west side yard setback, 5 feet on the minimum east side yard setback, 34% maximum lot coverage and 2 off-street parking spaces which does not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium Density Residential Zone.

Richard DiPietro appeared before the Board and gave an overview of the proposed project.

Ms. Lindell asked if the property is currently used as a two-family, even though the Certificate of Occupancy reflects a one-family residential.

Mr. DiPietro confirmed.

Ms. Lindell asked if there are any proposed exterior modifications.

Mr. DiPietro said there is an application pending before the Architectural Review Commission to repair the front porch, install new windows, and paint.

Ms. Lindell asked if there were any proposed changes to the building footprint.

Mr. DiPietro said no.

The Chairperson opened the public hearing.

No one was present for or against the application.

Julie Lindell moved to close the public hearing.

Ben Brandt 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.

Ben Brandt seconded the motion.

The motion passed unanimously via roll-call vote.

APPEAL NO. 2025-26

Applicant: Amber France
Owner: 193 South Acts LLC
Location: 193 South Street

Requesting an **AREA Variance** for 10 feet on the minimum front yard setback, 2.1 feet on the minimum west side yard setback, 5 feet on the minimum east side yard setback, 9 percent maximum lot coverage and 2 off-street parking spaces which does not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium Density Residential in the Neighborhood Commercial Overlay Zone.

Amber France appeared before the Board and gave an overview of the proposed project.

Ms. Lindell asked if there were any proposed changes to the building footprint.

Ms. France said no.

The Chairperson opened the public hearing.

No one was present for or against the application.

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

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

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

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

APPEAL NO. 2025-27

Applicant: Manuel Zacarias
Owner: Manuel Zacarias Gregorio
Location: 11 Hillcrest Place

Requesting an **AREA Variance** for 9.1 feet on the front yard setback, 3.5 feet on the north side yard setback, 0.5 feet on the south side yard setback, and 5 off-street parking spaces which does 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.

Mr. Brandt said the addition appears out of character for the neighborhood.

The Chairperson opened the public hearing.

No one was present for or against the application.

Julie Lindell moved to close the public hearing.

Tiffany Buxton 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.

Tiffany Buxton seconded the motion.

The motion passed unanimously via roll-call vote.

APPEAL NO. 2025-20

Applicant: Gaetano Agnello

Owner: Gaetano Agnello

Location: 291 Washington Street

Requesting a **USE Variance** for a four-family dwelling in the Low-Density Residential Zone.

Gaetano Agnello and Trevor Hannigan appeared before the Board.

Mr. Hannigan gave an overview of the proposed project.

Mr. Brandt asked if the rear building is a two-story building.

Mr. Agnello said the rear building is one-story.

Ms. Lindell asked if someone was living in the unit.

Mr. Hannigan said yes.

Mr. Brandt asked about the visible garage doors.

Mr. Hannigan said the garage doors have been internally framed out.

The Chairperson opened the public hearing.

No one was present for or against the application.

Michael Papaleo 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.

The Assistant Corporation Counsel said reviewed the use variance criteria in Chapter §300-115 of the City Code. He said the information supplied by applicant does not meet even the minimum threshold criteria to consider granting the use variance. He asked the applicant to confirm whether it wanted to proceed with a vote this evening or table the application to review the use variance criteria and provide additional information to the Board for review.

Ms. Lindell asked if other legal uses within the Low-Density Zone had been considered.

Mr. Agnello said no.

Mr. Brandt said he would like to see other legal considerations within the Low-Density Zone.

Ms. Lindell agreed.

Ms. Buxton asked how long the property has been owned by the applicant.

Mr. Agnello said twenty-two years.

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

APPROVAL OF MINUTES

Julie Lindell moved to approve the April 2025 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 8:05 p.m.

Respectfully submitted,

J.K. Gentile

Secretary to the Land Use Boards