

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 June 24, 2025 at 7:00 p.m. at the Heritage Center, 123 Grand Street, Newburgh, New York.

Members Present: Joanne Lugo, Chairperson
Tiffany Buxton
Dianne Dixon
Melvin Hales, Alternate

Absent: Corey Allen
Ben Brandt
Julie Lindell
Michael Papaleo

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

The Chairperson called the meeting to order at 7:09 p.m. after confirming a quorum.

NEW BUSINESS

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.

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

Amber France appeared before the Board.

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

APPEAL NO. 2025-28

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.

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

Alvin Moonesar appeared before the Board.

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

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 proposed project. He said the project was approved by the Planning Board at the May meeting. He said the buildings would be placed side by side in a townhouse style and each end lot will have an alleyway leading to the rear of the complex, each lot will be separately owned, and they explored providing on-site parking, but it would require a significant rear yard infill and removal of one unit to accommodate. He referred to the submitted parking study demonstrating available parking and that the site is located close to bus lines.

Ms. Dixon asked to confirm each unit would be three stories.

Mr. Berg confirmed.

Ms. Dixon asked about the building height of the surrounding properties.

Mr. Berg said the buildings are predominately two to three-story residential homes.

Ms. Dixon asked to explain why parking could not be on site and enter from the rear of the buildings.

Mr. Berg said the property abuts Hasbrouck Street. He said the property is not a through lot and there is not enough rear space for on-site parking and for a yard.

The Assistant Corporation Counsel said since the last presentation to the Board, the Planning Board completed a coordinated SEQRA review and issued a negative declaration.

Dianne Dixon moved to approve the application as submitted.

The Chairperson seconded the motion.

The motion passed unanimously via roll-call vote.

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 in relation to the updated Informational for both the 750 Broadway and 754 Broadway projects.

The Assistant Corporation Counsel said the project is pending Planning Board review of the current layout, which proposes a shared driveway easement in favor of the 750 Broadway parcel to allow those residents to park on the 754 Broadway parcel.

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

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 Assistant Corporation Counsel said the parking discussion for this property mimics the discussion from the 750 Broadway property.

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

APPEAL NO. 2025-29

Applicant: Perry Cleaveland/Centene Corporation

Owner: 185 Broadway LLC

Location: 185 Broadway

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

Perry Cleaveland 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. Cleaveland 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.

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.

APPROVAL OF MINUTES

Dianne Dixon moved to approve the May 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 7:41 p.m.

Respectfully submitted,

J.K. Gentile

Secretary to the Land Use Boards