

**REGULAR MEETING  
November 25, 2014**

**City of Newburgh Zoning Board of Appeals**

Summary of Record of Actions Taken at the Regular Meeting of the Newburgh Zoning Board of Appeals held on November 25, 2014 at 7:30 p.m. at City Hall, 83 Broadway, Newburgh, NY.

Members Present: Joanne Lugo  
Victor Mirabelli  
Michael Papaleo  
Barbara Smith  
David Schwartz

Also Present: Timothy Kramer, Assistant Corporation Counsel  
Michelle Mills, Secretary to the Board

**Motion to Approve Minutes of September 23, 2014: Victor Mirabelli**  
**Motion Second: Barbara Smith**  
**Motion Carried: Unanimous**

**One Year Extension:**

**Appeal No. 2013-13**

Applicant/Owner: Statistical Analysis, Inc.

Location: 302 North Water Street

Requesting an **USE Variance** to permit the redevelopment of the existing Regal Bag property for mixed residential uses consisting of 55 adaptive re-use residential units in the Regal Bag factory building, 48 waterfront townhouses, 48 units in two multi-family building and 14 townhouses along Martin Luther King, Jr. Boulevard and an **AREA Variance** for 7 feet on townhouse lot width, 58 feet on townhouse lot depth, 3 feet on townhouse front yard setback, 20 feet on townhouse with no shared wall side yard setback, 20 feet on townhouse rear yard setback, 5 feet or .5 story on townhouse height and 25 feet or 2.5 stories on apartment building height; 121 parking spaces, which do not meet the requirements of the Schedule of Use and Bulk Regulations in an R-1 Zone.

William Kaplan appeared before the Board with his grandson, Jonathan Gadsik, seeking a third extension. The Zoning Board approved the variances on February 23, 2010. Mr. Kaplan stated that the market conditions have prevented him from moving forward with the project. He is considering applying to the Planning Board to alter his plans, and may come back with a larger proposal that may include the property across the street. Mr. Gadsik is going to be concentrating on the project. They are considering starting on the Regal Bag building first.

Motion to Approve One Year Extension: Victor Mirabelli  
Motion Second: Michael Papaleo  
Motion Carried: Unanimous

**Old Business:**

**1. Appeal No. 2014-14**

Applicant: Total Property Management, LLC; Walter Mandel, member

Owner: Denkor Real Estate LLC

Location: 411 Broadway

Requesting a USE Variance to allow for a tavern which does not meet the requirements of the Schedule of Use and Bulk Regulations in a C3 Zone.

Walter Mandel appeared before the Board. This application had previously been tabled. Mr. Mandel stated that the Zoning Board granted a use variance for a tavern in 2003. In 2009 the property became vacant when the tenant left. The entire building is currently at a fifty percent occupancy. A new tenant signed a five year lease in June for \$130,000 over five years. This would bring the building occupancy to sixty-six percent.

Mr. Mandel stated that the variance will not change the character of the neighborhood, which will remain commercial. He further stated that there are unique circumstances to this property in that the building consists of a strip mall with six units and a parking lot on over one and a half acres of property. Most of the properties in this area are not of that size, and do not have to cover such operating expenses. Mr. Mandel noted that there will be no effect on physical or environmental conditions as the building is pre-existing and all renovations will be indoors. Mr. Mandel stated that he has been unable to find any suitable tenant for any permitted use.

Barbara Smith stated that the space had been used for a long time as a tavern. Timothy Kramer noted that a tavern is a permitted use in the draft of the future zoning code.

Motion to Table: Victor Mirabelli

Motion Second: Barbara Smith

Roll Call Vote: Unanimous

**Motion Carried: Unanimous**

Meeting Adjourned 8:10 pm

Respectfully Submitted:

Approved:

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**Michelle M. Mills, Secretary**

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**Joanne Lugo, Chairperson**