

**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 28, 2023 at 7:00 p.m. at the Activity Center, 401 Washington Street, Newburgh, New York.

Members Present: Joanne Lugo Chairperson  
Corey Allen  
Dianne Dixon  
Melvin Hales (alternate)  
Julie Lindell  
Michael Papaleo

Absent: Ben Brandt  
Tiffany Buxton

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

The Chairperson called the meeting to order at 7:02 p.m. after confirming a quorum.

**NEW BUSINESS**

**APPEAL NO. 2023-02**

**Applicant:** Jeff Wilkinson, R.A.  
**Owner:** Clark Newman  
**Location:** 278 Montgomery Street

Requesting an **AREA Variance** for 22 feet on lot depth, 2.25 feet on the front yard setback and 7% on lot coverage which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Low Density Residential Zone.

Jeff Wilkinson appeared before the Board and gave an overview of the proposed project.

Ms. Lindell asked if the proposed project will bring the building closer to the neighbors on the sides.

Mr. Wilkinson said it will have no interference with the sides.

The Chairperson opened the public hearing.

No one was present for or against the project.

Corey Allen moved to close the public hearing.  
Julie Lindell 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 application as submitted.  
Julie Lindell seconded the motion.  
The motion passed unanimously via roll-call vote.

**APPEAL NO. 2023-03**

**Applicant:** HV Realty Services, Inc.  
**Owner:** Blue Sky Distinctive Properties LLC  
**Location:** 79 Pierces Road

Requesting an **AREA Variance** for 10 feet on the building height which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Industrial Zone.

David Benninger, Jerry Casesa and Amador Laput appeared before the Board.

Mr. Casesa gave an overview of the proposed project.

The Chairperson opened the public hearing.

No one was present for or against the project.

Corey Allen moved to close the public hearing.  
Julie Lindell 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 application as submitted.  
Julie Lindell seconded the motion.  
The motion passed unanimously via roll-call vote.

**APPEAL NO. 2023-04**

**Applicant:** Berg + Moss Architects, PC/Chris Berg, R.A.  
**Owner:** Weaver Debe  
**Location:** 111 Lander Street

Requesting an **AREA Variance** for 10 feet on the front yard setback and 5 feet on the North side yard setback, 5 feet on the South side yard setback which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium Density Residential Zone.

Chris Berg and Weaver Debe appeared before the Board.

Mr. Berg gave an overview of the proposed project. He said the building footprint is under the maximum lot coverage. He said the square footage of the lot area is 46,000 and the building footprint is estimated at 1,000 square feet.

The Chairperson opened the public hearing.

No one was present for or against the project.

Corey Allen moved to close the public hearing.  
Julie Lindell 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 application as submitted.  
Julie Lindell seconded the motion.  
The motion passed unanimously via roll-call vote.

**APPEAL NO. 2023-05**

**Applicant:** Berg + Moss Architects, PC/Chris Berg, R.A.  
**Owner:** Newburgh SHG 62 LLC  
**Location:** 205 Broadway

Requesting an **AREA Variance** for 21 feet on lot depth, 20 feet on the rear yard setback and 10% on the landscaped area which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Broadway Corridor Zone.

Chris Berg appeared before the Board and gave an overview of the proposed project. He said the current Certificate of Occupancy reflects a 3 family-dwelling. He said the applicant is updating the Certificate of Occupancy to reflect a 5 family-dwelling as it is currently occupied and operating

as a 5 family-dwelling. The applicant would like to keep the building as a 5-family dwelling. He said there is no change to the building footprint.

The Chairperson opened the public hearing.

No one was present for or against the project.

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 itself lead agency for SEQRA.

Julie Lindell seconded the motion.

The motion passed unanimously via roll-call vote.

Dianne Dixon moved to declare a negative declaration under SEQRA.

Julie Lindell seconded the motion.

The motion passed unanimously via roll-call vote.

Diane Dixon moved to approve application as submitted.

Julie Lindell seconded the motion.

The motion was denied 5-1 via roll-call vote.

### **APPEAL NO. 2023-06**

**Applicant:** Berg + Moss Architects, PC/Chris Berg, R.A.

**Owner:** Parmenter Equities LLC

**Location:** 45 Hasbrouck Street

Requesting an **AREA Variance** for 15 feet on the front yard setback, 9.25 feet on the East side yard setback, 10 feet on the West side yard 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

Chris Berg appeared before the Board and gave an overview of the proposed project and the submitted parking study.

Mr. Papaleo asked to confirm the total number of units.

Mr. Berg said three. He said they are proposing separating the ground floor and basement unit into two separate units.

Mr. Allen asked how many bedrooms are in the basement unit.

Mr. Berg said one bedroom.

The Chairperson opened the public hearing.

Mike Connors spoke in favor of the application.

Corey Allen moved to close the public hearing.

Julie Lindell 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.

Diane Dixon moved to approve application as submitted.

Julie Lindell seconded the motion.

The motion passed unanimously via roll-call vote.

**APPEAL NO. 2023-07**

**Applicant:** Rene Gonzalez Orta  
**Owner:** 123 3<sup>rd</sup> Street of Newburgh LLC  
**Location:** 66 Campbell Street

Requesting an **AREA Variance** for 6.3 feet on the front yard setback, 5 feet on the West side yard setback, 2.4 feet on the East side yard setback, 15% on lot coverage and 3 off-street parking spaces which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium Density Residential Zone.

Rene Gonzalez-Orta and James Gibbons appeared before the Board.

Mr. Gibbons gave an overview of the proposed project and the submitted parking study.

Ms. Dixon asked if the applicant owns the neighboring vacant lot.

Mr. Gibbons said the vacant lot is under separate ownership.

Ms. Dixon said the last time there was a neighboring building was 2012.

Mr. Allen asked how long this property has been vacant.

Mr. Gibbons said the property has been vacant for many years.

The Chairperson opened the public hearing.

No one was present for or against the project.

Corey Allen moved to close the public hearing.

Julie Lindell 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 application as submitted.  
Julie Lindell seconded the motion.  
The motion passed unanimously via roll-call vote.

**APPEAL NO. 2023-08**

**Applicant:** Daniel Valverde/Mill Street Partners NY LLC  
**Owner:** Game Tab LTD  
**Location:** 153-159 Mill Street

Requesting an **AREA Variance** for 4 off-street parking spaces, which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Commercial zone.

Greg Sgromo, Dan Valverde and Lon Kammerman appeared before the Board.

Mr. Sgromo gave an overview of the proposed project and the traffic impacts/trip generations.

Ms. Dixon asked how many on-site parking spaces are proposed.

Mr. Sgromo said three on-site parking spaces in the current configuration. Mr. Sgromo said the application is before the Planning Board, and only two on-site parking spaces might be provided based upon site considerations. The applicant therefore is requesting 4 off-street parking spaces to reflect the maximum off-street parking variance the applicant might need.

The Chairperson opened the public hearing.

No one was present for or against the project.

Corey Allen moved to close the public hearing.  
Julie Lindell 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 application as submitted.  
Julie Lindell seconded the motion.  
The motion passed unanimously via roll-call vote.

### **Approval of Minutes**

Corey Allen moved to approve the January 2023 meeting minutes.

Julie Lindell seconded the motion.

The motion passed unanimously via roll-call vote.

Corey Allen moved to approve the February 2023 meeting minutes.

Julie Lindell seconded the motion.

The motion passed unanimously via roll-call vote.

With no further business to discuss, the meeting adjourned at 7:47 p.m.

Respectfully submitted,

J.K. Gentile

Secretary to the Land Use Boards