

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 September 24, 2024 at 7:00 p.m. at the Activity Center, 401 Washington Street, Newburgh, New York.

Members Present: Michael Papaleo, Acting Chairperson
Ben Brandt
Tiffany Buxton
Dianne Dixon
Melvin Hales (alternate)

Absent: Joanne Lugo, Chairperson
Corey Allen
Julie Lindell

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

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

OLD BUSINESS

APPEAL NO. 2024-27

Applicant: Gildo DeOliveira
Owner: Newburgh 1 River View Place LLC
Location: 1 Riverview Place

Requesting an **AREA Variance** for 63.1 feet on the maximum side yard setback, and 52.1% on the minimum frontage occupancy which does not meet the requirements of the Schedule of Use and Bulk Regulations in the Downtown Neighborhood District.

GML §239 response was made a matter of record.

Gildo DeOliveira appeared before the Board.

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

APPEAL NO. 2024-22

Applicant: Kelly Libolt/KARC Planning Consultants, Inc.
Owner: West Shore Hudson LLC
Location: 27 South Water Street

Requesting an **AREA Variance** for 67.5 feet on the maximum south side setback, 15% on the minimum landscaped area, and 2 stories on the minimum building height which does not meet the requirements of the Schedule of Use and Bulk Regulations in the Planned Waterfront Development District in the Waterfront Protection Overlay.

Kelly Libolt and Amy Argyrakis appeared before the Board

Ms. Libolt gave a brief update to the project since the July presentation to the Board. She said the Planning Board completed a coordinated SEQRA review and the Planning Board issued negative declaration. She reviewed the area variances requested.

The Acting Chairperson asked why a parking variance was not being requested.

The Assistant Corporation Counsel said for the uses proposed and the applicable zone, the parking requirement is determined by the Planning Board as per the City Code.

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

NEW BUSINESS

APPEAL NO. 2024-30

Applicant: Charles P. May
Owner: Albro Utilities Corporation
Location: 18 Little Britain Road

Requesting an **AREA Variance** for 7.7 feet on the minimum north side setback, and 7 off-street parking spaces which does not meet the requirements of the Schedule of Use and Bulk Regulations in the Commercial District and in the Waterfront Protection Overlay.

Charles P. May and Mark Rothstein appeared before the Board.

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

Ms. Dixon asked to clarify whether the labeled “traffic study” submitted for review is intended as a parking study or a traffic study.

Mr. May confirmed it is a parking study, and intended to show the availability of off-street parking in the area.

Ms. Dixon asked if there are residential dwellings located within proximity to the property.

Mr. May said there are no residential dwellings on Little Britain Road, all the properties are commercial properties. He said there is on-site parking for employees.

Mr. Brandt asked to confirm that the variance request is for the existing building and not for the expansion.

Mr. May confirmed.

The Acting Chairperson asked for confirmation of the exact location of the property as there appear to be two roads known as "Little Britain Road" in the City of Newburgh.

The Assistant Corporation Counsel explained the two-road labeling. He added that the property owner is not proposing any construction or alteration to any roadway, and all proposed expansion work is occurring within the perimeter of their property.

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 Assistant Corporation Counsel said the applicant must perform a recalculation of the lot coverage for staff review based on the proximity to the Quassaick Creek. An updated Informational may be required pending determination.

The Acting Chairperson opened the public hearing.

No one was present for or against the application.

Dianne Dixon moved to close the public hearing.

Ben Brandt seconded the motion.

The motion passed unanimously via roll-call vote.

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

The Acting Chairperson seconded the motion.

The motion passed unanimously via roll-call vote.

APPROVAL OF MINUTES

Dianne Dixon moved to approve the August 2024 minutes as submitted.
The Acting Chairperson seconded the motion.
The motion was approved unanimously via roll-call vote.

With no further business to discuss, the meeting was adjourned at 7:30 p.m.

Respectfully submitted,

J.K. Gentile
Secretary to the Land Use Boards