

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 October 22, 2024 at 7:00 p.m. at the Activity Center, 401 Washington Street, Newburgh, New York.

Members Present: Joanne Lugo, Chairperson
Corey Allen
Ben Brandt
Tiffany Buxton
Dianne Dixon
Melvin Hales (alternate)
Julie Lindell

Absent: Michael Papaleo

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.

OLD BUSINESS

APPEAL NO. 2023-40

Applicant: Kelly Libolt/KARC Planning Consultants, Inc.
Owner: Angelo Balbo Management LLC
Location: 825 Broadway

Kelly Libolt and John Furst, Esq. appeared before the Board

Ms. Libolt presented renderings as requested at the last presentation to the Board in July 2024. She said the new proposal consists of a three-story front façade, a four-story rear, 74 total dwelling units and 3,129 square feet of retail space. She said the three-story massing along Broadway will be consistent with the neighborhood.

Ms. Libolt asked if the new proposal could be considered as an amendment to the March 2024 decision.

The Assistant Corporation Counsel said the new plan would require a new ruling from the Zoning Enforcement Officer. If the new plan required either a use variance or area variances, the ZBA

would hear an appeal of that new plan. He said if the applicant's proposal is to move forward with the new plan, the old one would be deemed withdrawn and supplanted by the new submission.

Mr. Furst asked if part of the new application would be a request to modify the conditions of the prior approval.

The Assistant Corporation Counsel the Board has the final authority on the issue, as there isn't a requirement in the code for this type of request. However, he would recommend against this path to avoid confusion on the different application paths.

Ms. Libolt asked if there was a process to amend a resolution without having to start all over with a ruling from the Zoning Enforcement Officer.

The Assistant Corporation Counsel said the Board has not traditionally allowed that practice, with the exception of cases that implicated minor changes to an overall plan proposal. It is also not one that he would be comfortable recommending.

The application was tabled until the next meeting.

APPEAL NO. 2023-45

Applicant: Nathaniel Gooden, P.E./Caesar Engineering D.P.C.

Owner: Stephen Taya Property Development, LLC

Location: 194 Dubois Street & 197 North Miller Street

Requesting an **AREA Variance** on **Lot A** for 10,674 square feet on lot area, 8 feet on the front yard setback, 10 feet on the North side yard setback, 7.5 feet on the South side yard setback, 17.5 feet on the rear yard setback and 2 off-street parking spaces. which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium Density Residential Zone.

Requesting an **AREA Variance** on **Lot B** for 688 square feet on lot area, 5 feet on the South side yard setback and 23.6% on lot coverage which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium Density Residential Zone.

Nick Caesar appeared before the Board and gave an update on the proposed project since the last presentation to the Board November 2023. He said they are currently before the Planning Board and hoping for a project approval shortly. He said they received Architectural Review Commission approval in October 2023. He said responses are pending from Homes and Community Renewal and the Homes Program. He said they have revised their proposal since the last presentation to the Board from 6 units to 10 units The bedroom count has not changed. The intention is 2, two-family units and 8, single-family units.

Ms. Dixon asked to confirm the changes to the proposal since the November proposal.

Mr. Caesar said the number of total dwelling units has changed. He said the intent was to increase the total number of apartments. He said the parking variance is not affected as per code, as parking

is based on the number of bedrooms. He said the new proposal added a front yard setback variance request and a rear yard setback variance request.

The Assistant Corporation Counsel said the Planning Board declared itself lead agency at the September 24, 2024 meeting, but a negative declaration is pending. As this project is a coordinated review, no Board vote could be held tonight.

Ms. Buxton asked if the carport is one or two levels.

Mr. Caesar said the carport covers seven parking spaces, and is a minimal structure that will accommodate solar panels.

Mr. Brandt asked to confirm that the proposed structure will align with the neighboring properties.

Mr. Caesar confirmed.

Ms. Lindell requested submission of a rendering.

Ms. Lindell asked to confirm that the entrance to the parking lot is off Dubois Street.

Mr. Caesar confirmed.

The application was tabled until the next meeting.

NEW BUSINESS

APPEAL NO. 2024-31

Applicant: Nils Fredriksen/Crozier Gedney Architects P.C.

Owner: Habitat for Humanity of Greater Newburgh Inc.

Location: 225 Third Street

Requesting an **AREA Variance** for 5 feet in the minimum front yard setback, 5 feet in the minimum east side yard setback, 5 feet in the minimum west side yard setback and 1 off-street parking space which does not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium Density Residential District.

Corey Allen recused himself from participation on the application.

Nils Fredriksen and Stephan DeGroat appeared before the Board.

Mr. Fredriksen gave an overview of the proposed project.

Ms. Dixon asked to confirm that the property is proposed as a one-family dwelling.

Mr. Fredrikson confirmed.

Ms. Buston asked to confirm the floor plan with respect to bedroom count.

Mr. Fredrikson said they propose one bedroom in the cellar and four bedrooms on the second floor.

The Chairperson opened the public hearing.

No one was present for or against the application.

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 the action Type II for SEQRA.

Julie Lindell seconded the motion.

The motion passed unanimously via roll-call vote.

Dianne Dixon moved to approve the application as submitted.

Julie Lindell seconded the motion.

The motion passed unanimously via roll-call vote.

APPEAL NO. 2024-32

Applicant: Stephan Mitchell DeGroat/Habitat for Humanity of Greater Newburgh Inc.

Owner: Habitat for Humanity of Greater Newburgh Inc.

Location: 227 Third Street

Requesting an **AREA Variance** for 5 feet in the minimum front yard setback, 5 feet in the minimum east side yard setback, 0.2 feet in the minimum west side yard setback and 1 off-street parking space which does not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium Density Residential District.

Corey Allen recused himself from participation on the application.

Stephan DeGroat and Nils Fredriksen appeared before the Board.

Mr. DeGroat gave an overview of the proposed project. He said the property is a four-bedroom, one-family dwelling.

The Assistant Corporation Counsel asked if there were any proposed changes to the building footprint.

Mr. DeGroat said no.

The Chairperson opened the public hearing.

Dale Rodriguez spoke against the application due to parking concerns.

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 the action Type II for SEQRA.

Julie Lindell seconded the motion.

The motion passed unanimously via roll-call vote.

Dianne Dixon moved to approve the application as submitted.

Julie Lindell seconded the motion.

The motion passed unanimously via roll-call vote.

APPROVAL OF MINUTES

Dianne Dixon moved to approve the September 2024 minutes as submitted.

Julie Lindell seconded the motion.

The motion was approved unanimously via roll-call vote.

With no further business to discuss, the meeting was adjourned at 8:03 p.m.

Respectfully submitted,

J.K. Gentile

Secretary to the Land Use Boards