

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 November 26, 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
Julie Lindell

Absent: Joanne Lugo, Chairperson
Corey Allen
Melvin Hales (alternate)

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. 2023-45

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 a brief overview of the proposed project.

The Assistant Corporation Counsel said the applicant received a negative declaration pursuant to a SEQRA coordinated review, a preliminary plat approval, and a conditional site plan approval at the Planning Board's November 6, 2024 meeting.

The Acting Chairperson asked how the 10 units are divided within the building.

Mr. Caesar said six, one-bedroom units and two, two-bedroom units.

Mr. Brandt asked to confirm the front yard setback because the rendering did not appear to accurately reflect the variance request.

Ms. Dixon said the rendering presents the bay windows lining up with the neighboring properties.

Mr. Caesar said the rendering does not present the alignment correctly and referred to the approved site plan which confirms the correct alignment with the neighboring properties.

Mr. Brandt asked to confirm that there are no proposed changes to the carport in the rear.

Mr. Caesar confirmed.

Dianne Dixon moved to approve the application as submitted.

Julie Lindell seconded the motion.

The motion passed unanimously via roll-call vote.

NEW BUSINESS

APPEAL NO. 2024-33

Applicant: Andrew Schrijver

Owner: 189 Lander LLC

Location: 189 Lander Street

Requesting an **AREA Variance** for 13.1 feet on the minimum front yard setback, 10 feet on the minimum north side yard setback, 10 feet on the south side yard setback, 38% maximum lot coverage and 18 off-street parking spaces which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium Density Residential Zone in the Neighborhood Commercial Overlay.

Andrew Schrijver and Chris Berg appeared before the Board.

Mr. Schrijver gave an overview of the proposed project to convert the property into ten artist studios.

Ms. Dixon asked if the studios are proposed as live/work space.

Mr. Schrijver said the studios will be workspace only.

Mr. Berg said he does not expect all the spaces to be occupied at full capacity at the same time during the daytime.

Ms. Dixon asked to confirm the total number of proposed workspaces.

Mr. Schrijver said ten artist studios.

Mr. Berg said a parking study was not submitted as the studios are proposed for daytime use only and there is ample parking throughout the day within a reasonable proximity to the property.

Ms. Dixon asked if any external modifications are proposed.

Mr. Schrijver said they do plan historic restoration of the building.

Ms. Lindell asked if the property is one-story.

Mr. Schrijver confirmed.

The Acting Chairperson opened the public hearing.

Albert Mizrahi spoke in favor of 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.

The Assistant Corporation Counsel said a vote could not be rendered on the application as the property is subject to GML §239 review and the City has not yet received comment from the Orange County Department of Planning.

The Assistant Corporation Counsel said the submission of a parking study is a mandatory condition of the off-street parking variance request to demonstrate available parking within a reasonable proximity of the subject property.

Ms. Lindell said she would like to see the study include a weekday and weekend morning, afternoon, and evening time-stamped photos.

The application was tabled until the next meeting.

APPEAL NO. 2024-34

Applicant: Bret Layne
Owner: Bret W. Layne
Location: 217 City Terrace

Requesting an **AREA Variance** for 5.5 feet on the minimum side setback and 5% on the maximum lot coverage which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Low Density Residential Zone.

Bret Layne appeared before the Board and gave an overview of the proposed project. He said the purpose of the proposed addition is to add additional space for his family.

The Acting 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. 2024-35

Applicant: James LaRussell
Owner: James LaRussell
Location: 612 South Street

Requesting an **AREA Variance** for 2.75 feet on the minimum west side yard setback which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Low Density Residential Zone.

James LaRussell appeared before the Board and gave an overview of the proposed project.

Ms. Dixon said the ZBA01 application states the total residence is 66 square feet and asked to confirm if that measurement was adequately reflected.

Mr. LaRussell said that there was an error in the ZBA01 application. He said the total residence size is 850 square feet.

Ms. Lindell asked to describe the proposed addition.

Mr. LaRussell said the addition will increase the size of the bedroom.

The Acting 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.

The Assistant Corporation Counsel said a vote could not be rendered on the application as the property is subject to GML §239 review, and the City has not yet received comment from the Orange County Department of Planning.

The application was tabled until the next meeting.

APPEAL NO. 2024-36

Applicant: Eulogio Santiago

Owner: 10 Overlook Realty Partners LLC

Location: 10 & 12 Overlook Place

Requesting an **AREA Variance** for 10 feet for one maximum side yard setback, 3% on minimum landscaped area and 20% minimum frontage occupancy which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Downtown Neighborhood District.

Eulogio Santiago appeared before the Board and gave an overview of the proposed project.

Ms. Dixon asked to confirm the total number of dwellings as the plan set reflects 3 total dwellings.

Mr. Santiago confirmed the property will be a four-family.

Mr. Brandt asked to confirm that there is no required front yard setback variance request.

Ms. Santiago said no and that the proposed building will align with the neighboring properties on the street.

The Assistant Corporation Counsel said a vote could not be rendered on the application as the property is subject to GML §239 review, and the City has not yet received comment from the Orange County Department of Planning.

The Acting Chairperson said the proposed building is a large house and asked how the dwellings are divided up within the building.

Mr. Santiago said two apartments on the first floor, and the second and third floor will be two duplex apartments.

The Acting Chairperson opened the public hearing.

Yasmin Elshafei Olenick spoke against the application for reasons of the building size, the neighboring properties are consistently two-story buildings, the proposed building is not in keeping with the architectural setting, and parking.

Alexa Gieco spoke against the application for reasons of the height of the building, the impact of the viewshed, and parking.

Jonathan Moon spoke against the application for reasons of the building height, viewshed, building shadow, market rate, and parking.

Andrew Schrijver spoke in favor of the application as it brings housing to the City of Newburgh.

Dianne Dixon moved to close the public hearing.

The Acting Chairperson seconded the motion.

The motion passed unanimously via roll-call vote.

Ms. Buxton requested a rendering presenting how the building sits among the surrounding properties.

Mr. Santiago said the proposed height of the building is within code compliance.

Ms. Dixon agreed with the submission of a rendering.

Mr. Brandt asked that the rendering reflect the building facing southwest to present how it sits against the buildings behind the property.

The Acting Chairperson asked for the total number of bedrooms.

Mr. Santiago said three bedrooms per dwelling on the first floor and four bedrooms per dwelling on the second floor.

The application was tabled until the next meeting.

APPROVAL OF MINUTES

Dianne Dixon moved to approve the October 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