

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 January 28, 2025 at 7:00 p.m. at the Activity Center, 401 Washington Street, Newburgh, New York.

Members Present: Joanne Lugo, Chairperson
Corey Allen (arrived 7:10 p.m.)
Tiffany Buxton
Dianne Dixon
Melvin Hales (alternate)
Julie Lindell

Absent: Ben Brandt
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. 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 does not meet the requirements of the Schedule of Use and Bulk Regulations in the Low-Density Residential Zone.

The GML §239 response was made a matter of record.

James LaRussell appeared before the Board.

Dianne Dixon moved to approve the application as submitted.
Julie Lindell seconded the motion.
The motion passed 5-0 via roll-call vote.

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.

The GML §239 response was made a matter of record.

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

Dianne Dixon moved to approve the application as submitted.
Julie Lindell seconded the motion.
The motion passed 5-0 via roll-call vote.

APPEAL NO. 2024-21

Applicant: Jake Chai
Owner: Shaw Building L.P.
Location: 24 Johnes Street

Requesting an **AREA Variance** for 19.25 feet on the maximum front setback on S. William Street, 3.66 feet on the maximum front setback on Edward Street, 43.3% minimum frontage occupancy, 1 story/5.8 feet on the minimum building height-shopfront and 38 off-street parking spaces which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Downtown Neighborhood Zone.

Jake Chai, Chris LaPorta and Chris Berg appeared before the Board.

Mr. Chai gave an update on the project since the last presentation to the Board in June 2024.

Mr. LaPorta said the changes made to the site plan since the last presentation were streetscape standards.

Ms. Dixon asked to confirm there will be 18 on-site parking spaces.

Mr. LaPorta confirmed.

Ms. Lindell asked to clarify a detail on the site plan that a future change to the traffic pattern is proposed.

The Assistant Corporation Counsel clarified that another applicant in an unrelated project had made a request to City Council for a street directional change, but that request was not related to this project.

The Assistant Corporation Counsel said since the last presentation to the Board, the Planning Board completed a coordinated SEQRA review and issued a negative declaration.

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. 2025-01

Applicant: Matthew Sorrell, PE/Sorrell Engineering, PLLC

Owner: Dajma Group, Inc.

Location: 45 Liberty Street WH

Requesting an **AREA Variance** for 8.5 feet on the north side yard setback, 3.7 feet on the south side yard setback, and 4 off-street parking spaces which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Low-Density Residential Zone.

Matthew Sorrell and Amjad Qayyem appeared before the Board.

Mr. Sorrell gave an overview of the proposed project.

The Chairperson opened the public hearing.

Esteen Williams made a comment regarding parking.

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. 2025-02

Applicant: Jonathan Moss/Moss Architects
Owner: Orange Property Development LLC
Location: 25 City Terrace

Requesting an **AREA Variance** for 10 feet on the front yard setback, 4.8 feet on the north side yard setback, 2.8 feet on the south side yard setback, 12.4 % 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.

Jonathan Moss appeared before the Board and gave an overview of the proposed project. He said the project received approval by the Board in September 2023, but the approval expired due to lack of vesting a building permit within the year of the approval.

Ms. Dixon asked if there is a rendering to review how the addition fits the building.

Mr. Moss said he did provide a rendering with the new application, but the addition did receive ARC approval.

Ms. Dixon asked how the new addition lines up with the neighboring buildings.

Mr. Moss said the front of the building sits on the lot line and is not changing. He said the new rear addition will align with the back of the existing corner building.

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. 2025-03

Applicant: Jonathan Moss/Moss Architects
Owner: Colonial 1932 LLC
Location: 74 Lander Street

Jonathan Moss appeared before the Board and gave an overview of the proposed project. He said the project received approval by the Board in June 2023, but the approval expired due to lack of vesting a building permit within the year of the approval.

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

Mr. Moss said no.

Ms. Dixon asked to locate the on-site parking spaces.

Mr. Moss said the on-site parking will be located in the rear of the building.

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. 2025-04

Applicant: Chris Berg/Fifth Avenue Architect, PLLC
Owner: 157 Liberty Street LLC
Location: 157 Liberty Street

Requesting an **AREA Variance** for 1.7 feet on the north side setback which does not meet the requirements of the Schedule of Use and Bulk Regulations in the Downtown Neighborhood District.

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

Ms. Buxton asked how the 4 units are configured.

Mr. Berg said 1 studio, 2 one-bedrooms, and 1 two-bedroom. He said the second-floor addition will be built up and not out.

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.

The Assistant Corporation Counsel said a vote could not be rendered on the application as the property is subject to GML §239 review, the City has not yet received comment from the Orange County Department of Planning, and the 30-day comment window has not expired.

The application was tabled until the next meeting.

APPEAL NO. 2025-05

Applicant: Nils Fredriksen/Fredriksen Architecture
Owner: Habitat for Humanity of Greater Newburgh, Inc.
Location: 417 Liberty Street

Requesting an **AREA Variance** for 470 square feet on the minimum lot area, 4.7 feet minimum lot width, 5 feet on the minimum south side yard, 5 feet on the minimum north side yard, 7% maximum lot coverage and 1 off-street parking space which does not meet the requirements of the Schedule of Use and Bulk Regulations in the Low Density Residential Zone and Neighborhood Commercial Overlay District.

Corey Allen recused himself from participation on the application.

Nils Fredriksen appeared before the Board and gave an overview of the proposed project.

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 5-0 via roll-call vote.

Dianne Dixon moved to declare the action Type II for SEQRA.
Julie Lindell seconded the motion.
The motion passed 5-0 via roll-call vote.

Dianne Dixon moved to approve the application as submitted.
Julie Lindell seconded the motion.
The motion passed 5-0 via roll-call vote.

APPEAL NO. 2025-06

Applicant: Nils Fredriksen/Fredriksen Architecture
Owner: Habitat for Humanity of Greater Newburgh, Inc.
Location: 419 Liberty Street

Requesting an **AREA Variance** for 1.42 feet minimum lot width, 5 feet on the minimum south side yard, 0.5 feet on the minimum north side yard, and 1 off-street parking space which does not meet the requirements of the Schedule of Use and Bulk Regulations in the Low Density Residential Zone and Neighborhood Commercial Overlay District.

Corey Allen recused himself from participation on the application.

Nils Fredriksen appeared before the Board and gave an overview of the proposed project.

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 5-0 via roll-call vote.

Dianne Dixon moved to declare the action Type II for SEQRA.
Julie Lindell seconded the motion.
The motion passed 5-0 via roll-call vote.

Dianne Dixon moved to approve the application as submitted.
Julie Lindell seconded the motion.
The motion passed 5-0 via roll-call vote.

APPEAL NO. 2025-07

Applicant: Roy Lethen
Owner: Roy Lethen
Location: 25 Benkard Avenue

LOT A: Requesting an **AREA Variance** for 200 square feet on the minimum lot area, 3 feet on the minimum lot depth, 6.7 feet on the minimum front setback, 5 feet on the minimum west side setback, 5 feet on the minimum east side setback, 21% on the maximum lot coverage and 3 off-street parking spaces which does not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium Density Residential Zone.

LOT B: Requesting an **AREA Variance** for 200 square feet on the minimum lot area, 3 feet on the minimum lot depth, 6.6 feet on the minimum front setback, 5 feet on the minimum west side setback, 3.5 feet on the minimum east side setback, 21% on the maximum lot coverage and 3 off-street parking spaces which does not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium Density Residential Zone.

Roy Lethen appeared before the Board and gave an overview of the proposed project. He said the building sits on one lot and an application is before the Planning Board for subdivision approval. He said there are no proposed changes to the building, no construction, no additional units, and separate entrances, utilities and mechanicals.

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. 2025-08

Applicant: Daniel Merino

Owner: Daniel Merino

Location: 162 Dubois Street

LOT A: Requesting an **AREA Variance** for 408 square feet on the minimum lot area, 11.4 feet on the minimum lot depth, and 41% on the maximum lot coverage, which does not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium Density Residential Zone.

LOT B: Requesting an **AREA Variance** for 408 square feet on the minimum lot area, 11.4 feet on the minimum lot depth, 7.8 feet on the minimum front yard, 5 feet on the minimum north side

yard, 5 feet on the minimum south side yard, 29% on the maximum lot coverage, and 6 off-street parking spaces which does not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium Density Residential Zone.

Jonathan Millen appeared before the Board and gave an overview of the proposed project.

Ms. Dixon asked to confirm that there is one existing building, and the applicant proposes to construct a new building on the vacant lot.

Mr. Millen confirmed.

Mr. Allen asked to confirm that the vacant lot is on the North Miller Street side.

Mr. Millen confirmed.

Mr. Allen requested a parking study, conducted on the North Miller Street side.

Mr. Millen said he would recommend that the owner shift the building further to the back of the lot to open up space for parking in the front of the lot.

The Assistant Corporation Counsel said the off-street parking variance is required for Lot B and recommended the parking study for this presentation be conducted on the North Miller Street side. He said any redesign of the site plan will require review by the Planning Board.

The Chairperson opened the public hearing.

Tara Y. Jones asked for confirmation that the new construction is proposed for the North Miller Street side.

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 application was tabled until the next meeting.

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