

PRIME TUVEL & MICELI

ATTORNEYS AT LAW

February 3, 2025

VIA EMAIL & UPS

Town of Newburgh Zoning Board of Appeals
21 Hudson Valley Professional Plaza
Newburgh, NY 12550
Attn.: Siobhan Jablesnik, Board Secretary

RE: Application for variance relief at 2 Lakeside Road, Newburgh, NY

Dear Chairman and honorable members of the Zoning Board of Appeals (“Board”):

This office represents the applicant in connection with their application for variance relief at the above referenced property. As the Board is aware, Applicant appeared at the January 23, 2025 meeting where a vote was held. At the meeting, the Board had only 5 voting members present. The members voted 5-0 in favor of the negative declaration for the application and 3-2 in favor of approving the variance.

However, New York Town Law §267-a.13(a) requires that a majority of **all** members of a fully constituted board vote in favor of a variance request in order for the motion to pass, meaning 4 votes in favor (of a 7-member board) are required for approval, as such the motion resulted in a non-action. Pursuant to Town Law 267-a.13(b), the “board may amend the failed motion or resolution and vote on the amended motion or resolution within the time allowed without being subject to the rehearing process as set forth in subdivision twelve of this section.” Therefore, Applicant requests that the Board re-vote on the application at its next regularly scheduled meeting with the full Board present.

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Once you have had the opportunity to review this request, please advise if the re-vote will be placed on the Board's agenda for the February 27, 2025 meeting date. Thank you for your consideration and we look forward to hearing from you.

Respectfully,

Jason R. Tuvel, Esq.

JASON R. TUVEL, ESQ.

JRT/al

cc: David Donovan, Board Attorney