

To: Town of Newburgh Zoning Board of Appeals Committee  
From: Jean Lubera and Frank Tirabosco  
Date: 31 January 2022

Re: Variance extension

Dear members of the board,

The Town of Newburgh Zoning Board approved, on a 7-0 vote, a variance allowing a rear yard set-back of 16.08 feet and a variance for lot depth of 100 feet to construct a single-family home at 71 Williams Avenue, as identified on the Town of Newburgh tax maps as Section 101, Block 5, Lot 6 in the R-2 Zoning District on March 25, 2021.

In early April, we received a detailed letter from the town describing exactly what was still missing from our building permit application, including an engineered HVAC plan. In the beginning of this project, we hired an architect to handle all the building permit paperwork, but unfortunately the architect we hired did not take note of the 6-month expiration date.

Since being approved for these variances, we have run into setback after setback. Due to the busy schedules of professionals in the construction industry, we were not able to obtain a builder until September. Many builders that we spoke to told us they had too much work already and could not build our house, while the few that said yes planned to charge double the cost for what our project should cost. Once we finally secured a builder, he was unable to find a plumber willing to follow the HVAC plans that were made by the MEP and architect. We spoke to several plumbers as well as a different MEP to rectify the issues in our plans. When we finally had some answers and knew what to ask for, we contacted our architect to coordinate the necessary HVAC changes with the MEP. We did not hear back from him for a week, only to discover he had stopped working due to health reasons. We contacted the MEP directly on three separate occasions to make these changes but did not hear from him until January 28, 2022, again due to a busy schedule as we were told. As it stands, he is working on making the corrections to our HVAC plan so we can apply for our building permit and get our project off the ground.

While we paid the architect for these specific services surrounding the building permit, HVAC plans and securing a builder in a timely fashion, we understand that this oversight falls on us, as well. We truly apologize for our mistake and are now requesting an extension of the original variance for an additional 6 months until August 24, 2022. As justification for this extension, we offer the following: -We have desperately tried to move our project forward, but unfortunately we must rely on the professionals and cannot control the speed in which they complete the necessary documents and plans. -We cannot apply for the construction loan until we have the building permit, when we were pre-approved for the loan, the bank told us that the closing process could take up to 3 months.

At this point, we have secured a builder and plumber for our project. It is my expectation that the MEP will finish our HVAC plan within the next few weeks so that we can apply for our building permit as we will be taking over the process from here. We are committed to this project and look forward to working with the Town to build our home within the community that we love.

Thank you for your consideration,

Jean Lubera and Frank Tirabosco

