

REGULAR MEETING
September 22, 2009

City of Newburgh Zoning Board of Appeals

Summary of Record of Actions Taken at the Regular Meeting of the Newburgh Zoning Board of Appeals held on September 22, 2009 at 7:30 p.m. at the Newburgh Activity Center, 401 Washington Street, Newburgh, NY.

Members Present: Victor Mirabelli
MaryAnn Prokosch
Mirta Rivas
Barbara Smith
Joshua Smith

Also Present: Michelle Kelson, Corporation Counsel
Michelle Mills, Secretary to the Board

Motion Made to Approve Minutes of August 25, 2009 Meetings

Motion Made: Joshua Smith

Motion Second: Victor Mirabelli

Motion Carried: Unanimous

Old Business

- 1. Appeal No. 2009-19**
Location: 158 Grand Street
Applicant/Owner: Nicole Chung & Janet Chung

Requesting a **USE Variance** to permit a three-family dwelling, which does not meet the requirements of the Schedule of Use and Bulk Regulations in an R-2 Zone.

Nicole Chung appeared before the Board and presented the Certificate of Occupancy for the property. She advised that the third floor of the building is very difficult to rent, the second floor is occupied and that she is requesting to use the basement and the first floor for residency. Michelle Kelson advised the Board that although mixed use is not permitted in the zone, the property is covered under a pre-existing, non-conforming use policy.

At this time the Chairperson opened the public hearing by reading the text of the notice. No one spoke in favor of or opposition to the applicant.

The public hearing was duly convened and completed on September 22, 2009.

Motion to Close Public Hearing: Victor Mirabelli

Motion Second: Barbara Smith

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Zoning Board of Appeals to assume Lead Agency status for S.E.Q.R.A.:
Motion Made: Victor Mirabelli
Motion Second: Barbara Smith
Roll Call Vote: Unanimous
Motion Carried: Unanimous

Zoning Board of Appeals declares a Negative Declaration for S.E.Q.R.A.:
Motion Made: Victor Mirabelli
Motion Second: Mirta Rivas
Roll Call Vote: Unanimous
Motion Carried: Unanimous

Motion Made to approve **USE VARIANCE**: Victor Mirabelli
Motion Second: Barbara Smith
Roll Call Vote: Unanimous
Motion Carried: Unanimous

New Business:

1. Appeal No. 2009-18
Location: 15 Colden Street
Applicant/Owner: Raymond Yannone

Requesting an **Area Variance** for 39,794 square feet on lot area, 96.7 square feet on lot depth, 35 square feet on front yard setback, 35 square feet on side yard setback, 35 square feet on rear yard setback and 33 parking spaces, and a **USE Variance** to allow for the construction of two, three story, 15 unit apartment buildings which do not meet the requirements of the Schedule of Use and Bulk Regulations in a TC-1 Zone.

The applicant, Raymond Yannone, and Architect A.J. Coppola appeared before the Board and provided a site plan of the project. They provided financial statements and expenses to date. The Board was advised that due to delays of the project, the purchase price of the property increased from \$50,000 in 2005 to \$120,000.00. Mr. Yannone is currently in contract with the City to purchase the property. The original plan included only one structure and has changed to two structures with the same square footage. The City's Master Plan was referred to regarding the inclusion of market rate housing.

At this time the Chairperson opened the public hearing by reading the text of the notice.

The following people spoke in favor of the applicant:

James Sarvis, Balmville Rd.

Robert Wallington, The Foundry, Newburgh – Requested definition of Market Rate Housing.

Thomas Manning – Inquired if Section 8 Housing would be included.

KiKi Hayden, Whitehill Terrace – Wonderful project for the area.

Joseph Holman, property owner on Edward Street – Inquired about project height and view impedance.

No one spoke in opposition to the applicant.

The public hearing was duly convened and completed on September 22, 2009.

Motion to Close Public Hearing: Joshua Smith

Motion Second: Victor Mirabelli

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Zoning Board of Appeals to assume Lead Agency status for S.E.Q.R.A.:

Motion Made: Victor Mirabelli

Motion Second: Joshua Smith

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Zoning Board of Appeals declares a Negative Declaration for S.E.Q.R.A.:

Motion Made: Joshua Smith

Motion Second: Mirta Rivas

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Motion Made to approve **USE VARIANCE**: Victor Mirabelli

Motion Second: Joshua Smith

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Motion Made to approve **AREA VARIANCE**: Victor Mirabelli

Motion Second: Joshua Smith

Roll Call Vote: Unanimous

Motion Carried: Unanimous

2. Appeal No. 2009-20
Location: 244-250 Broadway
Applicant/Owner: Benedetto Papaleo

Requesting an **Area Variance** for 7 parking spaces, and a **Use Variance** to allow for a barber shop, which does not meet the requirements of the Schedule of Use and Bulk Regulations in a TC-1 Zone.

Mr. Papaleo appeared before the Board and advised that he has a potential tenant for the property but need the variance to allow a barbershop to operate there. He also advised that he has expended a lot of money to restore the property. The Board was advised by counsel that the variance applies to the building, not the unit.

At this time the Chairperson opened the public hearing by reading the text of the notice.

No one spoke in favor of or opposition to the applicant.

The public hearing was duly convened and completed on September 22, 2009.

Motion to Close Public Hearing: Joshua Smith

Motion Second: Victor Mirabelli

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Zoning Board of Appeals to assume Lead Agency status for S.E.Q.R.A.:

Motion Made: Joshua Smith

Motion Second: Victor Mirabelli

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Zoning Board of Appeals declares a Negative Declaration for S.E.Q.R.A.:

Motion Made: Joshua Smith

Motion Second: Mirta Rivas

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Motion Made to approve **USE VARIANCE**: Victor Mirabelli

Motion Second: Joshua Smith

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Motion Made to approve **AREA VARIANCE**: Victor Mirabelli

Motion Second: Mirta Rivas

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Meeting Adjourned 8:35 p.m.

Respectfully Submitted:

Approved:

Michelle M. Mills, Secretary

MaryAnn Prokosch, Acting Chairperson