

**REGULAR MEETING
February 24, 2015**

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 February 24, 2015 at 7:30 p.m. at Newburgh City Hall, 83 Broadway, Newburgh, New York 12550.

Members Present: Victor Mirabelli
Michael Papaleo
David Schwartz
Barbara Smith
LaShawn Jasper
Corey Allen

Also Present: Timothy Kramer, Assistant Corporation Counsel

New Business:

1. Appeal No. 2015-01

Applicant: Alejandro Perez

Owner: Alejandro Perez

Location: 261 Robinson Avenue

Requesting a **AREA VARIANCE** for 4,652 feet on lot area, 50 feet on lot width, 11 feet on front yard setback and 8 feet on side yard setback which do not meet the requirements of the Schedule of Use and Bulk Regulations in a R-1 Zone.

The applicant failed to appear. No plans were submitted with the application.

Motion to table the application: Victor Mirabelli

Motion Second: David Schwartz

Roll Call Vote: Unanimous

Motion Carried: Unanimous

2. Appeal No. 2015-02

Applicant: Eco Shrimp Garden, LLC

Owner: Edward G. Doering

Location: 21 Liberty Street

Requesting an **AREA VARIANCE** for 25 feet on front yard setback, 15 feet on side yard setback, 20 feet on rear yard setback and 12 parking spaces, and a **USE VARIANCE** for shrimp production for wholesale and retail sales and agritourism, which do not meet the requirements of the Schedule of Use and Bulk Regulations in a TC-1 Zone.

Jim Ullrich of Alpine Environmental Consultants and Jean Claude Frajmund of Eco Shrimp Garden appeared before the board to discuss the application. Mr. Ullrich stated that the project is for indoor aquaculture for the farming of shrimp. The project will require site plan approval from the planning board and approval for a hatchery permit from the New York State Department of Environmental Conservation. The planning board has assumed SEQRA lead agency status.

Mr. Ullrich stated that there will be near zero water consumption. The tanks will be filled with water initially, with the only other water required for periodic cleaning of the tanks and to replace evaporated water. Mr. Frajmund stated that the project will start with eight tanks, with a goal to expand to twenty-four tanks. The shrimp grow, are harvested, and then delivered live, on ice. Mr. Frajmund states that there are local restaurants already interested in purchasing shrimp after the business is running.

The board inquired about how the used water will be recycled. Mr. Ullrich stated that the water is recycled through the system. The only water to be replaced will be water that evaporates.

The board inquired about the waste from the shrimp. Mr. Frajmund stated that there will be no waste. The biofiltration system cleans the water by using bacteria which eats the waste from the shrimp. It is a self-contained system in which the bacteria eats the waste of the shrimp and transforms the protein and fat biologically. The shrimp then eat the protein and fat produced by the bacteria. In situations where there is too much bacteria, the excess gets transferred to a second tank. That bacteria is kept alive by aeration, and they eat themselves forever and do not grow, so no waste is produced. The system is eco-friendly.

The board inquired about parking. The applicant has secured a parking agreement with Mid Hudson Film, LLC for twelve parking spaces. Mr. Frajmund stated that not much parking is needed. There are only six employees. There will be one van which is about the size of an SUV and is refrigerated, which will be used for delivering shrimp. There is no processing of the shrimp, they are cleaned and sold on ice. The ice will be made on-site using the type of ice machine used in restaurants. Mr. Frajmund further stated that a benefit of the project is that it will be used for agritourism. Students can take class trips to learn about the farming of shrimp, and there can be weekend tours of the facility, which will be bus tours.

The board inquired about ventilation. Mr. Ullrich stated there are no concerns about ventilation and that it is not required by the Department of Environmental Conservation. Mr. Frajmund stated that the biomass from the shrimp is so tiny that there is no need for ventilation. There will be an exhaust fan.

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

1. Pat Bardinelli - In support of the project. He has questions about the amount of water consumption and its impact on the City's water supply, the impact of any discharge, and the need for odor control.

Mr. Ullrich responded that once the tanks are filled initially, the only other water consumption would be to replace water from the tank that evaporates. As for the discharge, there will be approximately thirty gallons of water per day from the six employees, and the wash-down, which is maybe a couple hundred gallons per day, which is the same as a single family home. As for the odor control, Mr. Ullrich states that he spoke to the Department of Environmental Conservation and was told that the odor is a non-issue.

2. Vincent Cappelletti - In support of the project. He hopes this project opens the doors to other operations like this to the city.

3. Bill Fioravanti - In support of the project. He is a city resident for six months and is a member of the Orange County Partnership Office of Economic Development. He states there is a need for more projects like this in the City.

The public hearing was duly convened and completed on February 24, 2015.

Motion to Close Public Hearing: Barbara Smith

Motion Second: Victor Mirabelli

Roll Call Vote: Unanimous
Motion Carried: Unanimous

Motion to approve **AREA VARIANCE**: David Schwartz
Motion Second: Victor Mirabelli
Roll Call Vote: Unanimous
Motion Carried: Unanimous

Motion to approve **USE VARIANCE**: David Schwartz
Motion Second: Victor Mirabelli
Roll Call Vote: Unanimous
Motion Carried: Unanimous

Meeting Adjourned 8:00 p.m.

Respectfully Submitted:

Approved:

Timothy W. Kramer, Acting Secretary

Barbara Smith, Acting Chairperson