

REGULAR MEETING
October 28, 2008

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 October 28, 2008 at 7:30 p.m. at the Newburgh Activity Center, 401 Washington Street, Newburgh, NY.

Members Present: Victor Mirabelli
Mary Ann Prokosch, (Acting Chairperson)
Barbara Smith
Joshua Smith

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

Motion Made to Approve Minutes of September 23, 2008 Meetings

Motion Made: Victor Mirabelli

Motion Second: Barbara Smith

Motion Carried: Unanimous

Old Business: None

New Business:

- 1. Appeal No. 2008-15**
Location: 180 Broadway
Applicant/Owner: Alfred Allen

Requesting an AREA Variance for 3.8 feet on side yard setback, 18.6 feet on rear-yard setback, 12 parking spaces and the use of upper two floors, which do not have 1000 square feet of gross floor area, and does not meet the requirements of the Schedule of Use and Bulk Regulations in a TC1 Zone.

Alfred Allen appeared before the Board and explained his intention to use the first floor of the property as a business and the top two floors as a dwelling for him and his family. Several members of the Board inquired about the interior dimensions of the building and the actual square feet on each floor. Mr. Allen was unable to provide answers to the Board's questions.

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

The public hearing was duly convened and completed on October 28, 2008.

Motion to Close Public Hearing: Joshua Smith

Motion Second: Victor Mirabelli

Roll Call Vote: Unanimous

Motion Carried: Unanimous

The Board decided to table the matter for one month pending receipt of additional information.

Motion to Table: Victor Mirabelli

Motion Second: David Schwartz

Roll Call Vote: Unanimous

Motion Carried: Unanimous

- 2. Appeal No. 2008-25**
Location: 6 Front Street
Applicant: Riverview Salon & Day Spa, Inc.
Owner: LAMCOM Associates, Inc.

Requesting a USE and AREA Variance to convert current office space into a salon/day spa and for 13 off-street parking spaces in a W1 Zone.

Greg Langer, owner of the property appeared before the Board with attorney Joseph Saffiotti and advised that the space he is trying to rent has been vacant since August 2008 and has been listed with a real estate agent since June 2007, with no interest in office space rental. Mr. Langer purchased the property in 1998 and Mr. Raab, from Doce, Associates, explained that the floor plan is still the same as in 1998. Mr. Langer stated that he could not afford to keep the space vacant and is not interested in sub-dividing the area.

Victor Mirabelli and MaryAnn Prokosch asked to see supporting financial statements to determine the hardship and suggested tabling the issue. Mr. Lange did not have any documentation with him but described his monthly carrying charges. Daniel Frank, the applicant and prospective tenant advised that a one month delay would hurt his ability to open for business before the holidays. He expects to invest over \$250,000.00

in the operation of the proposed spa and has already incurred significant cost. Discussion by the Board resulted in a decision to consider the item for vote.

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

No one spoke in favor or opposition to the request.

The public hearing was duly convened and completed on October 28, 2008.

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: David Schwartz

Roll Call Vote: Unanimous

Motion Carried: Unanimous

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

Motion Made: David Schwartz

Motion Second: Joshua Smith

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Motion Made to approve **USE VARIANCE**: Joshua Smith

Motion Second: Victor Mirabelli

Roll Call Vote: Unanimous

Motion Carried: Unanimous

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

Motion Second: Barbara Smith

Roll Call Vote: Unanimous

Motion Carried: Unanimous

OTHER:

The next meeting of the Newburgh Zoning Board of Appeal will be held on November 25, 2008.

Respectfully Submitted:

Approved:

Michelle M. Mills, Secretary

Joanne Lugo, Chairperson