

REGULAR MEETING
August 25, 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 August 25, 2009 at 7:30 p.m. at the Newburgh Activity Center, 401 Washington Street, Newburgh, NY.

Members Present: Victor Mirabelli
MaryAnn Prokosch
Mirta Rivas
David Schwartz
Barbara Smith
Joshua Smith
Joanne Lugo

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

Motion Made to Approve Minutes of June 23, 2009 Meetings
Motion Made: Victor Mirabelli
Motion Second: Barbara Smith
Motion Carried: Unanimous

New Business

1. Appeal No. 2009-15
Location: 150-156 Broadway
Applicants/Owners: Polonia Ventures, LLC

Requesting a **Use Variance** to permit a paved parking lot on existing vacant lot which does not meet the Schedule of Use Regulations in a TC-1 Zone and an **Area Variance** to permit parking within 5 feet of a sidewalk and within 20 feet of a residential dwelling; within 10 feet of a street property line; and within 50 feet of a residential district, which does not meet the requirements of Sections 300-43(A), 300-43(E)(3) and 300-44(F), respectively, of the City of Newburgh Zoning Code.

A.J. Coppola appeared before the Board on behalf of the owners and was unable to answer specific questions.

Motion Made to Table for One Month: Victor Mirabelli
Motion Second: David Schwartz
Roll Call Vote: Unanimous

2. Appeal No. 2009-16
Location : 180 Liberty Street
Applicant/Owner: Glendon Fraser

Requesting an **Area Variance** for 7,350 square feet on lot area, 50 feet on lot width, 4 feet on front yard setback, 7 feet on side yard setback and four parking spaces, which do not meet the requirements of the Schedule of Use and Bulk Regulations in a RC Zone.

Glendon Fraser and AJ Coppola appeared before the Board and explained the proposal to create two Two-family apartments without reconfiguring the existing space. Mr. Fraser advised that he is the owner of the adjacent building and purchased this property to maintain the property value.

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 August 25, 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: MaryAnn Prokosch

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: MaryAnn Prokosch

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

3. Appeal No. 2009-17
Location: 27 S. Water Street
Applicant/Owner: West Shore Station, LLC

Requesting an **Area Variance** for 552 square feet on lot area and 26 parking spaces, which do not meet the requirements of the Schedule of Use and Bulk Regulations in a W1 Zone.

The applicant, Raymond Yannone, appeared before the Board and explained how he is renovating the above property and was advised by Code Compliance that he needed Area and Parking variances. He advised that he is currently seeking tenants for a gallery and retail office space.

Members of the Board inquired why a parking variance was necessary when the previous owner had been granted a variance for 82 parking spaces. Geoffrey Chanin advised that prior approval is vested with the property, reaffirming the terms of the variance previously granted to the property.

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

The public hearing was duly convened and completed on August 25, 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: 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: Victor Mirabelli
Motion Second: Joshua Smith
Roll Call Vote: Unanimous
Motion Carried: Unanimous

Motion Made to approve **AREA VARIANCE**: MaryAnn Prokosch
Motion Second: Joshua Smith
Roll Call Vote: Unanimous
Motion Carried: Unanimous

4. 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.

Motion Made to Table for One Month: Victor Mirabelli
Motion Second: David Schwartz
Roll Call Vote: Unanimous
Motion Carried: Unanimous

Meeting Adjourned 8:30 p.m.

Respectfully Submitted:

Approved:

Michelle M. Mills, Secretary

JoAnne Lugo, Chairperson