

**REGULAR MEETING
October 26, 2010**

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 26, 2010 at 7:30 p.m. at the Newburgh Activity Center, 401 Washington Street, Newburgh, NY.

Members Present: Joanne Lugo
Victor Mirabelli
Mary Ann Prokosch
Mirta Rivas
David Schwartz
Barbara Smith
James Kulisek

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

Motion Made to Approve Minutes of July 27, 2010 Meeting

Motion Made: Victor Mirabelli

Motion Second: Mirta Rivas

Motion Carried: Unanimous

Motion Made to Approve Minutes of September 28, 2010 Meeting

Motion Made: Mirta Rivas

Motion Second: MaryAnn Prokosch

Motion Carried: Unanimous

One Year Extension:

1. Appeal No. 2008-15

Applicant/Owner: Alfred Allen

Location: 180 Broadway

Requesting a one year extension on a USE Variance which was granted on November 25, 2008.

Mr. Allen appeared before the Board with his attorney Alexandra Bourne and advised that the building permit was recently issued on 10/1/10. Renovations to the building have begun and they are requesting the extension to allow the work to continue.

Motion Made to approve one year extension: Victor Mirabelli

Motion Second: Mirta Rivas

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Old Business:

1. Appeal No. 2010-14

Applicant: 2 LB, LLC

Owner: 2 LB, LLC/ Salvador Boutoureira III

Location: 2 Little Brittain Road

Requesting a **USE Variance** to permit a change in use to warehouse and light manufacturing and an **AREA Variance** for 7 feet on front yard setback, which does not meet the requirements of the Schedule of Use and Bulk Regulations in a C-3 Zone.

Mr. Boutoureira and Jim Raab appeared before the Board and provided a description of the building and the lighting assembly business that will be conducted at the site. They advised of the amount of clean-up already done on the premises with more to follow. Mr. Boutoureira has been in business for over 27 years.

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

The public hearing was duly convened and completed on October 26, 2010.

Motion to Close Public Hearing: Victor Mirabelli

Motion Second: James Kulisek

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: Mary Ann Prokosch

Roll Call Vote: Unanimous

Motion Carried: Unanimous

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

Motion Made: Mary Ann Prokosch

Motion Second: Victor Mirabelli

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Motion Made to approve **USE VARIANCE:** Mary Ann Prokosch

Motion Second: Mirta Rivas

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Motion Made to approve **AREA VARIANCE:** Mary Ann Prokosch

Motion Second: Mirta Rivas

Roll Call Vote: Unanimous

Motion Carried: Unanimous

New Business:

1. Appeal No. 2010-17

Applicant: Vincent Cappelletti

Owner: Newburgh Commercial Development Corp.

Location: 206 Broadway/ 5-7-9 City Terrace

Requesting a **Use Variance** for a Day Care Center and an **Area Variance** for 15 feet on front yard setback, 20 feet on rear yard setback and 7 parking spaces, which do not meet the requirements of the Schedule of Use and Bulk Regulations Section 300-43 of the Zoning Code in a TC-1 Zone.

Vincent Cappelletti and his son Victor appeared before the Board to discuss their plans to create a daycare center on the first floor of the building with apartments on the second floor. The project involves major renovations to the interior of the building and the exterior will be painted. Mr. Cappelletti stated that he acquired this property approximately six months ago, he owns several other properties in the City and feels that Newburgh still has potential for growth.

Joanne Lugo inquired about the parking space requirements and cited a deficiency in the requested amount. Michelle Kelson advised that based on the square feet of the building and the number of staff members and proposed tenants, the required number of parking spaces should be 25. The variance request was then amended from 7 to 25 parking spaces.

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 applicant:

The public hearing was duly convened and completed on October 26, 2010.

Motion to Close Public Hearing: Mary Ann Prokosch

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: David Schwartz

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: Victor Mirabelli

Motion Second: Mary Ann Proksoch

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Motion Made to approve **USE VARIANCE:** Mary Ann Prokosch

Motion Second: Victor Mirabelli

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Motion Made to approve **AREA VARIANCE with amendment to 25 Parking Spaces:** Victor Mirabelli
Motion Second: Mary Ann Prokosch
Roll Call Vote: Unanimous
Motion Carried: Unanimous

Meeting Adjourned 8:30 p.m.

Respectfully Submitted:

Approved:

Michelle M. Mills, Secretary

Joanne Lugo, Chairperson