

**REGULAR MEETING
November 23, 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 November 23, 2010 at 7:30 p.m. at the Newburgh Activity Center, 401 Washington Street, Newburgh, NY.

Members Present: Victor Mirabelli
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 October 26, 2010 Meeting

Motion Made: Victor Mirabelli

Motion Second: Mirta Rivas

Motion Carried: Unanimous

New Business:

1. Appeal No. 2010-18

Applicant: Newburgh Brewing Company, LLC

Owner: Newburgh R.H.V.R. 1-LLC

Location: 88 South Colden Street

Requesting an **AREA Variance** for 87 parking spaces which does not meet the requirements of the Schedule of Use and Bulk Regulations in a TC-1 Zone.

William Hauser and Charles Frankel appeared before the Board on behalf of Newburgh Brewing Company And presented the plan to redevelop a vacant industrial building into a craft brewery. The footprint of the building will not change although renovations will be made to the exterior. Three floors will be used for the brewing process and the fourth floor will be used for as a tasting and private reception area in the future. They acknowledged that the variance request is substantial and are willing to pursue a license agreement with the City in the future if necessary. The brewery will employ approximately 5 people.

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 November 23, 2010.

Motion to Close Public Hearing: Victor Mirabelli

Motion Second: Mirta Rivas

Roll Call Vote: 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 **AREA VARIANCE:** Victor Mirabelli
Motion Second: Mirta Rivas
Roll Call Vote: Unanimous
Motion Carried: Unanimous

2. Appeal No. 2010-19
Applicant: Jamel Barnes
Owner: 115 Broadway, LLC
Location: 155 Broadway

Requesting a **Use Variance** for a Hair Salon and an **Area Variance** for 2800 feet on lot area, 25 feet on lot width, 12 feet on lot depth, 15 feet on front yard setback, 10 feet on side yard setback and 20 feet on rear yard setback and 15 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.

Item tabled at applicant's request.

3. Appeal No. 2010-20
Applicant: Balmville Construction, Inc.
Owner: Mark Medynski
Location: 397 Grand Street

Requesting an **AREA Variance** for 3,540 square feet on lot area, 60.26 feet on lot depth, 7.7 feet on front yard setback, 14.6 feet on rear yard setback and 1 parking space for the construction of a new single family dwelling, which do not meet the requirements of the Schedule of Use and Bulk Regulations in an R-1Zone.

Ken Lytle appeared before the Board on behalf of the owner and advised that adjustments were made to the original proposal previously submitted regarding this property. In trying to address concerns previously voiced through public comment, the setbacks have been adjusted to blend in with existing properties on the street and the plans now include new sidewalks. He advised that the Codes Department has no records of any previous structure on the site and that the ARC has provided guidance to him. The purchase of the property is pending variance approval.

At this time the Chairperson opened the public hearing by reading the text of the notice.
No one spoke in favor of the applicant. The following people spoke in opposition to the applicant:
Charles Brown, 482 Liberty Street: Has not been contacted by property owner to discuss purchase of additional property.

Kippy Boyle, 400 Grand Street: Feels that proposal is not clear and that the new construction would be non-conforming creating an uneven streetscape.

Steven Affredeu, 388 Grand Street- Against the proposal, will not fit into neighborhood. Long time residents recall previous structure on property.

The public hearing was duly convened and completed on November 23, 2010.

Motion to Close Public Hearing: Victor Mirabelli

Motion Second: Mirta Rivas

Roll Call Vote: Unanimous

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

Motion Made: Victor Mirabelli

Motion Second: Mirta Rivas

Roll Call Vote: Unanimous

Motion Carried: Unanimous

At this time, Mr. Lytle requested that the item be tabled.

Motion to Table for One Month: Mirta Rivas

Motion Second: Victor Mirabelli

Roll Call Vote: Unanimous

Motion Carried: Unanimous

4. Appeal No. 2010-21

Applicant: Yellow Corkscrew Inc. DBA Veenu's

Owner: Yellow Bird, LLC

Location: 19 Front Street

Requesting a USE Variance to allow for wine bar which does not meet the requirements of the Schedule of Use and Bulk Regulations in a W1 Zone.

Dick Polich, owner of the property, and Veenu Munjal, appeared before the Board to describe their intention to open an upscale wine bar/lounge in the space which previously housed a liquor store. They feel that this type of business would do well in addition to the movie theatre and restaurants in the area.

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 November 23, 2010.

Motion to Close Public Hearing: Barbara Smith

Motion Second: Victor Mirabelli

Roll Call Vote: Unanimous

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

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

Meeting Adjourned 8:30 p.m.

Respectfully Submitted:

Approved:

Michelle M. Mills, Secretary

Joanne Lugo, Chairperson