

**REGULAR MEETING
December 23, 2014**

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 December 23, 2014 at 7:30 p.m. at Newburgh City Hall, 83 Broadway, Newburgh, New York 12550.

Members Present: Joanne Lugo
David Schwartz
Barbara Smith
Michael Papaleo

Also Present: Michelle Mills, Secretary
Timothy Kramer, Assistant Corporation Counsel

New Business:

1. Appeal No. 2014-06

Applicant: 159 Broadway, Inc.

Owner: Sam Pfister & Chelsey Fekishazy

Location: 159 Broadway

Requesting a **USE VARIANCE** to allow for a crossfit gym and an **AREA VARIANCE** for 1940 square feet on lot area, 16 feet on lot width, 10 feet on lot depth, 14 feet on front yard setback, 10 feet on side yard setback, 20 feet on rear yard setback and 45 parking spaces, which do not meet the requirements of the Schedule of Use and Bulk Regulations in a R-1 Zone.

Darren Stridiron of Heritage Land Surveying, P.C. appeared before the board on behalf of the applicant to discuss this application. He advised that he was referred by the planning board for use and area variances and parking. The planning board declared SEQRA lead agency status. The building is a pre-existing, non-conforming building. The applicant is under contract to purchase the subject property and an adjacent property. There are no proposed additions to the building. The applicant will install a cedar platform for rear access to the building, which will replace what was there previously. The building has been vacant for seven years. The applicant is proposing to use the premises for a crossfit gym, which is not permitted in the TC-1 zone. The applicant states that the proposed use is permitted in the draft of the new zoning code.

Mr. Stridiron discussed the request for a use variance, stating that there are no other health clubs in the area. In the vicinity of the building there is a produce stand, a barber and a butcher. He states that the proposed use is a small business, like those others in the area. Members of the gym will come for a minimal period of time and then leave. Mr. Stridiron states that there is no hardship to the neighboring properties. The applicant spoke to neighboring properties, who are all looking forward to the addition of a crossfit gym. He states the character of the neighborhood will remain the same as this is a small business. The hours will be mostly in the morning and in the afternoon, with a small number of people coming and going.

Mr. Stridiron states that the crossfit gym will be for high school age people and up. The gym consists of one hour long classes. The class size is a maximum of fifteen to twenty people. The program sets nutritional goals for its members. The gym will include people in the community and provide for free membership for the underprivileged.

Mr. Stridiron discussed the request for an area variance, stating that the building will not be altered. He states that no matter what the property is used for, it will require an area variance. He counted seventy eight parking spaces available within two hundred feet of the property on a weekend.

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

Sam Pfister, Chelsey Fekishazy, the parents of Chelsey Fekishazy, and Jonathan Jacobsen are all in favor of the project.

The public hearing was duly convened and completed on December 23, 2014.

Motion to Close Public Hearing: David Schwartz

Motion Second: Barbara Smith

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Motion to approve **AREA VARIANCE**: David Schwartz

Motion Second: Barbara Smith

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Motion to approve **USE VARIANCE**: David Schwartz

Motion Second: Barbara Smith

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Meeting Adjourned 8:00 p.m.

Respectfully Submitted:

Approved:

Michelle M. Mills, Secretary

Joanne Lugo, Chairperson