

**REGULAR MEETING
October 28, 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 October 28, 2014 at 7:30 p.m. at City Hall, 83 Broadway, Newburgh, NY.

Members Present: Joanne Lugo
Victor Mirabelli
Michael Papaleo
Barbara Smith

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

Motion to Approve Minutes of September 23, 2014: Barbara Smith
Motion Second: Michael Papaleo
Motion Carried: Unanimous

One Year Extension:

Appeal No. 2013-13

Applicant/Owner: Michael Starace

Location: 2 Nicoll Street

Requesting an **AREA Variance** for 50 feet on lot depth, .3 feet on front yard setback, .6 feet on side yard setback and 11.4 feet on rear yard setback, which does not meet the requirements of the Schedule of Use and Bulk Regulations in an R-1 Zone.

Michael Starace appeared before the Board and advised that he was injured in a motor vehicle accident in April 2014 and out of work for 5 months. He further stated his intention to commence work on the project as soon as possible this year. Major renovations are required and he has continued to pay the taxes on the property.

Motion to Approve One Year Extension: Victor Mirabelli
Motion Second: Michael Papaleo
Motion Carried: Unanimous

Old Business:

1.Appeal No. 2014-13

Applicant/Owner: Sobo & Sobo Holdings, LLC

Location: 744 Broadway

Requesting an **AREA Variance** for 13 feet on front yard setback to allow for a business sign which does not meet the requirements of the Schedule of Use and Bulk Regulations in a C-1 Zone.

Gary Sobo appeared before the Board and stated that he was advised by the sign designer that it is the appropriate size for the size of the property. He stated further that he paid \$2100 for the proposed sign which he feels is easy to see and read and is aesthetically pleasing.

Michael Papaleo and Victor Mirabelli still had concerns with the size of the sign. Barbara Smith read proposed language in the future re-zoning regulations regarding signage. Joanne Lugo suggested a compromise to the size of the sign. The Board was advised by Counsel that a vote on the setback can be made with conditions. The Board moved to vote on the variance with the condition that the sign could be no larger than 9' long x 2' wide x 8' high.

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

Motion Second: Michael Papaleo

Roll Call Vote: Unanimous

Motion Approved: Unanimous

2. Appeal No. 2014-14

Applicant: Total Property Management, LLC; Walter Mandel, member

Owner: Denkor Real Estate LLC

Location: 411 Broadway

Requesting a **USE Variance** to allow for a tavern which does not meet the requirements of the Schedule of Use and Bulk Regulations in a C3 Zone.

Walter Mandel appeared before the Board and advised the Board that the future re-zoning regulations allow the proposed use in the zone. He stated that he is reticent to continue and that it is very hard to find a tenant for the space. He asked for the item to be tabled until next month to allow him time to obtain additional information to substantiate the hardship.

Motion to Table: Victor Mirabelli

Motion Second: Barbara Smith

Roll Call Vote: Unanimous

Motion Carried: Unanimous

3. Appeal No. 2014-15

Owner/Applicant: Service Sign Erector Co., Inc. C/O Andrew Montana

Location: 367 Broadway

Requesting a **USE and AREA Variance** to allow for a marble manufacturing/retail company and an auto mechanic shop and 625 square feet on lot area, 2 feet on lot width, and 15 parking spaces, which do not meet the requirements of the Schedule of Use and Bulk Regulations in a C-2 Zone.

Jonathan Cella and Andrew Montana appeared before the Board and advised that the building will be separated into three businesses which will include an auto mechanic shop, a marble/granite warehouse and a retail beverage distributor. The owner will provide the "vanilla boxes" and the renter will customize each space. The property has been family owned for 40 years.

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 October 28, 2014.
Motion to Close Public Hearing: Victor Mirabelli
Motion Second: Barbara Smith
Roll Call Vote: Unanimous
Motion Carried: Unanimous

The Planning Board previously declared Lead Agency on the project.

Motion Made to approve USE VARIANCE: Victor Mirabelli
Motion Second: Barbara Smith
Roll Call Vote: Unanimous
Motion Approved: Unanimous

Motion Made to approve AREA VARIANCE: Victor Mirabelli
Motion Second: Michael Papaleo
Roll Call Vote: Unanimous
Motion Approved: Unanimous

Meeting Adjourned 9:30pm

Respectfully Submitted:

Approved:

Michelle M. Mills, Secretary

Joanne Lugo, Chairperson