

**REGULAR MEETING**  
**September 27, 2011**

**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 September 27, 2011 at 7:30 p.m. at the Newburgh Activity Center, 401 Washington Street, Newburgh, NY.

Members Present:     Joanne Lugo  
                                  Victor Mirabelli  
                                  MaryAnn Prokosch  
                                  David Schwartz  
                                  Barbara Smith  
                                  James Kulisek

Also Present:             Tiffany Reis, Assistant Corporation Counsel

**Motion to Approve Minutes of July 26, 2011 Meeting**  
**Motion Made: Victor Mirabelli**  
**Motion Second: James Kulisek**  
**Motion Carried: Unanimous**

**One Year Extension:**

**Appeal No. 2009-19 (158 Grand Street)**

Applicants/owners, **Nicole Chung and 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.

Nicole Chung appeared before the Board and advised that due to the economy and loss of income as a consultant, in addition to the high estimates of repair costs, she has been unable to proceed with her plans.

Motion Made to approve **One Year Extension:** Victor Mirabelli  
Motion Second: Barbara Smith  
Roll Call Vote: Unanimous  
Motion Carried: Unanimous

**New Business:**

**1. Appeal No. 2011-07**

Applicant: Sandro F. Arias  
Owner: Kevin Sherman  
Location: 405 Ann Street  
Requesting an **AREA Variance** for 5 feet on front yard setback and 21 parking spaces, which do not meet the requirements of the Schedule of Use and Bulk Regulations in a C2 Zone

Sandro Arias, applicant, Kevin Sherman, owner and Jim Raab, project engineer appeared before the Board and advised of the plan to open a restaurant in the building which also occupies several other businesses. Although the new business will be mostly take-out and delivery, additional parking spaces are required which the applicant cannot provide.

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 September 27, 2011.

Motion to Close Public Hearing: Victor Mirabelli  
Motion Second: MaryAnn Prokosch  
Roll Call Vote: Unanimous  
**Motion Carried: Unanimous**

Zoning Board of Appeals to assume Lead Agency status for S.E.Q.R.A.:  
Motion Made: MaryAnn Prokosch  
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: MaryAnn Prokosch  
Motion Second: Victor Mirabelli  
Roll Call Vote: Unanimous  
**Motion Carried: Unanimous**

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

Meeting Adjourned 8:30 p.m.

Respectfully Submitted:

Approved:

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**Michelle Mills, Secretary**

**Joanne Lugo, Chairperson**