

**REGULAR MEETING  
September 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 September 23, 2014 at 7:30 p.m. at City Hall, 83 Broadway, Newburgh, NY.

Members Present: Victor Mirabelli  
Michael Papaleo  
Barbara Smith  
David Schwartz

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

**Motion to Approve Minutes of August 26, 2014: Victor Mirabelli**  
**Motion Second: Barbara Smith**  
**Motion Carried: Unanimous**

**New Business:**

**1.Appeal No. 2014-12**

Applicant: Patricia Clark

Owner: Claudia Chirinos

Location: 374 Broadway

Requesting an **AREA Variance** for 300 feet on lot area, 3 feet on lot width, 10 feet on rear yard and 52 parking spaces which does not meet the requirements of the Schedule of Use and Bulk Regulations in a C-2 Zone.

Patricia Clark, applicant and Michael Hennessey, project architect, appeared before the Board and advised of the proposal to divide the building into a vintage retail shop and a restaurant. Ms. Clark has a lease for both spaces and will operate both businesses. The requested 52 parking space variance is reduced from a previous request. Victor Mirabelli stated that parking will be an issue no matter what time of the day it is. Michael Papaleo inquired about the size of the kitchen, the exit doors, the hours of operation and the business sign. Due to the lack of a full board, the applicant was provided an option to table the request which she declined.

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

No one spoke in favor of the applicant.

John Smith - Broadway business owner opposed the proposal citing current parking issues.

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

Motion to Close Public Hearing: Victor Mirabelli

Motion Second: Barbara Smith

Roll Call Vote: Unanimous

Motion Carried: Unanimous

The Planning Board had previously declared Lead Agency on the request.

At this time a motion was made to approve **AREA VARIANCE**: Barbara Smith  
Motion Second: Victor Mirabelli  
Roll Call vote: 4 No  
Motion Defeated Unanimously

**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 advised that he purchased the building in March 2014. He is seeking a setback variance for a business sign for which the dimensions, as presented, were not consistent with the plans. Michael Papaleo had serious concerns regarding the significantly large size of the sign. Victor Mirabelli also stated that the proposed sized sign would have a huge negative impact on the neighborhood. Counsel advised the Board that the issue at hand was the setback variance not the size of the sign.

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

The following people spoke regarding the applicant's request:

Noel Spencer - 735 Broadway - Came in favor of support, thinks sign should be repositioned;

Steve Cobb- 724 Broadway - In support, like the light of the sign, doesn't want like the size;

Corina Cobb- 724 Broadway - Like the attraction of the lights on Broadway.

The public hearing was duly convened and completed on August 26, 2012.

Motion to Close Public Hearing: Victor Mirabelli

Motion Second: Michael Papaleo

Roll Call Vote: Unanimous

**Motion Carried: Unanimous**

Due to the lack of a full board, the applicant was provided an option to table the request which he accepted.

Motion to Table: Victor Mirabelli

Motion Second: Barbara Smith

Roll Call Vote: Unanimous

**Motion Carried: Unanimous**

**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 seeking a use variance to allow a tavern in one of his retail spaces at this location. He further advised that from 2002 until 2008 the premise was previously occupied as a tavern then was converted to a nail salon and he now has another lease agreement with a tenant for a tavern. He stated that his taxes on the property are \$47,000 per year and that he employees quite a few City residents. He feels a hardship not having a reasonable rate of return. Victor Mirabelli stated that he is not sure a tavern is a good use for the property. He also inquired about the state of repair to the building.

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

The following individual spoke regarding the applicant's request:

Leroy Porter- Property owner on Fullerton Avenue- Does not think a bar is a good idea at that location.

Due to the lack of a full board, the applicant was provided an option to table the request which he accepted.

Motion to Table: Victor Mirabelli

Motion Second: Barbara Smith

Roll Call Vote: Unanimous

**Motion Carried: Unanimous**

Meeting Adjourned 9:15pm

Respectfully Submitted:

Approved:

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**Michelle M. Mills, Secretary**

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**Joanne Lugo, Chairperson**