

REGULAR MEETING

October 25, 2016

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 25, 2016 at 7:35 p.m. at the City of Newburgh Activity Center, 401 Washington St, Newburgh, NY 12550.

Members Present: Joanne Lugo, Chairperson
Michael Papaleo
Barbara Smith
David Schwartz

Members Absent: Corey Allen
Lashawn Jasper
Gary Campbell

Also Present: Michelle Kelson Corporation Counsel
Eliana Diaz, Administrative Assistant
Omar Balbuena-Palma, Secretary

New Business:

Appeal No. 2016-01

Applicant: Shiv Management Corporation c/o Scott Shearing, Bohler Engineering MA, LLC

Owner: Fiscal Javier

Location: 445 Robinson Ave.

Requesting an **AREA Variance** for twenty nine (29) parking spaces, which do not meet the requirements of the schedule of Use and Bulk Regulations in the Commercial District.

Scott Shearing of Bohler Engineering, appeared on behalf of the applicant. Mr. Shearing gave an overview of the proposed project to establish a Dunkin Donuts. According to Mr. Shearing due to the bulk table required to be followed the number of parking spaces required for the site become inflated since it does not take into consideration the specific use where 70% of the traffic is before 11:00a.m. And via drive thru. Mr. Shearing further explained that the meeting room at the location is intended for internal meetings which may happen once per month. The Applicant previously presented the project to the Planning Board for review, which included items such as traffic flow, site characteristics, emergency vehicle access, and site access. The members of the board discussed aspects of the application, including traffic flow and traffic safety concerns. The board also discussed questions regarding production of goods on the premises.

Chairperson Lugo opened the public hearing.

Linda Patterson, 3 Jameson Place, said that the Dunkin Donuts would create more congestion, troubles to the residents in the area and that deliveries would clog up the road.

Kevin Corbit, 7 Jameson Place, took issue with southbound traffic and suggested that the increased traffic would result in more parking congestion and possible car accidents. Tractor trailer deliveries were also an issue. Mr. Corbit said there are not enough parking spaces to accommodate a meeting room, and people would eventually park on the streets near his residence.

Bridgette Davidson, 1 Jameson Place, believes that there will be an increase in possible car accidents and an increase in garbage.

There was clarification on the number of spaces required to be provided on site, depending on the proposed use of the building and the amount of proposed square usage for that proposed use. There was also clarification that the traffic flow issues are under the jurisdiction of the Planning Board, which is still reviewing the Site Plan. It was suggested that the traffic observation studies should be conducted throughout different hours of the day specifically between 3:00PM and 6:00PM during the weekday and Peak hours.

The public hearing was duly convened and completed on October 25, 2016.

Motion to Close Public Hearing on Appeal Number 2016-01: David Schwartz

Motion Second: Michael Papaleo

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Zoning Board of Appeals declares Lead Agency

Motion Made: David Schwartz

Motion Second: Joanne Lugo

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Zoning Board of Appeals declares a Negative Declaration for SEQRA

Motion Made: David Schwartz

Motion Second: Michael Papaleo

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Motion Made to approve **AREA Variances**: Michael Papaleo

Motion Second: Barbara Smith

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Motion to approve minutes of December 22, 2015: David Schwartz

Motion Second: Michael Papaleo

Motion Carried: Unanimous

Meeting Adjourned 8:24 p.m.

Respectfully Submitted:

Approved:

Omar E. Balbuena-Palma, Secretary

Joanne Lugo, Chairperson