

**CITY OF PORT JERVIS, NEW YORK
ZONING BOARD**



**Oct. 17, 2017
6:00pm
SPECIAL Minutes**

Public Hearing(s):

1.) 92 Front Street, Soloway, SBL: 13-13-17

W.Soloway, J.Fuller, Wm.Onofry: Summarized 1st 3 points

J.Fuller states-use of variance to add 2nd apartment on the 2nd floor. W.Soloway provide profit & loss statements as requested with additional information tonight.

Current tenants are down stairs (Millie's Pooch Parlor) and 1 upstairs (Apt renter). Consist w/ neighborhood.

1. Financial Hardship:

Meloi Realty had property listed for 2 yrs. Had 2 showings in that time & no offers. Cons of the property: no front entrance, no visibility for retail, no elevator, poor parking. Evaluation to earn return from the use of the property as a whole not just the unoccupied space w/ empty space return.

2. Self Created:

Originally purchased to be a pawn shop with 1 apartment on 2nd floor with a 2nd space to work as caretaker/pawn shop office area. As a result of a deadly tragedy in the area, the businesses co-partner pulled out and the pawn shop idea went to the wayside.

3. Hardship incurred by the climate in town about bringing in a pawn shop circumstances beyond owner's control.

Originally permitted for use granted. The neighborhood has very similar use in at least 2 buildings to the side and/or adjacent buildings to 92 Front St.

Board comments-none. Public comments-none

Motion to close public hearing: D.Aumick/ 2nd: E.Miller/ Approved

2.) 12 North Maple Ave., J.Seperac SBL: 20-1-1.2

No representative present

Motion to hold PH to 6:30/upon Mr. Seperac's arrival or 11/7: H.Barth/ 2nd: E.Miller/ Approved

II. Approval of XXX minutes: Special Meeting-no minutes

III. Public Comment (3 minute limit): None

IV. Discussion of Public Hearing(s):

1.) 92 Front Street, Soloway, SBL: 13-13-17

4 Steps to review:

Can't realize a reasonable return on the property. T.Sexton, can payments be stretched" or modified?

How does the intended use differ from making the property as a business a projection of greater revenue rather than as a tri rental? WS-Break even mark is \$4000 a month. Present rent of \$1000 (MMP) +\$750 (1st, 2nd fl apt). Owner became landlord by default instead of an owner/operator. Must change market value rent or no one would be occupying the spaces.

1) Consensus of no reasonable return--YES

2) Alleged hardship similar use compared to neighboring buildings--YES

3) If granted will not alter neighborhood--NO

4) Alleged hardship is not self created for intended purpose--NO

SEQR Motion to no impact /action on environment: T.Sexton/ 2nd: H.Barth/ Approved
 Motion as advertized: E.Miller/ D.Aumick/ Approved (6 yes/ T.Simmons-no)
 92 Front Street will move to Planning Board at 7PM 10/17/17

I. Call Meeting to Order: 6:17 pm, Time Simmons, ZBA Chair

Present: Mike Roberts, Donn Copa, Hermann Barth, Dan Aumick, Tom Sexton, Earl Miller,
 Robert Fink, Esq., Dave Rivera-Building Official, Tom Vicchiariello, PB Chair

2.) 12 North Maple Ave., J.Seperac SBL: 20-1-1.2

Mr. Fink stated that he checked w/ OC Planning Board on behalf of applicant and the comments were sent back affirmatively.

Mr. Seperac (arrival 6:30pm) /obo/ 12 N.Maple Ave. requests to convert 2 family dwelling into 4 family. He provided documents as requested by the board w/ proof of similarities and like uses in the neighborhood. 26 Multi Family dwellings (all next to or near): 1-5 family, 2-2 family (to the east), 3-1 family, 4-3 family, 5-2 family.

4 Steps to Review:

- 1) Will the change be a detriment to the neighboring families and/or neighborhood?-- NO
- 2) Can the benefit be achieved by any other means? A. Tenants must be out 11/4 option B. could combine 2 properties?
- 3) Is this a substantial variance? YES--numerical but--NO compared to the neighboring lots #10 is a 3 family/ 5,500 sq.ft.
- 4) SEQR -- Same exact footprint?--NO
- 5) Self-created difficulty?--YES

Public Comment: Wm.Onofry /obo/applicant, if after the project is completed, the remainder of the property was returned to the owner to complete his property giving appropriate square footage.

T.Sexton referenced the letter. H.Barth noted "new" tenants are each 1 person.

Motion to close PH: D.Aumick/ 2nd M.Roberts/ Approved

Discussion: Motion for SEQR: H.Barth/ 2nd: E.Miller/ Approved

Motion for Submission: E.Miller/ 2nd: D.Aumick/ Roll call vote: 5 Yes, T.Simmons & T.Sexton, 2 NO, Approved

V. Pre Submission(s):

VI. Old Business: None

VII. New Business: None

VIII. Planning Board Report:

X. Council Liaison Report:

XI. Adjournment: 7:03pm Motion: H.Barth/ 2nd: T..Sexton/ Approved

The next meeting is scheduled for 7:00 pm on Nov. 7, 2017

Respectfully submitted by: J.Schiels