



CITY OF PORT JERVIS

P.O. BOX 1002
20 HAMMOND STREET
PORT JERVIS, NEW YORK 12771

ZBA Meeting Minutes August 6, 2024, 7:00 pm

In attendance: Chair-T. Simmons, D.Aumick, E.Hipsman, D. Thompson, J. Ennis (alternate)
Additional attendees: ZBA Atty.-W.Duquette, PB Chair-T.Vicchiariello, BD-L.Powrie, Council
Liaison-C.O’Connell
Absent: R.Broas, M. Roberts, D.Santini

Public Hearing:

1. Shamus Donahue, 36-40 Center St., SBL: 10-1-2.1; ZD: LI; Use variance to allow a Business & Professional office in the LI (Light Industrial) zoning district.

Michael O’Gorman obo applicant stated the property is a food manufacturing site, approx. 3 acres, the second floor has multiple offices available and the applicant would be occupying one 350 SF office.

Motion to close the public hearing E.Hipsman, 2nd D.Aumick, 5 yes, 0 no

Public Comment: none

- I. Call to order and Pledge of Allegiance: Mr. Simmons 7:00 PM
- II. Approval of July 2, 2024 minutes: Motion to accept D.Thompson, 2nd J.Ennis, 4 yes, 0 no, Aumick abstains
- III. Public Comment (3-minute limit): Letter presented from Gillinder Glass in favor of the applicant; placed in the file.
- IV. Discussion of Public Hearing(s): the request for a variance for business in light industry zone.
reading of the:
 1. No reasonable return: 25% of the building is offices that are empty. The applicant is the CFO of the Food Manufacturer and can occupy space to help with the company. He is in a temporary location conducting his CPA business and will be unable to continue there long term. The office space can’t be converted for any other use. He would use only 350 SF on the second floor for his office space.
 2. The hardship is unique-no questions
 3. Character of the neighborhood will have no change
 4. Is this self-created? applicant says no however the by definition should be yes, other locations in the area are available to conduct CPA business. No additional comments

Mr. Vicchiariello stated the creation of the Industrial Park never grew to expectations and perhaps the Council should revisit the LI zoning district.

Mr. Hipsman spoke in favor of seeking a solution but the board is bound by the law that stands before the ZBA.

No additional comments.

Motion to name the ZBA as Lead Agent of unlisted action under SEQ: D.Thompson, 2nd D.Aumick 5 yes, 0 no

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion to declare negative declaration under SEQR: E.Hipsman, 2nd D.Aumick, 5 yes, 0 no

Motion to approve the application via roll call vote: D.Aumick, E.Hipsman

D.Aumick-Yes (stated need for evidence) J.Ennis-No
 E.Hipsman-Yes D.Thompson-Yes
 T.Simmons-No 3 yes, 2 no

Upon further review by Board Attorney, Wm. Duquette for an affirmative vote of approval, the vote must be by the majority of the entire Board. Mr. Duquette sent the below message to "mwog@planethealthfoods.com" <mwog@planethealthfoods.com> via email Date: Wed, Aug 7, 2024 at 8:18 AM
 Subject: 36-40 Center Street, Planet Health, Inc. Use Variance Application ZBA-2024-0003

"Unfortunately, you and Mr. Donahue left last evening's City of Port Jervis Zoning Board of Appeals ("ZBA") meeting before I had an opportunity to clarify the result of the Board's vote. New York law requires a majority of an entire board to exercise its authority. The ZBA consists of 7 members, so the affirmative vote of 4 members is required to grant a variance. Since there were only 3 votes in favor of granting the variance, the motion did not pass, thus a variance was not granted."

V. Pre Submissions: None
 A. Public Comment: None
 B. Board questions: None

VI. Old Business: None

VII. New Business: Mr. Hermann Barth has resigned from the ZBA. Mr. Rick Broas has been appointed to the ZBA with Mr. Joe Ennis as alternate to the ZBA

- VIII. Planning Board Report: Mr. Vicchiariello provided PB report
- IX. Code & Building Dept., L. Powrie updated the board on current ongoing city projects
- X. Council Liaison Report: C.O'Connell provided a council report
- XI. Adjournment: 7:45 pm Motion, D.Aumick, 2nd E.Hipsman, 5 yes, 0 no

The next meeting is tentatively scheduled for 7:00 pm on Tuesday, September 3, 2024

Respectfully submitted by: J.Schiels