

CITY OF NEWBURGH
PLANNING BOARD

123 Grand Street, Newburgh, New York 12550

Lisa Daily, Chairperson
Omar E. Balbuena-Palma, Secretary

Phone: (845) 569-7380
Fax: (845) 569-9700

PLANNING BOARD MEETING

The City of Newburgh Planning Board meeting was held on Tuesday, May 16, 2017 in the Activity Center, 401 Washington Street, Newburgh, NY 12550

Members Present: Lisa Daily
Lillian Burgarelli
Duane Ware
Alicia Ware
Ramona Monteverde

Members Absent: Argelia Morales

Also Present: Jason Morris, City Engineer
Alexandra Church, City Planner
Jeremy Kaufman, Assistant Corporation Counsel
Omar E. Balbuena-Palma, Land Use Board Secretary

The meeting was called at 7:30 p.m. after a quorum was confirmed.

APPROVAL OF MINUTES

Lillian Burgarelli moved and Ramona Monteverde seconded the motion to approve the minutes of the April Board meeting.

The motion passed 5-0.

PUBLIC HEARING

INDEX NO. 2017-08 SPECIAL USE PERMIT to convert the current Auto Body Repair Facility to a workshop.

Location: 236 S Williams Street

Owner/ Applicant: Belfry Arts LLC. / George Ian McMahon +
Ashley Lyon

The Informational Inspection Report of the Building Inspector and the comment letters of the City Engineer and City Planner are to be made a matter of record.

DISCUSSION BY THE BOARD

George Ian McMahon appeared before the Board representing Belfry Arts LLC. He stated he and his wife purchased the property located at 236 South William Street. The intent is to change the current Auto Body Repair Facility to a fabrication studio (Cottage Industry).

The City Planner submitted her latest comment letter for the record and said she has no outstanding comments.

The City Engineer submitted his latest comment letter for the record. He said his outstanding comment was addressed by the Applicant and no industrial discharge permit is required. He has no further comments on the application.

Alicia Ware moved and Lillian Burgarelli seconded the motion to open the public hearing. The motion passed 5-0.

There was no one to speak for or against the Applicant.

Duane Ware moved and Ramona Monteverde seconded the motion to close the public hearing. The motion passed 5-0.

Ramon Monteverde moved and Lillian Burgarelli seconded the motion for SEQRA Negative Declaration. The motion passed 5-0.

The Planning Board requested information regarding the apartments. The applicant said there are 2 bedroom apartments and 6 parking spaces available on site. He said he will repair the property and only use the lot for parking for the fabrication studio.

Ramona moved to approve a special use permit to use a portion of the premises as a Cottage Industry (fabrication studio) for one year, conditioned on compliance with the Comment Letters of the City Planner and City Engineer, compliance with the Informational Report of the Building Inspector, and approval by the Zoning Board of Appeals for area variances needed as outlined in the Building Inspector's Informational Report.

Alicia Ware seconded the motion.

The motion passed 5-0.

Lillian Burgarelli moved to waive site plan approval and accept the application subject to the following conditions: compliance with the Comment Letters of the City Planner and City Engineer, compliance with the Informational Report of the Building Inspector, and approval by the Zoning Board of Appeals for area variances needed as outlined in the Building Inspector's Informational Report.

Ramona Monteverde seconded the motion.

The motion passed 5-0.

NEW BUSINESS

INDEX NO. 2017-12 **SITE PLAN** to construct a mixed-use building. An office with storage on the first floor and one dwelling unit on the second floor.
Location: 365 Ann Street
Owner/ Applicant: Dexter Development & Renovations, LLC. / Timothy P. Dexter

The Informational Inspection Report of the Building Inspector and the comment letters of the City Engineer, and City Planner are to be made a matter of record.

DISCUSSION BY THE BOARD

Tim Dexter, Sr. appeared before the Board. He said his son, Tim Dexter, Jr., owns 365 Ann Street and the adjacent vacant lot. He proposes to build a 2-story mixed use building; the first floor will be a storage area and a small office for personal use, the second floor will be a 1-bedroom apartment. He will revise the submitted site plan to incorporate the comments from City staff in his next submission.

The City Engineer submitted his latest comment letter for the record. He said to include: signature blocks, water and sewer services, standard construction details and the newly adopted streetscape standards for sidewalks on the site plan. He clarified with the applicant that the utility pole near the entrance will be relocated and shown on the next site plan submission.

The City Planner submitted her latest comment letter for the record. She said the property is in the Medium Density Residential zone and Commercial Overlay district. Mixed use is allowed by right pending site plan approval. The applicant requires zoning variances and will attend the May 23, 2017 ZBA meeting. The project is an unlisted action under SEQRA and confirmed the square footage on the EAF. The project does not require County or CAC review.

The applicant said he has a fully developed site plan which addresses most of the comments by the City. The front and side yards have trees and shrubs, along with photometrics for further review by the City. The applicant said he was open to suggestions regarding screening details.

Duane Ware moved and Lillian Burgarelli seconded the motion to declare Lead Agency pursuant to SEQRA.

The motion passed 5-0.

Lillian Burgarelli moved and Alicia Ware seconded the motion to waive the public hearing requirement of the site plan application.

The motion passed 5-0.

The applicant was informed to submit the revised site plan by June 2nd in order to attend the June 20th Planning Board meeting. The applicant also agreed to attend the ZBA meeting on May 23rd.

INDEX NO. 2017-11 SITE PLAN to convert an existing 2-story commercial building warehouse to an art gallery/assembly space on the main floor and Professional Office on the second floor.

Location: 7 S Lander Street

Owner/ Applicant: Hudson Valley Paperworks/ Luke Pontifell

The Informational Inspection Report of the Building Inspector and the comment letters of the City Engineer, and City Planner are to be made a matter of record.

DISCUSSION BY THE BOARD

Luke Pontifell representing Hudson Valley Paperworks and Chris Berg, project designer, appeared before the Board. He said his intent is to convert the ground floor to a gallery/ event space and the top floor into professional office space primarily for graphic designers and architects. There will be no changes to the footprint of the building. The top floor will be divided into studios and the bathrooms will be upgraded for handicapped access.

The City Engineer submitted his latest comment letter for the record. He said that signature blocks, water and sewer connections, and the newly adopted streetscape standards should be incorporated into the site plan. As per section 300-68 of the City Code, the Planning Board should decide the parking requirements.

The applicant said the gallery has approximately 3,000 square feet on each floor and they can provide 61 parking spaces, because it owns a parking lot and building adjacent to the subject property. They proposed no changes to the material (gravel) parking lot.

The City Planner submitted her latest comment letter for the record. She said the property is in the Downtown Neighborhood District and site plan approval is required as per the ZEO's Informational letter. The project is an automatic Type 1 action under SEQRA due to its location in the East End Historic District and is not subject to CAC or County review. Parking should be determined by the Planning Board and, in her opinion, the applicant has provided sufficient off-street parking space. She said questions E.2 and E.3 of the EAF triggered DEC and SHPO review, however, because the application is only a change in use and not a change to the actual site footprint, no further clarification is required.

The Assistant Corporation Counsel said that all exterior work, including sidewalk repair, is subject to ARC approval.

The applicant agreed to leave and reset the bluestone on the sidewalk and requested to paint the building as shown in their plans, and using color from the Benjamin Moore Historic Color palette. The hours of the building are to be determined.

Lillian Burgarelli moved and Alicia Ware seconded the motion to declare Lead Agency pursuant to SEQRA.

The motion passed 5-0.

Alicia Ware moved and Duane Ware seconded the motion for SEQRA Negative Declaration.

The motion passed 5-0.

Duane Ware moved and Ramona Monteverde seconded the motion to waive a public hearing.

The motion passed 5-0.

Duane Ware moved to approve the site plan application subject to the following conditions: compliance with the Comment Letters of the City Planner and City Engineer, compliance with the Informational Report of the Building Inspector, and to paint the exterior using colors from the East End Historic District guidelines.

Alicia Ware seconded the motion.

The motion passed 5-0.

INDEX NO. 2017-09 SITE PLAN to have an art gallery/café on the first floor and a gallery space on the second floor.

Location: 46 Chambers Street

Owner/ Applicant: Paulien Lethen

The Informational Inspection Report of the Building Inspector and the comment letters of the City Engineer and City Planner are to be made a matter of record.

DISCUSSION BY THE BOARD

Paulien Lethen appeared before the Board. She proposed to open an art gallery and coffee shop on the first floor and an office and studio space on the second floor. There will be no food served on the premises, only tea and coffee. She said there are no proposed changes to the building except to replace the windows on the rear and front of the building.

The City Engineer submitted his latest comment letter for the record. He had no substantial comments and recommended waiving site plan approval. He requested to have any approval conditioned on the applicant returning to the codes department if there is a prospective tenant that would impact the sewers.

The City Planner submitted her latest comment letter for the record. She said the property is in the Downtown Neighborhood District and as per the ZEO's Informational letter, site plan approval is required and the use on the second floor is Cottage Industry. It is a Type 1 action because the property lies in the historic district, but is not subject to CAC review. The project requires County review because it is within 500 feet of SUNY Orange. She said question E.2 and E.3 of the EAF triggered DEC and SHPO review, however, because the application is only a change in use and not a change to the actual site footprint, no further clarification is required.

The Applicant said that there will be no garbage dumpsters on the property.

Ramona Monteverde moved and Lillian Burgarelli seconded the motion of the Planning Board's intent to become lead agency.

The Planning Board requested to see the plan submitted to ARC for consideration of the site plan. The applicant indicated that lighting will be added above each door.

The Applicant agreed to submit revised drawings that included the window replacements and lighting on the site to the Board and will attend the next available ARC meeting.

At the request of the Chair, the Planning Board agreed to revise the agenda to hear the Site Plan application of 98 Grand Street next.

INDEX NO. 2017-06 SITE PLAN to change the building from a 3-family to a 4-family residence, and create a 2-bedroom apartment in the basement.

Location: 98 Grand Street

Owner/ Applicant: Serenity Homes LLC. / John Duggan

The Informational Inspection Report of the Building Inspector and the comment letters of the City Engineer, City Planner, and the Conservation Advisory Council are to be made a matter of record.

DISCUSSION BY THE BOARD

William Costello appeared before the Board representing Serenity Homes LLC and gave a brief overview of the project. He said he intends to create a 2-bedroom apartment in the basement and change a 4-story building from a 3-family to a 4-family residence.

The City Planner submitted her latest comment letter for the record. She said the property is in the Downtown Neighborhood District and within the LWRP boundary. As per the ZEO's Informational letter, site plan is required from the Planning Board and the project is a Type I action under SEQRA. She clarified that no off-street parking is required for residential units in the Downtown Neighborhood that have 4 or fewer units. She said the CAC found the project consistent with the LWRP and that County comments were received on May 11. She said question E.2 and E.3 of the EAF triggered DEC and SHPO review, however, because the application is only a change in use and not a change to the actual site footprint, no further clarification is required.

The City Engineer submitted his latest comment letter for the record and recommended waiving site plan approval.

The Chair said the only concern from the CAC was that the counsel does not support conversion of single-family residence without off-street parking.

Ramona Monteverde moved and Lillian Burgarelli seconded the motion for SEQRA Negative Declaration.

The motion passed 5-0.

Lillian Burgarelli moved and Alicia Ware seconded the motion to waive a public hearing.

The motion passed 5-0.

Alicia Ware moved to approve the project and waive site plan review.

Ramona Monteverde seconded the motion.

The motion passed 5-0.

INDEX NO. 2016-07 SPECIAL USE PERMIT and SITE PLAN to establish a Gas Main Regulator Site.

Location: 182 Fullerton Avenue

Applicant: Justin Dates

The comment letters of the City Engineer, City Planner, the Conservation Advisory Council and the submitted facade alternatives/bench details are to be made a matter of record.

DISCUSSION BY THE BOARD

The Assistant Corporation Counsel said that due to an administrative error at the previous meeting, the Special Use Permit was not voted on and a motion needs to be done to approve the Special Use Permit.

Ramona Monteverde moved to approve the Special Use Permit for one year.

Alicia Ware seconded the motion.

The motion passed 5-0.

INDEX NO. 2017-13 SITE PLAN to construct a mixed-use development that consists of residential, retail, and commercial uses with structured parking.

Location: 4 & 2 Washington Street. 2 Front Street and 29 S Water Street

Owner/ Applicant: RBG Newburgh, LLC.

The comment letters of the City Engineer, and City Planner are to be made a matter of record.

DISCUSSION BY THE BOARD

Chuck Hutchik of Langan Engineering appeared for the Applicant and said they are here to introduce the project to the Planning Board and are requesting for the Planning Board to declare its intent to be lead agency pursuant to SEQRA.

Ryan Black appeared for the Applicant. He said his group has completed several large-scale projects around the country. They are proposing a mixed-use project along the waterfront that incorporates the ferry terminal as well as commercial spaces, residential units, public access to the waterfront and access from the top of the hill to the waterfront.

Bob Hillier of Studiohillier Architects appeared for the Applicant and highlighted the following points of the project:

- The project will maintain the view corridors from Broadway out to the river.
- The project has been elevated slightly to avoid underpinning a retaining wall.
- Main access to the site will be from Front Street and two roads will circle the perimeter. The road closest to the railway will be a 2-way street. The road closest to the river will be a one-way road for temporary parking/minor traffic.
- They are implementing measures to avoid trapping garbage from the river.
- He said the project will contain a 20 feet wide riverwalk, complete with plantings, that extends the width of the site. It will begin at the boat launch and will merge with the street to allow public events. The minimum sidewalk width on the property will be 12 feet.
- The project sits on a podium, the front (closest to the river) will have 50,000 square feet of retail and behind it (underground) will be parking spaces. There will be 4 tower buildings comprised of retail spaces, parking spaces and apartments. They would each have greenspace rooftops. There are currently 496 parking spaces and there are approximately 65 apartments in each building.
- The existing ferry landing will be moved to the center of the project.
- The building to the south of the property will be used for storing boats. It will be 3 stories high and have its own parking lot.
- Retail stores will have 16-foot ceilings, parking will have 10-foot ceilings and the apartments will have 12-foot ceilings.
- There will be daily garbage pickup complete with its own service corridor.
- The buildings are exceeding the zoning width by 28 feet and they will need to obtain variances from the ZBA. The Applicant had a list of proposed other variances that it will need and is prepared to submit to professional staff at a later date.
- Other project highlights included a water jet in the river and a self-enclosed swimming pool.

Alicia Ware moved and Lillian Burgarelli seconded the motion to declare the Planning Board's intent for lead agency.

The motion passed 5-0.

The City Planner submitted her latest comment letter for the record. She said the project is a Type 1 action because the residential threshold has been met. Based on the potential impacts of the submitted EAF, the City will work with the applicant to address these issues.

Lillian Burgarelli moved and Alicia Ware seconded the motion to adjourn the meeting.
Meeting adjourned at 9:35 p.m.

Respectfully submitted,

Omar E. Balbuena-Palma,
Secretary