

CITY OF NEWBURGH
PLANNING BOARD

123 Grand Street, Newburgh, New York 12550

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

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PLANNING BOARD MEETING

The City of Newburgh Planning Board meeting was held on Tuesday, June 20, 2017 in the Activity Center, 401 Washington Street, Newburgh, NY 12550

Members Present: Lisa Daily
Duane Ware
Alicia Ware
Ramona Monteverde
Argelia Morales
Heather Moore (Alternate)

Members Absent: Lillian Burgarelli

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

Alicia Ware moved and Ramona Monteverde seconded the motion to approve the minutes of the May Board meeting.

The motion passed 5-0.

NEW BUSINESS

INDEX NO. 2017-16 **SITE PLAN** to change an office space into a residential unit on the second floor.

Location: 350 Broadway

Owner/ Applicant: CAT TUONG LLC / Kien Trinh

The applicant did not appear at the meeting. The application was tabled until the next Planning Board meeting.

INDEX NO. 2017-17 SPECIAL USE and SITE PLAN to create a child day-care center.

Location: 310 Fullerton Avenue

Owner/ Applicant: Iglesia De Dios Fuente De Vida Eterna, Inc. /
Brenda Reyes

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

Brenda Reyes and Pastor Reyes appeared before the Planning Board. They said their intent was to create a child day-care center at 310 Fullerton Avenue on the second floor.

The City Planner submitted her latest comment letter for the record. She said the property is in the Commercial District and a special use permit and site plan approval are required as per the ZEO's Informational. The project is an unlisted action under SEQRA and is not subject to CAC or County review. She said the applicant should supply site plans as per comment 4 of her letter and that the Planning Board review the special use permit standards for the child day-care.

The City Engineer submitted his latest comment letter for the record. He said the provided site plan is lacking required information in accordance with §300-87 of the City Code but that the Planning Board may waive some of those requirements. He said an outdoor play space and sign details need to be shown on the site plan and to remove the duplicate owners signature block.

Ms. Ware requested mitigation details for the drive-thru traffic.

The Assistant Corporation Counsel said the Board can declare itself lead agency and should schedule a public hearing for the next meeting. The Orange County Department of Health and the NYS Office of Family Services will be notified of the next Planning Board meeting. He said the Board should review and/or familiarize itself with §300-103(b) of the City code.

Ramona Monteverde moved to declare Lead Agency pursuant to SEQRA. Duane Ware seconded the motion,

The motion passed 6-0.

Duane Ware moved to schedule a public hearing at the July Planning Board meeting. Argelia Morales seconded the motion.

The motion passed 6-0.

The applicant agreed to attend the next Planning Board meeting in July.

INDEX NO. 2017-04 SITE PLAN to divide a commercial building into three separate uses.
(Restaurant, Personal Service, and Wholesale)
Location: 640 Broadway
Owner/ Applicant: Frederick W. Stiefel / Alberto Camacho

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

DISCUSSION BY THE BOARD

Alberto Camacho and Emanuel Popa appeared before the Planning Board. They proposed to subdivide the building into 3 commercial units: a barbershop, a wholesale business, and a restaurant.

The City Planner submitted her latest comment letter for the record. She said the property is located in the Commercial District and the WPO District. The action is unlisted under SEQRA and is subject to GML §239 and CAC review because of its location in the WPO boundaries. Restaurant is allowed pending site plan approval by the Planning Board. She said a site plan is required in the WPO District and the applicant should state if no exterior modifications will be made. The Planning Board should review the CAC's comment letter and review §175 to determine if the mitigation in the City's floodplain development permit is sufficient for the Board. The site or an adjoining site may be the subject of ongoing remediation or complete remediation and the Applicant should verify question 20 of the SEAF.

The City Engineer submitted his latest comment letter for the record and said the Planning Board should determine if the submitted site plan is enough to satisfy §300-87 of the City Code and that the Applicant is exempt from the WPO requirements as long as no exterior changes to the site are made.

The Applicant stated that no exterior modifications or landscaping will be performed. He said the hours of the restaurant will be from 10 a.m. to 8 p.m.

Ms. Monteverde clarified that the existing parking lot is made of asphalt. The applicant later stated that he might want to seal coat the parking lot to the premises.

Argelia Morales moved to declare Lead Agency pursuant to SEQRA. Alicia Ware seconded the motion.

The motion passed 6-0.

Duane Ware moved to waive the public hearing requirement of the site plan application. Argelia Morales seconded the motion.

The motion passed 6-0.

The Applicant was informed to attend the next Planning Board meeting.

INDEX NO. 2017-18 SUBDIVISION to divide 18 existing tax parcels to 36 lots.
Location: Along Morris Ave. between Hawthorne Ave. and Orchard St.
Owner/ Applicant: Iconic Properties, LLC/ Dimitri Zahariadis

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

DISCUSSION BY THE BOARD

Dimitri Zahariadis from Excell Homes and John Queenan, of Lanc & Tully, appeared before the Planning Board. The Applicant gave a brief history of the project and said the intent is to subdivide the existing lots in Morris Avenue in half.

Ms. Daily clarified that each lot will be converted into 2 lots with a 2-family dwelling on each lot and each lot will have separate driveways, utilities and owners.

Mr. Ware asked for a distinction between stormwater and wastewater drainage.

Ms. Moore asked where the stormwater drains.

Ms. Monteverde asked if the applicant was adding more trees to each subdivided lot. She also asked if any additional street lighting was being installed. The applicant stated that no street lights were included in the original plan.

The City Planner submitted her latest comment letter for the record. She said the Board should review Chapter 266 of the City Code. She clarified that the SEAF triggered question 20 and that staff was involved in the remediation of the “Orchard Street” project and it does not appear to have an impact on the subdivision.

The City Engineer said the Applicant took over the dormant project and finished various aspects, including the water and sewer services. He said the engineering department is waiting for a confirmation from DEC that allows the Applicant to complete the project under the old permit and that there are additional details that need to be reviewed.

The Applicant confirmed that the footprint will remain roughly the same but that an additional driveway will be added to each lot. They will do a drainage analysis to compare any changes and will submit a SWIP amendment.

The Assistant Corporation Counsel said that the Planning Board has to make a determination on the proposed Map within 62 days of submission. The Applicant agreed to waive this requirement. A notification letter will be sent to the Orange County Department of Health regarding sewage disposal.

Alicia Ware moved to declare Lead Agency pursuant to SEQRA. Argelia Morales seconded the motion.

The motion passed 6-0.

Ramona Monteverde moved to schedule a public hearing at the July Planning Board meeting. Argelia Morales seconded the motion.

The motion passed 6-0.

OLD BUSINESS

INDEX NO. 2016-11 SITE PLAN to establish a Dunkin Donuts

Location: 445 Robinson Avenue

Applicant: Scott Shearing

The comment letters of the City Engineer, City Planner, the County Planning Board, and the traffic consultant are to be made a matter of record.

DISCUSSION BY THE BOARD

Richard Pearson, traffic consultant from JMC Engineering, appeared before the Board. He gave a summary of his background in traffic consulting and briefly went over his comment letter. He highlighted the following:

- He said the overall traffic report submitted by Atlantic is satisfactory.
- Modifying the traffic light timing at the intersection of Robinson Avenue and North Street would improve the traffic flow.
- There may be some queuing on site but nothing in excess that would cause gridlock.
- There were no patterns noted when the accident report was analyzed.
- The Applicant addressed most of his comments but said that larger vehicles may have difficulty entering the site.
- The Planning Board should determine the off-peak hours for the loading space.

Scott Shearing of Bohler Engineering and Rihanna Kerchoff of Atlantic Traffic Design appeared before the Board. They gave a summary of the submitted changes addressing the comments of the traffic consultant.

The City Planner submitted her latest comment letter for the record. She said most of her comments were satisfied and said that any mitigation to traffic or otherwise accepted by the Planning Board is at the Applicant's expense.

The City Engineer submitted his latest comment letter for the record. He said all his comments were satisfied but said that he would like to see a plan for a turning radius for larger vehicles entering the site from Robinson Avenue. He suggested modeling a pickup truck.

Mr. Ware agreed and said that he would like to see the turning radius of commercial vehicles as well as signage details on the site plan.

Ms. Morales clarified with the traffic consultant that the surrounding lights will not be significantly impacted by the traffic light modification.

Duane Ware moved for SEQRA Negative Declaration. Ramona Monteverde seconded the motion. The motion passed 5-0.

The Applicant agreed to return to the next Planning Board meeting with updated site plans reflecting the turning radius details for larger vehicles (including possibly widening the curb), signage detail options, and response to JMC's traffic study comments.

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, City Planner, and the County Planning Board are to be made a matter of record.

DISCUSSION BY THE BOARD

Paulien Lethen and Dennis Lynch, project architect, appeared before the Planning Board. The Applicant said she have submitted an updated site plan and are also attending the next ARC meeting.

The City Planner submitted her latest comment letter for the record. She said she has no new comments on the application and that the City has received the required reviews. She confirmed with the Applicant that there will be no site work.

The City Engineer submitted his latest comment letter for the record. He requested the Board to include a requirement for the Applicant to inform the Building Department should a tenant propose a "Cottage Industry" use. He recommends waiving the site plan.

Ms. Daily confirmed with the Applicant that the 1st floor will be a gallery and the 2nd and 3rd floor will be office and studio spaces. The Applicant said that there will be no cooking on site.

Alicia Ware moved and Argelia Morales seconded the motion to waive the public hearing requirement of the site plan application.
The motion passed 5-0.

Ramona Monteverde moved to declare Lead Agency pursuant to SEQRA. Duane Ware seconded the motion.
The motion passed 5-0.

Ramona Monteverde moved and Argelia Morales seconded the motion for SEQRA Negative Declaration.

The motion passed 5-0.

Argelia Morales moved and Duane Ware seconded the motion to waive the Site Plan review.

The motion passed 5-0.

Ramona Monteverde moved to approve the application subject to comment 4 of the City Engineer's comment letter.

Duane Ware seconded the motion.

The motion passed 5-0.

INDEX NO. 2017-10 SPECIAL USE PERMIT/ SITE PLAN to develop a parking area.

Location: 35-37 Broad Street

Owner/ Applicant: City of Newburgh / FD Water Street Holdings, LLC

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

DISCUSSION BY THE BOARD

Justin Dates appeared before the Planning Board.

The Assistant Corporation Counsel said that the Board had declared the intent to be Lead Agency at the April Planning Board meeting. He confirmed that no letters from any interested or involved agencies responded were received. He said that the board should declare Lead Agency to allow the Applicant to move forward with the project.

Alicia Ware moved to declare Lead Agency pursuant to SEQRA. Lisa Daily seconded the motion. The motion passed 5-0.

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, Jr. appeared before the Board. The Applicant said he is proposing 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 by the City in his next submission.

The City Planner submitted her latest comment letter for the record. She said the project is an unlisted action under SEQRA and does not require County or CAC review.

The City Engineer submitted his latest comment letter for the record. He said the Applicant is working on submitting an updated and will add the pole location on the site plan.

Argelia Morales moved for SEQRA Negative Declaration.
The motion passed 5-0. Alicia Ware seconded the motion.

Argelia Morales moved to approve the site plan application conditioned upon addressing the outstanding comments from the City Engineer and City Planner.
Ramona Monteverde seconded the motion.
The motion passed 5-0.

The applicant was informed to submit the revised site plan to the Secretary.

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

The Assistant Corporation Counsel said that that no responses have been received from the involved agencies and it is up to the Planning Board to declare themselves Lead Agency.

Alicia Ware moved to declare Lead Agency pursuant to SEQRA. Argelia Morales seconded the motion.
The motion passed 5-0.

With no further business to discuss the meeting was adjourned at 9:13 p.m.

Respectfully submitted,

Omar E. Balbuena-Palma,
Secretary