CITY OF NEWBURGH
PLANNING BOARD
Ramona Monteverde, Acting Chairperson
Omar E. Balbuena-Palma, Secretary
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PLANNING BOARD MEETING

The City of Newburgh Planning Board meeting was held on Tuesday, July 18, 2017 in the Activity Center, 401 Washington Street, Newburgh, NY 12550

Members Present: Ramona Monteverde
Argelia Morales
Duane Ware
Alicia Ware
Heather Moore (Alternate)
Kent Diebolt (Alternate)

Members Excused: Lisa Daily
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 7:35 p.m. after a quorum was confirmed.

APPROVAL OF MINUTES

Alicia Ware moved and Argelia Morales seconded the motion to approve the minutes of the June Board meeting.

The motion passed 6-0.

PUBLIC HEARING

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, City Planner and the Orange County Department of Health were made a matter of record.

DISCUSSION BY THE BOARD

Brenda Reyes appeared before the Board.

The Acting Chairperson opened the public hearing.
There was no one present to speak for or against this application.

The Assistant Corporation Counsel said the Applicant recently submitted new materials and City Staff and the Board needed more time to review the submission.

The Board held open the public hearing until the next meeting.

The Applicant was informed to attend the next Planning Board meeting and to contact the Secretary to the Land Use Boards for an update on City Staff's comment letters.

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, City Planner and the Orange County Department of Health were made a matter of record.

DISCUSSION BY THE BOARD

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 and construct 2-family houses on each lot. He said that each house will have separate driveways, and water and sewer services. The footprints of the buildings will generally remain the same.

The Acting Chairperson opened the public hearing.
There was no one present to speak for or against this application.

The City Engineer said the Applicant is still in the process of obtaining a SWIP response letter from the DEC, and that no vote on the preliminary approval should take place until receiving that letter. He asked the Applicant to submit its application to the Orange County Department of Health for review.

The Assistant Corporation Counsel referred to an Orange County Department of Health letter that stated the Department would not act or review the application until the preliminary plat is approved. The City Engineer said he would contact the Department to request the same review in light of an apparent conflict between the City Code and the Department's position...

The Board held open the public hearing until the next meeting.

The Applicant was informed that he must attend the next Planning Board meeting.

NEW BUSINESS

INDEX NO. 2017-15 **SITE PLAN** to construct a mixed-use structure within the walls of the existing building.
Location: 102-104 Washington Street
Owner/ Applicant: Newburgh Community Land Bank / Juhee Lee-Hartford

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

DISCUSSION BY THE BOARD

James Hartford from River Architects and Isaac Diggs appeared before the Board. Mr. Hartford gave a brief overview of the project. He said the intent is to retain the existing brick wall and build a structure inside to meet Passive House Standards. The building will be mixed use, with two separate commercial units (with basements) on the first floor and residential units on the second and third floors. He said that permits have been issued to clean and stabilize the existing building and he has mapped out the utilities from street. He said the property will have a drywell to manage the rainwater and that standard details are shown on the site plan for sidewalk improvements which include tree plantings and storm water mitigation. He said that he is in the process of obtaining an easement with the adjacent property owner for access to the building and that the current access is temporary.

Mr. Ware clarified that there will be no additions to the building.

Ms. Monteverde requested more details on the building stabilization process. The Applicant said that structural thermal brakes will be used one floor at a time to give structural integrity. New construction will be added on top after the existing wall is stabilized.

The City Planner submitted her latest comment letter for the record. She said the property is in the Downtown Neighborhood District and the use is permitted following Site Plan approval by the Planning Board. The action is an automatic type 1 action under SEQRA and no other permits are required. The project is not subject to CAC or GML 239 review. She said there are two outstanding comments that the full EAF triggered, but because no site modifications are proposed no additional action is necessary.

The Applicant agreed and confirmed that no site modifications will be made.

The City Engineer submitted his latest comment letter for the record. He said that nothing significant remains outstanding except for various technical comments and said that any storm water mitigation is appreciated.

Alicia Ware moved to waive a public hearing.
Argelia Morales seconded the motion.
The motion passed 6-0.

Argelia Morales moved to declare the Board's intent to become Lead Agency.
Duane Ware seconded the motion.
The motion passed 6-0.

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

INDEX NO. 2017-20 **SITE PLAN** to create a mixed-use building with residential apartments on the 2nd and 3rd floor and a fast food restaurant on the 1st floor.
Location: 216 Broadway
Owner/ Applicant: Rafiq Majeed / Coppola Associates

The Informational Inspection Report of the Building Inspector and the comment letter of the City Planner were made a matter of record.

DISCUSSION BY THE BOARD

Rafiq Majeed, property owner, and AJ Coppola, project Architect, appeared before the Board and gave an overview of the project. The Applicant said they proposed to renovate the building at 216 Broadway as a mixed-use building.

- The first floor will be a restaurant and the second and third floor will be residential units.
- The building will have two entrances, one for the tenants and the other for the business
- A small addition to the rear of the building will be added for a freezer and cooler.
- The building is currently being stabilized and no additional site improvements will be made.
- The building will include sprinkler systems.
- The garbage will be stored in rubber maid containers in the rear of the property and then placed in front of the building for pick-up because the rear is landlocked.

The Applicant said that he has appeared before the ARC but the ARC was unable to take an action due to SEQRA procedures.

The City Planner submitted her latest comment letter for the record. She said the property is in the Broadway Corridor District and that mixed-use is allowed pending Site Plan approval from the Planning Board. The action is an automatic Type 1 action under SEQRA. No parking is required. She said the project does not require CAC or GML 239 review. She had no comments on the EAF or application.

The City Engineer said that he has no comments and recommended waiving Site Plan approval.

Duane Ware moved to declare the Board's intent to be Lead Agency.
Argelia Morales seconded the motion.
The motion passed 6-0.

Argelia Morales moved to waive a public hearing.
Heather Moore seconded the motion.
The motion passed 6-0.

The Assistant Corporation Counsel said that no action can be taken because the Planning Board cannot declare itself Lead Agency until the thirty days have passed or the involved agency sends a response letter about its intentions with respect to Lead Agency status.

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

INDEX NO. 2017-21 **SPECIAL USE** to change the use of the property to Automobile Service & Repair.
Location: 46 William Street
Owner/ Applicant: Jaber Nidal / Wendell Jackson

The Informational Inspection Report of the Building Inspector and the comment letters of the City Planner were made a matter of record.

DISCUSSION BY THE BOARD

Wendell Jackson, applicant, appeared before the Board. He gave a brief history of his business and an overview of the work that he will do in the building. He said he will mostly do vehicle electronics work such as installation of radios, remote starters, vehicle accessories, installation of tinted windows, and auto detailing. He said that he will not do engine work, oil changes or any work that will utilize chemicals on site. He said he can fit approximately 10 cars inside the building and he is not sure if he will rent out other parts of the building.

The City Engineer said the Applicant is not proposing any exterior changes and he recommends waiving Site Plan approval.

The City Planner said the property is in the Commercial Zone and the use is allowed pending a Special Use Permit from the Board. She said the action is an automatic Type 1 action under SEQRA and is not subject to CAC or GML 239 review. She said the Applicant needs to answer question E2 on the EAF and obtain approval from the Zoning Board of Appeals for a few variances.

The Assistant Corporation Counsel said that the change in use triggered compliance to the new Zoning Code and because the property has a zero-lot line building, a few variances from the Zoning Board of Appeals are required. He said that the two required parking spaces will be for the Zoning Board of Appeals to consider.

Argelia Morales moved to declare the Board’s intent to become Lead Agency.
Heather Moore seconded the motion.
The motion passed 6-0.

Duane Ware moved to schedule a public hearing at the next Board meeting.
Argelia Morales seconded the motion.
The motion passed 6-0.

The Applicant was informed to return to the next Board meeting for the public hearing.

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 Board's traffic consultant were made a matter of record.

DISCUSSION BY THE BOARD

Scott Shearing of Bohler Engineering appeared before the Board and gave a brief overview of the project. He said he worked with the City Engineer to provide adequate signage to the property and addressed the turning radius issue presented at the last Planning Board meeting.
He was now requesting a vote on Site Plan approval.
Ms. Ware confirmed that the Honda Accord, Ford Taurus, and the Toyota Camry were used to depict the turning radius. The Applicant added that 70% of the customers will be in the morning and will utilize the drive-thru. He said the entrance will be 33 feet wide and signage will be added to direct traffic.

The City Engineer said the Applicant has addressed all his comments and that the Applicant's engineer provided a large sign with pictures that show which type of vehicles may exit onto Robinson Avenue. He advised the Board, if it voted in favor of the project, to include language in the resolution that incorporated the retiming of the traffic light at the Applicant's expense.

The City Planner said that she has no outstanding comments and rested on her previous comment letter. She said the Superintendent of the Department of Public Works agreed to re-time the light at the Applicant's expense.

The Applicant agreed to pay for the retiming of the light.

Heather Moore moved to approve the project as submitted with compliance with all of the City Planner's and City Engineer's comment letters.
Argelia Morales seconded the motion.
The motion passed 6-0.

INDEX NO. 2017-14 **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, CAC and the County were made a matter of record.

DISCUSSION BY THE BOARD

Jonathan Cella P.E., Alberto Camacho, and Emanuel Popa appeared before the Board. The Applicant gave a brief overview of the project. He said they proposed three separate uses at 640 Broadway (wholesale, barbershop and restaurant) and required Site Plan approval from the Board. He said all required forms were submitted and that there are no expansions to the building. He said the property meets all zoning requirements, that he has added a grease trap in the kitchen and he is also requesting approval to the hours of business.

The Assistant Corporation Counsel said that the hours of operation of the restaurant are not subject to Board consideration because the application is for Site Plan approval, not a Special Use Permit.

The City Planner said the property lies in the WPO and the 100-year flood plain. She confirmed with the Applicant that there will be no site modification. The applicant confirmed again that no exterior modifications or changes would be made to the property.

The City Engineer said the Applicant has addressed all of his comments.

Argelia Morales moved for a Negative Declaration pursuant to SEQRA.
Alicia Ware seconded the motion.
The motion passed 6-0.

Argelia Morales moved to approve the Site Plan as submitted.
Alicia Ware seconded the motion.
The motion passed 6-0

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 Informational Inspection Report of the Building Inspector and the comment letters of the City Engineer, City Planner and the County were made a matter of record.

DISCUSSION BY THE BOARD

Kien Trihn, Applicant, appeared before the Board and gave a brief overview of his project. He proposed to convert the second floor of the building from vacant to a single-family residential. He would live in the unit if approved. The first floor would continue operation as a nail salon business. He confirmed that there will be no exterior changes to the property.

The City Planner said the property lies in the Broadway Corridor Zone and that mixed-use is allowed pending Site Plan approval. The zone requires a minimum building height of three stories; the Applicant already obtained a variance from the Zoning Board of Appeals for a one story height difference. The action was subject to GML 239 review.

The City Engineer said the Applicant is not proposing any exterior changes and he recommended waiving the Site Plan requirement.

Argelia Morales moved to waive the public hearing.
Alicia Ware seconded the motion.
The motion passed 6-0.

Argelia Morales moved to declare Lead Agency pursuant to SEQRA.
Duan Ware seconded the motion.
The motion passed 6-0.

Alicia Ware moved to issue a Negative Declaration pursuant to SEQRA.
Argelia Morales seconded the motion.
The motion passed 6-0.

Kent Diebolt moved to waive the Site Plan requirements under the City Code.
Alicia Ware seconded the motion.
The motion passed 6-0.

Kent Diebolt moved to approve the application as submitted.
Alicia Ware seconded the motion.
The motion passed 6-0

With no further business to discuss the meeting was adjourned at 9:05 p.m.

Respectfully submitted,

Omar E. Balbuena-Palma,
Secretary to the Land Use Boards