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, September 19, 2017 in the Activity Center, 401 Washington Street, Newburgh, NY 12550

Members Present:	Ramona Monteverde Acting Chairperson Argelia Morales Heather Moore (Alternate) Kent Diebolt (Alternate)
Members Excused:	Lisa Daily Lillian Burgarelli Duane Ware Alicia Ware
Also Present:	Chad Wade, Assistant 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

Argelia Morales moved and Heather Moore seconded, the motion to approve the minutes of the August Board meeting.

The motion passed 4-0.

PUBLIC HEARING

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: Ionic 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

Lucy Conley, P.E., from Lanc & Tully Engineering P.C., appeared before the Board for the Applicant. She gave a brief overview of the project. She said an amended Storm Water Pollution Prevention Plan (SWPPP) was prepared in accordance with New York State Department of Environmental Conservation (DEC) guidance and it was submitted to the Planning Board and to the Orange County Department of Health. She said verbal feedback from the Health Department was received concerning 3 comments, all minor. Ms. Conley said she would submit soon a response shortly.

The Assistant City Engineer submitted his latest comment letter for the record. He said due to the substantial numbers of trees proposed for mitigation, the Applicant was referred to the Conservation Advisory Council ("CAC") for comments. He said a revised bond calculation for the proposed re-subdivision amount would be necessary. He requested a written copy of any comments received from the Health Department.

The City Planner submitted her latest comment letter for the record. She said the remediation of the "Orchard Street" project does not have an impact on the subdivision.

The Assistant Corporation Counsel said the Applicant should forward any correspondence from the Health Department to the Planning Board. The public hearing would carry over into the next Planning Board meeting on October 17, 2017.

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

The Applicant was informed that the CAC would review the submitted application on October 5, 2017 and was recommended to attend. The Applicant agreed to forward any correspondence from the Health Department and to submit a revised bond calculation.

NEW BUSINESS

INDEX NO. 2017-22 **SITE PLAN** to convert the first floor into a bakery (Restaurant).
Location: 225 Washington Street
Owner/ Applicant: 215 Washington Street Corp. / Israel Castellanos

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

Guillermo Maldonado, project Architect, and Israel Castellanos, appeared before the Board. The Applicant gave a brief overview of the project. He said the intent was to change the use of the building into a Bakery (Restaurant) and that the owner of 215 Washington Street has allowed the use of 16 parking spaces for the exclusive use of the bakery. The Applicant submitted a letter regarding the dedicated parking for the record.

The City Planner submitted her latest comment letter for the record. She said the project requires Site Plan approval as per the Informational Report and confirmed with the Applicant that no exterior work is proposed. She said it is up to the Board to determine if the available parking on site and with the submitted letter is sufficient.

The Assistant City Engineer said no Site Plan was submitted, no exterior changes are proposed, and recommended waiving the Site Plan requirements.

Ms. Morales said the available parking spots on the property are sufficient.

Mr. Diebolt confirmed with the Applicant that no exterior changes will be made, that 11 parking spaces are available next to the Bakery and the remaining parking spaces will be behind the building in a connected parking lot.

Argelia Morales moved to waive the public hearing.
Heather Moore seconded the motion.
The motion passed 4-0.

Heather Moore moved to declare Lead Agency pursuant to SEQRA.
Kent Diebolt seconded the motion.
The motion passed 4-0.

Heather Moore moved to issue a Negative Declaration pursuant to SEQRA.
Argelia Morales seconded the motion.
The motion passed 4-0.

Kent Diebolt moved to waive the Site Plan requirements under the City Code.
Argelia Morales seconded the motion.
The motion passed unanimously via roll call vote.

Argelia Morales moved to approve the Site Plan application as submitted.
Heather Moore seconded the motion.
The motion passed unanimously via roll call vote.

INDEX NO. 2017-26 **SUBDIVISION** for a lot line change on the property.
Location: 354 & 358 Broadway
Owner/ Applicant: S.A.L. Realty, Inc. / Howard W. Weeden

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

DISCUSSION BY THE BOARD

Howard Weeden PLS, Applicant, and Patricia Favata, property owner, appeared before the Board. The Applicant gave a brief overview of the project. The owners received Zoning Board approval for the lot line change on December 27, 2016 and now they are requesting a subdivision approval from the Planning Board. He said the subdivision will separate the residential and commercial sections of the existing buildings into two lots.

The Assistant Corporation Counsel said the project adheres to Section 266 of the City Code and the first step for the Planning Board is to schedule a public hearing for the October meeting and then potentially vote on the preliminary plat. He said that the Applicant should confirm for the record that she agrees to waive the 62-day requirement for preliminary plat approval.

The applicant waived the time requirements for preliminary plat approval on the record.

The Assistant City Engineer submitted his latest comment letter for the record. He said a single line type and line weight were utilized within the entire drawing making it confusing to understand what is being proposed. He said the plan should be updated to distinguish the existing and proposed features.

Argelia Morales moved to schedule a public hearing at the October 17, 2017 Planning Board meeting.
Kent Diebolt seconded the motion.
The motion passed 4-0.

The Applicant agreed to update the plan and return for the October meeting.

INDEX NO. 2017-30 **SITE PLAN** to change the use into a School of General Instruction.
Location: 257 Liberty Street
Owner/ Applicant: 257 Liberty, LLC. **/** Lauren Maples

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

DISCUSSION BY THE BOARD

Lauren Maples, Applicant, appeared before the Board. The Applicant gave a brief overview of the project and said that the agenda should be updated to accurately represent her proposed use as a School of General Instruction. She said the intent is to renovate the vacant building and convert it into a school for kids, ages 2 to 6. She said the shell of the building is structurally sound but everything else is in disrepair and that the floor plan will be kept mostly the same with two levels used for classrooms. She said the attic use is unconfirmed and that the basement will be used for storage. She gave an overview of the proposed exterior changes and highlighted the following:

- A drop-off location in front of the building
- A new bicycle parking area
- A new (buried) rainwater cistern
- Additional lighting
- New ADA door/ramp on the South side of the building
- New fencing around the building that will link and match the existing fence at Audrey Carey Park on the West and South side of the property
- A new gate on the South side of the building
- A new gate on the adjacent lot from Farrington Street into Audrey Carey Park
- A new wooden sign at Liberty and Farrington Street
- Hours of operation will be from 8 a.m. to 6 p.m. (potentially 7 a.m. to 7 p.m.) Monday through Friday
- School will be closed on weekends but the building will open for special events

The City Planner submitted her latest comment letter for the record. She clarified that the use of the building will be a School of General Instruction as per the Informational Report. She said the project is a Type 1 action under SEQRA and that parking is not required in the zone unless the Planning Board determines the use is parking dependent. She said a proposal will be presented to the City Council for “No parking” in front of the building and that the application may require a referral to the DEC or SHPO as per her comment letter if any site work is proposed.

The Assistant City Engineer submitted his latest comment letter for the record. He said full construction details need to be added as per his comment letter.

The Assistant Corporation Counsel said the Planning Board needs to notify involved/interested agencies prior to becoming Lead Agency for the project and only a vote for intent for Lead Agency could be made for this meeting’s purposes.

Heather Moore moved to declare the Planning Board's intent for Lead Agency.
Argelia Morales seconded the motion.
The motion passed 4-0.

The Applicant was informed update the site plan and attend the next Planning Board meeting.

OLD 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 the City Planner were made a matter of record.

DISCUSSION BY THE BOARD

James Hartford and Karl Hansen from River Architects PLLC, and Isaac Diggs, Applicant, appeared before the Board. The Applicant said that an updated site plan was submitted, and they received a letter permitting access into the property from the neighbor. He said the building was cleaned and cleared of debris and they are ready to begin the stabilization process. They are also aware that ARC approval is required.

The Assistant City Engineer submitted his latest comment letter for the record. He said a layout with additional details for permeable pavers, proposed bioswale, street trees, and other stormwater mitigation items needed to be laid out in the site plan.

The Applicant said that the proposed bioswale will be removed from the site plan.

The City Planner submitted her latest comment letter for the record. She said the project is a Type 1 action under SEQRA and that the Application may require a referral to the DEC or SHPO as per her comment letter. She said no referral is recommended because there is no significant amount of work proposed.

The Assistant Corporation Counsel confirmed that the Applicant will attend the October 10 ARC meeting and will return to the Planning Board meeting on October 17, 2017.

Kent Diebolt moved to declare Lead Agency pursuant to SEQRA.
Heather Moore seconded the motion.
The motion passed 4-0.

Kent Diebolt moved to issue a Negative Declaration pursuant to SEQRA.
Heather Moore seconded the motion.
The motion passed 4-0.

The Applicant was informed to attend the next ARC and Planning Board meeting after submitting an updated site plan.

INDEX NO. 2017-23 **SITE PLAN** to convert a computer retail store into a restaurant and bar.
Location: 603 Broadway
Owner/ Applicant: Aladesanmi Anjorin / Sulma E. Fernandez

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

DISCUSSION BY THE BOARD

Jonathan Cella, project Engineer, and Sulma Fernandez, Applicant, appeared before the Board. Mr. Cella said an updated site plan was submitted and that no proposed exterior changes are proposed. He clarified that the building is approximately 1,800 sq. ft. and a parking variance is required from the Zoning Board for 12 parking spaces. He requested approval conditioned on Zoning Board of Appeals approval for the parking variance. He asked whether the comments by the CAC will be required as part of the site plan.

The Assistant Corporation Counsel said the CAC comments were advisory, not mandatory.

Ms. Monteverde clarified that there will be no proposed work on the rear of the property.

The Assistant City Engineer submitted his latest comment letter for the record. Because no exterior work was being performed, he was comfortable recommending approval of the site plan as submitted.

The City Planner submitted her latest comment letter for the record. She said the Applicant is not proposing any changes to the site and the Board should feel comfortable that the Applicant has met all the requirements as per the City Code. She said the Applicant will need to submit a Floodplain Development Permit. She requested an amended site plan that demonstrates the flood plain boundary.

The Assistant Corporation Counsel said that the Applicant did not have her application considered by the Zoning Board in August due to a lack of a quorum. He said the Board could condition approval on receipt of an off-street parking variance from the Zoning Board; however, conditional approvals were not advisable. He recommended that the Board adjourn and then vote on the application after the ZBA decided on the parking variance application.

The Board discussed and agreed that the Applicant should amend the site plan to include the flood plain boundary.

Argelia Morales moved to waive the public hearing.
Heather Moore seconded the motion.
The motion passed 4-0.

Heather Moore moved to declare Lead Agency pursuant to SEQRA.
Argelia Morales seconded the motion.
The motion passed 4-0.

Heather Moore moved to issue a Negative Declaration pursuant to SEQRA.
Argelia Morales seconded the motion.
The motion passed 4-0.

Argelia Morales made a motion to approve the Site Plan application under the following conditions:

1. Submission of an amended site plan that demonstrates the flood plain boundary.
2. Receipt of an off-street parking variance from the Zoning Board.

Heather Moore seconded the motion.
The motion passed unanimously via roll call vote.

The Applicant was informed to attend the next Zoning Board meeting on September 26, 2017.

INDEX NO. 2016-02 **SITE PLAN** requesting a one year extension of a previous approval.
Location: 140 Broadway between Lander Street and Johnston Streets.
Applicant: Mill Street Partners LLC

Michael Zarin, attorney from Zarin &Steinmetz,,Magnus Magnusson of Magnusson Architecture and Planning, and Robert Sanborn from Robert Sanborn Development appeared before the Board.

The Assistant Corporation Counsel gave a brief overview of the project. He said the Applicant applied for a building permit at the end of August. He said the Applicant, in the interest of caution, timely submitted a request for a one-year extension. The Board granted the original approval in October, 2016 and would expire if the building permit was not granted in October, 2017. The specific issue before the Board had nothing to do with support for the project. Rather, the issue is how the Board treated other applicant who come before the Board seeking an extension. He said the Board has historically granted a first extension without issue, provided an applicant made a timely request. Considering this applicant made a timely request, he recommended approving the extension.

Ms. Monteverde recused herself from the Application citing prior public comments she made about the project.

The Assistant Corporation Counsel said that due to the recusal, the Board lacked a quorum and no vote could be taken. The issue was tabled for the October meeting..

The Applicant said that a considerable amount of money was spent on construction plans and the request was submitted as a precaution should the Building Department require more time for review. He said the project is in a public-private partnership agreement with the City Council that obligates them to cooperate in good faith with the Applicant to provide assistance in obtaining the necessary approvals. The Applicant kindly requested that a fully staffed Board be present at the next meeting.

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

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

Application No. 2017-15 was recalled by the Acting Chairperson

The Applicant requested conditional approval from the Planning Board to obtain building permits to stabilize the building. He said that work on the building was stopped and they were instructed to receive Planning Board approval prior to any additional stabilization work.

The Assistant City Engineer said that significant details on the site plan need to be addressed which the Planning Board may need to be aware of and is hesitant to recommend a conditional approval until an updated site plan is provided.

The Assistant Corporation Counsel said that if the building was in a severely compromised state, the applicant could request a permit for stabilization from the Building Inspector without an approval by the Planning Board. He recommended that the Planning Board not grant conditional approval while substantive portions of the site plan are outstanding.

The Applicant was informed that City Staff will provide assistance where possible to obtain a stabilization permit from the Building Department. However, the Applicant needed to submit its updated site plan for the next Planning Board meeting.

Without a vote, the Board members indicated that it would be better to reserve a vote on the Site Plan to the October meeting.

With no further business to discuss, the meeting was adjourned at 9:00 p.m.

Respectfully submitted,

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