

PLANNING BOARD MEETING

The City of Newburgh Planning Board meeting was held on Tuesday, October 17, 2017 in the Activity Center, 401 Washington Street, Newburgh, NY 12550

Members Present: Lisa Daily, Chairperson
Lillian Burgarelli
Duane Ware
Alicia Ware
Kent Diebolt (Alternate)

Members Excused: Ramona Monteverde
Argelia Morales
Heather Moore (Alternate)

Also Present: Jason Morris, City Engineer
Alexandra Church, City Planner
Michelle Kelson, 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 Lillian Burgarelli seconded, the motion to approve the minutes of the September Board meeting.

The motion was carried unanimously.

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 and highlighted the following:

- She has not received the Conservation Advisory Council (“CAC”) comment letter

- The amended Storm Water Pollution Prevention Plan (SWPPP) has been completed and the Applicant is ready to file for a permit
- Crosswalks were added to the site plan
- Handicap ramps will be completed in the following weeks and the surface course will be added to Orchard Street
- She submitted the Orange County Department of Health preliminary approval letter to the City Engineer

The City Engineer submitted his latest comment letter for the record. He said that the Planning Board needs to give approval prior to the Applicant filing for a SWPPP permit and suggested that the Applicant include the handicap ramp work in the bond as a precaution. He said that the Engineering Department is waiting for the CAC comment letter and the revised bond calculation to be submitted.

The Chair continued the public hearing and opened the floor for comments.

There was no one present to speak for or against the Application.

Alicia Ware moved to close the public hearing.

Duane Ware seconded the motion.

The motion carried unanimously.

Corporation Counsel said that the CAC comment letter will be needed for SEQRA review.

The Applicant requested to attend the November 8, 2017 Planning Board workshop and agreed to submit a revised bond calculation and updated site plan. The Applicant was informed to attend the next Planning Board meeting on November 21, 2017

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

Pat Favata, property owner, appeared before the Board. The Applicant gave a brief overview of the project. He said the subdivision will separate the residential and commercial sections of the existing buildings into two lots.

The City Engineer submitted his latest comment letter for the record. He said the Applicant has addressed all his comments.

Corporation Counsel said that the Planning Board may approve the preliminary plat and clarified that the Applicant owns both lots.

The Chairperson opened the public hearing.

There was no one present to speak for or against the Application.

The Chairperson closed the public hearing.

Alicia Ware made a motion to approve the preliminary plat.
Lillian Burgarelli seconded the motion.
The motion carried unanimously via roll-call vote.

The Applicant was informed to attend the next Planning Board meeting on November 21, 2017.

NEW BUSINESS

INDEX NO. 2017-27 **SITE PLAN** to change the use into a two-family dwelling
Location: 59 Grove Street
Owner/ Applicant: 59 Grove LLC / Levy L. Mayer

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

Charles Brown, project engineer, appeared before the Board for the Applicant. He gave a brief overview of the project and said the intent is to change the use back into a two-family dwelling and said there are no proposed exterior changes.

Corporation Counsel said that the Applicant requires approval from the Zoning Board of Appeals (“ZBA”) for setbacks and parking. She said the Board may vote to waive the site plan requirements because the Applicant is not intensifying the use and there are no proposed exterior changes. She said no further review is required because the setbacks are minimal and it’s one to two family dwelling classified as a type II action under SEQRA.

The Chairperson said that the Applicant is proposing to revert the building back to its original use and is comfortable granting an approval on the condition that the ZBA approves the area variances.

Lillian Burgarelli moved to waive the Site Plan requirements under the City Code.
Alicia Ware seconded the motion.
The motion carried unanimously.

Lillian Burgarelli moved to approve the Site Plan under the condition that the Applicant shall receive the appropriate variances from the ZBA.
Alicia Ware seconded the motion.
The motion carried unanimously via roll call vote.

The Applicant was informed to attend the next Zoning Board of Appeals meeting on October 24, 2017.

INDEX NO. 2017-28 **SITE PLAN** to reuse the existing structure for Hudson Taco and stripe the road for on-street parking and a crosswalk.
Location: 27 S. Water Street
Owner/ Applicant: West Shore Hudson, LLC

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

Kelly Libolt, from KARC Planning Consultants, Inc., appeared before the Board for the Applicant. She gave a brief overview of the project and said the intent is to restripe South Water Street for additional parking and convert the theater into a “Hudson Taco” (Restaurant).

The City Engineer submitted his latest comment letter for the record. He clarified that the Applicant shall obtain an easement/agreement for placement and maintenance of the dumpster behind the building and that an engineering analysis of the existing pump station should be submitted for review to ensure it can handle the increase waste flows. He said the Applicant should forward any correspondence from the New York State Department of Transportation (“NYSDOT”).

The City Planner submitted her latest comment letter for the record. She said the action is unlisted under SEQRA and requires CAC and GML 239 review. She said the proposed action is in an archeological sensitive area and there is no trigger for further review if the Applicant does not propose any site work that would disturb the ground. She said the Applicant should apply for a Highway Permit from NYSDOT and requested the crosswalk to line up in front of Walks Park.

Ms. Burgarelli is concerned that the parking extension/addition on South Water Street on both sides of the road may cause traffic delays and pedestrian accidents.

The Chairperson said that it’s the City’s intent to develop the area for additional parking and crosswalks in order to slow traffic for safety concerns.

The Applicant said the crosswalk will have a pedestrian actuator and the hours of operation will follow the existing hours of the Pizza shop.

Corporation Counsel said NYSDOT has to review the application and only a declaration of intent for Lead Agency can be made. She said the posted speed limit is 30 mph and is one of the criteria that allows parking on both sides of the road.

Lillian Burgarelli moved to declare the Planning Board’s intent for Lead Agency.

Duane Ware seconded the motion.

The motion carried unanimously.

The Applicant was informed to attend the November 21, 2017 Planning Board meeting after addressing the comment letters by the City Engineer and City Planner.

INDEX NO. 2017-31 **SPECIAL USE PERMIT** to create a driving school on the first floor of the building.

Location: 10 City Terrace North

Owner/ Applicant: Ertha Raymond

The comment letter of the City Planner was made a matter of record.

DISCUSSION BY THE BOARD

Ertha Raymond, property owner, appeared before the Board, She gave a brief history of the project and said the intent is to create an office and classroom on the first floor of the building for a driving school. She said she will offer a pick-up and drop off service for the students and there will be no parking on the street. She said she is certified by the Department of Motor Vehicles (“DMV”), obtained a Master’s degree in Special Ed and may relocate the business at a later date. She said that sufficient off-street parking is available.

Ms. Burgarelli confirmed that signage on the property will be added to a removable storm door as per DMV regulations and that the building passed inspection.

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

The City Planner submitted her latest comment letter for the record. She said few modifications are required on the EAF and that she will reach out to Assistant Chief William Horton to confirm whether a parking variance is required.

Corporation Counsel said that a public hearing is required for a Special Use Permit and the application does not require GML239 review or a referral to the CAC. She said the Applicant can change the Certificate of Occupancy if approval for a Special Use Permit is granted by the Planning Board.

Duane Ware moved to schedule a public hearing at the November 21, 2017 Planning Board meeting.

Lillian Burgarelli seconded the motion.

The motion carried unanimously.

The Applicant was informed to attend the next Planning Board meeting on November 21, 2017.

INDEX NO. 2017-32 SITE PLAN to convert the existing property into a mixed-use building.

Location: 323-325 Liberty Street

Owner/ Applicant: Anthony F. Giordano

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

Anthony Giordano, property owner, appeared before the Board. He gave a brief background on the project and said the intent is to change the building into a mixed-use with residential. He said the first floor will be a commercial use (Cottage Industry), the second will be a residential unit, and the third floor will be an artist studio (Cottage Industry). He said that his business at 325 Liberty Street may move over to 323 Liberty Street and that he has an agreement with the gas company to repair the existing sidewalk.

The Chairperson said that the Applicant should clarify the proposed use for the building.

Corporation Counsel clarified that the change in use is for 323 Liberty Street, formally known as 323-325 Liberty Street.

The City Planner submitted her latest comment letter for the record. She said that the Applicant will require variances from the ZBA and that she will confirm with the Assistant Fire Chief to determine if a parking variance is required upon submission of a site plan. She said the action is a type 1 action under SEQRA and is subject to GML239 review.

The City Engineer said that the Applicant should submit a site plan for the proposed use.

The Applicant said that there is sufficient parking on-site and will submit a site plan.

Duane Ware moved to declare the Planning Board's intent for Lead Agency.

Lillian Burgarelli seconded the motion.

The motion carried unanimously.

The Applicant was informed to submit a site plan and attend the next Planning Board meeting on November 21, 2017 and the next ZBA meeting on October 24, 2017.

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

Karl Hanson from River Architects PLLC, appeared before the Board for the Applicant. He said that an updated site plan was submitted and highlighted the following modifications:

- The bioswale was eliminated
- Two tree pits will be provided
- Existing bluestone pavers will be reset

He said that ARC approval was received on October 10, 2017.

The City Engineer submitted his latest comment letter for the record. He said the Applicant has addressed all his comments.

The City Planner said she has no outstanding comments.

Alicia Ware made a motion to approve the Site Plan application as submitted.

Kent Diebolt seconded the motion.

The motion carried unanimously via roll call vote.

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

David J. Cooper, Esq. from Zarin & Steinmetz, appeared before the Board for the Applicant. He said the Board granted the original approval in October, 2016 and it would expire if the building permit was not granted in October, 2017. He said in the interest of caution, a request for a one-year extension was submitted for the September meeting but the vote was tabled because the Board lacked a quorum. He said that the Applicant is eager to complete the project but the submitted plans are still under review by the Building Department and he does not know when the Building Permit will be issued.

Kent Diebolt moved to extend the Site Plan approval for 1 year.

Alicia Ware seconded the motion.

The motion carried unanimously via roll call vote.

With no further business to discuss, the meeting was adjourned at 8:25 p.m.

Respectfully submitted,

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