CITY OF NEWBURGH
PLANNING BOARD

Lisa Daily, Chairperson
Omar Balbuena-Palma, Secretary

123 Grand Street, Newburgh, New York 12550

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

PLANNING BOARD MEETING

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

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

Also Present: Jason Morris, City Engineer
Alexandra Church, City Planner
Michelle Kelson, Corporation Counsel
Jeremy Kaufman, Assistant Corporation Counsel
Omar 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 Lillian Burgarelli seconded, to approve the minutes of the December Board meeting.

The motion was carried 6-0.

Ms. Daily wanted to clarify the September minutes, page two, bullet 2, referring to the options of the look of the project, the Board did not unanimously choose option number three.

NEW BUSINESS

INDEX NO. 2017-01 **SPECIAL USE PERMIT** for parking
Location: 49 Carpenter Avenue
Owner/Applicant: Amiris Diaz/ Jonathan Cella

The comment letters of the City Engineer and the City Planner were incorporated into the record.

DISCUSSION BY THE BOARD

- Jonathan Cella appeared before the board, representing the owner, Amiris Diaz. He explained that the previous owner finished an illegal apartment on the basement floor. Now the new owner wants to make the building a legal 4-family. In doing so, the Code requires a Special Use Permit for parking. Currently there is no off-street parking.
- The City Planner said the applicant may be referred to the ZBA or, if the conditions under section 300-70 of the code are met, the applicant may begin the process of applying for a Special Off-Street Parking permit. There are no site modifications, as the property is a zero lot line building. All of the comments for the City Planner were satisfied at the workshop.
- Ms. Kelson said that the addition of a new unit changed the use of the building, and as a result, a variance for parking is needed.
- The City Engineer said the applicant's engineer satisfied all of his comments.
- The Board requested the applicant provide evidence that on-street parking is available. The City Planner said that photos from five-hundred feet, the parking rules of the street, streets are within five-hundred feet, parked car counts at various times of the day, and photographs of the same were examples of evidence of adequate on-street parking.

Argelia Morales moved, and Lillian Burgarelli seconded, to declare Lead Agency.
The motion was carried 6-0

Argelia Morales moved, and Alicia Ware seconded, to hold a public hearing at the next meeting.
The motion was carried 6-0

OLD BUSINESS

INDEX NO. 2016-07 **SITE PLAN** to establish a Gas Main Regulator Site
Location: 182 Fullerton Ave
Applicant: Justin Dates

The City Engineer and City Planner comment letters, the submitted elevation plan by the applicant, and the CAC comment letter were incorporated into the record.

DISCUSSION BY THE BOARD

- Justin Dates from Mazer Consulting and Tera Stoner, gas engineer for Central Hudson, appeared before the Bboard.
- Mr. Dates asked to verify if the utility use they proposed is permitted in a residential district.
- Ms. Kelson said the use was permitted with a special use permit.
- Mr. Dates showed how the revised plan set incorporated the comments by the City Engineer to relocate the underground gas piping coming into the site to provide more landscaper planting area along the South Street frontage. The pedestrian gate was moved to South Street to further increase the planting area. A landscaping plan was also provided which shows three, Winter King Hawthorn trees (two on South Street and one on Fullerton Avenue), a hedgerow of inkberry as well as broadleaf evergreen shrubs, and a couple flowering spirea on the corner, in addition to more construction details and

planting details. The plans further showed a fence with a height of eight feet, a pedestrian gate on the back side of the property, and gated access for vehicles on the South Street side. He proceeded to review the elevations of the building as shown on a document provided to the Planning Board.

- The City Planner agreed with Ms. Kelson that a Special Use Permit was required for the project. Due to South Street being a State Highway, the project is subject to GML 239 review, and a copy of the application would be submitted to the County for review. The City Planner reiterated comments in her letter that the applicant must comply with updated streetscape standards for sidewalks and provide the details for the sidewalks. The applicant must also consider the nature of the corner and adjacency to the historical district as well as the reiteration of the vote Ms. Daily mentioned on the September minutes. Although section 300-57 of the City Code shows the path it does not suggest what the use is considered and because of the proposed new structure.
- Ms. Kelson stated the applicant needs to meet the requirements of the bulk table. The Board would need to determine which bulk table it wanted to apply – either residential or industrial. As the project location is in a residential zone, the Board discussed application of the residential bulk table requirements.
- The Board then discussed the various requirements of the residential bulk table with the applicant. After discussion, the Board suggested that the applicant may need an area variance from the Zoning Board of Appeals.
- Ms. Stoner requested more time to reconfigure her drawings/plans to see if she could make the project conform with the residential bulk table requirements, and thus avert the need for an area variance.
- The City Engineer reiterated some notes from his comment letter, specifically the standardized signature blocks, proposed changes to the landscaping, the CAC comment letter, notating the received example licensing agreement, renderings which the applicant provided. The only substantial change he noted was a shorter structure with a fence around it.
- The Planning Board addressed the CAC comments.
- The applicant will review the tree species the CAC recommended to accommodate the tree line along South Street and Fullerton Avenue. The Board noted that structural soil should be used and the trees planted closer to the building to create an illusion that fits in with the neighborhood. Kippy Boyle, a CAC member present at the meeting, said that Winter King Hawthorne trees are not recommended due to their thorns and that the tree line is not too narrow to plant trees. Mr. Dates said that the Winter King trees are renown to have much less thorns and may occasionally have a single thorn. The Board left the CAC to discuss the tree details with the applicant.
- Mr. Dates said he would look into adding benches and Shade trees on the northwest corner of the neighborhood tennis courts. Ms. Stoner said the relief valve on South Street will be removed and relocated. The applicant promised to submit a chart to the City Engineer regarding pervious vs impervious areas on-site (pre vs post).
- The Board discussed the regulations for fence height and type, and reviewed the applicable Code provision.
- Ms. Stoner mentioned that there are currently no plans for exterior lighting however, additional lighting can be added on the building. Lighting over the pedestrian door was recommended.

Argelia Morales moved, and Lillian Burgarelli seconded, to hold a public hearing at the next meeting.

INDEX NO. 2016-12 **REVIEW OF SPECIAL USE PERMIT** to utilize shipyard parcel for the temporary storage of steel pipes
Location: 401 South Water Street
Applicant: David Plotkin

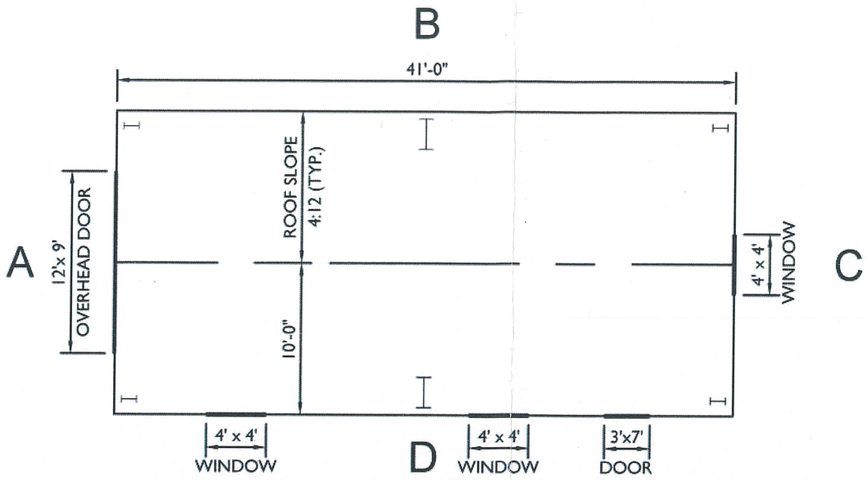
The City staff present at the meeting, noted that there were serious compliance issues with the final site plan conditions, at the time the revocation notice was issued. By the time of the meeting, enough material was received that the conditions were substantially satisfied and the staff was inclined to not recommend that the Board review and/or revoke the Special Use Permit.

Meeting adjourned at 8:40 p.m.

Respectfully submitted,

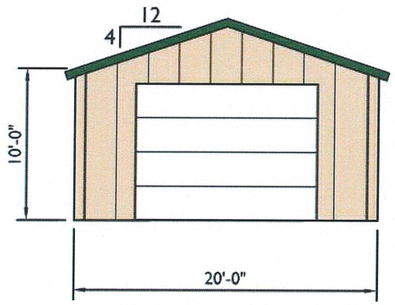
Omar Balbuena-Palma,
Secretary

Attached – Elevation Plan
CAC comment Letter



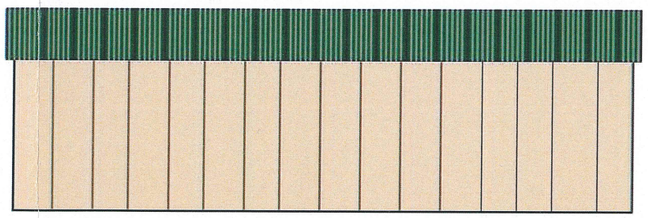
BUILDING ENCLOSURE PLAN VIEW

SCALE: 1' = 10'



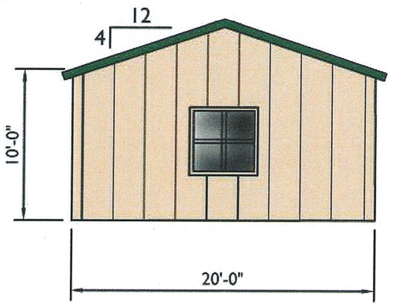
EAST ELEVATION, SIDE "A"

SCALE: 1' = 10'



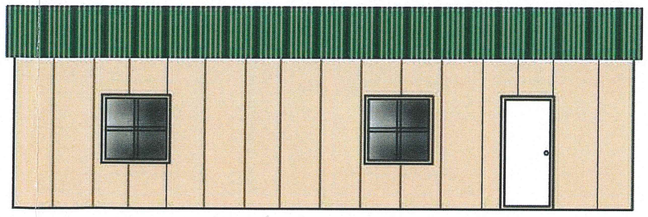
SOUTH ELEVATION, SIDE "B"

SCALE: 1' = 10'



WEST ELEVATION, SIDE "C"

SCALE: 1' = 10'



NORTH ELEVATION, SIDE "D"

SCALE: 1' = 10'

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REV	DATE	DRAWN BY	DESCRIPTION

SITE PLAN
FOR
CHG&E CORPORATION
182 FULLERTON AVE
SECTION: 16
BLOCK: 1
LOT: 17
CITY OF NEWBURGH
COUNTY OF ORANGE
STATE OF NEW YORK

NEW WINDSOR OFFICE
555 Hudson Valley Avenue
Suite 101
New Windsor, NY 12553
Phone: 845.564.4495
Fax: 845.567.1025

SCALE:	DATE:	DRAWN BY:	CHECKED BY:
AS SHOWN	01/17/17	PAM	JED

PROJECT NUMBER:	DRAWING NAME:
KTOP\	FULLERTON BUILDING PLAN

SHEET TITLE:
BUILDING ENCLOSURE PLAN AND ELEVATION

SHEET NUMBER:
1 of 1

Conservation Advisory Council | City of Newburgh, New York
123 Grand Street, Newburgh, New York, 12550
Phone: (845) 569-7380 www.cityofnewburgh-ny.gov/conservation-advisory-council

Council Members:
Chuck Thomas, Chair
Marcel Barrick
C. Kippy Boyle
Deborah Dresser
Gail Fulton
Karen McCarthy
(vacancy)

January 13, 2017

MEMO TO: Lisa Daily, Chair
City of Newburgh Planning Board

FROM: Chuck Thomas, Chair
Conservation Advisory Council ("CAC")

: **Proposed Project – 182 Fullerton Ave., Central Hudson Gas Meter Building**

The above-referenced project is coming before the Planning Board for review. A partial set of plans for the project was presented to the CAC by the Applicant at our regularly scheduled meeting of January 5, 2017. We offer the following comments and recommendations to the Planning Board and the applicant based on the current set of plans. Our comments are also to be included in the official record of any Public Hearings.

Overview:

182 Fullerton Ave is approximately .06acres, situated in a Low Density Residential Zone. The proposed project will demolish a 2-story residential building to be replaced with a one-story building to house a Central Hudson Gas Regulator facility.

Recommendations and Concerns:

1. Fencing. The requested use of aluminum 8' fencing is not in keeping with the neighborhood. Is this activity subject to a variance? A six-foot fence is more in keeping with the neighborhood standards.

2. Tree Removals.
   South St. The applicant proposes to remove the declining Norway Maple in the City's tree lawn right-of-way, with only grass remaining to enable Central Hudson trucks clear access to the regulator building. As a residential property use, replacing it with 2 or 3 flowering trees (under 25-30') would be appropriate for under utility wires following industry standards (as recommended by the public utility industry, the DEC and the International Society of Arborists "ISA"**), using structural soil as recommended in the City's sidewalk replacement guidelines. We are able to provide recommended species, such as American Hornbeam, Serviceberry or ornamental cherry. If this is not possible due to space considerations, then placement of native or recommended species within the property confines may constitute an appropriate mitigation. Within the property lines, we recommend trees whose height and canopy cover will help conceal the vacant space created by a single-story building in a 2-story residential area. The use of Hawthorn trees is not recommended. The tree lawn along South Street is 4' wide now. If that is not being narrowed there seems that street tree(s) can't be planted, and lowest wires are well above a 20' height. This was verified by the NYS DEC Forrester.

Fullerton Avenue. There are no street trees in front of 182 Fullerton. Applicant proposes to remove the tall spruce & pine trees and shrubs within the property line. The one-story structure (incongruous in this 2-story residential neighborhood) will be fully exposed. We strongly recommend that Applicant mitigate this by planting 2 trees along the tree lawn. There are no utility wires, to impede tall trees such as Pin Oaks, Ginkos or Maples for canopy and fall color, adding to the neighborhood aesthetics. The tree lawn along Fullerton is also 4 feet so it is recommended that street trees also be planted.

East facing: Shed/Driveway. Applicant states the trees along the driveway are not within their property line. There would be no way to demolish the shed and prepare the ground as planned without removing or further permanently damaging them. These trees are in very poor condition; we recommend that the Applicant remove them as they demolish the shed. We would encourage some landscape planting on this property line.

The overall landscaping plan for the project site calls for the removal of trees on 3 sides of the property. We recommend balancing this loss with tree plantings elsewhere within this neighborhood which has a high volume of pedestrian and vehicular traffic . (see Public Benefit below).

3. Public Benefit Opportunity. Given the intrusion of an industrial use in this residential neighborhood, we recommend the Applicant offset this to improve the neighborhood. There are several opportunities to replace and increase green infrastructure that is being lost. Colonial Terraces Tennis Courts are actively used by the neighborhood. Upgrades such as Benches and a Shade Tree(s) at the northwest corner would enable spectator /player relief without interfering with the courts or the utility lines along South St. The Planning Board should consider its discretion to institute a 'recreation fee' to offset negative factors of projects coming before them.
4. Moving the Relief Valve. The applicant intends to relocate the relief valve on the South Street block near the Colonial Terrace tennis courts. The block has no trees and this area of South Street is basically a barren expanse of tree lawn. We recommend that simultaneously with relocation of the Relief Valve, the applicant plant 3 or 4 appropriate under-utility flowering trees..

5. Storm water runoff. Every effort must be made to alleviate storm water runoff from entering the combined storm sewer system. Roof runoff leaders should be directed to the gravel and not to the street gutters. Additionally it is recommended that the sidewalk which is being rebuilt in favor of the neighbor to the east should be constructed of permeable pavers to alleviate storm runoff.

Respectfully Submitted

Chuck Thomas, Chair