

CITY OF NEWBURGH
PLANNING BOARD

123 Grand Street, Newburgh, New York 12550

Lisa Daily, Chairperson
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PLANNING BOARD MEETING

The City of Newburgh Planning Board meeting was held on Tuesday, February 21, 2017 in the Activity Center, 401 Washington Street, Newburgh, NY 12550

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

Members Absent: Lillian Burgarelli

Also Present: Jason Morris, City Engineer
Alexandra Church, City Planner
Michelle Kelson, 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

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

The motion was carried 5-0.

NEW BUSINESS

INDEX NO. 2017-03 **SITE PLAN** to renovate the property into two units and change the use to live/work on the top floor and a Restaurant, with carry-out on the ground floor.

Location: 100 Third Street

Owner/Applicant: 100 3rd St LLC Renovation/ Cynthia
Corsiglia + Ali Hocek

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

DISCUSSION BY THE BOARD

Cynthia Corsiglia appeared before the board and gave a brief overview of the project. The applicant is proposing to renovate the property and change the use to live/work and restaurant/carry-out. She intends to merge the property with the adjacent lot.

The City Planner stated that the property is located in the Downtown Neighborhood zone and the East End Historic District. She noted that the project is classified as a Type 1 action under SEQRA because it is in the East End Historic District. The property also is located within the LWRP boundary and requires a Coastal Consistency Review from the CAC. She stated that the proposed mixed use and the restaurant/carry-out require Site Plan approval and that her other comments have already been satisfied.

The City Engineer stated that the applicant has satisfied most of the engineering comments and only a few comments are outstanding. He referred the applicant to DPW to accurately show the location of the water service in the site plan. He mentioned that the applicant should include the pervious surface area in the site plan and that a note should be included in the site plan for a grease trap.

Ramona Monteverde moved and Argelia Morale seconded the motion to declare Lead Agency. The motion carried 5-0

INDEX NO. 2016-07 SPECIAL USE PERMIT to establish a Gas Main Regulator Site
Location: 182 Fullerton Ave
Applicant: Justin Dates

A public hearing was scheduled by the board at the last Planning Board meeting and even though the applicant was not present, the board decided to open the public hearing and keep it open until the next meeting.

Alicia Ware moved and Argelia Morales seconded the motion to open the public hearing. The motion carried 5-0

Ms. Kelson recommended to adjourn the public hearing until the applicant can hear the public comments. Ms. Daily responded that the board wishes to hear what the public has to say and will invite them to return when the applicant is present.

Lisa Peporato, 161 Fullerton, appeared before the board. She stated she has five objections to the applicant and asked why is the public being informed now?

- 1) There have been four failed attempts to resolve a gas leak since 2010 and how can Central Hudson be trusted to maintain a regulator site when they can't fix a gas leak?
- 2) The entrance of the gas regulator site into the neighborhood will drop the value of the surrounding buildings.

- 3) Are there any evacuation plans that take into consideration the students around the corner?
- 4) Have there been any studies done in regards to the traffic flow and its impact on the neighborhood?
- 5) How safe is the regulator site?

Brian Flannery, 5 Norton Street, appeared before the board. He had hoped to see a presentation on the project and a rendering of the project. He asked if the project is related to another project in the Colonial Terrace zone.

The public hearing will remain open.

INDEX NO. 2017-01 SPECIAL OFF STREET PARKING PERMIT for four (4) parking spaces.

Location: 49 Carpenter Avenue

Owner/Applicant: Amiris Diaz/ Jonathan Cella

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

DISCUSSION BY THE BOARD

Jonathan Cella appeared before the board representing the owner Amiris Diaz, and gave a brief overview of the project. The Applicant is converting a three-family dwelling into a four-family dwelling by renovating the basement into a residential apartment. The property has no off-street parking and 4 off-street parking spaces are required under the Zoning Code. The applicant is requesting a special off-street parking permit for 0 off-street parking spaces. A photo report was submitted showing adequate on-street parking available during the day. The report was done when there were no restrictions on the road.

The City Planner stated that to grant the Special Off-Street Parking Permit, the Planning Board must find that one of the three requirements under Section 300-70 (C) is met. The remaining comments have been satisfied.

The City Engineer stated that there are no outstanding engineering comments

Ms. Kelson noted that the Off-Street Parking Permit is subject to a public hearing and that a SEQRA determination must be made before making substantive motion on the application.

Ramona Monteverde moved and Alicia Ware seconded the motion to open the public hearing. The motion carried 5-0

There was no one to speak for or against the application.

Argelia Morales moved and Alicia ware seconded the motion to close the public hearing.

The motion carried 5-0

Ms. Kelson stated that the board previously declared itself SEQRA lead agency, that the application is an unlisted action and that there are no interested or involved agencies. Part 2 of the EAF has been completed finding little, small or no impact based on the project as proposed. In part 3 of the EAF, there are no proposed changes on the exterior of the property, no disturbances on the outside of the property and the footprint of the property will remain the same. The additional apartment, either a one or two-bedroom apartment, is a relatively small expansion and likely to have no significant impact on the energy use and water/sewer supplies. A negative declaration is recommended.

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

Argelia Morales moved and Alicia Ware seconded the motion to waive the site plan requirements. The motion carried 5-0.

Ms. Kelson recommended to condition the special off-street parking permit under a specific time frame of six months or one year and then re-evaluate.

Ramona Monteverde moved and Alicia Ware seconded the motion to grant a Special Off-Street Parking Permit for one year. The motion carried 5-0.

OLD BUSINESS

INDEX NO. 2016-11 SITE PLAN to establish a Dunkin' Donuts
Location: 445 Robinson Ave.
Applicant: Scott Shearing

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

DISCUSSION BY THE BOARD

Scott Shearing appeared on behalf of Bohler Engineering representing Shiv Management. Mr. Shearing gave an overview on the project which was to reuse the existing building at 445 Robinson Avenue and convert it into a Dunkin' Donuts. Mr. Shearing stated that the foot print of the building will remain the same but modifications have been made to allow pedestrian access. One of the existing entrances will be removed and there will still be a left turn into the site from traffic headed north on Robinson Avenue. Mr. Shearing mentioned that the proposed mitigation will allow drive-through traffic to exit southbound only onto Robinson Avenue and that it required a re-timing of the traffic light. Mr. Shearing stated he would like to address the landscaping issue and that he is looking for a negative declaration and site plan approval. He then introduced Paul Going from Atlantic Traffic Design Engineers to present the traffic report.

Paul Going appeared before the board and gave a summary of the revised January 26, 2017, traffic report. New counts were made from 6:00 a.m. to 7:00 a.m. based on the comments from the Planning Board and it was determined that the peak hours for the site were from 6:45 a.m. to 7:45 a.m. Parking and queuing demands were observed from the existing Dunkin' Donuts on 122 South Robinson Avenue at the morning peak hour, which found a parking demand for 10 stalls and a maximum of 9 cars were observed in the drive-through queue. Mr. Going stated that the current project will accommodate 14 cars in queue and 18 eighteen parking stalls for parking. He mentioned that the previous version of the report with all traffic exiting onto North Street was too much and so the change to allow traffic to exit onto Robinson Avenue is proposed. He noted that because of the Dunkin' Donuts in the surrounding area and that most of the traffic will be pass-by traffic, people will go to this Dunkin' Donuts when it is most convenient. Synchro 8 Software was used to analyze the traffic in the future without the Dunkin' Donuts and the results were used to compare an analysis in the future including the Dunkin' Donuts. The results showed that the levels of service would remain the same on the northbound, southbound and westbound individual approaches to the traffic signal in both the weekday morning and evening peak hour. The eastbound operation level of service however would degrade from E to F in the weekday morning peak hour and from D to E in the weekday evening peak hours. The signal timing is a form of mitigation to this condition and by shifting three seconds of green time from Robinson Avenue to North Street in the morning peak hour, the eastbound level of service would return to E. By shifting two seconds of green time from Robinson Avenue to North Street in the weekday evening peak hour, the level of service would also return to D. SimTraffic was used in conjunction to analyze the traffic and it showed that the queued traffic at the light on North Street is cleared on every cycle of the signal and it will leave a gap for customers to exit the Dunkin' Donuts site and as 70% percent of the traffic at Dunkin' Donuts are using the drive-through, most of the traffic will exit onto Robinson Avenue.

The City Planner mentioned that the only outstanding comment is that any mitigation including the re-timing of the signal will be at the applicant's expense. She defers to a traffic engineer to address the concerns identified in her comments.

The City Engineer concurs with the City Planner's comments related to the traffic study and stated that separate vehicle wheel paths with the description of each vehicle must be provided from the drive through onto Robinson Avenue. In addition, that the Planning Board should discuss the mitigation along the western property line regarding the fence. The City Engineer noted minor revisions on his comment letter and stated that additional details are needed on the light timers on-site.

Mr. Shearing proposed to repair and repaint the existing fence and that the height is roughly five-feet. He noted that the fence is not part of the applicant's property.

Ms. Kelson asked whether there will be a ripple effect at the other traffic lights due to the retiming of the lights on Robinson Avenue.

Ms. Monteverde commented that she is concerned with pedestrian access to the site, screening of the property and additional lighting. Mr. Shearing clarified that there will be additional downward facing lights, adequate for the safety of the employees and pedestrians while also not spilling into the neighborhood. He stated that there are currently two entrances into the building with handicap access and that the drive-through traffic will be required to stop to accommodate pedestrian access. Ms. Kelson clarified that because the existing fence does not fall within the applicant's property, the Planning Board may only require the applicant to screen within their own property. Mr. Shearing suggested that an additional fence will incur negative activity due to the gap in between the fences and proposed a more natural barrier.

Ms. Morales asked about the distance between the existing fence and the existing pavement. Mr. Shearing responded that it is roughly 4 to 5 feet away and that it falls just on the other side of the applicant's property.

Ms. Daily noted that if the applicant were to build a new fence, the fences could theoretically be right next to each other.

Ms. Ware is concerned with pedestrian safety on the walkway and the right turn out of the property as well as the left turn into the property from Robinson Avenue. She mentioned a possible speedbump on the drive through as a form of mitigation for foot traffic. Mr. Shearing responded that additional signage could be placed to give pedestrians the right-of-way and that a speedbump is not traditionally used as a form of mitigation. In addition, that the traffic light can be modified to address the right turn exit and left turn entrance of the property at a future date.

Ms. Kelson noted that the Planning Board needs to be reasonably comfortable with the proposed mitigation.

Mr. Ware requested clarification if a traffic engineer may be required to review the submitted traffic report. The City Planner clarified that the study presented was done by a licensed engineer from the state of New York and she is unable to independently verify the study. She is reasonably confident that the presented report is accurate but is concerned about the numbers in the eastbound traffic on North Street.

After a brief discussion, the Planning Board members agreed to require an independent traffic study at the applicant's expense.

INDEX NO. 2015-21 SITE PLAN APPROVAL EXTENSION to convert a single-family residence for use as a residential treatment facility.

Location: 399 Carpenter Avenue

Applicant: East Rock, Corps/ Martin J. Diesing – Mauri Architects

PC

Lisa Daily recused herself from this meeting because of her relationship with the not-for-profit agency. Ramona Monteverde served as acting chair.

DISCUSSION BY THE BOARD

Martin J. Diesing, Architect from Mauri Architects, appeared before the board and explained that the applicant is seeking grant funding from New York State and is requesting an extension to the approval previously granted.

Ms. Ware moved and Ms. Morales seconded to approve the extension for one year.
The motion carried 4-0.

Ms. Morales moved and Ms. Monteverde seconded to adjourn the meeting.
The motion carried 4-0.
Meeting adjourned at 8:35 p.m.

Respectfully submitted,

Omar E. Balbuena-Palma,
Secretary