CITY OF NEWBURGH
PLANNING BOARD

Lisa Daily, Chairperson
Omar E. Balbuena-Palma, Secretary

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PLANNING BOARD MEETING

The City of Newburgh Planning Board held its monthly meeting on
Tuesday, December 15, 2020 using Zoom videoconference.

Members Present:	Lisa Daily, Chairperson Sarah Hooff Michael Kelly Alicia Ware Duane Ware
Members Absent:	Richard Rosencrans Heather Moore
Also Present:	Elka Gotfryd, City Planner Chad Wade, Assistant City Engineer Jeremy Kaufman, Assistant Corporation Counsel Omar Balbuena-Palma, Secretary

The Chairperson called the meeting to order at 7:30 p.m. after confirming a quorum.

APPROVAL OF MINUTES

The minutes of the November meeting were tabled until the January Planning Board meeting.

PUBLIC HEARING

Index No. 2020-12

Applicant: RUPCO
Owner: Newburgh Community Land Bank, Inc.
Location: 133 & 135 Lander Street

SITE PLAN Application to shift the lot line between the two properties one foot to the north, and to adjust the placement of the two proposed three-family dwellings in alignment with this change.

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

DISCUSSION BY THE BOARD

Darren Stridiron, Applicant, appeared before the Board on behalf of the property owner with Chuck Snyder and Jennifer Welles.

The Applicant gave a brief overview of the project. The proposal is to move the lot line one foot to the north. The shift will provide a three-foot alleyway for access at 133 Lander Street. The plat was revised per the City Engineer's comment letter. The applicant obtained Area Variance approval from the ZBA on November 24.

The Assistant City Engineer said the Applicant should update the plat with the water and sewer connections. He said he has no major comments on the application.

The Assistant Corporation Counsel confirmed the Engineering Department does not have any comments that require attention prior to a vote on the preliminary plat.

The City Planner said she has no new comments on the application.

The public hearing was opened.

Anthony Williams, 131 Lander Street, asked if the Applicant intended to remove the tree at 133 Lander Street. He said he is concerned the tree may fall.

There was no one else present for or against the Application.

Mr. Ware moved to close the public hearing.
Mr. Kelly seconded the motion.
The motion passed unanimously via roll-call vote.

Mr. Kelly moved to declare the action a Type II pursuant to SEQRA.
Ms. Ware seconded the motion.
The motion passed unanimously via roll-call vote.

Mr. Kelly moved to approve the preliminary plat subject to the City Engineer's comment letter.
Ms. Ware seconded the motion.
The motion passed unanimously via roll-call vote.

The Chairperson asked if the Board would like to entertain a vote on final plat approval conditioned on satisfaction of the City Engineer's comment letter and Chapter 266, Article VII.

Mr. Kelly moved to grant final plat approval subject to the City Engineer's comment letter and Chapter 266, Article VII.
Ms. Ware seconded the motion.
The motion passed unanimously via roll-call vote.

OLD BUSINESS

Index No. 2020-10

Applicant: John C Lantis II & Mary Elin Carnes
Owner: John C Lantis II & Mary Elin Carnes
Location: 5 & 7 Central Avenue

SUBDIVISION application to move a lot line between 5 and 7 Central Avenue.

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

DISCUSSION BY THE BOARD

Mark Carnes, property owner of 7 Central Avenue, and Jane Royal, representing the property owner at 5 Central Avenue by proxy, appeared before the Board along with Deirdre Glenn.

The Assistant Corporation Counsel said the Board issued preliminary plat approval at the previous Board meeting to the Applicant subject to ZBA approval and satisfaction of the City Engineer's comment letter. He said the Applicant appeared before the ZBA on November 24 and was issued the requested area variances. He said the Board may now move to vote on a final plat approval.

The Assistant City Engineer said he has no significant comments on the application. He said the Applicant should clean up minor details on the plat and submit the final plat for signature.

The City Planner said she has no new comments on the application.

Mr. Kelly moved to grant final plat approval subject to the City Engineer's comment letter.
Ms. Ware seconded the motion.
The motion passed unanimously via roll-call vote.

NEW BUSINESS

Index No. 2020-13

Applicant: AMP Architecture
Owner: St. Marks Holy Tabernacle, Inc.
Location: 313 Fullerton Avenue

SUBDIVISION & SITE PLAN application to convert the existing use (Professional Office) into a House of Worship (House of Worship).

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

DISCUSSION BY THE BOARD

Anthony Portillo, of AMP Architecture, Applicant, appeared before the Board on behalf of the property owner with Pastor Robert Ferrer.

The Applicant gave a brief overview of the project. The application was previously submitted for Site Plan consideration to convert the building into a House of Worship in 2019. The Planning Board denied the application last year. The application is substantially the same in terms of layout, design, and use. The required Area Variances were approved by the ZBA. The building has been vacant since the last time the Applicant appeared before the Planning Board.

The Chairperson asked if the Board had any questions on the application.

The Assistant City Engineer reviewed his comment letter for the benefit of the Applicant and the Board. He highlighted the following:

- Signed and sealed survey should be submitted;
- Planting notes and signature blocks should be updated on the Site Plan;
- ZBA approval information should be included on the Site Plan.

The Applicant said they have a survey completed and will submit a signed and sealed survey accordingly.

The Assistant Corporation Counsel said the Board should consider scheduling or waiving a public hearing for the application. He said the action is considered a Type II action pursuant to SEQRA. He said the Building Department was asked for any recent violations or any indication of use of the property and there were no such reports from the Building Department or the Police Department.

The City Planner said there is the potential impact on the habitat of the bald eagle. She said the Applicant should clarify any proposed site modifications with the New York State Department of Environmental Conservation ("DEC") for impacts on the bald eagle nests.

The Applicant said they are not proposing any significant site work on the property. He said the parking lot is already in existence and they are merely removing a portion of grass area to add a couple of parking spaces. He said they are not adding a significant amount of asphalt to the property. He asked how the determination, of whether the proposed work is significant or not, determined.

The Assistant Corporation Counsel said if there is any proposed site work on the property, the application is referred to the DEC for clarification. He said this comment did not indicate make its way into the comment letter from last year's application and apologized to the Applicant for the discrepancy. He said clarification from the DEC should be received prior to any vote on the application. He said application should be tabled until the Applicant is able to clarify the impact with the DEC.

The Chairperson asked the Board if they would like to schedule a public hearing.

Ms. Ware said a public hearing should not be required. She said she still remembers the conversations from the previous year.

Mr. Kelly moved to waive the public hearing.
Mr. Ware seconded the motion.
The motion passed unanimously via roll-call vote.

The Applicant was informed to contact the DEC for clarification and address the comment letters of City Staff in order to attend the January meeting.

With no further business to discuss, the meeting was adjourned at 8:20 p.m.

Respectfully submitted,

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