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

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PLANNING BOARD MEETING

The monthly meeting of the City of Newburgh Planning Board was held on Tuesday, June 16, 2020 using Zoom videoconference.

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

The meeting was called at 7:30 p.m. after a quorum was confirmed.

APPROVAL OF MINUTES

Mr. Rosencrans moved to approve the minutes of the February 2020 board meeting.
Ms. Ware seconded the motion.
The motion passed unanimously.

PUBLIC HEARINGS

Index No. 2020-01

Applicant: Vishal Enterprises of Grand Street, Inc.
Owner: Vishal Enterprises of Grand Street, Inc.
Location: 405 Broadway

SPECIAL USE PERMIT & SITE PLAN Application to add an addition to the building.

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

Jonathan Cella, Project Engineer, and Bhajan Singh from Vishal Enterprises of Grand Street Inc. appeared before the Board representing the property owner.

The Project Engineer gave a brief review of the project and highlighted the following:

- Project involves creating an 800 sq. ft. addition to the gas station/convenience store;
- Revised Site Plan submitted;
- Modifications comply with the Streetscape Standards;
- Project obtained approval from the Zoning Board of Appeals;
- Requesting Special Use Permit approval from the Planning Board.

The Assistant City Engineer asked if a signed and sealed survey was submitted. He said the water and sewer lines should be clarified on the Site Plan. Pedestrian traffic should be directed east across the Lake Street. He said no crossing north should be developed across Broadway in this location.

The Project Engineer said he could provide a survey.

The Assistant City Engineer said the Planning Board should determine whether the proposed site plan meets the Streetscape Standards.

The Director of Planning and Development and the City Planner said they have no new comments on the application.

The Chairperson opened the public hearing.

There was no one present for or against the application.

The Chairperson moved to close the public hearing.
Ms. Moore seconded the motion.
The motion passed unanimously.

Ms. Moore moved to declare the Planning Board Lead Agency pursuant to SEQRA.
Mr. Ware seconded the motion.
The motion passed unanimously.

Mr. Rosencrans moved to issue a Negative Declaration pursuant to SEQRA.
Mr. Ware seconded the motion.
The motion passed unanimously.

Ms. Ware moved to approve the Site Plan subject to satisfaction of City Staff's comment letters.
Mr. Rosencrans seconded the motion.
The motion passed unanimously via roll-call vote.

Ms. Ware moved to grant a Special Use Permit for one year.
Ms. Moore seconded the motion.
The motion passed unanimously via roll-call vote.

OLD BUSINESS

Index No. 2019-13

Applicant: House of God Hebrew Pentecostal Church, Inc.
Owner: Seniors Research Institute Inc.
Location: 140 Overlook Place

SUBDIVISION Application to subdivide the property into three (3) lots.

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

Pastor Robert Diaz, from House of God Hebrew Pentecostal Church, Inc., and Jonathan Millen, Land Surveyor from Automated Construction Enhanced Solutions, Inc., appeared on behalf of the property owner.

Mr. Millen said the property owner's intent is to subdivide the lot at 140 Overlook Place. He said one (1) of the subdivided lots will be merged with 149 William Street and the other lot will be merged with 124 Overlook Place. He said the intent for the lot merged with 124 Overlook Place is for use as a parking lot for church members during church services, and a community parking lot at all other times.

The Assistant Corporation Counsel said the Planning Board, at its previous meetings:

- Held a public hearing on the application;
- Declared the action a Type II action under SEQRA;
- Determined that 15 off-street parking spaces were appropriate for the nature/size and scope of the project;
- Approved the preliminary plat.

He said Applicant submitted a final plat for consideration and the Planning Board should vote on whether to approve the final plat subject to receiving all necessary area variances from the Zoning Board of Appeals at its next meeting.

The Assistant City Engineer said he has no additional comments.

The Chairperson said the property is a little messy, she asked the Applicant to clean up it up.

The Applicant agreed to clean the property.

Ms. Moore moved to approve the final plat.
Ms. Ware seconded the motion.
The motion passed unanimously via roll-call vote.

NEW BUSINESS

Index No. 2020-04

Applicant: 34 Carter Realty Partners, LLC
Owner: 34 Carter Realty Partners, LLC
Location: 34 Carter Street

SITE PLAN Application to demolish the building and construct a new four-family residence (Apartment House).

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

Eulogio Santiago appeared before the Board on behalf of the property owner, along with Jonathan Cella, Project Engineer.

Mr. Cella gave a brief overview of the project and highlighted the following:

- Existing building is in disrepair and will be demolished;
- Proposing a new two-story, four-family residence (Apartment House);
- Apartment House is allowed pending Site Plan Approval from the Planning Board in the Medium Density Residential zone;
- Proposing driveway for three (3) off street parking spaces on the rear of the property;
- Obtained area variance on May 28, 2019 for six (6) off-street parking spaces and 10% on lot coverage;
- Installing new sidewalks and water/sewer connections.

The Assistant City Engineer requested a signed and sealed survey. He said the ZBA decision should be noted on the site plan. He said a note for annual inspections of the retaining wall should be added to the Site Plan.

The Assistant Corporation Counsel said the Planning Board should consider the comments of City Staff and determine whether to hold a public hearing. He clarified the Planning Board may not substitute the public hearing held for the Zoning Board of Appeals meeting in lieu of its own public hearing, if the Planning Board decided to hold a public hearing.

The Director of Planning and Development said the project is within an area that is habitat for the Bald Eagle and due to the proposed demolition, a clarification from the Department of Environmental Conservation ("DEC") is required per comment three (3) on the City Planner's comment letter.

Ms. Moore said she would like to review the public hearing comments from the Zoning Board of Appeals meeting.

The Secretary presented the minutes from that meeting for consideration.

Ms. Ware said the comments by the public are consistent. She said a new public hearing may not provide new considerations.

The Chairperson agreed and said the comments revolve around the parking variance and are outside of the Planning Boards jurisdiction. She asked for a motion to waive the public hearing.

Mr. Rosencrans moved to waive the public hearing.
Ms. Moore seconded the motion.
The motion passed unanimously via roll-call vote.

Mr. Rosencrans moved to declare the Planning Board Lead Agency pursuant to SEQRA.
Ms. Moore seconded the motion.
The motion passed unanimously.

The Applicant was informed to contact the DEC for clarification and return to the July 21, 2020 Planning Board meeting.

Index No. 2020-05

Applicant: Jon Powell Architecture PLLC
Owner: 185 Liberty Street LLC
Location: 185 Liberty Street

SITE PLAN Application to convert the existing office and storage into a multi-family residential building (Apartment House).

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

Jonathan Powell, Applicant, appeared before the Board on behalf of the property owner, with Naomi Hersson-Ringskog and Samuel Ottenhoff.

Mr. Powell gave a brief overview of the project and highlighted the following:

- Proposing to convert the vacant building into an Apartment House in the Downtown Neighborhood;
- No exterior additions to the building footprint;
- Part 1 of State Historic Preservation Office application was approved;
- Architectural Review Commission ("ARC") approved exterior work on June 9, 2020;
- Requesting a waiver of Site Plan requirements.

The City Planner said the project is within the East End Historic District and the Short EAF indicates the project is within an area that is habitat for the Bald Eagle and within 2,000 feet of projects in the DEC ESR database.

The Director of Planning and Development clarified that the Applicant has obtained approval by the ARC for the proposed work within the East End Historic District and because the project is only a change in use that involves renovation, no further clarification from the State Historic Preservation Office or the DEC is required.

The Assistant City Engineer recommended waiving the Site Plan requirements. He confirmed a signed and sealed survey was submitted and said a comment letter was provided to address the Applicant's submitted plan. He said the Applicant should be aware that any modifications to the sidewalk must comply with the Streetscape Standards.

Ms. Moore asked if the Applicant has any proposed plans for landscaping or if he is proposing any exterior lighting.

The Applicant said the proposed plans for the exterior renovations are on pages 3, 4, 5 & 7 of the Site Plan. He said lighting will be installed on the side alley of the building for safety reasons and also on the front on the building.

Mr. Rosencrans asked for the lighting temperature.

The Applicant said the lighting temperature will be 2,700K. He said a detailed lighting plan is on page 5 of the Site Plan. He said the landscaping details are on page 7 of the Site Plan.

The Assistant City Engineer asked if the landscaping details will be part of the Building Department's review, otherwise he intends to revise his comment letter if the Planning Board does not waive the site plan requirements.

The Applicant said he prepared the landscaping details on the off chance the Planning Board did not waive the Site Plan requirements. He said he is not opposed to withdrawing the page from consideration.

The Assistant Corporation Counsel clarified the Planning Board has the option to approve the Site Plan based the Applicant's submission. He said the Applicant must then comply with the conditions of that approval. He said in the alternative, the Applicant may withdraw the landscaping page from consideration. He said the Board should discuss the project and the landscaping details. If the Board is not inclined to waive the Site Plan requirements, then the City Engineer should be afforded additional time to review the submitted plan and offer comments on the Site Plan. He said the action is an unlisted action under SEQRA. The Board should determine if a public hearing is required prior to any vote on the application.

The Assistant City Engineer said the Applicant is not required to do exterior modifications for Site Plan approval. He said the landscaping details can be submitted later to the Building Department.

The Assistant Corporation Counsel agreed and said the Applicant should be aware that any sidewalk modifications must comply with the Streetscape Standards.

The Chairperson said she is not opposed to approving the Site Plan as submitted as long as the Applicant complies with the Streetscape Standards.

Ms. Moore commended the Applicant and said she has no issues with omitting the landscaping details and granting Site Plan approval.

The Chairperson asked the Board if they are comfortable waiving the public hearing requirement.

Ms. Ware said she is comfortable waiving the public hearing.

Ms. Ware moved to waive the public hearing.
Mr. Rosencrans seconded the motion.
The motion passed unanimously.

Mr. Rosencrans moved to declare the Planning Board Lead Agency pursuant to SEQRA.
Ms. Ware seconded the motion.
The motion passed unanimously.

Ms. Moore moved to issue a Negative Declaration pursuant to SEQRA.
Ms. Ware seconded the motion.
The motion passed unanimously.

Ms. Ware moved to approve the Site Plan (pages SP-100 to SP-105) as submitted.
Ms. Hooff seconded the motion.
The motion passed unanimously via roll-call vote.

Index No. 2020-06

Applicant: Emmanuel Mozo-Perez
Owner: Emmanuel Mozo-Perez
Location: 26 West Street

SITE PLAN Application to convert the existing office into a two-family dwelling.

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

Emmanuel Mozo-Perez, property owner, appeared before the Board.

The property owner said the property is in a residential area and the intent is to convert it into a two-family dwelling.

The Assistant Corporation Counsel asked if there is any proposed site work.

The property owner said they are not proposing any site work and they are performing only interior renovations.

The Assistant City Engineer said he recommends waiving the Site Plan requirements.

The City Planner said the answer to question nine (9) on the Short EAF should be revised.

The Director of Planning and Development said the question asks if the proposed action meets or exceeds the state energy code requirement. She clarified the Applicant will be required to meet the energy code requirement as part of the Building Permit process.

The Assistant Corporation Counsel said the application requires GML§239 review and a copy was forwarded to the Orange County Department of Planning for review. He said the response determined that no significant inter-municipal or countywide impacts would result from the applications approval. He said the action is considered a Type II action under SEQRA and the Board may vote to waive the public hearing and approve the project.

The Chairperson confirmed the Applicant will appear at the next Zoning Board of Appeals meeting in July.

The Assistant Corporation Counsel said the Applicant did not comply with the Zoning Board of Appeals public hearing requirements in time for the June meeting but he intends to appear at the following meeting in July.

The Chairperson confirmed the Zoning Board of Appeals will hold a public hearing for the Applicant in July. She said the Planning Board may waive the public hearing for Site Plan approval.

Ms. Moore said she is in favor of waiving the public hearing.

Ms. Ware agreed.

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

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

Ms. Moore moved to waive the Site Plan requirements under the City Code.
Mr. Ware seconded the motion.
The motion passed unanimously via roll-call vote.

Ms. Moore moved to approve the Site Plan application as submitted subject to obtaining the necessary area variances from the Zoning Board of Appeals.
Mr. Ware seconded the motion.
The motion passed unanimously via roll-call vote.

PERMIT EXTENSION REQUESTS

Index No. 2009-08

Applicant: Nemias Magana
Owner: JSN Property Management
Location: 82 Bridge Street

SPECIAL USE PERMIT permitting operation of an Automobile Repair/Automobile Sales Facility.

The Special Use Permit Extension Request letter and e-mailed comment from the Newburgh Police Department were made a matter of record.

DISCUSSION BY THE BOARD

Nemias Magana, Applicant, appeared before the Board on behalf of the property owner.

The Assistant Corporation Counsel gave a summary on the history of the Special Use Permit for 82 Bridge Street. He said the applicant submitted a request letter for an extension to the Special Use Permit. City Staff requested a violation history report from the Building Department and a summary of calls for service from the Police Department. He said there were no City Code enforcement issues or any calls for service from the Police Department caused by the property within the past year.

Ms. Ware said the Board previously extended the Special Use Permit for one (1) year and she is in favor of extending the Special Use Permit for two (2) years.

Ms. Ware moved to extend the Special Use Permit for two (2) years.
Ms. Moore seconded the motion.
The motion passed unanimously via roll-call vote.

Index No. 2015-21

Applicant: Mauri Architects PC
Owner: East Rock, Corps
Location: 399 Carpenter Avenue

SPECIAL USE PERMIT permitting operation of a residential treatment facility.

The Special Use Permit Extension Request letter and e-mailed comment from the Newburgh Police Department were made a matter of record.

DISCUSSION BY THE BOARD

Kellyann Kostyal from Mauri Architects PC, Applicant, appeared before the Board on behalf of the property owner.

The Applicant said the project was delayed due to the COVID-19 epidemic. The general contractor obtained a Building Permit extension until September 2020. She said they are still working to complete the project.

The Chairperson asked if the Applicant is comfortable with a one (1) year extension.

The Applicant said she is comfortable with the extension.

Ms. Moore moved to extend the Special Use Permit for one (1) year.
Ms. Ware seconded the motion.
The motion passed unanimously via roll-call vote.

Index No. 2017-08

Applicant: George Ian McMahon & Ashley Lyon
Owner: Belfry Arts LLC
Location: 236 South William Street

SPECIAL USE PERMIT permitting operation of a workshop (Cottage Industry).

The Special Use Permit Extension Request letter and e-mailed comment from the Newburgh Police Department were made a matter of record.

DISCUSSION BY THE BOARD

The Assistant Corporation Counsel said the Applicant is not present but a request letter for an extension to the Special Use Permit was submitted for consideration. He said City Staff requested a violation history report from the Building Department and a summary of calls for service from the Police Department. He said there were no City Code enforcement issues or any calls for service from the Police Department caused by the property within the past year.

Ms. Ware said the Board previously extended the Special Use Permit for two (2) years and the Applicant requested an extension for two (2) years. She said she is in favor of extending the Special Use Permit for two (2) years.

Ms. Ware moved to extend the Special Use Permit for two (2) years.
Ms. Moore seconded the motion.
The motion passed unanimously via roll-call vote.

With no further business to discuss, the meeting was adjourned at 8:45 p.m.

Respectfully submitted,

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