

PLANNING BOARD MEETING

The monthly meeting of the City of Newburgh Planning Board was held on
Tuesday, August 18, 2020 using Zoom videoconference.

Members Present: Lisa Daily, Chairperson
Michael Kelly
Heather Moore
Alicia Ware
Duane Ware

Absent: Sarah Hooff
Richard Rosencrans

Also Present: Elka Gotfryd, City Planner
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. Ware moved to approve the minutes of the July 2020 board meeting.
Mr. Kelly seconded the motion.
The motion passed unanimously.

NEW BUSINESS

Index No. 2020-07

Applicant: Michael Beamon
Owner: 691-697 Broadway LLC
Location: 691 Broadway, Suite 104

SITE PLAN Application to convert the existing use into a juice bar with a small waiting area (Restaurant).

The Informational Inspection Report of the Building Inspector, the comment letter of the City Planner, and an e-mail from the City Engineer were made a matter of record.

DISCUSSION BY THE BOARD

Michael Beamon appeared before the Board on behalf of the property owner.

The Applicant gave a brief overview of the project and said the intent is to open a Juice Bar at 691 Broadway. He said organic beverages will be sold and the Juice Bar will have a small lounge area for customers.

The Chairperson asked for the proposed hours of operation.

The Applicant said the business will be open from 7:00 a.m. to 6:00 p.m. approximately six days a week.

The Assistant Corporation Counsel asked if the Applicant is proposing any site work.

The Applicant said there is no site work proposed at this time. He said the majority of the work will be inside the building with minor exterior repairs/modifications to the building.

The Assistant Corporation Counsel said the Engineering Department is not in attendance but they indicated waiving the site plan requirement in an e-mail from the City Engineer.

The City Planner said she had minor comments on the Short EAF and recommended revising some of the responses made by the Applicant. She reviewed the comment letter for the benefit of the Board and the Applicant. She said additional review may be required if there is to be site work in the future.

The Assistant Corporation Counsel clarified that some of the responses on the Short EAF conflicted with the responses automatically generated by the EAF mapper tool online. He asked the Applicant to affirm the changes recommended by the City Planner.

The Applicant said he misunderstood some of the questions on the Short EAF and said he will revise the Short EAF accordingly.

The Assistant Corporation Counsel said the action is a Type II action pursuant to SEQRA. He said the Board should discuss holding a public hearing and the site plan requirements prior to any vote on the application.

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

Ms. Moore asked for a clarification regarding Site Plan approval for a portion of the commercial building.

The Assistant Corporation Counsel said the suite's current Certificate of Occupancy is Mercantile. The Building Inspector determined the change of use into a Restaurant triggered Site Plan review/approval per §300-32 of the City Code.

The Chairperson asked the Board if a public hearing should be scheduled.

Ms. Moore moved to waive the public hearing.

Ms. Ware seconded the motion.

The motion passed unanimously.

Ms. Ware moved to declare the application a Type II action under SEQRA

Mr. Kelly seconded the motion.
The motion passed unanimously.

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

Mr. Ware moved to approve the Site Plan as submitted.
Ms. Moore seconded the motion.
The motion passed unanimously via roll-call vote.

PERMIT EXTENSION REQUESTS

Index No. 2018-13

Applicant: Jonathan Moss, RA
Owner: Executive Reality Group, LLC
Location: 184 Liberty Street

SITE PLAN & SPECIAL OFF-STREET PARKING PERMIT

Requesting an extension to the Special Off-Street Parking Permit.

The Special Off-Street Parking Permit Extension Request letter was made a matter of record.

DISCUSSION BY THE BOARD

The Assistant Corporation Counsel said the Applicant submitted a Special Off-Street Parking Permit Extension request for consideration. He said the Applicant is not in attendance but the Board may discuss the request. He gave a brief review of the application for the benefit of the Board and highlighted the following:

- Applicant obtained Site Plan & Special Off-Street Parking Permit approval on August 21, 2018 for an Apartment House;
- Applicant requests renewal of the Special Off-Street Parking Permit for six parking spaces.

The Secretary said a request for outstanding violations and calls for service were made to the Building Department and Police Department, respectively. He said the Building Inspector indicated no active violations on the property. The Police Department did not respond to the request.

The Assistant Corporation Counsel clarified that there was one complaint lodged against the property this year, which was opened and closed. He said there was no record of a Building Permit being submitted to the Building Department, according to the Building Department's database.

Ms. Moore asked why the Applicant is requesting an extension for a building that is not being utilized.

The Assistant Corporation Counsel said Site Plan approval was a prerequisite for the Building Permit.

Mr. Ware said he is not aware of any progress on the Building.

The Chairperson asked for the expiration date of the Site Plan approval.

The Assistant Corporation Counsel said Site Plan approval shall expire if the Applicant fails to obtain the necessary building permits or fails to apply for an extension with the Planning Board after one year of approval issuance.

The Chairperson said two years have passed since the Applicant obtained Site Plan approval and asked why nothing has been done on the property. She asked if the approval has expired.

Ms. Moore said that the coronavirus epidemic began approximately one year after the approval was issued.

The Assistant Corporation Counsel said in the interest of caution, the property file should be thoroughly reviewed to confirm that no permits were issued or extension applications made. He said the Applicant should be afforded an opportunity to address any concerns before the Board takes action on the request. He said the Planning Board may table the discussion and request an appearance from the Applicant.

The Board unanimously agreed to table the discussion and request an appearance from the Applicant.

The request was tabled and the Secretary will inform the Applicant to appear at the next Planning Board meeting on September 15, 2020.

With no further business to discuss, the meeting was adjourned at 8:10 p.m.

Respectfully submitted,

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