CITY OF NEWBURGH
PLANNING BOARD
123 Grand Street, Newburgh, New York 12550

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, September 15, 2020 using Zoom videoconference.

Members Present: Lisa Daily, Chairperson
Heather Moore
Richard Rosencrans
Alicia Ware
Duane Ware

Absent: Michael Kelly
Sarah Hooff

Also Present: 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. Moore moved to approve the minutes of the August 2020 board meeting.
Mr. Ware seconded the motion.
The motion passed unanimously.

NEW BUSINESS

Index No. 2020-08

Applicant: 65 Carson Avenue LLC
Owner: 65 Carson Avenue LLC
Location: 65 Carson Avenue

SITE PLAN Application to convert the existing Single-Family Dwelling into a Two-Family Dwelling.

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

DISCUSSION BY THE BOARD

Kevin Rosenbloom, Applicant, appeared before the Board on behalf of the property owner with Juliana Soriano.

The Applicant said he recently purchased the properties at 59, 65 & 71 Carson Avenue. He said the intent at 65 Carson Avenue is to convert the existing building into a two-family dwelling. He said the first floor will be an apartment with a separate duplex apartment above.

The Assistant Corporation Counsel asked if the Applicant is proposing any site work and if he intends to install a driveway.

The Applicant said the site work will consist of renovating the exterior of the building. He said the estimated costs of renovation is approximately $140,000. He said the building will have two marble kitchens and three bathrooms. He said the yard and the deck will be cleaned.

The Assistant Corporation Counsel asked if the Applicant intends to do any non-landscaping work.

The Applicant said he misunderstood the question and confirmed they are not proposing to install a driveway, expand the footprint of the building, or perform any other site work. He said there is no room to add a driveway because there is approximately three feet in between the buildings at 65 Carson Avenue.

The City Planner said the action is considered a Type II action pursuant to SEQRA and she has no significant comments on the application. She said the property is located within the East End Historic District and the Applicant obtained approval by the Architectural Review Commission ("ARC") on September 11, 2020 for the proposed exterior work to the building. She said the site is within two thousand feet of environmental remediation sites, as classified by the Department of Environmental Conservation ("DEC"), but because no significant site work is proposed no further clarification is required. She said further clarification may be required if there is to be site work in the future.

The Applicant confirmed he is not proposing site work. He said he is only proposing minor repairs to the façade of the building.

The Assistant City Engineer said the Applicant is not proposing any site work and recommended waiving the site plan requirements.

The Assistant Corporation Counsel said the Board should discuss holding a public hearing and possibly waiving site plan requirements prior to any vote on the application.

Ms. Moore asked if the Applicant will install exterior lighting.

The Applicant said lighting will be installed on the front porch. He said the lights will be similar in style to nearby properties.

Mr. Rosencrans asked for the temperature of the lighting.

The Applicant said the intent is to install a regular 120-watt porch light but he is open to suggestions by the Board.

Mr. Rosencrans said the Applicant should look to install amber colored lights and avoid blue colored lights.

The Applicant said he is proposing to install white lighting with a screen to protect the neighbors from glare.

Mr. Rosencrans asked if the Board would like to hold a public hearing.

The Board discussed scheduling a public hearing.

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

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

Mr. Rosencrans 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 as submitted.
Ms. Ware seconded the motion.
The motion passed unanimously via roll-call vote.

Index No. 2020-09

Applicant: 104 Washington St, LLC
Owner: Newburgh Community Land Bank, Inc.
Location: 104 Washington Street

SITE PLAN Application to convert the existing Vacant building into a mixed-use development (Mixed-Use with Residential).

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

Philippe Pierre, Applicant, , along with Aryeh Siegel, Project Architect from ASA (Aryeh Siegel Architect), Michael Bodendorf, Land Use Engineer from Hudson Land Design, and Charley Huebner from Mistral Construction, LLC, all appeared on behalf of the property owner.

The Applicant said the Board previously approved a project at 104 Washington Street that did not come to fruition. He said the ownership of 104 Washington Street has since reverted to the Newburgh Community Land Bank, Inc. He said the Newburgh Community Land Bank, Inc. then issued a Request for Proposal ("RFP") and he submitted an application for consideration. He said his proposal was awarded the RFP and now he is moving forward on the project and seeking the necessary approvals to develop the property.

The Project Architect gave a brief overview of the project and highlighted the following:

- Demolition of existing building approved by the ARC;
- Proposing to construct a new, six-story building;
- Proposing to create 28 apartments;
- Project requires an Area Variance for 8.5 feet on the rear yard setback and 28 off-street parking spaces from the Zoning Board of Appeals ("ZBA");
- Sufficient parking available on nearby municipal lot and next to Washington's Headquarters;
- Building will be constructed using a combination of brick, glass and steel;
- Submitted ARC application for the exterior look of the building;
- Submitted ZBA application for the rear yard setback and off-street parking;
- Requesting Site Plan approval from the Planning Board.

The Land Use Engineer said the project is in the early stages of development and they are reviewing methods to address stormwater regulations. He said separate water and sewer lines will be installed and he will reach out to the City Engineering Department for discussions about mitigating any environmental impacts. He said there is no site work proposed on the rear of the property and they are working to provide a creative solution to reduce water run-off.

The Assistant City Engineer said the property is in the combined sewer system and the project needs to comply with the New York State Stormwater Regulations. He clarified that any work beneath the public right of way is not allowed. He gave a summary of the City Engineer's comment letter for the benefit of the Applicant and Board and highlighted the following:

- Signed and sealed survey should be submitted;
- Sidewalk must comply with the Streetscape Standards;
- Appropriate construction details for all improvements should be provided on the Site Plan;
- Site Plan must show the location of the existing and proposed water/sewer services;
- Standard design notes are available online for convenience.

He said the proposed building appears to encroach onto adjacent property and that issue must be further investigated.

The City Planner said the action is considered an unlisted action pursuant to SEQRA and gave a brief summary of her comment letter. She said the property is located outside the designated Local Waterfront Revitalization Program ("LWRP") area and the action does not appear to have impact on coastal areas. She said the site is within an archaeologically sensitive area within the East End Historic District and the Applicant should obtain clarification for the proposed work from the State Historic Preservation Office ("SHPO"). She said the property is also within 2,000 feet of five remediation sites and due to the proposed demolition and construction, and further clarification from the DEC may be required. She said the Applicant should also obtain DEC clarification for any potential impacts on the Bald Eagle habitat.

The Applicant said he will contact the DEC and SHPO for clarification.

The Land Use Engineer said he is familiar with the automated system SHPO utilizes and said a request will be submitted to SHPO once the SEQRA review process begins.

Ms. Moore said the proposed plan looks great and the building style is similar to the buildings nearby. She said she is looking forward to seeing how the project develops.

Mr. Ware agreed and said he believes the community will welcome the project. He said the Applicant should be aware that the project still requires additional review.

Ms. Ware said the project is ambitious and she is excited for the development.

The Chairperson agreed and said the City expressed a desire to increase the density in the Downtown Neighborhood zone during the conceptual stages of the existing Zoning Code. She said the maximum height requirement for buildings was increased in that zone as a result. She said this project appears to comply with the intended purpose and she is curious to see how the project develops.

The Applicant said the vision for the site is a response to the needs that the City has put forth for itself as it grows and changes. He said the City received grant funding for micro-apartments to encourage higher density in the Downtown Neighborhood. He said his team is now seeking the best method to create affordable and quality housing. He said it's challenging but the experience gained from developing 96 Broadway will aid in his team's success. He knows approval is not an option now but they have an ambitious timeline and they intend to obtain approvals by the Land Use Boards before the end of the year.

The Assistant Corporation Counsel disclosed that the Chairperson is also a member of the Board of Directors for the Newburgh Community Land Bank, Inc. He said the conflict of interest issue is not one that would preclude the Chairperson from participating in, and voting on, the instant Planning Board application. He confirmed that the Chairperson wishes to continue participating in plan review and that she intends to vote on various parts of the application.

The Assistant Corporation Counsel said the Board should discuss scheduling a public hearing. He said the project is considered an unlisted action pursuant to SEQRA, but because the project is before the ARC and ZBA boards, and because the applicant may require coordinated review for funding purposes if the project is approved, a coordinated review may be appropriate in this instance. He said if the Planning Board conducts a coordinated review and intends to act as Lead Agency, appropriate notices will be mailed to the ZBA and the ARC with respect to SEQRA..

The Chairperson asked if the Board wanted to schedule a public hearing.

Mr. Moore said she believes the project will have a positive impact on the community but due to its size, the Board may want to hold a public hearing. She asked if there was a way to coordinate a public hearing for all the Land Use Boards.

The Assistant Corporation Counsel said public hearings for the Land Use Boards are independent from one another because each board evaluates different aspects of a project. He said the Planning Board may hold a public hearing with respect to the Site Plan at its next meeting in October.

Ms. Moore asked if the Board had to vote on scheduling a public hearing now.

The Assistant Corporation Counsel said the Board may table the vote but they should be aware that there is a one-month delay incurred by the Applicant if the Board votes to hold a public hearing.

Mr. Rosencrans said he is in favor of scheduling a public hearing. He said the project will definitely affect the community and in the interest of greater public transparency, the public should have an opportunity to comment on the application. He said the issues addressed by the ZBA and its corresponding public hearing will not be enough to satisfy the public. He said holding a public hearing early will serve to clarify any public concern on the Site Plan.

The Chairperson agreed and said the public hearing will raise public awareness. She said this project may serve as the first of many more similar projects later and the public should be made aware.

Ms. Moore asked if the Board should postpone a vote on the public hearing until the stormwater management plans are finalized.

Mr. Rosencrans said he doubts the public will be concerned with storm water run-off. He said the public will most likely be concerned with the look of the building and the impact on parking. He asked for the total number of micro apartments proposed.

The Chairperson asked for the average size of a micro apartment.

The Project Architect clarified that a micro apartment is a small studio apartment approximately 325 to 425 square feet.

The Applicant said the City received a grant designed to increase the number of micro apartments available. He said he is capitalizing on the incentive by incorporating micro apartments into the development. He said the second floor will have eight apartments and the remaining floors will have six apartments. He said the top floor will have three apartments because of the setback.

Mr. Rosencrans asked for the total number of parking spaces in the municipal lot nearby and the number of spaces already occupied by the buildings nearby.

The Applicant said he counted 198 parking spaces available. He said the businesses nearby utilize approximately 30% of the parking lot unless there is inclement weather. He said the area will have lighting to improve its usage.

Mr. Rosencrans moved to schedule a public hearing at the October 20 Planning Board meeting.
Ms. Moore seconded the motion.
The motion passed unanimously via roll-call vote.

Mr. Rosencrans moved to declare the Planning Board's intent for Lead Agency.
Ms. Moore seconded the motion.
The motion passed unanimously via roll-call vote.

The Application was tabled and the Applicant was informed to submit revised plans in order to attend the October 6 Workshop and then attend the October 13, ARC meeting and the October 20, Planning Board meeting.

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

Wolf Friedman from Executive Reality Group, LLC appeared before the Board on behalf of the property owner.

The Assistant Corporation Counsel said the Applicant was not present at the previous Board meeting. The Board requested his presence at the next available meeting. He said the Applicant is now in attendance and 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;
- Associated Site Plan approval has expired;
- Board may approve an extension of the Site Plan approval in accordance with §300-92(E);
- Applicant to discuss status and delays on project.

Mr. Friedman said he was unable to begin renovations on 184 Liberty Street because of its complexity and due to expenses incurred by him on different properties around the City of Newburgh. He said the intent was to submit a Building Permit for 184 Liberty Street at the beginning of this year but the plan was delayed because of the pandemic. He said he now intends to submit a Building Permit within the next three to four months for 184 Liberty Street and requested an extension for the Special Use Permit and Site Plan approval.

The Chairperson reiterated that any extension by the Board will be final.

The Assistant Corporation Counsel said the Board may take a poll to see if they are collectively inclined to vote on the extension or they can request additional information from the Applicant and postpone the vote until the next Board meeting.

Mr. Ware said the Applicant should resubmit a clear request noting the reasoning behind the delays and the Board should vote on the request next month.

Ms. Moore said she is inclined to approve the extension because of the pandemic.

Mr. Friedman said he renovated other properties first because they were easier. He said he intends to renovate 184 Liberty Street appropriately.

The Assistant Corporation Council said the Applicant should submit a formal letter requesting an extension and include on that letter any details he wants the Board to consider. He said the Board may then vote on the application at the following meeting.

The request was tabled and the Applicant was informed to submit a revised request in order to appear at the next Planning Board meeting on October 20, 2020.

With no further business to discuss, the meeting was adjourned at 8:50 p.m.

Respectfully submitted,

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