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, November 17, 2020 using Zoom videoconference.

Members Present:	Lisa Daily, Chairperson Sarah Hooff Michael Kelly Heather Moore Alicia Ware Duane Ware
Members Absent:	Richard Rosencrans
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

Mr. Kelly moved to approve the minutes of the October 2020 board meeting.
Ms. Moore seconded the motion.
The motion passed unanimously via roll-call vote.

PUBLIC HEARING

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 shift the 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

Mary Elin Korchinsky-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.

Ms. Royal gave a brief review of the project. The proposal is to shift the lot line to bring the entirety of the driveway onto 7 Central Avenue.

The Assistant City Engineer said there are no major comments on the application. He said the project will require an Area Variance from the ZBA and the plot plan needs to be updated to include the appeal number when and if the variance is granted.

Ms. Glenn said they submitted a ZBA application for consideration and they are scheduled to appear at the next ZBA meeting on November 24.

The Assistant Corporation Counsel said the application was referred to the Orange County Department of Planning for GML §239 review. The County responded with no comments and deferred to a local determination. He said the Board may hold the public hearing. He said the action is considered a Type II action pursuant to SEQRA. After the public hearing and the SEQRA vote, he said the Board may issue preliminary plat approval subject to the City Engineer's comment letter and ZBA approval.

The Chairperson opened the public hearing.

There was no one present for or against the application.

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

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

The Applicant was informed to attend the next ZBA meeting and return for final plat approval to the Planning Board.

<u>Index No. 2020-11</u>

Applicant: Peak Summit Enterprises
Owner: William Sarvis & Anna R. Sarvis
Location: 13 North Plank Road

SUBDIVISION & SITE PLAN application to subdivide the land into two separate building lots, and to construct single-family homes on each lot.

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

Ken Lytle, Applicant, appeared before the Board on behalf of the property owner.

The Applicant gave a brief review of the application. The proposal is to subdivide the vacant land at 13 North Plank Road and construct single-family dwellings on each lot. The New York State Department of Transportation ("NYSDOT") acquired part of the frontage at 13 North Plank Road in 1984 and provided a curb cut and sidewalk, as well as a driveway pipe, for the owner's use for a future driveway to the property. The ZBA approved an Area Variance on September 22 to resolve the subdivision issue. The applicant is now requesting minor subdivision approval from the Planning Board.

The Assistant City Engineer said the Applicant should provide a signed and sealed survey and provide an easement for consideration with respect to future sewer improvements at the site. He said there are no major comments that should delay preliminary plat approval.

The Applicant agreed to provide the easement and survey to the City Engineer. He said his neighbor requested extending the sewer connection another ten feet because he does not currently have a sewer connection.

The Assistant City Engineer said he would then need two separate easements for review.

The City Planner said she has no major comments on the application. She said the Applicant should be aware that the breeding season of the bald eagle will begin on January 1 and any proposed construction will require clarification from the New York State Department of Environmental Conservation for impacts on the eagle's nests.

The City Engineer confirmed that a note should be included on the plat for reference.

The Assistant Corporation Counsel said the application was referred to the Orange County Department of Planning for GML §239 review. The County responded with no comments and deferred to a local determination. He said the Board may hold the public hearing. He said the action is considered a Type II action pursuant to SEQRA. After the public hearing and the SEQRA vote, he said the Board may issue preliminary plat approval subject to the City Engineer’s comment letter.

The Chairperson opened the public hearing.

There was no one present for or against the application.

Mr. Ware moved to close the public hearing.
Ms. Moore 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.

The Chairperson asked the Board if they would like to wait until the Applicant submits a final plat for consideration before voting on Site Plan approval.

Ms. Moore confirmed the Applicant is intending to construct two houses in total.

The Assistant City Engineer clarified one house will be constructed on each lot.

Ms. Moore confirmed the Applicant will follow the streetscape standards on North Street. She asked if there will be any changes to the site plan later on.

The Assistant Corporation Counsel said any proposed modifications to the site plan will require the Applicant to return to the Planning Board for approval.

Ms. Moore said she is concerned about the proposed landscaping on the site plan.

The Chairperson said the Board may request additional details from the Applicant prior to approving the site plan.

Ms. Moore said there are several trees on the lot now and it would be nice to have a commitment from the Applicant for new trees on the site plan.

The Applicant said they will salvage a couple of existing trees on the property and a new tree will be installed. He said the majority of the lot is currently vacant and that is how it will remain.

The Chairperson said she would not mind additional details on the proposed buildings along with a more detailed landscaping plan.

The Assistant Corporation Counsel said if the Board intends to request additional site plan details then the vote on site plan approval should be tabled until next meeting. He said the Board should provide feedback on the site plan to the Applicant.

The Applicant said he intends to keep the two lots as is and requested additional landscaping items to consider.

The Chairperson confirmed there is no permanent landscaping proposed to separate the two lots.

The Applicant said an existing fence and hedgerow will remain on site.

Ms. Moore said she is happy with the additional tree the Applicant is proposing to plant.

Mr. Kelly said the proposal before the Board appears to revolve around approving the existing conditions of the lot with the addition of a tree and sidewalk. He said he is inclined to vote in favor of the Applicant now.

Ms. Ware said she agrees with Mr. Kelly and said she is satisfied with the overall application.

Mr. Kelly moved to approve the site plan as submitted subject to the City Engineer's comment letter.
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 Applicant asked if it was possible to obtain final plat approval now.

The Assistant Corporation Counsel said Chapter 266 of the City Code dictates the process regarding final plat approval. He said the City Code lists several requirements that must be met during the subdivision process.

Mr. Kelly asked if the Board may grant conditional approval of the final plat.

The Assistant Corporation Counsel said the Board should adhere to the process listed in Chapter 266 of the City Code but may vote on a conditional final approval if it wishes.

Mr. Kelly said the Applicant has a few outstanding comments to address but at the end of the day those comments are regarding the sewer line connection to two new lots that do not currently have a sewer connection. He said the Applicant will install a new sidewalk and will build a new building on each of the proposed lots. He said this proposal appears to be a positive precedent for the City of Newburgh with no downside that he can see. He said he is in favor of a conditional approval.

Mr. Kelly moved to grant final plat approval subject to the City Engineer's comment letter and compliance with City Code Chapter 266 with respect to final plat requirements.
Ms. Moore seconded the motion.
The motion passed unanimously via roll-call vote.

NEW BUSINESS

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 AJ Coppola.

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. There is a pending ZBA application for consideration in connection with this application.

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

The Assistant City Engineer said the Board should review the considerations found in Chapter 266 of the City Code. He recommended the Board to waive the referral to the Orange County Department of Planning. He said the Applicant should revise the plat to reflect a subdivision plan set only. He said this will allow the Applicant to move the project forward in a timely manner. He said any variance obtained by the Applicant should be updated on the plat.

The Assistant Corporation Counsel said the proposed modification triggers compliance with the existing zoning code and a variance for the ZBA is required in order for the project to move forward. He said the application is considered a minor subdivision for Planning Board purposes and the Applicant may refer to the Planning Board process in Chapter 266 of the City Code. He said the Board should vote to schedule a public hearing and vote to refer the application to the County. He said City Staff recommends waiving the referral because the proposal involves less than five properties, there is only a lot line shift proposed, and the Planning Board previously approved this application in substance at a prior meeting in 2018.

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

Mr. Kelly moved to waive the preliminary plat referral to the Orange County Planning Board for additional review.

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