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 City of Newburgh Planning Board held its monthly meeting on Tuesday, February 16, 2021 using Zoom videoconference.

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

Members Absent: Sarah Hooff

Also Present: Elka Gotfryd, City Planner
Chad Wade, Assistant City Engineer
Jeremy Kaufman, Assistant Corporation Counsel
Omar Balbuena-Palma, Administrative Assistant to City Manager
J.K. Gentile, Secretary

The Chairperson called the meeting to order at 7:38 p.m. after confirming a quorum.

APPROVAL OF MINUTES

The minutes of the November 2020, December 2020 and January 2021 meeting were tabled until the March Planning Board meeting.

PUBLIC HEARING

Index No. 2021-01

Applicant: Jesse Farrenkopf
Owner: Bannerman Toyko Properties LLC
Location: 26 Liberty Street

SPECIAL USE PERMIT application to add a performing arts space (Theater/Auditorium) inside the existing commercial space.

The Comment Letter from the City Planner was made a matter of record.

DISCUSSION BY THE BOARD

Jesse Farrenkopf, Applicant, appeared before the Board. The Applicant gave a brief overview of the project. He bought the building in 2018 and currently uses the building designing props and scenery for events. He proposes to convert the unused annex into a performance arts space for art programs and art galleries.

The Assistant City Engineer had no objection to waiving site plan requirements because the Applicant proposed no site work to the building.

The City Planner had no additional comments on the project beyond her Comment Letter.

The Chairperson opened the public hearing.

Austin Dubois spoke in support of the project and in favor of the arts, in general.

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

Heather Moore moved to declare the action a Type II pursuant to SEQRA.
Alicia Ware seconded the motion.
The motion passed unanimously via roll-call vote.

Michael Kelly moved to waive Site Plan requirements pursuant to Section §300-87(C) of the City Code and approve the application as submitted, subject to the Applicant's receipt of necessary approvals from the Zoning Board of Appeals.
Heather Moore seconded the motion.
The motion passed unanimously via roll-call vote.

Mr. Kelly said he is comfortable with a Special Use Permit issuance for a period of two (2) years to start.

Mrs. Ware agreed.

Ms. Moore said she preferred a 1-year permit length to start, and this Board has recently only granted 2-year approvals to returning applications with a good record.

The Chairperson said a 6-month permit would not make sense given the current pandemic circumstances.

Mr. Kelly proposed splitting the difference and compromising at 18 months.

Mr. Farrenkopf inquired when the time period for the Special Use Permit begins.

The Assistant Corporation Counsel said the extension would begin on the day after a Board approval.

The Chairperson agreed with that compromise proposal.

Mr. Rosencrans said he would be in favor of a 2-year permit in light of the pandemic circumstances.

The Assistant Corporation Counsel said that the Board should continue to discuss and arrive at a consensus before voting.
Michael Kelly moved to approve the a Special Use Permit for 18 months, subject to the Applicant's receipt of necessary approvals from the Zoning Board of Appeals.
Ms. Ware seconded the motion.
The motion passed unanimously via roll-call vote

OLD BUSINESS

Index No. 2020-13

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

SITE PLAN application to convert the exiting use (Professional Office) into a church (House of Worship)

Comment Letters from the City Engineer and City Planner were made a matter of record.

DISCUSSION BY THE BOARD

Anthony Portillo, of AMP Architecture, Applicant, and Pastor Robert Ferrer, on behalf of St. Marks Holy Tabernacle, Inc., property owner, appeared before the Board and gave a brief review of the current status.

The Applicant provided a revised Site Plan and an e-mail response from the DEC confirming no issues with endangered species.

Mr. Portillo asked for waivers on Site Plan items that do not seem necessary provided the waiver is made in writing.

The City Engineer said the applicant addressed most of the outstanding comments. He requested more detailing on plantings. He also asked that the Site Plan be marked with Zoning Board of Appeals approval information.

Mr. Portillo confirmed he would address both issues.

The Assistant Corporation Counsel asked the City Engineer to clarify if the planting details need to be specified on the Site Plan, or if there is a pre-approved set of planting details for the applicant to choose from.

The Assistant City Engineer said the Board should give clearer direction on what plantings are required.

Mr. Portillo suggested 3-gallon plantings because the planting alignments are tight with the current parking configuration and larger plantings might dominate the parking spaces.

The Assistant City Engineer said the gallon specified does not affect how big the plant is going to grow. He suggested to the Board that anything over 5 gallons might be inappropriate for this project location.

Ms. Ware said larger plants will give a more established look and she preferred a larger size plant.

The Chairperson agreed with Ms. Ware.

Mr. Portillo confirmed the property owner would install a Viburnam in a 5-gallon planting pit.

The City Planner had no additional comments on the project beyond her Comment Letter.
Mr. Kelly asked for clarification on the property owner's name discrepancy on last year's application and this year's application.

Pastor Ferrer said St. Mark's Holy Tabernacle, Inc. is still the name of the church and the property owner. They are doing business under the name "Faith Family Church" because it is more descriptive of the culture of the church.

Mr. Kelly confirmed it is not a change of congregation.

Mr. Ferrer confirmed it is not a change of congregation.

The Chairperson asked if the Pastor will live at the site address as the Land Development Application reflects his address is the same as the church.

Pastor Ferrer confirmed he lives in Goshen, not Newburgh. Pastor Ferrer said he would amend the application to clarify the address issue.

The Assistant Corporation Counsel outlined the status of the application and remaining procedural votes.

Ms. Moore moved to declare Planning Board as lead agency for SEQRA purposes.
Ms. Ware seconded the motion.
The motion passed unanimously via roll-call vote.

Ms. Ware moved to issue a negative declaration for SEQRA purposes.
Ms. Moore seconded the motion.
The motion passed unanimously via roll-call vote.

Ms. Ware moved to approve the Site Plan as submitted, with the amendment to include the placement of 5-gallon pots with Viburnam and include the ZBA notes as requested.
Ms. Moore seconded the motion.
The motion passed unanimously via roll-call vote

With no further business to discuss, the meeting was adjourned at 8:22 p.m.

Respectfully submitted,

J.K. Gentile
Secretary to the Land Use Boards