CITY OF NEWBURGH
PLANNING BOARD
Lisa Daily, Chairperson
J.K. Gentile, Secretary
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PLANNING BOARD MEETING

The City of Newburgh Planning Board held its monthly meeting on
Tuesday, April 20, 2021 using Zoom videoconference.

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

Members Absent: Heather Moore

Also Present: Alexandra Church, Director of Planning and Development
Chad Wade, Assistant City Engineer
Jason Beeman, Code Compliance Supervisor
Jeremy Kaufman, Assistant Corporation Counsel
J.K. Gentile, Secretary

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

Note: no meeting was held in March 2021 as there were no applications.

APPROVAL OF MINUTES

Michael Kelly moved to approve the February 2021 minutes.
Alicia Ware seconded the motion.
The minutes passed unanimously via roll-call vote.

EXTENSION REQUESTS

Index No. 2018-14

Applicant: Moshe Karpen
Owner: Executive Realty Group, LLC
Location: 152 Third Street

SITE PLAN APPROVAL EXTENSION

Ms. Hooff stated she is the real estate broker for this property and is abstaining from the vote.

DISCUSSION BY THE BOARD

Ms. Hooff gave a brief overview of property's history. In 2018, the owner received site plan approval to use the building as an apartment house (6 units). The original owner ran into financial difficulties due to the pandemic and was unable to complete the project. Mr. Karpen is an investor who has taken over control of the ownership entity. For the financing to work on a renovation loan for a prospective purchaser, the property needs site plan approvals continued.

The Assistant Corporate Counsel said the Planning Board granted application approval on August 21, 2018. Per City Code, the property owner has one year to receive a building permit from the date of the Site Plan approval in order to vest the approval. Also per City Code, the Planning Board can grant 2 additional 1-year renewals provided that it evaluates whether any significant changes to the City of Newburgh's Master Plan or Code of the City of Newburgh have occurred since the issuance of the original approval. In this case the prior owner failed to apply for a building permit, and failed to timely request extensions. This applicant is asking the Planning Board for two, 1-year extensions that would extend its ability to apply for and receive a building permit through August 21, 2021.

Mr. Ware asked for clarification on why the two extensions were not applied for by the previous manager of the company.

Mr. Kelly asked Mr. Karpen if he is asking for the extension to facilitate the sale of the property.

Mr. Karpen said he would like to take over the project and build it out before considering selling.

Alicia Ware moved to grant Site Plan approval extensions.
Michael Kelly seconded the motion.
The motion passed 5-0 via roll-call vote.

NEW BUSINESS

Index No. 2021-03

Applicant: Adam Shayanfekr
Owner: Newburgh SHG 15 LLC
Location: 224 Broadway

SUBDIVISION application to subdivide an existing parcel into two (2) lots.

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

DISCUSSION BY THE BOARD

Adam Shayanfekr, applicant, on behalf of property owner, Newburgh SHG 15 LLC, and Chris Berg, project architect, appeared before the Board.

Mr. Berg gave a brief review of the project. The building on 222-224 Broadway is currently vacant. The building on 226 Broadway is a two story, mixed-use building with ground floor retail and an apartment on the second floor. The applicant seeks to subdivide the buildings into 2 separate parcels.

The Director of Planning and Development clarified the entire current parcel is known as 224 Broadway. The proposal is an unlisted action under SEQRA. Applicant submitted a Full EAF. They can re-submit a Short EAF. The Full EAF was reviewed and it appears there are no issues. She asked the applicant to confirm whether it sought a coordinated review. She said the proposed action is not subject to review by the CAC, nor by the County under for GML §239 review.

The City Engineer referred to the City Engineer Comment Letter for any outstanding issues, including water, gas and sewer services.

The Code Compliance Supervisor had no additional comments.

Mr. Rosencrans asked for clarification on what items the Assistant City Engineer referred to that would be waived on the site plan.

The Assistant Corporation Counsel said that the Planning Board must review details about a proposed site plan all in accordance with §300-87 of the City Code. The Board may waive some, or all, of those provisions in accordance with §300-87(C) of the City Code. Any details mentioned in §300-87 that are not referenced on an applicant's approved site plan are deemed waived by the Board.

The Assistant Corporation Counsel referred to City Code Section 266 as the operative code provision for subdivision approval. The only vote Board consideration tonight is whether it would waive submission to the Orange County Planning Board for review.

Mr. Berg asked for clarification on the 62-day waiver. The Assistant Corporation Counsel said the City Code requires the Planning Board to take action on the preliminary plat within 62 days of submission. If the applicant is amenable to extending that requirement, it grants more time for the Board to review the plat, if necessary. If it is not waived, the Board has to make a decision within 62 days based only on the information it has up to that point.

The applicant elected to waive the 62-day requirement.

Mr. Rosencrans moved to waive this preliminary plat being reviewed by the Orange County Planning Board.
Ms. Daily seconded the motion.
The motion passed unanimously via roll-call vote.

<u>Index No. 2021-04</u>

Applicant: Kearney Realty & Development Group / Sean Kearney
Owner: City of Newburgh
Location: 15 S. Colden Street

SITE PLAN application to construct a four-story residential building with attached restaurant.

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

Sean Kearney, applicant, on behalf of property owner, Kearney Reality and Development Group, along with Jamie LoGiudice, project landscape architect from Insite Engineering, Surveying and Landscape Architect, P.C., and Mario Salpepi, project architect from Coppola Associates, and all appearing before the Board.

DISCUSSION BY THE BOARD

Sean Kearney, applicant gave a brief overview of project. The proposal is a mixed-income, mixed-use development with 67 residential units and restaurant space. The project will also need approvals from the City's ARC and ZBA.

Jamie LoGiudice provided site and layout details.

Mario Salpepi, gave an overview of the design of building and the restaurant.

The Director of Planning and Development referred to her Comment Letter for any outstanding issues. She said the action is a Type I action because it is substantially contiguous with the East End Historic District. She said HCR-funded projects prefer coordinated review for SEQR purposes, so staff recommends the same. Presentation to, and comment from, the Conservatory Advisory Council will be required. The project is also subject to GML §239 review. The applicant should work on obtaining clarification on remediation sites, endangered species habitats, and archaeological sensitivity.

The Assistant City Engineer referred to his comment letter for any outstanding issues. .

The Assistant Corporation Counsel noted a discrepancy between City records and state records as to whether the property is located in full, in part, or not at all in the Historic District.

DISCUSSION BY THE BOARD

Ms. Ware asked about the number amount of parking spaces needed for the project to comply with the City Code. Ms. LoGiudice said 67 parking spaces were needed, 1 per residential unit. The restaurant does not require parking. The project calls for 8 parking spaces on-site and a 59 parking space variance from the ZBA.

Ms. Hooff asked how many handicapped spaces were required. Ms. LoGiudice said 2 spaces were required.

Mr. Hooff asked how the 8 on-site parking spaces would work; would there be reserved parking? Mr. Kearney said parking access would be first-come, first-served.

Ms. Hooff said she could do away with the 6 non-ADA parking spots and reconfigure the space into shared park space or a sitting area.

Ms. Ware asked why not make all 8 spaces ADA compliant. Ms. LoGiudice said making all of the spaces ADA compliant would reduce the parking spaces to 6 total.

Ms. Hooff asked whether permeable material could be used for the parking lot instead of asphalt. Ms. LoGiudice said they would explore that option.

Ms. Hooff asked about the color temperature of street facing light. Mr. Salpepi said the lighting will be 3000 Kelvin or lower.

The Assistant Corporation Counsel said the applicant must appear before the Planning Board, ZBA, ARC, and CAC. There are also several other interested/involved agencies for SEQRA purposes. Typically in a coordinated review, the City's Planning Board has taken on lead agency responsibilities, and that is recommended here. For tonight, staff recommends a vote for the Board to declare its intent to act as Lead Agency for the project.

Mr. Kelly said he will be abstaining from participation and vote on the project.

Richard Rosencrans moved to declare the Planning Board's intent to be lead agency for SEQRA.
Alicia Ware seconded the motion.
The motion passed 5-0 via roll-call vote

Richard Rosencrans moved to hold a public hearing on the project.
Alicia Ware seconded the motion.
The motion passed 5-0 via roll-call vote

Index No. 2021-02

Applicant: Jason Rodriguez
Owner: Soak and Rinse, LLC
Location: 754 Broadway

SITE PLAN application to convert existing office building to a two-family dwelling.

Jason Rodriguez, applicant, gave a brief overview of the project. He proposes to build an addition in the back of the existing structure, and renovate the front structure

DISCUSSION BY THE BOARD

The Chairperson asked if there is a building behind the front building. The applicant confirmed the lot behind the existing building is empty and no buildings exist behind the front building.

Ms. Hooff asked about egress, because it appeared from the tax map that all tenants will access the property from one driveway in/out of Broadway.
The applicant said the tenants at 754 Broadway and 750 Broadway will have separate means of egress and that is noted on the site plan.

The Assistant Corporation Counsel said the project is subject to GML §239 review, and a comment letter has not yet been received from the County Planning Department. Thus, the only vote by the Board to consider tonight is whether it wishes to waive a public hearing for this project.

Sarah Hooff moved to waive the public hearing.
Michael Kelly seconded the motion.
The motion passed unanimously via roll-call vote

With no further business to discuss, the meeting was adjourned at 9:34 p.m.

Respectfully submitted,

J.K. Gentile
Secretary to the Land Use Boards