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

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, May 18, 2021 using Zoom videoconference.

Members Present:	Lisa Daily, Chairperson Heather Moore Richard Rosencrans Alicia Ware Duane Ware
Absent:	Sarah Hooff Michael Kelly
Also Present:	Jason Morris, City Engineer Jason Beeman, Code Compliance Supervisor Jeremy Kaufman, Assistant Corporation Counsel J.K. Gentile, Secretary

The Chairperson called the meeting to order at 7:37 p.m. after confirming a quorum.

APPROVAL OF MINUTES

Draft minutes not available to present.

OLD BUSINESS

Index No. 2021-04

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

SITE PLAN
Construct a four-story residential building with an attached restaurant.

The City Engineer, City Planner, and the Conservation Advisory Council comment letters were made a matter of record.

Sean Kearney, of Kearney Reality and Development Group, applicant, and Jamie LoGiudice, Project Landscape Architect (Insite Engineering, Surveying and Landscape Architect, P.C.), appeared before the Board.

Ms. LoGiudice gave an update to the status of the project, including responses to the Planning and Engineering comment letters. She highlighted additional information on the site plan, including survey work, ADA curb ramp information, jersey barrier and fence detail. The parking lot material was changed to porous asphalt. The applicant added 2 additional handicapped-accessible spaces to the on-site parking lot. The landscaping along South Colden Street reflects an increased the amount of vegetation.

Mr. Kearney gave a brief update on the follow-up meeting with the ARC. He also referenced a meeting with the CAC, with its comment letter being submitted to the Planning Board for this meeting.

The City Engineer there are still some construction details items outstanding. The Stormwater Management Report is still in review. The estimate of the roadway/streetscape improvements is still in review.

Ms. LoGiudice asked about milling and repaving the northbound lane where South Colden connects to Renwick Street. Their engineers anticipate trenching for the new pipe/new structure, bringing it back up to grade, and sealing and connecting it to the existing asphalt.

The City Engineer said the City repaved that road last year. The recommendation is to re-pave up to the seam in the middle of the road so as not to leave a patch in the road.

Ms. LoGiudice asked if the City was looking for full depth pavement.

The City Engineer said full depth pavement was not needed. Depth of 2 inches was sufficient.

The Assistant Corporation Counsel briefly mentioned outstanding items contained in the comment letter from the Planning and Development Department.

The Assistant Corporation Counsel said the public hearing was held open from the last meeting. He said the Planning Board voted its intent to act as lead agency for SEQRA at the April 2021 meeting. Staff received no responses from other interested or involved agencies to become lead agency.

The Chairperson opened the public hearing for comment.

Antonio Aresco asked about parking details.
Kippy Boyle asked about parking details.
Hannah Anderson asked about parking details.
Judy Thomas asked about a traffic study and recommended an Environmental Impact Statement.

The Chairperson asked about a parking layout.

Ms. LoGiudice presented parking layout and parking study details.

Ms. Moore asked if parking was analyzed during the weekends.

Ms. LoGiudice stated the analysis does not reflect weekend study.

The Chairperson asked if the project is being advertised as offering parking.
Mr. Kearney said the project is targeted at residents who do not rely on vehicles as a primary mode of transportation. The project is attempting to promote pedestrian, bicycle, and public transport use.

Ms. Moore asked about the changes to the vegetation.

Ms. LoGiudice presented the re-design with additional evergreens and shrubbery in the front of building.

Ms. Moore asked about the rear of the building.

Ms. LoGiudice showed the landscaping, a walkway, and a retaining wall to deal with the grade change at the rear of the building.

Ms. Ware asked about alternative side of the street parking, and whether that would affect the other streets.

Mr. Kearney showed 130 unused parking spaces within 500 feet of the property site. He said he believed that other streets might be slightly affected, but not dramatically changed.

Heather Moore moved to close the public hearing.
Alicia Ware seconded the motion.
The motion passed 5-0 via roll-call vote

Alicia Ware moved to declare the Planning Board Lead Agency for SEQRA.
Heather Moore seconded the motion.
The motion passed 5-0 via roll-call vote

<u>Index No. 2021-03</u>

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

SUBDIVISION
Subdivide an existing parcel into two (2) lots.

Applicant asked to table their application pending submission of a new design.

<u>Index No. 2021-09</u>

Applicant: Philippe Pierre
Owner: 104 Washington St., LLC
Location: 104 Washington Street

SITE PLAN
Construct a four-story, mixed use with residential development.

The City Engineer and City Planner comment letters were made a matter of record.

Philippe Pierre, of 104 Washington St., LLC, applicant, along with Charley Huebner, Michael Bodendorf, and Aryeh Siegel, appeared before the Board.

The Chairperson asked for a brief recapitulation of the project, including updates to the Site Plan.

Mr. Pierre provided the updates as requested.

The City Engineer said all outstanding comments have been addressed.

The Chairperson mentioned that all of the Planning Department's comments appear to have been addressed.

The Assistant Corporation Counsel said the last action taken by the Planning Board was back in October 2020. The public hearing was closed. The Board declared itself lead agency for SEQRA.

Ms. Moore asked the applicant to address massing/density of the building.

Mr. Pierre said that was one of the main comments from all of the Boards. The new design decreased the building height from 6 stories to 4 stories and decreased the overall height by 15%. The new design also optically helped to reduce the sense of massing.

Heather Moore moved to issue a negative declaration pursuant to SEQRA.
Alicia Ware seconded the motion.
The motion passed 5-0 via roll-call vote.

Alicia Ware moved to approve the Site Plan as submitted.
Heather Moore seconded the motion.
The motion passed 5-0 via roll-call vote.

<u>Index No. 2021-02</u>

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

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

The City Engineer and City Planner letters were made a matter of record.

Jason Rodriguez, applicant, appeared before the Board.

Mr. Rodriguez gave a status update of the project.

The City Engineer said the site plan needs to reflect existing water service and sewer services to the property. He also needed a scanned, full-survey image on the site plan signed by a surveyor. The City Engineer confirmed 3 proposed drywells on the site, and required additional definition on the site plan.

The Assistant Corporation Counsel briefly mentioned outstanding items contained in the comment letter from the Planning and Development Department.

The Assistant Corporation Counsel said the Board waived a public hearing last month. Tonight, the Board could conditionally approve the project or could wait for updated revisions as requested by City Engineer.

The Chairperson asked the City Engineer if he was comfortable with a conditional approval.

The City Engineer said he had no objections to conditional approval based upon outstanding Engineering comments.

Ms. Moore asked what the drywells were for.

The City Engineer said drywells are underground pits to store and infiltrate water. Without the proposed drywells, there appears to be no way to get water out of the low area of the property.

Richard Rosencrans moved to declare the action Type II pursuant to SEQRA.
Heather Moore seconded the motion.
The motion passed 5-0 via roll-call vote.

Alicia Ware moved to approve the Site Plan conditioned on outstanding comments in the Engineer and Planning comment letters.
Heather Moore seconded the motion.
The motion passed 5-0 via roll-call vote.

NEW BUSINESS

Index No. 2021-07

Applicant: Michael Bonura
Owner: JOSCOS, Inc.
Location: 120 Front Street

SITE PLAN
Add an event area/tent to the existing parking area.

The City Engineer, City Planner and the Conservation Advisory Council comment letters were made a matter of record.

Joe Bonura, Jr. appeared before the Board on behalf of the applicant. He gave an overview of the project. The tent is not a permanent structure, and it will not change property surfaces. Parking calculations have been performed, and ample parking can be accommodated by 3 adjacent parking lots, plus valet parking and an agreement with Regal Bag for overflow parking. There are no modifications to the curbing, landscaping, driveways, or road entrances. There are no permanent utilities, water or sewer connections, or electrical connections. Portable storage containers are sited on the map. There will be a portable restroom trailer that will be pumped out, and not connected to City sewer services. There are no exterior lights being proposed outside the tent that might create light pollution.

The City Engineer asked about the electrical services that cross over pedestrian walkways and a plan to avoid tripping hazards.

Mr. Bonura said the tent company provides mountable, bright yellow ramps to place over electrical wires.

The City Engineer asked for a catalog cut sheet of the product.

The Assistant Corporation Counsel briefly mentioned outstanding items contained in the comment letter from the Planning and Development Department. The project is an unlisted action pursuant to SEQRA. The property is in the LWRP and subject to review by the Conservation Advisory Council. The applicant appeared before the CAC on May 10, 2021. The CAC's comment letter is in the Board packets.

Richard Rosencrans moved to waive the public hearing.
Heather Moore seconded the motion.
The motion passed 5-0 via roll-call vote.

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

Heather Moore moved to issue a negative declaration pursuant to SEQRA.
Alicia Ware seconded the motion.
The motion passed 5-0 via roll-call vote.

Alicia Ware moved to approve the Site Plan, conditioned on outstanding comments in the Engineer and Planning comment letters.
Richard Rosencrans seconded the motion.
The motion passed 5-0 via roll-call vote.

<u>Index No. 2021-05</u>

Applicant: Jennifer Welles
Owner: Newburgh Community Land Bank
Location: 37 Chambers Street

SUBDIVISION
Sub-divide the existing lot to create four (4) lots.

The City Engineer and City Planner comment letters were made a matter of record.

Tom Cerchiara of MJ Engineering and Land Surveying, appeared before the Board.

Mr. Cerchiara presented a preliminary map of the proposed subdivision. The goal of the project is to subdivide the Holy Deliverance Church property into the church parcel on Chambers Street and create 3 new parcels on Lander Street. There are no proposed improvements on the 3 subdivided parcels in connection with the subdivision project.

The Assistant Corporation Counsel said this is a minor subdivision application, and Chapter 266 of the City Code applies. The Board needs to decide whether to refer the matter to Orange County Department of Planning or to waive the referral. The Board also must schedule a mandatory public hearing for the June meeting. In the City Code, there is a requirement that within 62 days of initial presentation the Board has to make a determination on the preliminary plat. The Assistant Corporation Counsel asked Mr. Cerchiara if he had any objections to waiving that requirement.

The applicant waived the 62-day requirement.

Richard Rosencrans moved to waive referral to the Orange County Planning Department.
Ms. Moore seconded the motion.
The motion passed 5-0 via roll-call vote

The Board scheduled a public hearing and tabled the application to the June meeting.

<u>Index No. 2021-06</u>

Applicant: Nate Litwin
Owner: Regional Economic Community Action Program, Inc. (RECAP)
Location: 116 Carson Avenue

SITE PLAN
Convert vacant land into an apartment building.

The City Engineer and City Planner comment letters were made a matter of record.

Nate Litwin, applicant, J.C. Calderon, architect, and Matthew Tether, architect, appeared before the Board.

Mr. Calderon presented the application. The proposal is for a 3-story building with 11 apartment units. The primary issue at the moment is about site grading. The applicant is looking for comment/feedback on pushing the building location even further back from the road to allow for more parking spaces. The site also has an estimated 20 trees that would be removed.

The City Engineer said the site plan needs to show water and sewage services along with standard notes, an erosion and sediment control plan, and a landscaping plan. He said the building should probably be sited further back into the property to better conform with sidewalk and streetscape standards. He asked the Planning Board to discuss if current layout is acceptable without sidewalks and ADA curb ramps on the corner, or whether they should be included as part of the site plan.

The Assistant Corporation Counsel said there will be a number of area variances that the applicant will have to address before the Zoning Board of Appeals. The applicant may need an updated Informational if the building location changes. The Assistant Corporation Counsel asked whether the Phase 1 environmental study was complete.

Mr. Litwin confirmed its completion and he would submit it prior to the next meeting.

Mr. Rosencrans asked for clarification on setting the building back.

The Assistant Corporation Counsel said depending where the applicant wants to site the building it would impact setback requirements in the zoning code and bulk tables.

Mr. Rosencrans said he preferred to see a sidewalk in front of Carson Avenue. Mr. Rosencrans also suggested adding fencing at the rear of the property so as not to create problems with the neighboring parcel behind 116 Carson.

Richard Rosencrans moved to hold a public hearing on the application.
Heather Moore seconded the motion.
The motion passed 5-0 via roll-call vote.

<u>Index No. 2021-08</u>

Applicant: Alec Klee Galli, Architect
Owner: Fracasse Realty, LLC
Location: 33 S. Robinson Avenue

SITE PLAN
Convert a warehouse into commercial spaces (professional office and restaurant).

The City Engineer and City Planner comment letters were made a matter of record.

Rich Fracasse Alec Klee Galli, applicants, appeared before the Board.

Mr. Galli gave an overview of the project. He said they've been working on this project for over a year. The latest project proposal shows streetscape development on Washington and Robinson. The planting lay-outs are based on building and zoning requirements. The owner is concerned about security and would like to see plantings at 3 feet or lower so police can look into the property at night. He said the ZBA approved the project for off-street parking.

The City Engineer asked to document existing water and sewer services on the site plan, more specifics on what plantings are being proposed, and to address delineation of parking spaces with a bumper block or something similar.

Mr. Fracasse said that in both parking lots adding bumper blocks will make plowing difficult.

The City Engineer asked if the concrete retaining wall runs along the length of the property.

Mr. Galli said it is continuous along parking spots 9-18 and then 26-33. There is no retaining wall for spaces 19-25.

The City Engineer said the spaces with the retaining wall would not require a bumper block, but those spaces would need painted parking designators. The spaces without the retaining wall should have bumper blocks installed.

Mr. Fracasse said he would place bumper blocks along the spaces without a retaining wall.

The City Engineer asked about a lighting plan for the parking lot.

Mr. Galli said the lighting has been brought to code and it is a fully illuminated parking lot.

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

With no further business to discuss, the meeting was adjourned at 10:07 p.m.

Respectfully submitted,

J.K. Gentile
Secretary to the Land Use Boards