Lisa Daily, Chairperson
J.K. Gentile, Secretary

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PLANNING BOARD MEETING

The monthly meeting of the City of Newburgh Planning Board was held on Tuesday, October 19, 2021 at 7:30 p.m. at the Activity Center, 401 Washington Street, Newburgh, New York.

Members Present: Lisa Daily
Sarah Hooff
Heather Moore
Alicia Ware
Duane Ware

Members Absent: Michael Kelly
Richard Rosencrans

Also Present: Alexandra Church, Director of Planning and Development
Chad Wade, Assistant City Engineer
Joshua Stratton-Rayner, City Planner
Jeremy Kaufman, Assistant Corporation Counsel
J.K. Gentile, Secretary

The meeting was called to order at 7:32 p.m. after confirming a quorum.

APPROVAL OF MINUTES

Minutes of the September 21, 2021 Meeting

Alicia Ware moved to approve the September 2021 minutes as submitted.
Heather Moore seconded the motion.
The motion passed unanimously via roll call vote.

OLD BUSINESS

Index No. 2021-15

Applicant: Sims Foster
Owner: Foster Supply Hospitality
Location: 48, 54 and 62 Grand Street

SITE PLAN application to combine the lots and covert the structures on the premises into hotel and event space.

The Comment Letters from the City Engineer and the Department of Planning and Development were made a matter of record.

Erik Boe and Matthew Milnamow appeared before the Board.

Mr. Boe gave a brief update of the project, including the pavilion in the rear being rotated to add separation from the building and the generator being relocated for compliance with code.

Mr. Milnamow gave an update for the Masonic building rooftop. He said the updated proposing is for an enclosed rooftop deck on the third and fourth floor level.

The Director of Planning and Development reviewed the outstanding concerns addressed in the Planning and Development comment letter.

The Assistant City Engineer reviewed outstanding items in the City Engineer comment letter.

The Assistant City Engineer said the guardrail and the three light fixtures located at the back half of site appear to encroach on the neighbor's property.

Mr. Boe said they can move the light fixtures but the guardrail cannot be there without encroaching on the bordering property.

The Assistant Corporation Counsel said any approvals cannot include improvements on a parcel not owned by the property owner. The owner would need to acquire the proposed improved property, acquire an easement from the property owner, or redesign the plan within the perimeter of the subject property.

Alicia Ware moved to declare the Planning Board as Lead Agency under SEQRA.
Heather Moore seconded the motion.
The motion passed unanimously via roll-call vote.

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

Index No. 2021-11

Applicant: Aaqib Majeed
Owner: Aaqib Majeed
Location: 13 North Street, Lot 1

Index No. 2021-12

Applicant: Rafiq Majeed
Owner: Rafiq Majeed
Location: 13 North Street, Lot 2

SITE PLAN application to construct a three-family dwelling for both sites; Lot 1 and Lot 2.

The Comment Letters from the City Engineer and the Department of Planning and Development were made a matter of record.

Ken Lytle and Rafiq Majeed appeared before the Board.

Mr. Lytle gave a brief status update on the project.

The Director of Planning and Development reviewed the outstanding concerns addressed in the Planning and Development comment letter.

The Director of Planning and Development said the EAF triggered further review required as the project is designated as sensitive for archeological sites, the project is adjacent to historic structures and the project is potentially impactful to the Bald Eagle habitat. The applicant should submit to NYS SHPO through the CRIS system for a response.

The Assistant City Engineer reviewed outstanding items in the City Engineer comment letter.

The Assistant City Engineer requested a signed, sealed survey to be submitted for each lot.

The Assistant City Engineer said the applicant will need a DOT work permit for 13 North Plank Road, Lot 2.

DISCUSSION BY THE BOARD

The Chairperson asked about the parking details.

Mr. Lytle said 2 parking spaces are provided for on-site and there is a pending request before the Zoning Board of Appeals for 4 off-street parking spaces.

The Chairperson said the on-site parking layout does not appear to keep in line with the other buildings in the immediate area. The Chairperson also said the amount of screening proposed is insufficient in her opinion, per the code.

Ms. Ware agreed.

Ms. Moore asked the applicant to explain where the cars will be parked on-site and the screening that would be used.

The Chairperson asked how the cars enter the property.

Mr. Lytle said cars will enter from the street at the curb cut, and in between the proposed hedges.

<u>Index No. 2021-11</u>
Alicia Ware moved to declare the Planning Board as Lead Agency under SEQRA.
Heather Moore seconded the motion.
The motion passed unanimously via roll-call vote.

<u>Index No. 2021-12</u>
Alicia Ware moved to declare the Planning Board as Lead Agency under SEQRA.
Heather Moore seconded the motion.
The motion passed unanimously via roll-call vote.

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

Applicant: Nathan Litwin
Owner: Regional Economic Community Action Program, Inc.
Location: 116 Carson Avenue

SITE PLAN application to construct an Apartment House.

The Comment Letters from the City Engineer and the Department of Planning and Development were made a matter of record.

Nathan Litwin and J.C. Calderon appeared before the Board.

Mr. Calderon gave an overview of the new adjustment to the site plan. The updated design brought the building closer to Carson and Clark Street and aligned with the existing buildings on Carson Avenue.

The adjustment also created a rear yard space for occupants. The updated design also moved the off-street parking off of the Carson Avenue side and onto the S. Clark Street side. The off-street parking included 1 handicapped and 1 non-handicapped space.

The Director of Planning and Development reviewed the Planning and Development comment letter.

The Assistant City Engineer reviewed outstanding items in the City Engineer comment letter.

The Assistant City Engineer requested the applicant to mark out the new curb line on the street for review of dimensions for the sidewalk bump-outs.

DISCUSSION BY THE BOARD

Ms. Hooff asked to see the massing model. She expressed concern that the building is too large for the fabric of the neighborhood.

Ms. Hooff asked about the new, off-street parking design.

Mr. Litwin said they are required to have one on-site, handicap-accessible space. They kept a second space that could also double as access to the rear yard for garbage pickup and snow removal.

Ms. Hooff asked if the dumpster will be screened.

Mr. Calderon confirmed.

Ms. Ware recommended two handicapped on-site spaces.

Ms. Hooff suggested a color temperature of 2,700 Kelvin or lower for exterior lighting.

The Assistant Corporation Counsel requested submitting a cost estimate for streetscapes improvements for City Engineer review.

Duane Ware moved to declare the Planning Board as Lead Agency under SEQRA.
Heather Moore seconded the motion.
The motion passed unanimously via roll-call vote.

NEW BUSINESS

Index No. 2021-17

Applicant: Javier Fiscal
Owner: Walter Park
Location: 435 Broadway

SITE PLAN application to convert the existing building into a House of Worship and Restaurant.

The Comment Letters from the City Engineer and the Department of Planning and Development were made a matter of record.

Floyd Johnson and Javier Fiscal appeared before the Board.

Mr. Johnson gave an overview of the project.

The Director of Planning and Development reviewed the items in the Planning and Development comment letter.

The Assistant City Engineer reviewed the items addressed in the City Engineer comment letter.

Mr. Johnson asked if the applicant has the right to move the deck.

The Assistant Corporation Counsel said an un-permitted deck would need to be removed.

DISCUSSION BY THE BOARD

Ms. Hooff asked what the building use is currently.

Mr. Johnson said the building is vacant.

The Chairperson said the sidewalk in the front of building and the parking area at the rear of the building are both in poor shape. They would need to be accounted for in the site plan and brought up to code.

Ms. Moore asked about the wood frame garage in the back of the property.

Mr. Johnson said there are no plans to use the garage.

The Chairperson asked about the chain link fence and gate on the east side of the property. She said both are in poor condition.

Mr. Johnson said they will address the fence and the gate, and move the structures to create a walkway.

The Chairperson asked if the restaurant is part of the church.

Mr. Johnson said members of the church are in the restaurant business and the congregation will utilize the restaurant.

Ms. Moore asked about the parking plan. She said it does not appear to match the code requirements.

Mr. Johnson said he needs to re-address the parking.

Ms. Hooff asked for the maximum occupancy of the congregation and restaurant during peak hours.

Mr. Johnson said the congregation is 99 people maximum and the restaurant is 75 people maximum.

Alicia Ware moved to waive the public hearing.
Sarah Hooff seconded the motion.
The motion passed 5-0 via roll-call vote.

<u>Index No. 2021-18</u>

Applicant: National Builders South
Owner: Atkemix Thirty-Seven Inc.
Location: 700-768 South Street

SITE PLAN application to construct a Warehouse.

The Comment Letters from the City Engineer and the Department of Planning and Development were made a matter of record.

Brian Sekel, Walter Kubow and Charles Bazydlo appeared before the Board.

Mr. Bazydlo gave a brief overview of the project.

Mr. Kubow gave an overview of the technical aspects.

The Director of Planning and Development reviewed the items in the Planning and Development comment letter.

The Director of Planning and Development referred the applicant to present to the Conservation Advisory Council and the Transportation Advisory Council. She also said the project is subject to GML §239 review by the County.

The Assistant City Engineer reviewed the items in the City Engineer comment letter.

The Assistant City Engineer requested a signed and sealed survey.

DISCUSSION BY THE BOARD

Ms. Hooff asked if the bio-retention and pre-treatment was required of the owner.

Mr. Kubow said it was part of the Stormwater Pollution Prevention Plan.

Ms. Hooff asked for confirmation that is project will remain a warehouse.

Mr. Kubow confirmed.

The Chairperson requested different viewshed perspectives from the surrounding streets.

Ms. Hooff asked how tall the lighting poles will be.

Mr. Kubow said 25 feet.

Ms. Hooff said she would like to see a landscaping plan, including screening to offset the taller structures on the property.

Alicia Ware moved to declare the Planning Board as Lead Agency under SEQRA.
Heather Moore seconded the motion.
The motion passed unanimously via roll-call vote.

Index No. 2021-19

Applicant:	Colin Jarvis
Owner (17 Johnston)	City of Newburgh
Owner (19 Johnston)	The Newburgh Ministry, Inc.
Location:	17 and 19 Johnston Street

SITE PLAN application to demolish the structures at 17 & 19 Johnston Street; combine parcels at 17 & 19 Johnston Street; lot line change between 9 & 17 Johnston Street; construction of residential care facility on 17 & 19 Johnston Street.

The Comment Letters from the City Engineer and the Department of Planning and Development were made a matter of record.

Colin Jarvis, Lee Lasberg and Frank Cerbini appeared before the Board.

Mr. Lasberg gave an overview of the proposed project that would connect to the existing building at 9 Johnston Street. The proposed use is for supportive housing.

Mr. Jarvis gave a brief overview of The Newburgh Ministry history, mission and purpose behind the project.

Mr. Lasberg said they received approval on September 17, 2021 by the ARC for demolition of 17 Johnston Street and 19 Johnston Street.

The Director of Planning and Development reviewed the items in the Planning and Development comment letter.

The Assistant City Engineer reviewed the items in the City Engineer comment letter.

DISCUSSION BY THE BOARD

Ms. Moore asked the applicant to explain the parking plan.

Mr. Cerbini said supportive housing usually does not draw a need for parking. They choose this location to keep housing connected to on-site services provided by The Newburgh Ministry.

The Chairperson said it appears there is a void between 9 Johnston and the proposed building on the Site Plan.

Mr. Cerbini said that space is a common lobby and serves as the main entrance to the Ministry and the housing building.

The Chairperson asked for a clarification of why they choose a building that high.

Mr. Jarvis said it maximizes the number of individuals they can serve and is tied to better chances at grant funding for the project at the state level.
The Chairperson asked if there will be an outdoor communal space.

Mr. Jarvis said all of the greenspace available is occupied by the building and the stormwater requirements. They will look into incorporating an outdoor component.

Alicia Ware moved to declare the Planning Board as Lead Agency under SEQRA.
Heather Moore seconded the motion.
The motion passed unanimously via roll-call vote.

Index No. 2021-20

Applicant: Willie Carley
Owner: Tabernacle of Faith Christian Fellowship Inc.
Location: 540 Gidney Avenue

SITE PLAN application to convert existing building into a House of Worship.

The Comment Letters from the City Engineer and the Department of Planning and Development were made a matter of record.

David Niemotko appeared before the Board and gave an overview of the project.

The Director of Planning and Development reviewed the items in the Planning and Development comment letter.

The Director of Planning and Development said the project is subject to GML §239 review by the County.

The Assistant City Engineer reviewed the items in the City Engineer comment letter.

The Assistant City Engineer requested a signed, sealed survey.

DISCUSSION BY THE BOARD

Ms. Ware asked for the maximum occupancy of the building.

Mr. Niemotko said the sanctuary is 99 people maximum. He said the front portion of the building will be used as administrative offices. The sanctuary will be located in the back portion of the building.

Ms. Hooff said if they add a sidewalk on Barton Street they will take out three trees that are currently screening the building.

Ms. Ware asked to see improvements on the existing Gidney Avenue sidewalk.

Ms. Ware asked if they plan on any landscape work.

Mr. Niemotko said they are not proposing landscaping.

Ms. Ware said she would like to see a landscape plan and railroad ties for curb appeal.

The Chairperson asked if they are proposing any signage.

Mr. Niemotko said there is an existing sign with no plans on changing the size or dimensions.

The Chairperson asked for details on the proposed parking spaces.

Mr. Niemotko said they provided angled spaces, two ADA parking spaces and one parking space located at the shed. There are 22 parking spaces total.

The Assistant Corporation Counsel asked if there was a change made to the parking plan from the original submission.

Mr. Niemotko confirmed.

The Assistant Corporation Counsel asked for review of code regarding parking.

The Director of Planning and Development confirmed parking for the sanctuary is one space per five seats; and parking for administrative staff is one space per 300 square feet.

The Board indicated that the proposed parking was adequate for the proposed uses.

The Board tabled the application to a future meeting date.

<u>Index No. 2021-21</u>

Applicant: Allon Azulai
Owner: Allon Azulai
Location: 20 Bridge Street

SITE PLAN application to convert the two-family into a three-family dwelling.

The Comment Letters from the City Engineer and the Department of Planning and Development were made a matter of record.

JC Calderon appeared before the Board and gave an overview of the project.

The Director of Planning and Development reviewed the items in the Planning and Development comment letter.

The Director of Planning and Development requested a revised PB01 form and for the Short Environmental Assessment Form, to provide the numbers of the remediation sites.

The Assistant City Engineer reviewed the items in the City Engineer comment letter.
The Assistant City Engineer said the City will be conducting ADA sidewalk evaluations at the intersection of Bridge and Mill Street. Staff will not recommend any applicant changes to the streetscape until that review is complete.

The Assistant City Engineer asked to remove the current apron driveway and replace with landscaping.

DISCUSSION BY THE BOARD

Ms. Ware asked for the total number of bedrooms in the basement apartment.

Mr. Calderon said two bedrooms.

The Chairperson asked that the side hedges be continued along the front of the building.

Mr. Calderon agreed.

Alicia Ware moved to waive the public hearing.
Heather Moore seconded the motion.
The motion passed unanimously via roll-call vote.

Alicia Ware moved to declare the Planning Board as lead agency under SEQRA.
Heather Moore seconded the motion.
The motion passed unanimously via roll-call vote.

Alicia Ware moved to issue a negative declaration under SEQRA.

Heather Moore seconded the motion.
The motion passed unanimously via roll-call vote.

Alicia Ware moved to accept the Site Plan as submitted, subject to any outstanding items in the City Engineer and Planning and Development comment letters.
Heather Moore seconded the motion.
The motion passed unanimously via roll-call vote.

With no further business to discuss, the meeting adjourned at 10:50 p.m.

Respectfully submitted,

J.K. Gentile
Secretary to the Land Use Boards