CITY OF NEWBURGH
PLANNING BOARD

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, July 19, 2022 at 7:30 p.m. at the Activity Center, 401 Washington Street, Newburgh, New York.

Members Present: Lisa Daily, Chairperson
Weaver Debe
Sarah Hooff
Michael Kelly
Acre Qui
Alicia Ware
Duane Ware

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

The Chairperson called the meeting to order at 7:35 p.m. after confirming a quorum.

APPROVAL OF MINUTES

Minutes of the June 21, 2022 Meeting

Alicia Ware moved to approve the June 2022 minutes as submitted.
Michael Kelly seconded the motion.
The motion passed unanimously via roll call vote.

SPECIAL USE EXTENSION

Index No. 2015-21

Applicant: Kellyann Kostyal-Larrier
Owner: d/b/a as Sunrise Cottage
Location: 399 Carpenter Avenue

SPECIAL USE PERMIT

Kellyann Kostyal-Larrier, on behalf of Sunrise Cottage, appeared before the Board.

Staff reported no fire or police calls for service or building code violations at the property occurred since the last time the Planning Board granted an extension.

Michael Kelly moved to extend the Special Use Permit for two years.
Alicia Ware seconded the motion.
The motion passed unanimously via roll-call vote.

Index No. 2017-31

Applicant: Ertha Raymond
Owner: Ertha Raymond
Location: 10 City Terrace North

SPECIAL USE PERMIT

Applicant did not appear for the meeting.

Staff reported no fire or police calls for service or building code violations at the property occurred since the last time the Planning Board granted an extension.

Duane Ware moved to extend the Special Use Permit for two years.
Michael Kelly seconded the motion.
The motion passed unanimously via roll-call vote.

Index No. 2013-07

Applicant: Jonathan Cella
Owner: Vishal Enterprises of Grand Street, LLC
Location: 405 Broadway

SPECIAL USE PERMIT

Jonathan Cella appeared before the Board.

Staff reported no fire or police calls for service or building code violations at the property occurred since the last time the Planning Board granted an extension.

The Assistant Corporation Counsel said the Planning Board approved this special use permit in connection with a site plan approval, which was a small addition onto the deli structure. The Board requested other improvements made to the site as well.

The Assistant Corporation Counsel asked the applicant if the applicant filed for permits related to the site plan improvements.

Mr. Cella said a building permit application is pending, the building permit was submitted two months ago.

Duane Ware moved to extend the Special Use Permit for one year.
Alicia Ware seconded the motion.
The motion passed unanimously via roll-call vote.

Index No. 2017-08

Applicant: George Ian McMahon
Owner: Belfry Arts LLC
Location: 236 S. William Street

SPECIAL USE PERMIT

George Ian McMahon appeared before the Board.

Staff reported no fire or police calls for service or building code violations at the property occurred since the last time the Planning Board granted an extension.

Michael Kelly moved to extend the Special Use Permit for two years.
Alicia Ware seconded the motion.
The motion passed unanimously via roll-call vote

OLD BUSINESS

Index No. 2022-02

Applicant: Eulogio and Felderi Santiago
Owner: 271 Grand Realty Partners LLC
Location: 271 Grand Street

SITE PLAN application to convert an existing two-family residence into a three-family residence.

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

Eulogio Santiago and Jonathan Cella appeared before the Board.

Mr. Cella gave an overview of the updates made to the site plan.

The Assistant City Engineer reviewed his comment letter. He requested adding a driveway apron detail to the site plan.

The Director of Planning and Development reviewed her comment letter.

DISCUSSION BY THE BOARD

Alicia Ware moved to waive a public hearing for the application.
Michael Kelly seconded the motion.
The motion passed unanimously via roll-call vote.

Michael Kelly moved to issue a Type II declaration under SEQRA
Sarah Hooff seconded the motion.
The motion passed unanimously via roll-call vote.

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

Index No. 2021-18

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

SITE PLAN application to construct a Warehouse.

The applicant contacted the Secretary to Land Use Boards prior to the meeting and requested tabling the application until next meeting.

Index No. 2022-10

Applicant: Chris Berg / Berg + Moss Architects
Owner: 75 Grove LLC
Location: 191 North Miller Street

SUBDIVISION application to convert the single lot with one-family residence into a subdivided lot with 2 new three-family residences.

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

Chris Berg appeared before the Board and gave an update of the proposed project.

The Assistant City Engineer reviewed his comment letter. He requested the subdivision information be moved from the site plan sheet and to maintain that subdivision information on the survey sheet.

The Director of Planning and Development reviewed her comment letter. She said if the application is approved for a subdivision but not approved for demolition of the existing building, there is a potential encroachment issue with respect to the existing structure on the neighbor's property.

The Assistant Corporation Counsel said the applicant needs to seek relief from the Zoning Board of Appeals to deviate from the bulk requirements for lot size. The recommendation is for the applicant to go to the Zoning Board of Appeals for approval first, because without that approval the Planning Board cannot approve the subdivision.

Michael Kelly moved to accept the preliminary plat as submitted, subject to Zoning Board of Appeals approval.
Sarah Hooff seconded the motion.
The motion passed unanimously via roll-call vote.

<u>Index No. 2022-05</u>

Applicant: Fidelity Real Estate Management / Eli Vaknin
Owner: Overview Properties, LLC
Location: 135 Ellis Avenue

SITE PLAN application to develop 10 buildings and 60 apartment units.

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

Greg Sgromo, Shaul Vaknin, Eli Vaknin and Dan Gilbert appeared before the Board.

Greg Sgromo gave a brief overview on the proposed project for the new members of the Planning Board.

The Assistant City Engineer reviewed his comment letter. He requested stormwater management details, electrical utilities, handicapped accessible details, SWPPP, the hatched areas called out in the schedule, Phase II addition of denser screening of the neighboring properties, alternative plantings in the stormwater area, trail maintenance details, road maintenance details, note "no blasting" and the addition of directional arrows to the Jewish and Alms Cemeteries noted on the site plan. He requested submission of a signed and sealed construction cost estimate for the bond necessary for the public improvements proposed.

The Director of Planning and Development reviewed her comment letter. She discussed the CAC comment letter and mentioned that the TAC did not meet due to lack of a quorum. She said there are no archaeological impacts in regard to the cemeteries.

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 agreed to waive the 62-day requirement so the Planning Board could consider further details on the application.

DISCUSSION BY THE BOARD

Ms. Ward asked for lighting plan details.

Mr. Sgromo said the total temperature will be 2700K, it will be night sky compliant and they will be using poles under 20 feet tall.

The Chairperson asked if the pedestrian path will be lighted.

Mr. Sgromo said no.

Ms. Hooff asked if the exterior lighting is dimmable.

Mr. Sgromo said no.

Ms. Ware asked about implementation of rain gardens for stormwater runoff.

Mr. Sgromo all pavement stormwater runoff runs into a bio retention area of wildflower grass.

Ms. Ware asked if there is a planting plan to screen the cemeteries.

Ms. Sgromo said a planting plan to screen the cemeteries is not necessary as both cemeteries are not within proximity.

Ms. Hooff asked about the square footage of the developed area and the conservation area.

Mr. Sgromo said the total gross area of site is 12.44 acres, and 6.22 acres is conservation area.

Ms. Hooff asked the applicant to consider a natural aesthetic for the building materials in keeping with the natural viewshed.

Ms. Ware asked why permeable pavement is not being considered.

Mr. Sgromo said a permeable pavement system cannot be considered for use on top of bedrock.

Mr. Kelly asked if they are considering installing car charging stations.

Mr. Sgromo said not at this time.

Ms. Hooff asked if they are adding a sidewalk between the trail head and the complex.

Mr. Sgromo said no.

Ms. Hooff asked the applicant to consider implementing a sidewalk or a wider shoulder.

The Chairperson asked the Board if another referral to the TAC is necessary.

The Board concluded that another presentation to the TAC was important.

The applicant requested a table of its application to the next meeting.

Index No. 2021-17

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

SITE PLAN application to convert 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 updates made to the Site Plan.

The Assistant City Engineer reviewed his comment letter. He requested the outstanding comments be addressed.

The Director of Planning and Development reviewed her comment letter. She requested the outstanding comments be addressed.

The applicant requested a table of its application to the next meeting.

<u>Index No. 2022-12</u>

Applicant: Manual Zacarias-Gregorio
Owner: Manual Zacarias-Gregorio
Location: 288 South William Street

SUBDIVISION application to construct a new three-family dwelling on a vacant lot.

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

Floyd Johnson appeared before the Board and gave a brief overview of the project.

The Assistant City Engineer reviewed his comment letter. He requested changing the 3" inch lateral to a 4" inch lateral connection detail, detail new utility service connections to the existing water main, correct construction detailing and draw to scale, correct sidewalk detail, correct spelling errors, clarify the on-site parking spaces and note the removal of the oil tank container on the site plan. He requested a signed and sealed survey. He asked the applicant to label the site plan sheets correctly. He recommended submitting a separate building elevation plan.

The Assistant Corporation Counsel requested documentation of findings regarding the removal of the oil tank from the site.

The Director of Planning and Development reviewed her comment letter. She said the outstanding comments need to be addressed regarding the Short Environmental Assessment Form and to re-run the mapper to ensure congruity. She said the last submission was dated September 16, 2021.

The Assistant Corporation Counsel asked the applicant if he is going to have an easement that contemplates access to and through the driveway. If so, he needs to submit a draft of the easement language in a recordable form for Board review. He referred the applicant to the City Code 300-68.

The applicant requested a table of its application to the next meeting.

NEW BUSINESS

Index No. 2022-15

Applicant: Antolin Frias
Owner: Nikadam Properties, LLC
Location: 117-129 Washington Terrace

SITE PLAN application to convert restaurant into a billiard hall.

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

Antolin Frias appeared before the Board and gave an overview of the proposed project.

The Assistant City Engineer recommended waiving Site Plan requirements as the only proposal was a change of use for the property.

The Director of Planning and Development reviewed her comment letter.

The Assistant Corporation Counsel asked the applicant if there will be a change to the building footprint.

Mr. Frias said no.

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

Alicia Ware moved to issue a Type II declaration under SEQRA
Michael Kelly seconded the motion.
The motion passed unanimously via roll-call vote.

Alicia Ware moved to waive Site Plan requirements per the City Code.
Michael Kelly seconded the motion.
The motion passed unanimously via roll-call vote.

Alicia Ware moved to accept the application as submitted.
Michael Kelly seconded the motion.
The motion passed unanimously via roll-call vote.

Index No. 2022-13

Applicant: Sisha Ortuzar & Erik Cooney
Owner: 191 Washington Street LLC
Location: 191 Washington Street

SITE PLAN application to convert the current prekindergarten facility into a commercial/residential space with 70 residential units on the vacant western lot.

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

Sisha Ortuzar, Erik Cooney and Jacob Karasik appeared before the Board.

Mr. Ortuzar gave an overview of the proposed project.

The Assistant City Engineer asked the applicant to confirm this is one building with two towers and a shared basement.

Mr. Ortuzar confirmed.

The Assistant City Engineer reviewed his comment letter.

The Director of Planning and Development reviewed her comment letter. She said the project should be referred to, and reviewed by, the Transportation Advisory Council, SHPO via the CRIS system, and the DEC.

Mr. Debe asked for clarification that this project will act as one building.

Mr. Ortuzar said if it is constructed as two separate buildings the project cost significantly increases.

Michael Kelly moved to declare the Planning Board's intent to act as lead agency for the project under SEQRA.
Alicia Ware seconded the motion.
The motion passed unanimously via roll-call vote.

Sarah Hooff moved to waive a public hearing for the application.
Alicia Ware seconded the motion.
The motion passed unanimously via roll-call vote.

With no further business to discuss, the meeting adjourned at 10:25 p.m.

Respectfully submitted,

J.K. Gentile
Secretary to the Land Use Boards