PLANNING BOARD MEETING

The monthly meeting of the City of Newburgh Planning Board was held on Tuesday, September 19, 2023 at 7:30 p.m. at the Activity Center, 401 Washington Street, Newburgh, New York.

Members Present: Lisa Daily, Chairperson
Acre Qui
Alicia Ware
Duane Ware

Also Present: Chad Wade, Assistant City Engineer
Jonathan Midler, City Planner
Jeremy Kaufman, Assistant Corporation Counsel
J.K. Gentile, Secretary

Absent: Weaver Debe
Sarah Hooff
Michael Kelly

The Chairperson called the meeting to order at 7:31 p.m. after confirming a quorum.

OLD BUSINESS

Index No. 2023-11

Applicant: Jonathan Moss/Berg + Moss Architects, PC
Owner: Roberto B LLC
Location: 2 Bay View Terrace

SITE PLAN application to convert the single-family residence into an owner-occupied three-story bed and breakfast.

Index No. 2023-13

Applicant: Jonathan Moss/Berg + Moss Architects, PC
Owner: Roberto B LLC
Location: 2 Bay View Terrace

SPECIAL USE PERMIT application to convert the single-family residence into an owner-occupied three-story bed and breakfast.

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

Jonathan Moss appeared before the Board and gave an update of the proposed project.

DISCUSSION BY THE BOARD

The City Planner reviewed his comment letter. He said the project is pending Conservation Advisory Council review.

The Assistant City Engineer reviewed his comment letter. He said all comments have been satisfied.

The Chairperson opened the public hearing for comment on the Special Use Permit.

No one was present for or against the application.

Duane Ware moved to close the public hearing for the Special Use Permit
Acre Qui seconded the motion.
The motion passed unanimously via roll-call vote.

For Index No. 2023-11

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

Alicia Ware moved to conditionally approve the Site Plan, pending Conservation Advisory Council review and Zoning Board of Appeals approval.
Duane Ware seconded the motion.
The motion passed unanimously via roll-call vote

For Index No. 2023-13

Duane Ware moved to conditionally approve the Special Use Permit for one year, pending Conservation Advisory Council review and Zoning Board of Appeals approval.
Acre Qui seconded the motion.
The motion passed unanimously via roll-call vote.

Index No. 2021-13

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

SITE PLAN application to develop 12 buildings and 72 apartment units.

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

Greg Sgromo appeared before the Board and gave an update of the proposed project.

DISCUSSION BY THE BOARD

The Assistant City Engineer reviewed his comment letter. He requested the submission of a separate, signed and sealed survey. He said additional time is required to evaluate the sidewalk location.

Mr. Sgromo said he prefers to disturb the bank on the water tank side for the proposed sidewalk location. He said there is a steep slope on the Cystal Lake side, and they would prefer to avoid having to construct a retaining wall.

The City Planner reviewed his comment letter. He said the project is pending Transportation Advisory Council review. He said the project as proposed still requires a subdivision application.

Ms. Ware said she would require additional time to evaluate the landscaping plans.

The Assistant Corporation Counsel said the applicant will be required to present to the City Council for certain items related to the current project proposal. He said the sidewalk location, landscaping and the subdivision issues should be resolved prior to any presentation to the City Council. He recommended the applicant confirm the metes and bounds of the nature walking path, what the easement will look like for the public benefit and confirm who will be maintaining the trails as a condition of the approval.

Mr. Qui asked the Assistant City Engineer why the Crystal Lake side is the preferred location for the sidewalk.

The Assistant City Engineer said it offers visual interaction with the open space.

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

Index No. 2023-14

Applicant: Kenneth Kearney/Kearney Realty & Development Group
Owner: City of Newburgh
Location: 140 Montgomery Street

SITE PLAN application to construct two (2), mixed-use with residential buildings, both with retail on the street level, where Building 1 will contain 45 residential units and Building 2 will contain 73 residential units.

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

Sean Kearney, Christian Donahoe, Rich D'Andrea, and Eric Schlobohm appeared before the Board.

Mr. Kearney gave a brief update regarding the recent submission for review.

Mr. Schlobohm gave an overview of the updated site plan.

Mr. D'Andrea gave an overview of the updated traffic report.

The Chairperson asked if the only vehicular access to the site is off of Smith Street.

Mr. D'Andrea confirmed.

DISCUSSION BY THE BOARD

The City Planner reviewed his comment letter. He requested: submission of a lighting plan, the Board's feedback on the submitted landscaping plan, clarification of the total number of bicycle spaces, submission of a viewshed analysis, the Board's decision to refer the applicant to the Transportation Advisory Council, and submission to the Department of Environmental Conservation regarding the bald eagle. He said the Conservation Advisory Council review is pending. He said the traffic study was conducted on the last day of school and recommended a traffic study that occurs during a week while school is in session.

The Assistant City Engineer reviewed his comment letter. He said the City Engineer's office will assist in the design and layout of the curb extensions to ensure accuracy and consistency with the city standards. He requested locating the abandoned water and sewer lines notated on the site plan. He said the city is currently reviewing the SWPPP. He requested further traffic review.

The Chairperson agreed with further traffic review.

The Assistant Corporation Counsel said at the last meeting the Board declared itself lead agency. He recommended reserving on a SEQRA vote considering the number of environmental concerns still outstanding. He recommended the Board give the applicant feedback on any outstanding information, review the lighting plan, and review the landscaping plan. He said the Board should review whether the data submitted for the traffic study is sufficient. He said the Board could consider having the developer fund an escrow account so the Board could hire its own traffic engineer to conduct a traffic study to compare against the findings from the developer study. He said the Board could also adopt the findings as currently presented or could request additional information and items from the developer's traffic engineer.

Mr. Ware said he would like to see additional information submitted for the traffic study.

Ms. Ware agreed.

The Chairperson said the Board should present a formal referral to the Transportation Advisory Council.

Mr. Qui asked if an additional traffic study is requested, and the information provided is not satisfactory, what are the consequences.

The Chairperson said the applicant would be asked to consider mitigation strategies.

The Assistant Corporation Counsel clarified that in general, the applicant could rest on its submission, explore mitigation techniques in accordance with Board input, or revise the current plan. The Board would then review the project depending on the applicant's election.

Mr. D'Andrea said they have historic traffic data that could be submitted for review as well as submitting additional data.

Ms. Ware requested an additional count.

Mr. Ware recommended additional traffic signage.

Ms. Ware recommended a flashing sign to gain attention.

The Assistant Corporation Counsel asked the City Planner if the County is proposing extending a bus transportation line with an end point at the developer's proposed site.

The City Planner said Orange County Transit is redesigning its bus routes and the Department of Planning and Development requested a bus stop near the proposed site.

The Board agreed that the applicant should submit additional traffic study data.

The Chairperson asked for a mid-week study, during school hours, from 8:30 a.m. to 9:30 a.m. and 3:00 p.m. to 4:00 p.m.

The Chairperson recommended further review of the landscape plan.

Ms. Ware agreed.

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

Index No. 2023-25

Applicant: John Waters/Dubois Street Associates
Owner: City of Newburgh
Location: 123 Renwick Street

SITE PLAN application to convert a vacant, four-story building into a mixed-use building.

Index No. 2023-29

Applicant: John Waters/Dubois Street Associates
Owner: City of Newburgh
Location: 123 Renwick Street

SPECIAL USE PERMIT application to convent four story building into a mixed-use building

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

Kristine Magliano appeared before the Board and gave an update of the proposed project.

DISCUSSION BY THE BOARD

The Assistant City Engineer reviewed his comment letter. He requested submission of a deed, a grading plan, a lighting plan including point-by-point footcandle calculations, a sediment and erosion control plan, a stormwater management plan, a revised site plan with ADA curb ramp returns and flares as permeable pavers to match the buffer strip, water and sewer detail clean up, and a separate sheet for architectural floor plans, elevations, and renderings. He said the City Engineer's office conducted a site visit and located an existing electric pole, overhead wires supplying primary power to the buildings across the street, and a guywire that interferes with the proposed site plan, specifically the driveway design. He requested contacting Central Hudson. He recommended extending the last parking aisle to a minimum of 5'-0" toward the property line to allow for increased maneuverability. He requested to show the grade breaks on the ADA ramp and proposed spot elevations on the site plan. He asked to clarify the dimensions of the remaining space between the ADA accessible route and the building.

Ms. Magliano said they propose to maintain that same run.

The Assistant City Engineer said there are two drainage structures on either side of the ADA ramp. He said the City Engineer's office will work with the applicant to paint out appropriate striping on the curb extension. He requested the submission of a PDF vector version of the ADA details notes and critical elements table plan set sheet.

The City Planner reviewed his comment letter.

The Chairperson opened the public hearing for comment on the Special Use Permit.

No one was present for or against the application.

Alicia Ware moved to close the public hearing for the Special Use Permit.
Acre Qui seconded the motion.
The motion passed unanimously via roll-call vote.

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

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

Index No. 2022-13

Applicant: Sisha Ortuzar and 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 City Planner were made a matter of record.

Sisha Ortuzar, Erik Cooney and Colin Brice appeared before the Board (Mr. Brice appeared telephonically).

Mr. Ortuzar gave an update on the proposed project and inquired about curb extensions, hatched areas, restricted grading and traffic signage that the Assistant City Engineer addressed.

DISCUSSION BY THE BOARD

The Assistant City Engineer reviewed his comment letter. He requested the applicant work with Central Hudson to provide direct burial from an existing utility pole underground to the site, if permitted. He requested the driveway apron configuration drawing of what is being proposed match the detail on the site plan and to incorporate Sheet A-003 of the lighting photometrics into sheet L-1. He said the City Engineer office agrees with the proposed bioswale expansion.

The City Planner reviewed his comment letter. He asked the applicant to consolidate the proposed bike parking area into one or two bike corrals. He requested a site plan note that the lighting temperature does not exceed a color temperature of 2700 Kelvin. He said the questions regarding dumpster curb cuts be discussed at the next Planning Board workshop. He requested a revised Environmental Assessment Form.

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

NEW BUSINESS

Index No. 2023-31

Applicant: Sergio Murillo
Owner: Maur Investor Enterprise, Inc.
Location: 118 Wisner Avenue

SITE PLAN application to construct a one-story shopping center with six commercial spaces.

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

Michael Henderson appeared before the Board and gave an overview of the proposed project.

DISCUSSION BY THE BOARD

The City Planner reviewed his comment letter. He requested compliance with the City's Streetscape Standards for the proposed new sidewalk. He said the City Code requires screening for the proposed parking in the front yard and a landscaped buffer strip for each boundary which adjoins the existing dwelling. He requested labeling the driveway location, driveway dimensions and parking stall dimensions on the site plan. He requested the submission of a lighting plan, the addition of on-site bicycle parking and the submission of a completed Short Environmental Assessment Form.

The Assistant City Engineer reviewed his comment letter. He requested the submission of the deed, an existing signed and sealed survey, an appropriate subdivision map prepared by a NYS-licensed Land Surveyor, a stormwater management plan, an erosion and sediment control plan and a planting plan. He requested easement information, all variances included in the Bulk Requirements Table and all existing site elements proposed to be removed noted on the site plan. He said the driveway apron will require reconfiguration to be ADA compliant. He requested curb details for the parking lot and dumpster details.

The Assistant Corporation Counsel said this project is an unlisted action for SEQRA purposes.

Alicia Ware moved to hold a public hearing.
Duane Ware seconded the motion.
The motion passed unanimously via roll-call vote.

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

Index No. 2023-33

Applicant: Sergio Murillo
Owner: Magda Arauz.
Location: 72 William Street

SITE PLAN application to construct a three-story mixed-use residential building.

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

Michael Henderson appeared before the Board and gave an overview of the proposed project.

DISCUSSION BY THE BOARD

The City Planner reviewed his comment letter. He requested the submission of a lighting plan, a landscaping plan, the addition of on-site bicycle parking, and the submission of a completed Short Environmental Assessment Form.

The Assistant City Engineer reviewed his comment letter. He requested the submission of a separate, signed and sealed survey. He said the proposed demolition of the garage will need the approval of the Architectural Review Commission. He said a three-foot buffer is required in the rear of the building for access.

Acre Qui moved to waive a public hearing.
Alicia Ware seconded the motion.
The motion passed unanimously via roll-call vote.

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

Index No. 2023-36

Applicant: Jonathan Moss/Berg + Moss Architects, PC
Owner: South Robinson Enterprise LLC
Location: 176 South Robinson Avenue

SITE PLAN application to convert a one-family dwelling to a Cannabis, Retail Use.

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

Elaine Alvarez and Jonathan Moss appeared before the Board.

Mr. Moss gave an overview of the proposed project.

DISCUSSION BY THE BOARD

The Assistant City Engineer reviewed his comment letter. He requested the submission of the deed, a separate, signed and sealed survey, a Certificate of Occupancy for the auto service and office, and a lighting plan. He requested clarification of the easements, the existing asphalt path that connects the current auto service building's parking lot to the sidewalk, proposed parking configuration and required amount of ADA parking spaces based on the total amount of Auto Body bays. He requested all existing site elements proposed to be removed noted on the site plan, a new driveway apron configuration and the apron south of the development to be repaved to allow ADA access across. He requested contacting the Fire Chief to inquire if a fire sprinkler system is required.

The City Planner reviewed his comment letter. He said the property is within the LWRP boundary and requires Conservation Advisory Council review. He requested a lighting plan. He suggested removing the existing curb cut, installing a curb, and connecting the buffer strip. He requested the submission of a sign detail for review. He recommended considering breaks in the parking area for landscaping and pedestrian paths to allow for safe access from the parking lot to the proposed store.

Acre Qui moved to waive a public hearing.
Alicia Ware seconded the motion.
The motion passed unanimously via roll-call vote.

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

With no further business to discuss, the meeting adjourned at 10:20 p.m.

Respectfully submitted:

J.K. Gentile, Secretary