

PLANNING BOARD MEETING

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

Members Present: Alicia Ware, Acting Chairperson
 Sarah Hooff
 Acre Qui
 Duane Ware

Also Present: Jason Morris, P.E., City Engineer & Commissioner of Public Works
 Allison Spinelli, Assistant City Engineer
 Jonathan Midler, City Planner
 Jeremy Kaufman, Assistant Corporation Counsel
 J.K. Gentile, Secretary

Absent: Lisa Daily, Chairperson
 Weaver Debe

The Chairperson called the meeting to order at 7:40 p.m. after confirming a quorum.

SITE PLAN APPROVAL EXTENSION

Index No. 2021-24

Applicant: Mike Brooks
Owner: Habitat for Humanity
Location: 169 Ann Street

SITE PLAN application to construct a new single-family detached dwelling on a vacant lot.

The applicant requested a second, one-year extension of its Site Plan approval.

The Assistant Corporation Counsel said the applicant received original site plan approval December 21, 2021.

The Assistant Corporation Counsel asked the applicant to confirm that there was no record of a site plan extension request.

Mr. Brooks confirmed.

The Assistant Corporation Counsel said the applicant is requesting a retroactive site plan extension to cover the period from December 2022 to December 2023, and a second and final site plan extension request to cover the period of December 2023 to December 2024.

The Planning Board found that no significant changes to the City of Newburgh Master Plan or City Code have occurred since the issuance of the original approval.

Duane Ware moved to approve a retroactive one-year extension of the Site Plan approval.

Acre Qui seconded the motion.

The motion passed unanimously via roll-call vote.

Duane Ware moved to approve a second one-year extension of the Site Plan approval.

Acre Qui seconded the motion.

The motion passed unanimously via roll-call vote.

OLD BUSINESS

Index No. 2023-38

Applicant: Jonathan Moss, R.A./Berg + Moss Architects, PC

Owner: Zeqir Hakanjin

Location: 405 Grand Street

SITE PLAN application to convert the existing single-family dwelling to a three-family dwelling.

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

The Assistant Corporation Counsel said the applicant presented to the Conservation Advisory Council and received Zoning Board of Appeals approval in October 2023.

Christopher Berg appeared before the Board and gave an update on the proposed project. He said they created additional on-site parking spaces in the rear of the property, removed the upper retaining wall and showed gradings in the cross sections of the slope.

The Assistant City Engineer reviewed her comment letter.

The City Planner reviewed his comment letter. He said the Conservation Advisory Council found the proposed action is consistent with the LWRP policy standards.

DISCUSSION BY THE BOARD

Ms. Hooff asked about the location of the added bollards.

The City Engineer said in the driveway entrance to the back alley.

Ms. Hooff and Ms. Ware both said they were satisfied with the amended landscaping plan.

Acre Qui moved to accept the Site Plan as submitted, subject to outstanding City Engineer and City Planner comments.

Sarah Hooff seconded the motion.

The motion passed unanimously via roll-call vote.

Index No. 2023-228

Applicant: Eulogio Santiago
Owner (133 N. Miller): 133 North Miller Realty Partners LLC
Owner (141 N. Miller): 133 North Miller Realty Partners LLC
Location: 133-141 North Miller Street

SITE PLAN application to consolidate two (2) vacant lots into one (1) lot and construct one (1) 9-unit apartment house building.

Sarah Hooff recused herself from participation on the application.

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

Eulogio Santiago and Jonathan Cella appeared before the Board.

Mr. Cella gave an overview of the proposed project.

DISCUSSION BY THE BOARD

The Assistant City Engineer reviewed her comment letter. She requested a separate, signed and sealed survey, clarification of existing and proposed utilities as they are not consistent in three different locations on the site plan, a list of variances upon approval from the Zoning Board of Appeals, submission of a separate planting and lighting plan, submission of a separate erosion and sediment control plan and demonstration of proper scale of the East End Historic District treatments.

The City Planner reviewed his comment letter. He said a five-foot-wide landscape buffer is required per code for a parking area with five or more parking spaces. He said a driveway easement will be required for the north driveway.

Mr. Cella said they are prepared to file for a driveway easement once the lot consolidation has been filed.

The City Planner requested a revised Environmental Assessment Form and to coordinate with the NYS DEC regarding the Bald Eagle habitat.

The Assistant Corporation Counsel recommended the applicant resolve a current building code violation.

The applicant requested a table of its application.

Index No. 2023-25

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

SITE PLAN application to convert four (4) story vacant 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 convert four (4) story vacant 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 a brief update on the proposed project. She said there is a pending site visit from Central Hudson regarding the relocation of the guy wire.

DISCUSSION BY THE BOARD

The Assistant City Engineer reviewed her comment letter. She requested minor site plan details be addressed, the lighting plan to include foot candle calculations, the submission of an updated separate, signed and sealed survey and documentation of Central Hudson's correspondence regarding the relocation of the guy wire.

The City Planner reviewed his comment letter.

Acre Qui moved to issue a negative declaration under SEQRA.

Weaver Debe 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. 2023-39

Applicant: Erik Cooney
Owner: 85 Renwick Street LLC
Location: 85 Renwick Street

SITE PLAN application to construct a four (4) story mixed-use with residential building containing twelve (12) apartments and two (2) retail spaces.

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

The Assistant Corporation Counsel said the applicant received Architectural Review Commission and Zoning Board of Appeals approval.

Greg Sgromo, Matthew Sgromo and Chris Berg appeared before the Board.

Mr. Berg gave a brief overview of the proposed design.

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

DISCUSSION BY THE BOARD

The Assistant Corporation Counsel asked for confirmation that the drawings previously submitted by Berg + Moss Architects, P.C. for review has been withdrawn and replaced with the recent site plan submitted by Dunn & Sgromo Engineers.

Mr. Sgromo confirmed that the Dunn & Sgromo Engineers site plan was the plan set up for Planning Board review.

The Assistant City Engineer reviewed her comment letter. She requested a Phase I environmental review, the Zoning table to include the variances required for a corner lot, add a legend that identifies the property line, side setbacks and proposed building, clean up utility details, submission of a separate planting and lighting plan, fence details on the plan and note where the gates will swing open. She recommends the selection of different tree species for the Renwick Street side planting due to overhead utility wires and noted the sidewalks shall be compliant with the streetscape standards of the East End Historic District.

The City Planner reviewed his comment letter. He said an updated Informational Report/Building Inspector ruling will be issued to address the setbacks that have changed. He said the application is pending Conservation Advisory Council review. He said he is in receipt of an advisory letter from the State Historical Preservation Office (SHPO) that recommends design adjustments.

Mr. Berg said the Architectural Review Commission reviewed that advisory SHPO letter and determined that the design presented for review was appropriate.

Ms. Ware said the sidewalks on the Liberty Street side appear to be in good condition and the sidewalks on the Renwick Street side are in poor condition, end to end.

Ms. Hooff said the sidewalks will need to be reset, with attention to the corner bridging Renwick and Liberty Street and attention to the tree pit. She said the Architectural Review Commission will hold the applicant to the appropriate design standards.

Mr. Sgromo said the plan is to fix what is not in compliance and the only changes proposed are to the driveway area.

The City Engineer said the city intends to conduct work on the sidewalks and recommends a technical meeting between the applicant's Engineer and the city's Assistant Engineer.

The Assistant Corporation Counsel clarified that the sidewalk design will be handled by the Building Department, with Engineering Department input, . The issue for the Planning Board is whether the sidewalk work proposed on Liberty Street is sufficient or would the Board request a more comprehensive replacement.

Ms. Ware requested the submission of a lighting plan.

Mr. Sgromo said he will be submitting a detailed landscaping plan.

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

Index No. 2023-42

Applicant: Andrew Schrijver
Owner: Mid Hudson Film, LLC
Location: 50, 50 1/2, 52 and 54 Liberty Street (4 parcels)

SITE PLAN application to construct a mixed-use with residential building on vacant land with 143 units, six (6) street-level retail/commercial space, and an underground parking garage with 28 parking spaces.

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

Andrew Schrijver, Greg Sgromo, Matthew Sgromo and Chris Berg appeared before the Board.

Mr. Schrijver gave an overview of the scope of the project.

Mr. Berg gave an overview of the proposed design.

Mr. Sgromo gave an overview of the technical aspects of the proposed site plan.

DISCUSSION BY THE BOARD

Ms. Hooff asked if the tenants will have access to the courtyard.

Mr. Schrijver said that has not been determined yet.

Ms. Hooff asked how the traffic flow works under the current street conditions.

Mr. Schrijver said he would like to propose for consideration transforming Johnes Street to Renwick Street, Edward Street to Lafayette Street, and Lafayette Street to Edward Street as one-way only streets to open access for on-street parking and for safety.

The Assistant Corporation Counsel recommended commissioning a parking study to assist in making a request of the City Council for review.

Mr. Qui asked if there are proposed bioswales on Liberty Street.

The City Engineer said this proposed project is located within the combined sewer system. He said the city is working with the DEC on a strategic separation of stormwater and sewer on Liberty Street by creating bioswales to reduce peak flow. He said they are requesting that the applicant construct bioswales, but some discretion will be observed when it comes to Liberty Street.

The Assistant City Engineer reviewed her comment letter. She requested updated the Zoning Analysis table on the site plan, repair and replacement of the curbs and sidewalks according to the East End Historic District guidelines, submission of a SWPPP, an erosion and sediment control plan, a bond estimate, and a Phase-I environmental assessment.

The City Engineer said they found a 36" box culvert shown on Liberty Street noted on the survey.

He said there are plans to camera the box culvert.

Mr. Schrijver said when they investigated a blockage to the sewer line during the construction of Phase I, they recognized that Phase I of the Foundry connects to the sewer on Johnes Street.

The City Engineer said the ownership of the alleyway needs to be identified.

The City Planner reviewed his comment letter. He said this project is considered Type I action under SEQRA. He requested a traffic impact analysis. He said the project requires submission to SHPO through the CRIS system.

Ms. Hooff requested a more aggressive landscaping plan.

Sarah Hooff moved to declare the Planning Board's intent to act as Lead Agency under SEQRA. Acre Qui seconded the motion.

The motion passed unanimously via roll-call vote.

Index No. 2023-43

Applicant: Chris Berg, R.A./Berg + Moss Architects, P.C.
Owner: RD 242 South William LLC
Location: 242 South William Street

SUBDIVISION application to create eight (8) new parcels.

Index No. 2023-44

Applicant: Chris Berg, R.A./Berg + Moss Architects, P.C.
Owner: RD 242 South William LLC
Location: 242 South William Street

SITE PLAN application to construct eight (8) buildings on a subdivided lot, with three (3)-family dwelling units on each lot.

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

Dominic Moffa and Chris Berg appeared before the Board.

Mr. Berg gave an overview of the proposed project.

DISCUSSION BY THE BOARD

The Assistant City Engineer reviewed her comment letter. She requested submission of a deed, separate lighting and planting plans, and an erosion and sediment plan. She said the area of disturbance shall be noted clearly on the site plan and sidewalk repair is required.

The City Engineer said the City reached out to DEC regarding Phase II of the Environmental Site Assessment and that the general site plan notes shall be provided indicating the submittal of a Soils and Material Management Plan prior to ground disturbance and the design and implementation of

sub-slab depressurization system for each building constructed. He recommended reaching out to the DEC as the project might be eligible for a Brownfield tax credit.

The City Planner reviewed his comment letter. He said the project is subject to review by the Orange County Department of Health and requires submission to SHPO through the CRIS system.

Ms. Hooff asked if fencing will be placed in the backyards for separation.

Mr. Moffa said that is unknown at this time as it might be one open space for all tenants.

The Assistant Corporation Counsel said there is a mandatory public hearing and a mandatory referral to the Orange County Department of Health for the subdivision application, and a permissive review by the Orange County Department of Planning.

Acre Qui moved to waive review by the Orange County Department of Planning.

Sarah Hooff seconded the motion.

The motion passed unanimously via roll-call vote.

Index No. 2023-40

Applicant:	299 Properties, LLC
Owner 694 Broadway:	694 Newburgh LLC
Owner 696 Broadway:	696 Newburgh LLC
Owner 67 Wisner Avenue:	Wisner & Broadway LLC
Location:	694, 696 Broadway and 67 Wisner Avenue

The Assistant Corporation Counsel made note that a public hearing was scheduled for this meeting, but the applicant neither appeared nor submitted any updates.

There was no one present in the public to comment on the application. The Board held the public hearing pending applicant submission and appearance.

With no further business to discuss, the meeting adjourned at 10:30 p.m.

Respectfully submitted:

J.K. Gentile, Secretary