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

Lisa Daily, Chairperson
J.K. Gentile, Secretary
Phone: (845) 569-7383

PLANNING BOARD MEETING

The monthly meeting of the City of Newburgh Planning Board was held on Tuesday, February 20, 2024 at 7:30 p.m. at the Activity Center, 401 Washington Street, Newburgh, New York.

Members Present:	Lisa Daily, Chairperson Weaver Debe Alicia Ware Duane Ware
Also Present:	Chad Wade, Assistant City Engineer Alison Spinelli, Assistant City Engineer Jonathan Midler, City Planner Jeremy Kaufman, Assistant Corporation Counsel J.K. Gentile, Secretary
Absent:	Sarah Hooff Acre Qui

The Chairperson called the meeting to order at 7:30 p.m. after confirming a quorum.

APPROVAL OF MINUTES

Minutes of the September 19, 2023 Meeting

Alicia Ware moved to approve the September 2023 minutes as submitted.
Weaver Debe seconded the motion.
The motion passed unanimously via roll call vote.

Minutes of the October 17, 2023 Meeting

Duane Ware moved to approve the October 2023 minutes as submitted.
Alicia Ware seconded the motion.
The motion passed unanimously via roll call vote.

Minutes of the December 19, 2023 Meeting

Alicia Ware moved to approve the December 2023 minutes as submitted.
Duane Ware seconded the motion.
The motion passed unanimously via roll call vote.

Minutes of the January 16, 2024 Meeting

Alicia Ware moved to approve the January 2024 minutes as submitted.
Duane Ware seconded the motion.
The motion passed unanimously via roll call vote.

OLD BUSINESS

Index No. 2023-42

Applicant: Andrew Schrijver
Owner: Mid-Hudson Film, LLC
Location: 50, 50 1/2, 52, & 54 Liberty Street

SITE PLAN application to construct a mixed-use with residential building on vacant land with 143 residential apartment units and 6 retail spaces.

The Comment Letters from the City Engineer, the City Planner, Conservation Advisory Council, State Historic Preservation Office, Orange County Department of Planning, New York State Department of Transportation, New York State Homes and Community Renewal, and New York State Department of Environment Conservation were made a matter of record.

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

Mr. Berg gave an overview of the updates made to the design. He said the project is before the Architectural Review Commission (ARC) for review and that they are working through the State Historic Preservation Office (SHPO) comments as SHPO approval is required for funding.

Mr. Sgromo gave an overview of the updates made to the site plan. He said bioretention pits have been added to Liberty, Lafayette, and Johnes Street to remove water from the sidewalks and road. He said that roof water will be captured and treated by an underground filtration system. New curbing is proposed along the entire property line, proposing dyed and stamped concrete for Liberty and Lafayette Street and brushed concrete for Johnes Street. The proposed plantings include Japanese Lilacs. The underground parking entrance is located on Johnes Street. He said the traffic consultants were not available to attend but the consultants will be available to attend the next Planning Board meeting.

The City Planner reviewed his comment letter. He requested cleaning up the parking table details, a lighting plan, an updated landscaping plan, an update on the bicycle parking details, a site distance analysis that is missing from the traffic study and to satisfy SEQRA requirements.

The Assistant City Engineer reviewed his comment letter. He requested submission of deeds to the 4 properties, ARC decision on sidewalk material, dumpster detail, SWPPP, signed and sealed bond estimate, and Phase I and Phase II Environmental Site Assessment. He requested the site plan show accurate details and notes, conceptual electric and gas connections, limits of paving on Johnes, Lafayette, and Liberty Street, and a note regarding the retaining wall.

The Assistant Corporation Counsel requested the site plan commemorate the proposed elimination of the alleyway access rights contained in the existing deeds to the project properties.

Alicia Ware moved to declare the Planning Board as Lead Agency under SEQRA.
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.

<u>Index No. 2023-39</u>

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

SITE PLAN application to construct a 4-story mixed-use residential building containing 12 residential apartment units and 2 retail spaces.

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

Erik Cooney, Sisha Ortuzar, Greg Sgromo, Mathew Sgromo and Chris Berg appeared before the Board.

Mr. Berg gave an overview of the proposed project. He reported that the project was approved by the ARC in November 2023, and they will be returning to the ARC for a design amendment request.

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

The Assistant City Engineer reviewed the comment letter. She said review from the Conservation Advisory Council is pending; the site plan should note the location of the bicycle racks, the service area/entry door on Renwick Street, and the Fire Key Box. She requested submission of a modified erosion and sediment plan, a grading plan, and written confirmation from Central Hudson regarding utility relocation.

The City Planner reviewed his comment letter.

The Assistant Corporation Counsel asked about the status of the Phase I Environmental Report.

Mr. Sgromo said the Phase I Environmental Report is pending.

The Assistant Corporation Counsel said the project is an unlisted action under SEQRA.

Duane Ware moved to declare the Planning Board as Lead Agency 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. 2023-43

Applicant: Chris Berg, RA/Berg + Moss Architects, PC
Owner: RD 242 South William Street LLC
Location: 242 South William Street

SUBDIVISION application to subdivide the vacant parcel into eight (8) lots.

Index No. 2023-44

Applicant: Chris Berg, RA/Berg + Moss Architects, PC
Owner: RD 242 South William Street LLC
Location: 242 South William Street

SITE PLAN application to construct eight (8) buildings on subdivided lots, with each building containing three (3) residential apartment units.

The Comment Letters from the City Engineer, City Planner, State Historic Preservation Office, and Department of Environmental Conservation were made a matter of record.

Dominic Moffa and Chris Berg appeared before the Board.

Mr. Berg said since the December meeting an entirely new plan set was submitted by Arden Consulting Engineers.

Mr. Moffa said his engineer was not available to attend but the engineer looks forward to attending the next Planning Board meeting.

The Assistant City Engineer reviewed the comment letter. She requested submission of all the surveys, signed, sealed, and stamped, a sufficient planting plan, and a lighting plan. She requested clarification of the east and west side retaining walls. She noted the staff submission of the referral to the Orange County Department of Health (OCDH).

The Assistant Corporation Counsel said OCDH approval is required before preliminary plat approval.

The Assistant City Engineer said to reconsider the rear sidewalk installation as that design element might require easements for each property.

The City Planner reviewed his comment letter. He said the SHPO letter is advisory only as the property is not located in the East End Historic District. He requested the submission of an updated Environmental Assessment Form.

The Assistant Corporation Counsel opened the public hearing for comment on the subdivision application.

No one was present for or against the application.

Weaver Debe moved to close the public hearing for the subdivision application.
Alivia 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. 2019-11

Applicant: Phil Bell, P.E.
Owner: Newburgh Commercial Development Corp.
Location: 639 Broadway

SITE PLAN AMENDMENT application to amend the January 2020 approval to convert a vacant building into multiple commercial uses and the construction of a distillery.

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

Victor Cappelletti and Phil Bell, P.E. appeared before the Board.

The Assistant Corporation Counsel said the application was originally approved by the Planning Board in 2020. He said the Planning Board issued a site plan approval, but work commenced without a final, signed site plan. Now the applicant is proposing amendments to the site. He said Mr. Bell has also taken over as the engineer on the project.

Mr. Bell said the proposed major change is a tenant-driven request for a four-foot-high loading dock that was not on the original plan, which in turn created changes to the parking lot configuration. He said to compensate for some of the lost parking spaces in the original plan, he revised the frontage on Little Britain Road, maintained landscaping along the entire frontage and added parking in the center parking area. He said a grass area and concrete patio were added on the east side of the proposed cidery building for outdoor brewery space and to add additional plantings on the site.

The Chairperson recommended the addition of bollards between the parking area facing the Quassaick Creek.

The Chairperson asked about the location of the entrances.

Mr. Bell said there is one for the production facility, three for the tasting room and two for the loading dock.

Mr. Bell said the left side of the west side entrance has been widened. He said the right-side entrance is proposed as a truck entrance and the left side is proposed as a truck exit. He said this modification was made to accommodate the limitation of truck turnaround in the southeast entrance area and to accommodate a fire truck turning radius plan.

The Assistant City Engineer reviewed his comment letter. He recommended the Board review an option to change the paved surface in the northwest corner of the proposed parking lot into pervious area and if the width of the eastern driveway is acceptable as it is. He said the project is located within the 100-year floodplain and requires a development permit from the City’s Floodplain Administrator as well as an Army Corp of Engineers jurisdiction determination. He requested the reconstructed pedestrian bridge include bollards to prevent vehicles from utilizing the bridge crossing, the retaining walls be evaluated and certified to the City by a NYS Licensed Professional Engineer, submission of: the Department of Health review and approval for the backflow prevention design, an Industrial Pretreatment Questionnaire, an updated drainage analysis, curb radii and the site plan noting the addition of both fire and domestic water services, locating the site’s sanitary sewer lateral, parking lot light pole base measurements, the dumpster detail, and sign details. He said the portion of the current layout showing parking spaces along Little Britain Road is not acceptable to the City and needs to be reconsidered because portions of the parking spaces are located within the City right-of-way.

The City Planner reviewed his comment letter. He referred to City Code section regarding off-street parking for mixed-use commercial development. He asked the Board to contemplate the updated landscaping plan proposed and the public access area along the Quassaick Creek in regards to the Water Protection Overlay requirements. He recommended the plans be referred to the Army Corp of Engineers for a jurisdictional determination.

Mr. Bell said he wanted to avoid a multi-point turn in the southeast corner entrance. He said the attempt to maintain the exact site as it was originally proposed creates issues with the proposed tight turn radius and keeping the landscaped islands from being possibly run over by the trucks. He said the treatment of the southwest entrance is to allow the adjacent owner access to their property without unreasonable turns. He said they propose to relocate an enclosed dumpster to the northwest corner of the site.

Mr. Bell asked if there is any concession for the parking spaces located in the City’s right-of-way.

The Assistant Corporation Counsel said cannot be any concession made either administratively or by the Planning Board, as the parking spaces cannot exist outside of the property line.

The Assistant Corporation Counsel said the setup of an escrow account will be required for services in assisting the Floodplain Administrator with requirements for a floodplain development permit.

The Chairperson said she agreed with the Assistant City Engineer’s recommendation of adding greenspace in the northwest corner and said the current plan does not sufficiently exhibit public access to the public waterway.

Ms. Ware agreed. She recommended additional plantings on the site.

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

<u>Index No. 2024-03</u>

Applicant: Floyd Johnson
Owner: Maria I. Rios-Ruiz
Location: 196 Broadway

SITE PLAN application to convert a vacant building into a restaurant and two-family dwelling.

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

Maria Rios and Floyd Johnson appeared before the Board.

Mr. Johnson gave an overview of the proposed project.

The Assistant City Engineer reviewed his comment letter. He requested site plan detail clean up, the surveyor's certification corrected and resubmitted, confirmation of the existing water valves with proper sizing, and confirmation of domestic and fire water services. He said the design for the backflow prevention design is subject to the Orange County Department of Health (OCDH) review and approval. He asked for confirmation on the second means of egress.

The City Planner reviewed his comment letter.

The Chairperson asked about ventilation for the restaurant.

Mr. Johnson said an intake and outflow system shall be installed at the rear of the building.

The Assistant Corporation Counsel said the intake and outflow system locations should be detailed and noted on the site plan.

The Chairperson said she would like to see an interior floor plan for review of the residential and stair configuration.

The Chairperson asked if there is a second means of egress from the restaurant.

Mr. Johnson said the building is situated on a slope and configured as two stories in the front and one story in the rear. He said there is one exit door at the rear second level.

The Assistant City Engineer said the Planning Board workshop notes reflect the Fire Chief's comments as: the maximum occupancy is 48 because there is a single exit on the first floor and no second means of egress on the second floor.

Mr. Debe requested additional details regarding the proposed treatment to the rear of the building.

Ms. Ware requested pre-existing conditions details including submission of additional exterior views of the rear and side profiles.

Weaver Debe 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.
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.

With no further business to discuss, the meeting adjourned at 10:01 p.m.

Respectfully submitted:

J.K. Gentile, Secretary