PLANNING BOARD MEETING

The monthly meeting of the City of Newburgh Planning Board was held on Tuesday, March 19, 2024 at 7:30 p.m. at the Activity Center, 401 Washington Street, Newburgh, New York.

Members Present:	Lisa Daily, Chairperson
	Sarah Hooff
	Acre Qui
	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:	Weaver Debe

The Chairperson called the meeting to order at 7:33 p.m. after confirming a quorum.

APPROVAL OF MINUTES

Minutes of the February 20, 2024 Meeting

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

SPECIAL USE EXTENSION

Index No. 2009-08

Applicant: Nemias Magana
Owner: JSN Property Management Inc.
Location: 82 Bridge Street

Applicant did not appear for the meeting.

Both the City of Newburgh Fire Department and Police Department reported no calls for service or building code violations on the property occurred since the last time the Planning Board granted an extension.

Sarah Hooff moved to extend the Special Use Permit for three years.
Acre Qui seconded the motion.
The motion passed unanimously via roll-call vote.

SITE PLAN APPROVAL EXTENSION

Index No. 2023-16

Applicant: Cian Hamill and Mian Ye
Owner: Cian Hamill and Mian Ye
Location: 207 Liberty Street

SITE PLAN application to convert the three (3) family residential dwelling into a four (4) family residential dwelling.

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

Sarah Hooff recused herself from participation on the applications.

The Assistant Corporation Counsel said the applicant received its original site plan approval April 18, 2023.

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.

Alicia Ware moved to approve a one-year extension of the Site Plan approval.
Duane Ware seconded the motion.
The motion passed unanimously via roll-call vote.

OLD BUSINESS

Index No. 2023-40

Applicant: 299 Properties, LLC
Owner (694 Broadway): 694 Newburgh LLC
Owner (694 Broadway): 696 Newburgh LLC
Location: 694-696 Broadway

SUBDIVISION application for three (3) lots, 694 Broadway (“Lot A”), 696 Broadway (“Lot B”) and 67 Wisner Avenue (“Lot C”). The subdivision would extend the northernmost lot lines of Lots A and B, resulting in the reduction of Lot C by 6,191 square feet.

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

Andrei Lukianoff and Matteo Carrieri-Russo appeared before the Board.

Mr. Lukianoff gave updates on the proposed project.

DISCUSSION BY THE BOARD

The City Planner reviewed his comment letter.

The City Engineer reviewed his comment letter.

The Board opened the public hearing for comment on the subdivision application.

No one was present for or against the application.

Duane Ware moved to close the public hearing for the subdivision application.
Sarah Hooff seconded the motion.
The motion passed unanimously via roll-call vote.

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

Sarah Hooff moved to issue a negative declaration under SEQRA.
Acre Qui seconded the motion.
The motion passed unanimously via roll-call vote.

Sarah Hooff moved to issue the preliminary plat approval for the proposed subdivision, subject to open Planning and Engineering comments.
Alicia Ware seconded the motion.
The motion passed unanimously via roll-call vote.

Index No. 2023-14

Applicant: Kenneth Kearney/Kearney Realty & Development Group
Owner: City of Newburgh
Location: 137 Smith Street, 140 & 146 Montgomery Street

SITE PLAN application to construct (2) mixed-use with residential buildings.

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

Jamie Loguidice and Christian Donahoe appeared before the Board.

Ms. Loguidice gave a brief update on the proposed project. She said they received Zoning Board of Appeals approval in February 2024.

DISCUSSION BY THE BOARD

The City Planner reviewed his comment letter. He said the applicant made several attempts to attend a Transportation Advisory Council meeting, but the TAC had not been able to secure a quorum. He asked that the improvements made to the South Street and Smith Street intersection be memorialized on the site plan.

The Assistant City Engineer reviewed his comment letter. He requested the bumps outs between Smith Street and South Street be noted on the site plan, and, if known from Central Hudson, memorialize the transformer pad locations and/or other proposed underground connections on the site plan.

Ms. Hooff requested that significant effort be made to mitigate sound pollution during construction in consideration of the elementary school across the street.

Acre Qui moved to accept the Site Plan as submitted, subject to outstanding City Engineer and City Planner comments.
Alicia Ware seconded the motion.
The motion passed unanimously via roll-call vote.

<u>Index No. 2023-42</u>

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 residential building on vacant land with 143 residential apartment units and 6 retail spaces.

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

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

Mr. Sgromo gave an overview of the updates from the February meeting. He said they had a meeting with the City Engineer regarding proposed road work. He said they are working through environmental issues.

DISCUSSION BY THE BOARD

The City Planner reviewed his comment letter.

The Assistant City Engineer reviewed his comment letter.

Duane Ware moved to hold a public hearing.
Alicia Ware seconded the motion.
The motion passed 4-1 via roll-call vote.

Ms. Hooff requested the submission of a lighting plan.

The Assistant Corporation Counsel asked the applicant to address the proposed changes and reorientation of traffic flow around the property.

Mr. Sgromo presented scenario studies to discuss the applicant's proposal for changing and reorienting traffic flow. He said the optimal scenario proposed is one-way for Johnes Street, south to north, and one way for Edward Street, north to south.

Mr. Ware requested a traffic flow plan for review.

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 4-story mixed-use residential building containing 12 residential apartment units and 2 retail spaces.

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

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

Mr. Berg said they will be returning to the Architectural Review Board for the sidewalk material detail review in April.

Mr. Sgromo added that they maintain their proposal to reset any curbing on Renwick Street in kind, reset and patch the curbing and sidewalk in kind on Liberty Street, brushed concrete material on Renwick Street along with the proposed tree pits and brushed concrete on Liberty Street.

DISCUSSION BY THE BOARD

The City Planner reviewed his comment letter.

The Assistant City Engineer reviewed the comment letter. She reiterated that the applicant is seeking a waiver of Streetscape Standards from the Architectural Review Commission. She requested the foot candle distance from the property line not exceed 0.5 feet and requested a cut sheet on the LED sign lights. She asked for clarification of the change made to the bicycle rack location.

Mr. Sgromo said they included a wooden trash enclosure in the area proposed for bicycle racks.

The Assistant City Engineer asked if they propose to remove the indoor trash room.

Mr. Sgromo said the indoor trash room is proposed for the commercial space. He said the trash enclosure is proposed for residential trash.

Ms. Hooff asked to show the new location of the bicycle racks.

Mr. Sgromo used the site plan to show the new location of the bicycle racks.

The Chairperson asked if they propose a trash dumpster in the trash enclosure.

Mr. Sgromo said they propose four, 95-gallon cans and trash pick up is twice a week.

The Assistant City Engineer said she would like to see what is existing and proposed for curbing and sidewalk. She said what is existing does not line up to the existing survey. She asked to confirm the accuracy of the contour on Renwick Street. She said a Phase I Environmental report is pending. She requested signage details on the site plan and the Central Hudson job number regarding the removal of the existing utility pole.

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, Michael Morgante, P.E. and Chris Berg appeared before the Board.

Mr. Morgante gave a brief overview of the technical aspects of the proposed site plan.

DISCUSSION BY THE BOARD

The City Planner reviewed his comment letter. He said the proposal is subject to a required review by the Orange County Department of Health.

Mr. Morgante responded to the lighting comment saying they are unable to locate an appropriate, wall mounted light fixture for the sides of the building with minor light spillage.

Ms. Hooff asked about the height of the wall mounted light fixtures.

Mr. Morgante said fifteen feet high.

Ms. Hooff asked that the lighting be placed in such a way that it does not impact the neighbors on each side.

Mr. Morgante requested a topographic survey exception based on timing and cost.

Ms. Hooff asked if an overlay was available for download.

Mr. Morgante said he could use LiDAR resources if that is acceptable.

The Assistant City Engineer said he would accept a waiver.

The Board was in consensus regarding a waiver.

The Assistant City Engineer reviewed the comment letter. She requested a signed and sealed survey.

Ms. Ware said the City Engineer's comment letter addressed the landscaping concerns.

The Board opened the public hearing for comment on the subdivision application.

No one was present for or against the application.

Alicia Ware moved to close the public hearing for the subdivision application.
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.

<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.

DISCUSSION BY THE BOARD

The City Planner reviewed his comment letter.

The Assistant City Engineer reviewed his comment letter.

Sarah Hooff moved to accept the Site Plan as submitted, subject to outstanding City Engineer and City Planner comments.
Acre Qui seconded the motion.
The motion passed unanimously via roll-call vote.

<u>NEW BUSINESS</u>

<u>Index No. 2024-02</u>

Applicant: Jonathan Gatsik/FD Water Street Holdings LLC
Owner (272 Water Street): Lake Street LLC
Owner (35-37 Broad Street): FD Water Street Holdings LLC
Location: 272 Water Street
Location: 35-37 Broad Street

SITE PLAN and SPECIAL USE PERMIT application to establish a professional office in an existing building. Establish a ten-space community parking lot.

Jonathan Gatsik and Justin Dates appeared before the Board.

Mr. Dates gave an overview of the proposed project, explaining it as two components. Component 1, 272 Water Street, is the renovation of an existing structure to establish a professional office. Component 2, 35-37 Broad Street, is new construction to establish a community parking area.

DISCUSSION BY THE BOARD

The City Planner reviewed his comment letter. He said to classify the SEQRA action, he requested clarification of the full extent of the proposed plan, as an alternative concept to the parking lot was proposed to the City Council. He said the project is subject to GML §239 and Conservation Advisory Council review.

Mr. Gatsik said currently there is a restriction in the deed that limits development of the property to a parking lot only. He said he presented an alternative proposal to the City Council two weeks ago. He said until a decision is rendered by the City Council for that alternative proposal, he requested moving forward with the Planning Board's consideration of this current application.

The Assistant Corporation Counsel confirmed that detail regarding the full scale and scope of the project build out must be reviewed before the Planning Board can make a SEQRA determination.

The Assistant City Engineer reviewed his comment letter. He requested a signed and sealed survey for 272 Water Street and an erosion and sediment control plan. He said there are existing sanitary and water lines running through the building servicing 302 Water Street and asked if cross easements have been addressed. He requested construction detailing due to sewer mains and shared laterals on the 35 Broad Street side. He said a formalized access easement agreement shall be submitted granting the City access to the site in perpetuity to inspect the stormwater system in compliance with the MS4 general permit. He said all work in the right-of-way for Water Street will require review, approval and permitting from the New York State Department of Transportation.

Ms. Hooff asked what the broader concept of the alternative plan that was proposed to the City Council.

Mr. Dates said a mixed-use building with sixty apartment units and three commercial spaces.

The Assistant Corporation Counsel said the project will be referred to the Conservation Advisory Council for review. He said the project is subject to GML §239 review. He said a mandatory public hearing will be scheduled for the Special Use Permit portion of the application.

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

<u>Index No. 2024-04</u>

Applicant: Steve Esposito/Engineering & Survey Properties, PC
Owner: Lake Street LLC
Location: 207 Lake Street

SITE PLAN and SPECIAL USE PERMIT application to construct an addition to an existing manufacturing facility.

Andrei Lukianoff, Ramon Gonzalez, and John Furst, Esq. appeared before the Board.

Mr. Furst gave a brief overview of the property's background and history. He said in January 2024, the Zoning Board of Appeals issued an interpretation decision that the expansion of existing use constitutes an Cottage Industry use pursuant to current zoning ordinance definition.

Mr. Lukianoff gave an overview of the proposed expansion.

DISCUSSION BY THE BOARD

The City Planner reviewed his comment letter. He requested submission of an erosion and sediment control plan and a copy of the access easement agreement.

Mr. Furst said the easement agreement is reflected in the deed.

The Assistant City Engineer reviewed his comment letter. He said it is unclear how water is serving the site and recommended submission of a FOIL request for water and sewer utility information. He said the Engineering Department will refer the septic system layout to the Orange County Department of Health for review and approval. He requested documentation that the parcel can use the neighboring parcel for truck movements into and out of the site.

The Assistant Corporation Counsel said a revised Informational/Building Inspector's ruling is pending. He said the project will be referred to the Conservation Advisory Council for review. He said the project is subject to GML §239 review. He said a mandatory public hearing will be scheduled for the Special Use Permit portion of the application.

The Board tabled the application to the next meeting.

With no further business to discuss, the meeting adjourned at 10:48 p.m.

Respectfully submitted:

J.K. Gentile, Secretary