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, April 16, 2024 at 7:30 p.m. at the Activity Center, 401 Washington Street, Newburgh, New York.

Members Present: Lisa Daily, Chairperson
Weaver Debe
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

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

APPROVAL EXTENSION REQUESTS

Index No. 2023-02

Applicant: David Benninger
Owner: Blue Sky Distinctive Properties LLC
Location: 79 Pierces Road

SUBDIVISION application to subdivide property at 79 Pierces Road.

Index No. 2023-03

Applicant: David Benninger
Owner: Blue Sky Distinctive Properties LLC
Location: 79 Pierces Road

SITE PLAN application to construct a building on a proposed subdivided lot.

The applicant requested a one-year extension of its Subdivision, Site Plan, and Special Use Permit approval applications.

Jerry Casesa appeared before the Board.

The Assistant Corporation Counsel said the applicant received its original site plan approval (Index number 2023-03), subdivision approval (Index number 2023-02) and special use permit approval (Index number 2023-04) on May 16, 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.

Duane Ware moved to approve a one-year extension of the Subdivision, Site Plan, and Special Use Permit approvals.
Acre Qui seconded the motion.
The motion passed unanimously via roll-call vote.

SITE PLAN AMENDMENTS

Index No. 2021-22

Applicant: Michael Mamiye
Owner: Nutopia 56 Dubois LLC
Location: 56 Dubois Street

SITE PLAN AMENDMENT to convert the three-family dwelling into a six-family dwelling.

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

Michael Mamiye, Alvin Moonesar and Albert Mizrahi appeared before the Board.

Mr. Moonesar gave an overview of the proposed amendment.

DISCUSSION BY THE BOARD

The Assistant City Engineer reviewed the comment letter. He said if the Board agrees with the changes proposed, he will work with the applicant’s engineer to ensure correct alignment of the ADA curb ramps.

The City Planner reviewed the comment letter.

The Chairperson said she is not in agreement with changing the streetscape standards. She said she had no concern with the placement of grass instead of permeable pavers. She said her concern is not installing granite curbs and dyed and stamped concrete instead of brushed concrete.

Ms. Ware asked why the proposed changes to the approved site plan were made.

Mr. Moonesar said aesthetically the grass looks better that permeable pavers and that the cost to replace the concrete with granite curbs and dyed and stamped concrete is a hardship.

Mr. Qui said he understands bringing the sidewalks into streetscape compliance but why change a serviceable sidewalk and waste concrete.

Ms. Hooff agreed. She said she is adamant about the ADA curb ramps.

Ms. Ware said the streetscape standards are put into place for a reason but takes the waste of concrete into consideration.

The Chairperson asked to confirm that the request is for dyed and stamped concrete on the corner of Dubois Street side only.

Mr. Moonesar confirmed and said from the bump out to the lot line as well as widening the tree pits along the Dubois Street side.

The Assistant City Engineer said this new proposal is the same proposal on the original site plan.

Mr. Moonesar confirmed and said the change is to substitute permeable paves with grass.

The Assistant Corporation Counsel asked the Board if they were in favor of grass replacing permeable pavers on the Dubois Street side.

The Board agreed.

The Assistant Corporation Counsel asked the Board if they were in favor of stamped, dyed concrete at the bump out only on the corner of Dubois Street and maintaining brushed concrete for the existing sidewalk.

The Board agreed.

The Assistant Corporation Counsel asked the Board if they were in favor of the revised site plan.

The Assistant City Engineer said the ADA curb ramp alignment requires design improvements; the grass strip needs to shift east to align with the depth of the tree pits.

The Assistant Corporation Counsel asked the Board if they were in favor of concrete curbs on the creation of the bump out.

The Board agreed.

The applicant requested a table of its application to the next meeting to incorporate the agreed-upon items into an amended site plan.

<u>Index No. 2022-08</u>

Applicant: Michael Mamiye
Owner: Nutopia 60 Dubois LLC
Location: 60 Dubois Street

SITE PLAN AMENDMENT to convert the existing building into office space, a theatre and residential units.

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

Michael Mamiye, Alvin Moonesar and Albert Mizrahi appeared before the Board.

Mr. Moonesar gave an overview of the proposed amendment.

DISCUSSION BY THE BOARD

The Chairperson asked for additional details on the proposed crushed bluestone.

Mr. Mamiye said the crushed blue stone is very fine gravel.

The Chairperson asked where the crushed bluestone would be placed.

Mr. Mamiye said along the north side of the building.

Mr. Qui asked if the crushed blue stone is handicap accessible.

Mr. Mamiye said yes.

The Chairperson asked if the Board was in favor of the crushed bluestone.

The Board agreed.

The Chairperson asked for clarification on the location to change from permeable pavers to grass.

The Assistant City Engineer said the revisions on the amended site plan are not clearly defined. He said the narratives provided for 56 Dubois Street and 60 Dubois Street do not match the submitted amended site plans.

The Chairperson requested an amended site plan with the revisions clearly specified.

The Chairperson asked the Board if they were in favor of grass replacing permeable pavers on the Dubois Street side.

The Board agreed

The Chairperson asked the Board if they were in favor of the stamped, dyed concrete bump outs at the corner of Dubois and First Street and at the corner of Dubois Street and the Hospital Emergency Entrance Lane.

The Board agreed.

The Chairperson asked the Board if they were in favor of the widening of the tree pits.

The Assistant City Engineer asked for clarification on their tree pit request.

Mr. Moonesar said he proposes to leave them the way they exist.

The Assistant City Engineer clarified to the Board that the proposal did not comply with the Streetscape Standards, they do not propose to saw cut the existing concrete and that that detail is not shown on the site plan. He asked the applicant if they propose to maintain the existing sidewalk line as is, with 8-foot-wide tree pits in between grass.

Mr. Moonesar agreed.

The Assistant City Engineer reviewed his comment letter

The City Planner reviewed his comment letter

The applicant requested a table of its application to the next meeting to incorporate the proposed revisions into an amended site plan.

OLD BUSINESS

Index No. 2023-28

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

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

Sarah Hooff recused herself from participation on the application.

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

Jonathan Cella appeared before the Board and gave an overview of updates made to the site plan since the December 2023 meeting.

The Assistant Corporation Counsel said the lot consolidation has been confirmed and the official designation is 133 North Miller Street.

DISCUSSION BY THE BOARD

The Assistant City Engineer reviewed her comment letter. She requested the submission of a new signed and sealed survey. She asked for clarification of the existing rear utility pole behind the retaining wall and electric meter on the garage, as the proposed plan has the utility coming from a pole off of North Miller Street

Mr. Cella said they are in discussions with the utility company and what is currently shown on the plan is not definite.

The Assistant City Engineer requested cleaning up unnecessary electrical infrastructure.

The Assistant City Engineer requested abiding by the Historic District Streetscape Standards. She asked about the plan for the existing masonry structure in the southwest corner of the property, its rear wall acting as a retaining structure for the neighboring lot and the existing natural stone retaining wall on the eastern property line.

Mr. Cella said he will inspect that portion of the retaining wall and provide a plan.

The Assistant City Engineer said that any proposed street facing exterior modifications and proposed structure demolitions must be presented to the Architectural Review Commission for required review and approval.

The City Planner reviewed his comment letter. He said the application must be referred to the Department of Environmental Conservation (DEC) for the bald eagle habitat and the clearing of trees.

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

<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, the City Planner and the New York State Parks, Recreation and Historic Preservation were made a matter of record.

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

Mr. Berg gave a brief overview of the design.

Mr. Sgromo gave a brief overview of the site plan and the updates made since the March meeting.

DISCUSSION BY THE BOARD

The Assistant City Engineer reviewed his comment letter. He requested addressing the light spillage and utility details. He said a bond estimate is pending for the improvements in the right-of-way. He said a lot consolidation, confirmation of New York State Homes & Community Renewal funding confirmation, and the SWPPP review is pending.

The City Planner reviewed his comment letter.

The Board opened the public hearing for comment on the site plan application.

Nicole Blair spoke against the application.
Carol Lawrence spoke against the application.
Cherie Bell spoke against the application.
Roy Spells spoke against the application.

Duane Ware moved to close the public hearing for the site plan application.
Acre Qui seconded the motion.
The motion passed unanimously via roll-call vote.

Ms. Hooff asked how garbage will be handled.

Mr. Sgromo said the proposed dumpsters will be screened and pick-up will be scheduled for two to three times a week.

Mr. Debe asked about parking availability.

Mr. Sgromo said a parking study was conducted by a traffic engineer. He said there are 39 underground parking spaces and 4 on-site spaces proposed.

Ms. Hooff asked about the proposed lighting on Johnes Street.

Mr. Sgromo said Lafayette is lit by streetlights on Lafayette and Johnes Street.

Mr. Debe asked to describe how they plan to mitigate the sewage issues expressed during the public hearing.

Ms. Sgromo said further investigation is pending.

The Chairperson asked if the property is in the combined sewer system.

The Assistant City Engineer said yes.

Ms. Hooff about the plan to mitigate the sound impact of the garage door.

Mr. Sgromo said a soundless garage door is being explored.

Ms. Ware asked how the size of the building affects the Foundry tenants.

Mr. Berg said a shadow study was conducted and submitted.

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 and the City Planner were made a matter of record.

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

Matthew Sgromo gave an overview of the updates made to the site plan since the March meeting. He said they received ARC approval April 9, 2024, for the sidewalk and curbing material.

DISCUSSION BY THE BOARD

The City Planner reviewed his comment letter. He said the Phase I Environmental Report is pending.

The Assistant City Engineer reviewed her comment letter. She requested updates made to the site plan cover sheet.

The Chairperson asked if the Board agreed that the proposed trash containers will be sufficient for the twelve apartments.

The Board agreed.

The Assistant City Engineer asked about the second utility pole on the southeast corner of the property.

Matthew Sgromo said that utility pole does not belong to Central Hudson, as there is no number on the pole. He said the plan is to remove the utility pole.

The Assistant City Engineer asked about the new fence located on the proposed seating wall at the northwest corner of the property. She said this fence was not included in the Architectural Review Commission approval on April 9, 2024.

Greg Sgromo said if the building code requires a fence, could the Board agree on a black, powder coated, four-foot fence before presenting it to the Architectural Review Commission.

The Assistant Corporation Counsel recommended confirmation from the Building Department first.

The Assistant City Engineer recommended the curbs reset to a 6-inch reveal along Renwick Street as well as bringing the curb ramp into ADA compliance.

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.

The Comment Letters from the City Engineer, the City Planner, and GML §239 response were made a matter of record.

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

Mr. Lukianoff gave an overview of the updates made to the site plan since the March meeting.

DISCUSSION BY THE BOARD

The Assistant City Engineer reviewed his comment letter. He requested details sequencing construction and stabilizing the construction entrance over existing pavement. He asked to confirm if the current water line is transversing through another property. He said the application will be referred to the Orange County Department of Health for review of the continued use of the septic system.

The City Planner reviewed his comment letter. He recommended a waiver of the landscaping plan. He said the application is pending Conservation Advisory Council (CAC) review. He said the applicant attempted to attend the April CAC meeting; however they did not have a meeting quorum.

Mr. Lukianoff said they are scheduled to appear at the May 6, 2024, CAC meeting.

The Board opened the public hearing for comment on the special use permit portion of the application.

No one was present for or against the application.

Acre Qui moved to close the public hearing for the special use permit portion of the application.
Sarah Hooff seconded the motion.
The motion passed unanimously via roll-call vote.

The Assistant Corporation Counsel asked about the purpose of the addition.

Mr. Furst said the front is proposed as office space at 1,482 square feet and the rear building is proposed to store raw materials at 5,500 square feet.

The Assistant Corporation Counsel asked if the proposed addition encroaches on existing parking spaces.

Mr. Furst said it would not.

The Assistant Corporation Counsel asked the Board to consider whether the on-site parking provided is sufficient based on the size of the addition and the available existing parking spaces.

The Board agreed.

The Assistant Corporation Counsel said a revised Informational/Building Inspector's ruling is forthcoming.

Mr. Furst said the easement access letter is forthcoming. He said there is an existing easement access that is stated within the deed, and it is noted on a filed map.

The Board tabled the application to the next meeting.

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 appeared before the Board.

DISCUSSION BY THE BOARD

The City Engineer said the applicant took all the conditions set forth at the March meeting for preliminary plat approval and applied them to a final plat set for review at this meeting.

The Assistant Corporation Counsel asked if all the conditions from the March preliminary plat approval are satisfactory for final plat approval according to the code.

The City Engineer agreed.

The Assistant Corporation Counsel asked if the current submission satisfies for final plat approval according to the code.

The City Engineer agreed.

The City Engineer said the easements on the plan encumber what was discussed but are not reflected on the deed.

Alicia Ware moved to approve the final plat as submitted, subject to receipt of the required easement documents.
Weaver Debe seconded the motion.
The motion passed unanimously via roll-call vote.

NEW BUSINESS

Index No. 2024-05

Applicant:	John Falvella
Owner:	375 Hasbrouck LLC
Location:	69-70 Williamsburg Drive & Pierces Road

SITE PLAN application to construct two warehouses on vacant land.

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

Meyer Klein and Andrei Lukianoff appeared before the Board.

Mr. Lukianoff gave an overview of the proposed project.

DISCUSSION BY THE BOARD

The City Planner reviewed his comment letter. He requested showing the location of the 500-year floodplain and the limit of disturbance line on the site plan and requested the submission of a full environmental assessment form.

The Assistant City Engineer reviewed his comment letter. He requested implementation of a sidewalk into the project site along Scobie Drive, extending south to the edge of the property and consistent with the City of Newburgh streetscape standards. He said a SWPPP is required and should address the potential impact of the 500-year floodplain and sewer easement. He asked the Board to review the necessity for a traffic study. He asked to clarify the parapet wall on the site plan.

Mr. Debe recommended a traffic study and a public hearing.

Ms. Hooff requested significant revisions to the lighting plan and temperature in consideration of the residential neighbors behind the property.

The Chairperson asked the height of the sound fence.

Mr. Lukianoff said 6 to 8 feet.

The Chairperson asked about the sound fence material.

Mr. Lukianoff said he needed an opportunity to confirm the materials.

The Assistant Corporation Counsel said the Board has requested a public hearing, submission of a traffic study incorporating what is the posted speed limit and the actual speed, and GML §239 review on the application as the property is located 500 feet from a state roadway.

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

Index No. 2024-06

Applicant: Lisa Silverstone/Safe Harbors of the Hudson, Inc.
Owner: Safe William Street Partners LLC
Location: 69 William Street

SUBDIVISION application to subdivide three lots involving 69 William Street ("Lot A"), 77 William Street ("Lot B"), and 79 William Street ("Lot C").

Index No. 2024-07

Applicant: Lisa Silverstone/Safe Harbors of the Hudson, Inc.
Owner: Safe William Street Partners LLC
Location: 69 William Street

SITE PLAN and SPECIAL USE PERMIT application to establish a 3-family residential dwelling on Lot A; construct 40 dwelling units, including 16 supportive housing units on Lot B; and establish a six-family residential dwelling on Lot C.

The Comment Letters from the City Engineer, the City Planner and the New York State Parks, Recreation and Historic Preservation were made a matter of record.

Lisa Silverstone, Bryan Tooze and Alexandra Hanson appeared before the Board.

Mr. Tooze 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 and an erosion and sediment control plan. She said the preliminary plat shall be a stand-alone submission. She said per city code §300-32, the minimum off-street parking requirement for a Residential Care Facility shall be determined by the Planning Board. She asked for a review of the planting plan, particularly the three tree pits on the north and south end of the project shall be adjusted to improve the full length of the tree pit. She requested clarification for the height of the light fixtures, how garbage will be handled for each building, discharge location of all roof drainage, and utility services noted on the site plan.

The City Planner reviewed his comment letter. He said the application is an Unlisted Action under SEQR but recommends a coordinated review. He referred the application to the Department of Environmental Conservation regarding the bald eagle habitat.

The Assistant Corporation Counsel said a mandatory public hearing will be scheduled for the subdivision and special use permit portion of the application.

Alicia Ware moved to waive the referral to the Orange County Department of Planning.
Duane Ware seconded the motion.
The motion passed unanimously via roll-call vote.

Acre Qui moved to declare the Planning Board's intent to act as Lead Agency under SEQRA.
Sarah Hooff seconded the motion.
The motion passed unanimously via roll-call vote.

The Board tabled the application to the next meeting.

With no further business to discuss, the meeting adjourned at 11:32 p.m.

Respectfully submitted:

J.K. Gentile, Secretary