Lisa Daily, Chairperson
J.K. Gentile, Secretary

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PLANNING BOARD MEETING

The monthly meeting of the City of Newburgh Planning Board was held on Tuesday, May 21, 2024 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
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 7:32 p.m. after confirming a quorum.

OLD BUSINESS

Index No. 2022-10

Applicant: Chris Berg/Berg + Moss Architects, PC
Owner: 75 Grove LLC
Location: 191 North Miller Street

SUBDIVISON application to subdivide the existing lot into two (2) lots.

Chris Berg appeared before the Board.

The Assistant Corporation Counsel said the applicant appears before the Board tonight to receive final approval on the subdivision plat. He said the applicant will return to the Board for final site plan approval at a later date.

Duane Ware moved to approve the final plat as submitted.
Acre Qui seconded the motion.
The motion passed unanimously via roll-call vote.

<u>Index No. 2024-06</u>

Applicant: Lisa Silverstone
Owner: Safe William Street Partners LLC
Location: 69 William Street

SUBDIVISION application to subdivide the existing lot into three (3) lots.

<u>Index No. 2024-07</u>

Applicant: Lisa Silverstone
Owner: Safe William Street Partners LLC
Location: 69 William Street

SITE PLAN & SPECIAL USE PERMIT application to create a 3-family residential dwelling on subdivided Lot A; construct a Residential Care Facility on Lot B; and establish an Apartment House (6) units on Lot C.

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

Lisa Silverstone, Peter Feroe and Alexandra Hanson appeared before the Board.

Mr. Feroe said an updated plan set is forthcoming that will address the comments received by the City Engineer and City Planner. He said they appear before the Board tonight for a public hearing and to request a negative declaration for the two actions pursuant to SEQRA.

DISCUSSION BY THE BOARD

The City Planner reviewed his comment letter. He said the Board should determine off-street parking for Lot B. He said a DEC letter regarding the bald eagle habitat is pending.

The Assistant City Engineer reviewed her comment letter. She asked the applicant to address the receipt of the Homes and Community Renewal letter.

Mr. Feroe said the May 9, 2024, Homes and Community Renewal (HCR) letter stated no objections to the Planning Board acting as lead agency. He said should there be an application for HCR funding, they are requesting submission of documents unique to HCR, outside of the site plan and SEQRA review, that will not have an impact of a SEQRA determination. He said they received SHPO letters declaring no adverse impact on archaeological or historical/architectural resources.

The Assistant City Engineer requested additional documentation on the two cross easements between Lot A to Lot B and Lot B to Lot C.

The Chairperson opened the public hearing for comment on the Subdivision.

No one was present for or against the application.

Duane Ware moved to close the public hearing for the Subdivision.
Alicia Ware seconded the motion.
The motion passed unanimously via roll-call vote.

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

No one was present for or against the application.

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

The Assistant Corporation Counsel said lead agency intent letters were mailed April 18, 2024. He said no objection to the Planning Board acting as lead agency had been received from any of the agencies contacted.

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

The Assistant Corporation Counsel asked the applicant to discuss the proposed parking request.

Ms. Silverstone said there are a total of 41 units in the Lot B residential care facility, 3 units in Lot A residential dwelling and 6 units in the Lot C apartment house. She said the staff consists of 1 full time superintendent, 2 security guards and 2 case managers. She said there is no parking proposed on site. For comparison, she said the current Safe Harbors site on Broadway houses 128 adults and 21 staff members, and there has been no reported issue with parking to her knowledge. She said the units are available to individuals from 30% to 60% AMI income and 16 units are supportive housing. Thus most of the residents will not have a vehicle. She said a parking study has been submitted for review and consideration.

The Chairperson said she canvasses the neighborhood and does not see any issue with parking.

The City Planner clarified that the Planning Board parking consideration is for the residential care facility, Lot B only. Lot A and Lot C parking will be determined by the Zoning Board of Appeals.

Duane Ware moved to accept a motion to require zero off-street parking spaces for the residential care facility.
Acre Ware seconded.
The motion passed unanimously via roll-call vote.

Alicia Ware moved to issue a negative 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.

<u>Index No. 2019-11</u>

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

SITE PLAN AMENDMENT application to amend January 2020 approval.

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

Victor Cappelletti and Phil Bell appeared before the Board.

Mr. Bell gave an update on the plan set since the February presentation to the Planning Board.

He said the parking spaces located in the public right of way were relocated, minimizing the total amount of on-site parking spaces to 78 from 96. He said they adjusted the size of the two driveway entrance openings to 48 feet wide. He said landscaping had been added across the front and the east side of the site. He said the rock-lined infiltration trench was removed and underground infiltration drywells were added. He said benches and two honey locus trees were added along the creek. He said a significant amount of work was completed with the U.S. Army Corps of Engineers and that information can be found in the submitted stormwater management plan. He said he prepared a construction inspection document for the U.S. Army Corps of Engineers. He said the portion of the creek along this site is not within the navigable waters. He said the culvert where the building crosses the stream is covered under Nationwide Permit #3 and an email confirming this information is forthcoming. He said improved creek flow work was conducted by adding smooth creek walls. He said they increased the area of pervious material. He said non-removable bollards were added. He said an overhang was added on the north side of the building, outside the graft cidery space. He said additional administration work on the SWPPP is pending.
He said the site is greater than an acre of disturbance. He said updates to the full storm water management plan are pending.

DISCUSSION BY THE BOARD

The City Planner reviewed his comment letter.

The Assistant City Engineer reviewed his comment letter.

Mr. Cappelletti said that one roll-off dumpster for the site should be sufficient for trash storage and disposal.

Mr. Ware asked the applicant to consider the future potential increase in trash and garbage volume with the cidery business and to accommodate the refuse by increasing the dumpster size.

Mr. Bell said they could increase the dumpster size by 8' x 12'.

The Assistant Corporation Counsel said a third-party floodplain development analysis is pending.

The Assistant Corporation Counsel asked the Board to determine if the parking is sufficient for the variety of uses proposed. He asked Mr. Cappelletti who currently occupies the building.

Mr. Cappelletti said three tenants currently occupy the building: a law firm, a cidery and a flooring establishment. He said the vacant space most likely will become office space. Mr. Cappelletti said the cidery's tasting room is not in operation yet but when it opens the hours will not conflict with standard weekday office hours.

The Chairperson asked about the widened driveways.

Mr. Cappelletti said the widened driveways accommodate the volume of trailers entering and exiting the site.

The Assistant Corporation Counsel said an Informational/Building Inspector's ruling will be forthcoming that updates the parking variance request.

The Assistant Corporation Counsel asked the Board if the proposed public access to the creek is sufficient.

The Board's consensus was satisfied with the access plans.

The City Planner requested submission of a revised Environmental Assessment Form.

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, City Planner and John Furst, Esq. letter addressing the property's easement were made a matter of record.

Ross Winglovitz, P.E. and John Furst, Esq. appeared before the Board.

Mr. Furst said since the April meeting, the engineers made a supplemental submission with additional details and addressed the city's comments.

Mr. Winglovitz gave a brief overview of the details added to the site plan: grading around the access, sidewalks, water connection and lighting.

DISCUSSION BY THE BOARD

The Assistant City Engineer reviewed his comment letter. He said the lighting plan did not include the new addition. He asked if there is clarity on the existing domestic water service connection.

Mr. Winglovitz said where the existing service comes in is unknown. He said there is a 4" water main line that connects in the street, comes in through the easement area, crosses the corner of the neighboring property and terminates at the hydrant in the front the existing building. He said they propose to remove the hydrant, relocate the hydrant to a proposed island so it is out of the traveled way, and extend the 4" water main to the building for the sprinkler system in a brand new service to the building. He said off that 4" water main, they will run a domestic service line, where each service will be valved at the building and at the connection point.

The Assistant City Engineer said once the existing domestic service is located, it is important that that line gets abandoned properly.

The Assistant City Engineer said there is a subsurface septic system on the east side of the existing building and a garage is proposed over this. He said this should be reviewed by the Orange County Department of Health (OCDOH).

The City Planner reviewed his comment letter.

The Assistant Corporation Counsel said a negative declaration for SEQRA could not be rendered pending location of the domestic water lines and OCDOH determination of the subsurface septic system.

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

<u>Index No. 2024-05</u>

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

SITE PLAN application to construct two (2) warehouses on vacant land**.**

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

Chaim Hirsch and Ross Winglovitz appeared before the Board.

Mr. Winglovitz gave an overview of updates made to the site plan since the April meeting. He said a traffic study has been ordered as per the Board's request. He said they present for public comment as per the Board's request.
DISCUSSION BY THE BOARD

The City Planner reviewed his comment letter. He asked the applicant to consider noise mitigation measures during construction and to add those details onto the site plan. He asked the applicant to consider the utility equipment on top of the roof and to mitigate potential noise that could impact the residential neighbors.

Mr. Winglovitz, using the site plan, illustrated the sound walls buffering the site from the neighboring residential neighbors.

The Assistant City Engineer reviewed his comment letter. He asked the Board to consider if the dumpster and landscaping proposals are satisfactory.

The Chairperson opened the public hearing.

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 Assistant Corporation Counsel said receipt of a SWPPP, traffic study, SHPO response and GML §239 response is pending.

The Chairperson requested two dumpster enclosures and one bike rack. She agreed with the City Engineer's recommendations on softening the visual impact between the two buildings.

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 Letter from the City Engineer and Phase I Environmental Site Assessment report were made a matter of record.

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

DISCUSSION BY THE BOARD

The Assistant City Engineer reviewed her comment letter. She requested that site plan the fence shown on the site plan.

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

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

Index No. 2024-08

Applicant: Erik Cooney
Owner: City of Newburgh IDA
Location: 5 Scobie Drive

SITE PLAN application to construct a warehouse distribution facility on a vacant lot.

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

Sisha Ortuzar and Andrew Featherstone appeared before the Board.

Mr. Featherstone gave an overview of the proposed project. He said a separate environmental consulting team, C.T. Mail Associates, is working with the DEC on capping the site with impervious surface. He said his firm, Colliers Engineering, will be conducting the site civil design, landscaping, traffic and geotechnical investigation and design. He said all utilities underneath the building will need to be supported and they are considering piles. He said a five-foot-tall berm with planting on top will act as a screen along Scobie Drive. He said they propose fifteen feet lighting poles for the entrance and emergency driveways and for the parking lot and twenty feet lighting poles for the two trailer storages and loading docks. He said they propose 30 feet up, down lighting, wall packs on the front of the building and 20 feet up, down lighting, wall packs for the rear of the building. He said some lighting can be placed on timers. He said architectural renderings and the geotechnical designs are pending. He said final environmental remediation documents are pending acceptance by the DEC.

DISCUSSION BY THE BOARD

The Assistant City Engineer reviewed his comment letter. He said most of the city's assessment is contingent on DEC determination.

Mr. Featherstone said the DEC stated they will take the wetlands; the site was re-delineated, and the plan needs to be updated to reflect that. He said a DEC permit for the encroachment into the hundred-foot buffer is pending.

The City Planner reviewed his comment letter. He requested an updated Environmental Assessment Form.

The Assistant Corporation Counsel said the Board should vote to express its intent to be lead agency for this project. He said the project is pending GML §239 and Conservation Advisory Council review. He said the DEC comments are a significant consideration before any site plan decisions are rendered. He said the project is a Type I action under SEQRA. He said a floodplain analysis will be referred out to a third-party Engineering firm once comment is received from DEC.

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

The application was tabled to the next meeting.

With no further business to discuss, the meeting adjourned at 10:04 p.m.

Respectfully submitted:

J.K. Gentile, Secretary