

**PLANNING BOARD MEETING**

The monthly meeting of the City of Newburgh Planning Board was held on Tuesday, July 16, 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: Acre Qui

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

**SPECIAL USE EXTENSION**

**Index No. 2015-21**

**Applicant:** Kellyann Kostyal-Larrier  
**Owner:** d/b/a as Sunrise Cottage  
**Location:** 399 Carpenter Avenue

**SPECIAL USE PERMIT**

Kellyann Kostyal-Larrier, on behalf of Sunrise Cottage, appeared before the Board.

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.

Weaver Debe moved to extend the Special Use Permit for two years.  
Duane Ware seconded the motion.  
The motion passed unanimously via roll-call vote.

**Index No. 2017-31**

**Applicant:** Ertha Raymond  
**Owner:** Ertha Raymond  
**Location:** 10 City Terrace North

**SPECIAL USE PERMIT**

Ertha Raymond appeared before the Board.

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.

Alicia Ware moved to extend the Special Use Permit for two years.  
Weaver Debe seconded the motion.  
The motion passed unanimously via roll-call vote.

**OLD BUSINESS**

**Index No. 2024-14**

**Applicant:** Jake Chai  
**Owner:** Shaw Building L.P.  
**Location:** 24 Johnes Street

**SITE PLAN** application to convert an existing warehouse building into a mixed-use apartment with 20 dwelling units, retail, food service and gym space. Construct a 4-story apartment complex with 34 dwelling units and a 16-space parking area on the same tax parcel. Expansion of an existing bar and cabaret

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

Pat Mitchell and Chris Berg appeared before the Board.

Mr. Berg said since the June comment letters were received only recently due to the cyber security issue the City suffered in June, the applicant's team was unable to address the comments and provide an update for the Board's review. He said they are before the Board for purposes of a holding the public hearing.

**DISCUSSION BY THE BOARD**

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

Lan Park spoke against the application, concerns related to ongoing construction and parking.

Doug Masiero spoke against the application, concerns related to added density and parking.  
Michael Park spoke against the application, concerns related to parking.

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

There were no new updates from the City Planner.

The Assistant City Engineer said comments were added to the June letter.

Mr. Mitchell said they added two parking spaces, making 18 on-site parking spaces in total.

The Assistant Corporation Counsel said lead agency intent letters were already mailed out. He said no objections to the Planning Board acting as lead agency have been received from any of the agencies contacted.

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.

### **Index No. 2024-13**

**Applicant:** Nicole McCutcheon  
**Owner:** 128 Robinson Avenue, LLC  
**Location:** 128 South Robinson Avenue

**SPECIAL USE PERMIT** application to expand an existing bar and cabaret.

The Comment Letter from the City Planner and an email from the Chief of Police were made a matter of record.

Nicole McCutcheon, Armando Hernandez and Marcus Castro appeared before the Board.

Ms. McCutcheon gave an overview of the proposed project for purposes of a scheduled public hearing. She said the New York State Liquor Authority had approved their license and it is pending release based on building permit approval.

### **DISCUSSION BY THE BOARD**

The City Planner reviewed his comment letter. He asked the Board to review the proposed 121 parking spaces provided to determine if it satisfies the off-street parking waiver requirements.

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

No one was present for or against the application.

Alicia Ware moved to close the public hearing for the site plan application.

Duane Ware seconded the motion.

The motion passed unanimously via roll-call vote.

The Assistant Corporation Counsel said the application 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.

Ms. Ware asked about the hours of operation.

Ms. McCutcheon said the hours of operation are 4:00 p.m. to 2:00 a.m.

Ms. Ware asked when the establishment is at its busiest.

Ms. McCutcheon said 9:30 p.m. to 2:00 a.m.

The Chairperson asked if the parking striping had been completed.

Mr. Hernandez confirmed.

Alicia Ware moved to accept the 121 parking spaces as sufficient for the proposed use.

Duane Ware seconded the motion.

The motion passed unanimously via roll-call vote.

Alicia Ware moved to issue a negative declaration under SEQRA.

Duane Ware seconded the motion.

The motion passed unanimously via roll-call vote.

Mr. Ware said his area of concern is the number of police calls to the establishment. He said the Police Chief stated the area of concern drains the resources of the Police Department.

Mr. Hernandez said the location draws individuals coming from other establishments who create issues.

Mr. Debe asked the applicant to address the Chief of Police's concern on the drainage of the police resources.

Ms. McCutcheon said the expansion will conceivably decrease the calls to the police as it affords the opportunity to increase employees, security, space for the patrons and allows for an additional exit.

Mr. Ware asked to confirm that the troubled activity is happening more on the outside than inside the establishment.

Ms. McCutcheon confirmed.

Ms. Ware asked how many security guards are employed.

Ms. McCutcheon said 18 security guards.

The Chairperson said her concern is the statement made by the Chief of Police, community safety and stretching of the police resources.

Ms. McCutcheon said her number one priority is safety. She said they conduct full searches and maintain strong regulations, especially regarding drug use.

The Chairperson asked what the reason for the poor reputation is.

Mr. Hernandez could not confirm the reason for the poor reputation. He expressed the frustration of moving through the appropriate processes with the City while there are multiple pop up bars running illegally and bringing safety concerns to the community.

The Assistant Corporation Counsel asked the Board if there are specific points of information that would be helpful, related to land use, that would move it towards a decision.

The Board requested submission of a lighting plan with location, height and bulb temperature, location of camera perspectives, both inside and outside, and an updated report on police calls.

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

**Index No. 2024-06**

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

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

**Index No. 2024-07**

**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 and City Planner were made a matter of record.

Lisa Silverstone, Bryan Tooze, Daniel Yaselli and Louis Greco appeared before the Board.

Mr. Tooze gave a design function overview.

Mr. Greco said the applicant improved the entire frontage as required by the Historic District requirements and gave an overview of the drainage concept plan, the utilities concept plan and the erosion and sediment plan.

#### DISCUSSION BY THE BOARD

The Assistant City Engineer reviewed her comment letter. She requested the utility information be placed on the subdivision plat plan, ADA curb ramps to be incorporated at the intersection of William Street and Hasbrouck Street and details on the planting schedule and retaining walls.

Mr. Greco said they propose two larger tree pits rather than four smaller tree pits measuring at 49 feet apart.

The City Planner reviewed his comment letter. He requested incorporating the proposed crosswalks into the site plan and not to incorporate the foot candle values as part of the calculation. He said a bond will be required for the public rights-of-way.

Duane Ware moved to issue the preliminary plat approval for the proposed subdivision, Index #2024-06, subject to open Planning and Engineering comments.

Weaver Debe seconded the motion.

The motion passed unanimously via roll-call vote.

The Applicant requested a table the site plan and special use portion of the application to the next meeting.

#### **Index No. 2024-12**

**Applicant:** Chris Berg/Berg + Moss Architects, PC

**Owner:** 60 William Street

**Location:** 60 William Street

**SITE PLAN** application for a lot consolidation of the two parcels and construct a mixed-use residential building with 21 apartments and two retail spaces.

The Comment Letters from the City Engineer and City Planner, and DEC Brownfield clean-up agreement were made a matter of record.

Chris Berg appeared before the Board and gave an update on the updates made to the site plan since the June meeting.

## DISCUSSION BY THE BOARD

The City Planner reviewed his comment letter. He requested a revised Environmental Assessment Form.

The Assistant City Engineer reviewed his comment letter. He asked that the Board review the lighting plan, the bicycle rack location, and the refuse on site. He requested submission of a landscaping plan.

The Chairperson asked where they propose to place the refuse on site.

Mr. Berg said inside, near the first-floor lobby. He said they will have a separate door leading out of the trash room to the sidewalk.

The Chairperson asked the Board for comment on the landscaping plans.

Mr. Berg said a landscape plan is forthcoming. He said the owner is currently focused on the Brownfield clean-up.

The Chairperson asked about the distance between the trees in the front.

Mr. Berg said the trees are spaced 30 feet apart.

The Assistant Corporation Counsel said lead agency intent letters were mailed for a coordinated review for SEQRA as the applicant expressed engagement with the DEC Brownfield clean-up program.

Alicia Ware moved to declare a ratification of the Planning Board's intent to act 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. 2024-11**

**Applicant:** Chris Berg/Berg + Moss Architects, PC

**Owner:** John Schmidt

**Location:** 506 Liberty Street

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

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

Chris Berg appeared before the Board.

#### DISCUSSION BY THE BOARD

The Assistant City Engineer reviewed his comment letter.

The Chairperson asked to locate the bicycle racks.

Mr. Berg said in the front yard.

The City Planner reviewed his comment letter. He said the Building Inspector will not allow the proposed two parking spaces in the garage to count towards the off-street parking figure as there are deficiencies in the structure and it does not appear large enough to accommodate two standard parking spaces. He said the structure would need to be brought into code compliance.

The Assistant Corporation Counsel clarified that the applicant would need to bring the structure into code compliance in advance of an approval if it wanted that off-street parking count to be considered.

The Chairperson opened the public hearing for comment.

There was no one was present for or against the application.

Alicia Ware moved to close the public hearing.

Duane Ware seconded the motion.

The motion passed unanimously via roll-call vote.

Weaver Debe moved to issue a Type II declaration under SEQRA.

Alicia 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. 2024-08**

**Applicant:** Erik Cooney

**Owner:** Scobie Industrial Partners, LLC

**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, DEC Environmental Remediation decision, New York Department of Transportation, Orange County Department of Health and GML §239 response were made a matter of record.

Erik Cooney appeared before the Board. He said there are no additional updates to the plan and that he is before the Board for purposes of declaring lead agency.

#### DISCUSSION BY THE BOARD

The Assistant Corporation Counsel said the Planning Board declared its intent to be lead agency at the May meeting. There have been no objections received from any of the agencies contacted.

The Assistant City Engineer said they recently completed a review of the SWPPP and the traffic study. He said the Engineering Department sent out an updated letter to cover the unaddressed comments from the May meeting.

Mr. Cooney confirmed receipt of the City Engineer letter.

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.

Weaver Debe moved to waive a public hearing.

Alicia 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. 2024-16**

**Applicant:** Alvin Moonesar

**Owner:** Oragom LLC

**Location:** 784 Broadway

**SITE PLAN** application to establish a barbershop in the front building and convert a vacant tenant space to a church in the rear building.

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

Alvin Moonesar, Oscar Gomez and Lucia Gomez appeared before the Board.

Mr. Moonesar gave an overview of the proposed project.

#### DISCUSSION BY THE BOARD

The Assistant City Engineer asked if the back building has an existing sprinkler system. She said an assembly space would require a sprinkler system and thus a site plan would be required to show domestic and fire water connections to the street. Depending on the existence of a sprinkler system, a site plan waiver could be appropriate.

Mr. Moonesar said there is no sprinkler system, but there is alternative fire suppression system in the rear building.

The Assistant City Engineer said she contacted Fire Prevention and response is pending.

Alicia Ware moved to waive a public hearing.

Weaver Debe seconded the motion.

The motion passed unanimously via roll-call vote.

Alicia Ware moved to issue a Type II declaration under SEQRA.

Duane Ware seconded the motion.

The motion passed unanimously via roll-call vote.

The Assistant Corporation Counsel said the Board will determine the minimum off-street parking requirements for the church space. He referred the Board to paragraph 4 of the Informational.

The Chairperson referred to the site plan reflecting assembly occupancy at 1,796.5 square feet and 120 seating capacity total.

Mr. Moonesar said there is an updated plan reflecting a layout totaling 1,200 square feet and 76 seating capacity total. He said the church tenant proposes no more than 35 parishioners per service.

Alicia Ware moved to set 15 parking spaces as the minimum off-street parking requirement.

Weaver Debe seconded the motion.

The motion passed unanimously via roll-call vote.

With no further business to discuss, the meeting adjourned at 10:05 p.m.

Respectfully submitted:

J.K. Gentile, Secretary