

**PLANNING BOARD MEETING**

The monthly meeting of the City of Newburgh Planning Board was held on Wednesday, August 28, 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: 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 7:34 p.m. after confirming a quorum.

**APPROVAL OF MINUTES**

**Minutes of the April 16, 2024 Meeting**

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

**Minutes of the May 21, 2024 Meeting**

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

**Minutes of the June 18 2024 Meeting**

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

## **Minutes of the July 16, 2024 Meeting**

Alicia Ware moved to approve the July 2024 minutes as submitted.

Weaver Debe seconded the motion.

The motion passed unanimously via roll call vote.

## **SPECIAL USE PERMIT EXTENSION REQUESTS**

### **Index No. 2021-04**

**Applicant:** Jesse Farrenkopf

**Owner:** Bannerman Tokyo Properties LLC

**Location:** 26 Liberty Street

**SPECIAL USE PERMIT** application for use as a Performing Arts Space (Theater/Auditorium).

Applicant submitted a written request for its permit extension. 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.

Duane 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. 2021-18**

**Applicant:** National Builders South

**Owner:** Atkemix Thirty-Seven Inc.

**Location:** 700 South Street

**SITE PLAN AMENDMENT** application to construct a Warehouse.

Walter Kubow and Charlie Bazydlo appeared before the Board.

Mr. Bazydlo gave an overview of the amendment request. He said as they began working through the construction details with the City, it was determined that the surrounding water system was inadequate for the fire suppression system and the addition of a water tank was required.

Mr. Kubow said because it is large warehouse, a large volume of water is necessary for the sprinkler system, and the City system would be supplemented the proposed water tank. He located the proposed placement of the tank on the site plan.

Alicia Ware moved to accept the Site Plan amendment as submitted.  
Duane Ware seconded the motion.  
The motion passed unanimously via roll-call vote.

**Index No. 2020-09**

**Applicant:** Philippe Pierre  
**Owner:** 104 Washington St., LLC  
**Location:** 104 Washington Street

**SITE PLAN AMENDMENT** application to construct a four-story, mixed use with residential development.

Philippe Pierre appeared before the Board and gave an overview of the original project and its current proposed updates. He said the amendment consists of a re-configuration of space from a first-floor commercial retail space and four stories of 28 residential units to a commercial space in the basement, commercial-retail space on the first floor, co-working space on the second floor and 14 residential units consisting of 1 studio, 10 two-bedrooms, and 3 one-bedrooms on the third and fourth floors. He said the updated configuration will not alter the originally approved building footprint. The floors are now five feet shorter in height, and that the massing has not been altered, only the internal configuration.

**DISCUSSION BY THE BOARD**

The Assistant City Engineer reviewed her comment letter.

The City Planner reviewed his comment letter.

Duane Ware moved to waive a public hearing.  
Alicia Ware seconded the motion.  
The motion passed unanimously via roll-call vote.

Alicia Ware moved to declare 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. 2024-12**

**Applicant:** Chris Berg/Berg + Moss Architects, PC  
**Owner:** 60 William St. LLC  
**Location:** 60 William Street

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

The Comment Letters from the City Engineer and City Planner, and Orange County Tax Map Department Notice were made a matter of record.

Chris Berg appeared before the Board and gave an update on the site plan since the July presentation to the Board. He said the owner is in the process of scheduling a Brownfield clean-up. The tree planting plans for the rear yard will depend on how the new building will shade the lot. He specified low-mounted lighting for the alleyways, lights to the side of the front doors and ornamented streetlights within the sidewalk buffer strip.

#### DISCUSSION BY THE BOARD

The Assistant City Engineer reviewed her comment letter. She asked that the Board review the rear courtyard planting plan and confirm if it satisfactory.

The City Planner reviewed his comment letter. He asked that the Board to review whether the submission of a lighting plan is necessary.

The Assistant Corporation Counsel asked the applicant to specify and provide details of the Brownfield clean-up application, including current projected timelines for receipt of a remedial action plan.

Mrs. Ware requested the submission of a lighting plan.

The Chairperson asked if gates are proposed.

Mr. Berg said gates are proposed at the front of the building on both sides.

Alicia 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. 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 was made a matter of record.

Chris Berg appeared before the Board and gave an update on the site plan since the July presentation to the Board.

#### DISCUSSION BY THE BOARD

The Chairperson asked to confirm what the carriage house will be used for.

Mr. Berg said the carriage house will be used for storage as the size is not adequate for parking.

The Assistant City Engineer reviewed her comment letter.

The City Planner reviewed his comment letter.

Alicia Ware moved to accept the Site Plan as submitted, subject to any open comments from the City Planner or City Engineer.

Weaver Debe seconded the motion.

The motion passed unanimously via roll-call vote.

#### **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 was made a matter of record.

Nicole McCutcheon, Armando Hernandez and Richard Thomas appeared before the Board.

Ms. McCutcheon gave an overview of the submitted details requested by the Board at the July meeting. She said she met with the City Manager and the Chief of Police, and submitted an evacuation plan.

Mr. Thomas said they requested the number of police calls from other bar establishments and that Coyote's Tavern number of police calls was minimal in comparison.

#### DISCUSSION BY THE BOARD

The City Planner reviewed his comment letter. He said the Short Environmental Assessment Form was received August 27, 2024.

Weaver Debe moved to approve the Special Use Permit for one year.

Alicia Ware seconded the motion.

The motion passed unanimously via roll-call vote.

**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.

Alvin Moonesar, Jim Gibbons, and Albert Mizrahi appeared before the Board.

Mr. Moonesar gave an overview of the changes made to the proposed amendment since the April presentation to the Board.

**DISCUSSION BY THE BOARD**

The Assistant City Engineer reviewed her comment letter. She said the latest plan does not distinguish the difference between existing and proposed, and the drawings could not be used for construction. She recommended the applicant attend a Planning Board workshop to address the technical and drafting deficiencies.

The City Planner reviewed his comment letter.

The Board agreed that the plans do not clearly define what is existing and what is proposed.

The applicant requested a table of its application and asked to be added to an upcoming Planning Board workshop.

**Index No. 2022-08**

**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.

Alvin Moonesar, Jim Gibbons, and Albert Mizrahi appeared before the Board.

Mr. Moonesar gave an overview of the changes made to the proposed amendment since the April presentation to the Board.

## DISCUSSION BY THE BOARD

The Assistant City Engineer reviewed her comment letter. She said the latest plan does not distinguish the difference between existing and proposed and the drawings could not be used for construction. She recommended the applicant attend a Planning Board workshop to address the technical and drafting deficiencies.

The City Planner reviewed his comment letter.

The applicant requested a table of its application and asked to be added to an upcoming Planning Board workshop.

### **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 a brief overview of the proposed project. He said there were no updates to report from the July presentation to the Board.

## DISCUSSION BY THE BOARD

The Assistant City Engineer said the Fire Chief determined a sprinkler system for the proposed assembly space was not required.

Alicia Ware moved to waive the site plan requirements and approve the application as submitted. Weaver Debe seconded the motion.

The motion passed unanimously via roll-call vote.

### **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, Phase I & Phase II Environmental Site Assessment report, Remedial Action Plan, signed bond estimate for Right-Of-Way, Declaration of Cross Easement, Maintenance Agreement, and Stormwater Management Design letter were made a matter of record.

Lisa Silverstone and Louis Greco appeared before the Board.

Mr. Greco gave an update on the site plan since the July presentation to the Board.

#### DISCUSSION BY THE BOARD

The Assistant City Engineer reviewed her comment letter. She asked that the Board review the courtyard plan.

The Chairperson asked if additional street trees have been added to the plan.

Mr. Greco confirmed and said a tree is proposed every 40 feet to create a canopy.

The Chairperson asked if the entire 79 William Street rear yard will be pavers.

Ms. Silverstone said the surface is pavers with shade trees, container gardens and benches.

The Assistant City Engineer added that the courtyard is sunken and does not receive direct sunlight.

The City Planner reviewed his comment letter.

Weaver Debe moved to approve the Site Plan as submitted, subject to outstanding comments from the City Engineer and City Planner, and grant a Special Use Permit for one year for the Residential Care Facility use.

Duane Ware seconded the motion.

The motion passed unanimously via roll-call vote.

#### **Index No. 2024-09**

**Applicant:** Kelly Libolt, AICP/KARC Planning Consultants, Inc

**Owner:** West Shore Hudson, LLC

**Location:** 27 South Water Street

**SITE PLAN** application to construct a three-story mixed-use commercial space directly adjacent to the existing building on-site (first and second floor restaurant, third floor professional office); and construct a one-story, 505 square foot ice cream stand.

The Comment Letters from the City Engineer and City Planner, GML §239 response, Conservation Advisory Council comment letter, U.S. Department of Transportation Federal Railroad

Administration letter, Orange County Department of Planning letter, and New York State Parks, Recreation and Historic Preservation letter were made a matter of record.

Kelly Libolt and Amy Argyrakis appeared before the Board.

Ms. Libolt gave an update on the site plan since the June presentation to the Board. She said they presented to the Zoning Board of Appeals and the Conservation Advisory Council in July 2024. She highlighted the landscaping plan and the proposed tree wells and planters. She said they plan to relocate the transformer for Hudson Taco and add a new transformer for the new building. She said that Colliers Engineering parking study identified the ferry parking lot and the lot north of Third Street as available parking areas in addition to the striped parking spaces on Water Street near the existing Pizza Shop and Hudson Taco location. She clarified that the correct number of additional restaurant seating is 27 seats.

#### DISCUSSION BY THE BOARD

The Assistant City Engineer reviewed her comment letter. She requested submission of a revised existing and proposed survey for clarity, to remove lighting references from the architectural plan and incorporate the lighting plan into the site plan, show separate water lines for domestic and fire, and show the limits of disturbance on the site plan. She said the access between the adjoining parking lot of the basement level of the existing building is mostly utilized land owned by CSX Transportation and the existing agreement with the adjoining landowner should also include CSX Transportation. She asked the Board to determine the number of bike racks and review the proposed landscaping plan.

The City Planner reviewed his comment letter. He asked the Board to review mitigation measures for parking as site constraints cannot accommodate much more off-street parking. He recommended the applicant explore further parking availability at the southern portion of South Water Street and to add crosswalks.

The Chairperson asked if the proposed planters are permanent and would they assist in protecting outdoor diners from potential traffic incidents.

Ms. Libolt said the proposed planters are permanent and heavy and in addition, there is a knee wall to protect the outdoor diners.

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.

Alicia Ware moved to issue a negative declaration under SEQRA.

Duane Ware seconded the motion.

The motion passed unanimously via roll-call vote.

The applicant requested a table of its application.

**Index No. 2019-11**

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

**SITE PLAN AMENDMENT** application to amend a January 2020 approval.

The Comment Letters from the City Engineer and City Planner, New York State Parks, Recreation and Historic Preservation letter, Construction Certification letter, Stormwater Management Facilities Maintenance Agreement, and Final Storm Water Pollution Prevention Plan were made a matter of record.

Victor Cappelletti and Phil Bell appeared before the Board.

Mr. Bell gave an update on the site plan since the June presentation to the Board.

**DISCUSSION BY THE BOARD**

The Assistant City Engineer reviewed her comment letter.

The City Planner reviewed his comment letter.

The Chairperson asked to confirm installation of a sidewalk along Little Britain Road.

Mr. Cappelletti confirmed that a sidewalk will be installed.

Mr. Bell said there is no proposed grade change throughout the sidewalk.

The Chairperson asked what the distance between the proposed tree plantings.

Mr. Bell said about 30 feet apart.

Weaver Debe moved to amend the June motion from 78 parking spaces to 85 spaces for the site.

Duane Ware seconded the motion.

The motion passed unanimously via roll-call vote.

Duane Ware moved to accept the Site Plan as submitted, subject to outstanding City Engineer and City Planner comments.

Weaver Debe seconded the motion.

The motion passed unanimously via roll-call vote.

**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 Applicant contacted staff prior to the meeting to request a table of its application to the September meeting.

**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, GML §239 response, Orange County Department of Planning letter and an email from the Department of Environmental Conservation regarding bald eagle and sturgeon impact were made a matter of record.

Pat Mitchell appeared before the Board and gave an update to the site plan since the July presentation to the Board.

The Assistant City Engineer reviewed her comment letter. She recommended attending the next Planning Board workshop to address July and August comments and applicant questions. She said a new Phase I and Phase II Environmental Site Assessment will be required. She recommended cross referencing the site plan details with the design details. She asked the Board to review the landscaping and lighting plans. She recommended implementation of a rain garden as the property is located within the combined sewer system.

The City Planner reviewed his comment letter. He asked to clarify the proposed height of the Edward Street building.

Mr. Mitchell said the Edward Street building is proposed as five stories.

Mr. Mitchell asked if a SWPPP is necessary as the property is under one acre of disturbance.

The Assistant Corporation Counsel said a full SWPPP might not be necessary, but some type of stormwater analysis is required.

The applicant requested a table of its application.

With no further business to discuss, the meeting adjourned at 9:46 p.m.

Respectfully submitted:

J.K. Gentile, Secretary