

PLANNING BOARD MEETING

The monthly meeting of the City of Newburgh Planning Board was held on Tuesday, September 17, 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 7:31 p.m. after confirming a quorum.

OLD BUSINESS

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, and New York State Parks, Recreation and Historic Preservation letter were made a matter of record.

Erik Cooney, Andrew Fetherston and Jason Anderson appeared before the Board.

Mr. Cooney gave an update on the status of the application.

Mr. Fetherston gave an overview of the proposed project.

The Chairperson asked about the building height.

Mr. Fetherston said the building is proposed as 45 feet tall. He said the City Code permits 35 feet, and applicant has a pending request before the Zoning Board of Appeals for a height variance.

The Chairperson asked if an end user has been determined.

Mr. Fetherston said the project is being built on speculation and no end user has been determined.

The Chairperson asked the reason to raise the height to 45 feet tall.

Mr. Anderson said they propose to install five levels of 6-foot-tall racks and per fire code there needs to be a minimum ceiling clearance to achieve appropriate reach of the sprinkler system.

DISCUSSION BY THE BOARD

The Assistant City Engineer reviewed his comment letter. He asked the Board to review and make determinations on the proposals for compliance with Waterbody Protection Overlay (WPO) provisions, the lighting plan, the landscaping plan, the number of bicycle racks, and front yard parking. He said confirmation from the New York State Department of Environmental Conservation (NYSDEC) indicating whether the site is covered under the NYSDEC's General Construction stormwater permit is pending. He said an engineering report regarding the proposed sewage pump station and forcemain is pending. He requested an update to the traffic impact study addressing South Street as a New York State Department of Transportation (DOT) designated roadway, the re-distribution of truck traffic away from Gidney Avenue and redirected toward South Street, and minor adjustments to the Stormwater Pollution Prevention Plan (SWPPP).

The Chairperson asked the applicant to speak on the WPO provision.

The Assistant City Engineer said City Code provisions requires passive, nonpermanent recreation and walking trails and/or public pedestrian access to the creek, stream or waterbody. At the same time, the Board should consider the project's location on a brownfield, Industrial site.

The City Planner added that the City Code provision relates to the location of the natural resource, which is the Gidneytown Creek in this instance. He said the stormwater management areas, the industrial use of the site and the proximity to an Interstate Highway are items of consideration for potential waiver of public access provision.

Mr. Fetherston asked that the Board should consider the site's industrial use and that heavy trucks will be frequently traveling throughout the site making it unsafe for public accessibility. He said the park bench will be for staff only and located right outside the office area.

The Chairperson asked about the number of bicycle racks.

Mr. Fetherston said they currently propose eight bicycle racks and have space to add more.

Mr. Fetherston reviewed the landscaping plan with the Board.

Mr. Anderson reviewed the visualization study.

Ms. Ware asked about the traffic impact study.

Mr. Fetherston said they will address the requested revisions and remove the truck route from Gidney Avenue.

The City Planner reviewed his comment letter. He said the Orange County Department of Planning recommended coordination with Transit Orange to incorporate transit access to the site. He recommended adding street trees along Scobie Drive in compliance with the Streetscape Standards.

Mr. Fetherston said over time trees might uplift the sidewalk and trucks might damage the trees traveling in and out of the site. All of the proposed plantings on the property are screening and non-City maintenance.

The Chairperson requested the applicant to incorporate the Streetscape Standards into the site plan.

The City Planner said the applicant met with the Conservation Advisory Council (CAC), and comment letter is pending.

Mr. Fetherston said they met with the CAC on September 9, 2024 and the determination was that the project was consistent with the Local Waterfront Revitalization Program policy standards. They are only waiting on a formal letter from the CAC to confirm.

The City Planner requested submission of an updated Full Environmental Assessment Form.

The Assistant City Engineer requested submission of a Remedial Action Work Plan.

The City Planner said the site is located within the 100-year floodplain and will require review by a floodplain administrator.

The Assistant Corporation Counsel said upon receipt of the DEC work plan and final record of decision, staff will work with the applicant to begin the floodplain review process.

The Board reviewed and discussed the public access offer on the site plan.

The Board reviewed, discussed, and unanimously agreed on the lighting plan.

The Board reviewed, discussed, and unanimously agreed on bicycle parking.

The Board reviewed and discussed the landscaping plan and unanimously agreed on the overall plan with the addition of street trees added along the sidewalk of Scobie Drive.

The Board reviewed, discussed, and unanimously agreed on the parking in the front yard.

The Assistant Corporation Counsel said the outstanding details are the DEC Remedial Action Work Plan (RAWP), initiation of the floodplain review process, revised traffic impact study,

revised landscaping plan, revised SWPPP, updated Environmental Assessment Form with the RAWP, updated sewer pump report, submission of easement related to stormwater improvements and/or access, and utility location.

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

Index No. 2024-15

Applicant: Nathaniel Gooden/Caesar Engineering, D.P.C.
Owner: Stephen Taya Property Development, LLC
Location: 194 Dubois Street & 197 North Miller Street

SUBDIVISION application for a lot line adjustment and lot combination.

Index No. 2024-10

Applicant: Nathaniel Gooden/Caesar Engineering, D.P.C.
Owner: Stephen Taya Property Development, LLC
Location: 194 Dubois Street & 197 North Miller Street

SITE PLAN application to construct an Apartment House (10 units).

The Comment Letters from the City Engineer and City Planner, GML §239 response letter, Orange County Department of Planning letter, and Homes and Community Renewal letter were made a matter of record.

Michael Robinson and Nick Caesar appeared before the Board.

Mr. Caesar gave an update of the proposed project.

Mr. Robinson added that the only changes made to the plan since last presenting to the Board in June 2024, is the number of units increased from 6 to 10 for funding requirements. He said the unit change does not affect the proposed building footprint.

Mr. Caesar said they have received approval from the Architectural Review Commission and positive feedback from the Zoning Board of Appeals.

DISCUSSION BY THE BOARD

The Assistant City Engineer reviewed his comment letter. He asked the Board to review and make determinations on the preliminary plan, the conceptional planting plan, the lighting plan and sidewalks.

Mr. Caesar asked if the sidewalks could go over the property line.

The Assistant City Engineer said yes.

Mr. Caesar asked for clarification on the a “sacrificial sidewalk panel.”

The Assistant City Engineer said by making the entire property ADA compliant, a sacrificial panel is the installation of a five-foot horizontal panel to match any ADA non-complying sidewalk on neighboring property until such time as the non-complying property brings the sidewalk into ADA compliance.

Mr. Caesar asked for clarification on the request for calculations and proper sizing of each water supply as it related to “domestic and fire suppression.”

The Assistant City Engineer said the site plan proposes a 4” ductal iron domestic line and a standard domestic water supply is 2”.

The City Planner reviewed his comment letter. He requested submission of an updated Environmental Assessment Form and DEC comment regarding the bald eagle habitat.

The Chairperson asked if an additional tree could be added to the southwest corner of the property.

The Assistant City Engineer recommended review of the survey to determine if that would disturb the neighboring driveway.

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. 2024-05

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, GML §239 response letter, New York State Parks, Recreation and Historic Preservation letter were made a matter of record.

Meyer Klein and Reuben Buck appeared before the Board.

Mr. Buck gave an overview of updates made to the site plan since the May meeting.

DISCUSSION BY THE BOARD

The Assistant City Engineer reviewed his comment letter.

The City Planner reviewed his comment letter.

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.

Alicia Ware moved to issue a negative declaration under SEQRA.

Weaver Debe seconded the motion.

The motion passed unanimously via roll-call vote.

Alicia Ware moved to approve the Site Plan as submitted, subject to outstanding comments from the City Engineer and City Planner.

Weaver Debe seconded the motion.

The motion passed unanimously via roll-call vote.

NEW BUSINESS

Index No. 2024-17

Applicant: Charles P. May

Owner: Albro Utilities Corporation

Location: 18 Little Britain Road

SITE PLAN application to construct a 2,190 square foot building expansion to an existing 3,266 square foot warehouse.

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

Mark Rothstein and Charles May appeared before the Board.

Mr. May gave an overview of the proposed project.

DISCUSSION BY THE BOARD

The Chairperson asked if there are two driveways on the site.

Mr. May confirmed and located the driveway where the trucks would unload and the driveway for customer access in and out of the site.

The Chairperson asked if the narrower driveway exits out onto Little Britain Road.

Mr. May confirmed and said the existing curb cut will be modified.

The Assistant City Engineer reviewed her comment letter. She requested updating the “site data” information on sheet 1 of the plan set to match the Zoning Table provided on the Informational

report. She said the 100 year and 500-year floodplain boundaries shall be documented on the site plan as well as a review of the allowable build area to determine maximum lot coverage. She requested an existing and proposed grading plan, particularly in relation to the ADA accessible route, additional detail on the proposed new set of fences and gates, submission of a separate landscaping plan showing existing and proposed landscaping, submission of a parking area screening plan, details regarding adherence to the Streetscape Standards, clarification on the building entries and the accessible route for ADA parking, use of the existing parking area, and the sanitation plans.

The City Planner reviewed his comment letter. He said the project is subject to GML §239 review. He said parking in the front shall be screened as per code. He requested a revision of the driveway widths per code and clarification of the exterior lighting. He said the property is located in the Waterbody Protection Overlay (WPO) area and is subject to Conservation Advisory Council review. He said once the lot coverage calculation has been determined, per floodplain boundaries, an updated Informational Report will be issued.

The Assistant Corporation Counsel said lot coverage calculations have been requested from the applicant, the project is subject to a floodplain review and the project is within the WPO area and is subject to a mandatory public hearing.

The Chairperson requested clearer dimensions on the site plan.

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

With no further business to discuss, the meeting adjourned at 9:37 p.m.

Respectfully submitted:

J.K. Gentile, Secretary