

PLANNING BOARD MEETING

The monthly meeting of the City of Newburgh Planning Board was held on Tuesday, November 6, 2024 (rescheduled from Tuesday, October 15, 2024) at 7:30 p.m. at the Heritage Center, 123 Grand Street, Newburgh, New York.

Members Present: Lisa Daily, Chairperson
Weaver Debe
Acre Qui
Alicia Ware
Duane Ware

Also Present: Chad Wade, Assistant City Engineer
Alexandra Church, Director of Planning and Development
Jeremy Kaufman, Assistant Corporation Counsel
J.K. Gentile, Secretary

The Chairperson called the meeting to order at 7:32 p.m. after confirming a quorum.

APPROVAL OF MINUTES

Minutes of the August 20, 2024 Meeting

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

Minutes of the September 17, 2024 Meeting

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

SITE PLAN APPROVAL EXTENSION REQUESTS

Index No. 2021-17

Applicant: Javier Fiscal
Owner: Walter Park
Location: 435 Broadway

SITE PLAN application to convert an existing building into a House of Worship and Restaurant.

The applicant requested a one-year extension of its Site Plan approval application.

Javier Fiscal and Floyd Johnson appeared before the Board.

The Assistant Corporation Counsel said the applicant received its original site plan approval on September 20, 2022. He said the applicant is requesting an initial extension request and its second and last extension request allowable by code.

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 two (2), one-year extensions of the Site Plan approval.

Weaver Debe seconded the motion.

The motion passed unanimously via roll-call vote.

OLD BUSINESS

Index No. 2021-22

Applicant: Michael Mamiye

Owner: Nutopia 56 Dubois LLC

Location: 56 Dubois Street

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

The Comment Letter from the City Engineer was made a matter of record.

Alvin Moonesar and Albert Mizrahi appeared before the Board.

Mr. Moonesar gave an overview of the updates made to the amended plan from the last presentation to the Board in August.

DISCUSSION BY THE BOARD

The Assistant City Engineer reviewed his comment letter. He said there are minor outstanding details that can be addressed as part of a conditional approval.

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

Duane Ware seconded the motion.

The motion passed unanimously via roll-call vote.

Index No. 2022-08

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

SITE PLAN AMENDMENT application 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 and Albert Mizrahi appeared before the Board.

Mr. Moonesar gave an overview of the updates made to the amended plan from the last presentation to the Board in August.

DISCUSSION BY THE BOARD

The Assistant City Engineer reviewed his comment letter. He said there are minor outstanding details that can be addressed as part of a conditional approval.

The Director of Planning and Development reviewed her comment letter.

The Assistant Corporation Counsel asked for clarification of a new proposed plan to install a coffee shop/light food service based on a Request for Information received recently by the Building Department

Mr. Moonesar said those plans are not the subject of the current application. He said the applicant is aware that the current site plan is for the current proposed use, and that any future change of use will be part of a separate application.

Weaver Debe moved to accept the Site Plan as submitted, subject to outstanding the 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: 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, the Conservation Advisory Council, and the Floodplain Development Review letter were made a matter of record.

Erik Cooney, Justin Dates and Rosaura Andujar-McNeil appeared before the Board.

Mr. Dates gave an overview of the updates made to the site plan since the last presentation to the Board in September.

Ms. Andujar-McNeil, Project Environmental Engineer at C.T. Male Associates, said the project is proposed on a Brownfield Cleanup site. Her firm was hired to investigate for contaminants as hazardous materials were buried at the site in the 1950s. She said her firm conducted an investigation per the New York State Department of Environmental Conservation (NYSDEC) and developed a remedial action work plan (RAWP) that NYSDEC approved in the Spring of 2024. She said the RAWP will also require a Remedial Design Document (RDD). She said there are areas at the site that will require further testing, excavating and explosive gas monitoring. She said the proposed building will have a sub-slab depressurization (SSD) system that will handle any harmful vapors from entering the building. She said NYSDEC will require monitoring, ground water and air tests throughout the lifetime of the building.

DISCUSSION BY THE BOARD

The Director of Planning and Development reviewed her comment letter. She asked the Board to review the total number of proposed bicycle parking spaces.

Mr. Dates said they consider 15 bicycle parking spaces to be reasonable for the proposed warehouse use.

Mr. Cooney said once an end user is confirmed they would be willing to add more bicycle spaces.

The Assistant City Engineer recommended adding that note to the site plan.

The Board unanimously agreed that 15 bicycle parking spaces were sufficient.

The City Planner asked the Board to review the proposed plantings on the streetside raised berm and decide if they would like to also see tree plantings.

Mr. Dates said there are street trees proposed, just not between the traditional curb and sidewalk due to space and truck traffic concerns. He requested consideration of the current street tree proposal.

Ms. Ware thought tree planting locations were previously discussed.

The Assistant City Engineer confirmed and said Mr. Dates contacted the City Engineer's office to discuss maintaining their recommended placement of trees, set five feet away from the back of the sidewalk.

The Board unanimously agreed that street planting plan is sufficient.

The Director of Planning and Development said the site is within the Water Body Protection Overlay (WPO) and suggested the Board review the outdoor seating/picnic area as sufficient to satisfy the public access requirement based on this site.

The Board unanimously agreed that the outdoor seating/picnic area was sufficient.

The Director of Planning and Development said there are a series of questions on the Environmental Assessment Form that cannot be answered until the Remedial Design Document is complete.

Mr. Dates said they will be able to provide additional details at the next meeting.

The City Planner said it received a response back from the Floodplain Administrator and the project will not have any significant impact on the 100-year floodplain.

The Assistant City Engineer reviewed his comment letter. He requested the addition of several notes to the Site Plan, including the Remedial Design Document mitigation measures, the location of the existing monitoring wells that will be decommissioned, and how the monitoring wells will be decommissioned. He requested an updated survey map under a separate submission and written confirmation from the NYSDEC that the project would have coverage under the General Construction stormwater permit. He said an amended SWPPP is needed. He said an Engineering Report for the proposed sewage pump station and force main is outstanding and asked the applicant to confirm in writing whether the Orange County Department of Health needs to review the sewage pump station. He said the City Engineer's office is satisfied with the submitted traffic study.

The applicant requested a table of its application to the next 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 5-story apartment complex with 34 dwelling units and a 16-space parking area on the same tax parcel.

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

Jake Chai, Pat Mitchell, and Chris Berg appeared before the Board.

Mr. Mitchell gave an overview of updates made to the site plan since the September meeting, including addressing the retaining walls, the limit of disturbance, reducing the impervious surface by 25%, the requested bump-out, on-street parking, removal of the bollards, and addition of a concrete parking bumper for the ADA parking space. He said a pending stormwater management report and a topographic survey is pending.

DISCUSSION BY THE BOARD

The Assistant City Engineer reviewed his comment letter. He requested clarity on the lighting layout at the bridge and drawing and construction detail clean up. He said the project is in the combined sewer system and requested a drainage report. He asked for clarification of the existing manhole.

Mr. Mitchell said it is a drywell with one roof drain.

The Assistant City Engineer requested that detail be reflected on the site plan.

The Assistant City Engineer said a bond estimate for the street will be required.

Mr. Chai asked if the Phase II Environmental has been reviewed.

The Assistant City Engineer will confirm with his colleague, Allison Spinelli.

The Director of Planning and Development reviewed her comment letter. She requested the SHPO response regarding the archeological site inventory. She asked about the number of proposed bike racks.

Mr. Mitchell said eight bicycle spaces are proposed.

The Board unanimously agreed with the eight proposed bicycle spaces.

Mr. Chai inquired about outstanding details required to achieve a negative declaration.

The Assistant Corporation Counsel said the outstanding details include the combined sewer system mitigation, the SHPO response, and any open comments from the Phase II Environmental Report review.

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.

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 were made a matter of record.

Michael Robinson and Nick Caesar appeared before the Board.

Mr. Caesar gave an overview of the updates made to the subdivision plat and site plan since the last presentation to the Board at the September meeting.

DISCUSSION BY THE BOARD

The Director of Planning and Development reviewed her comment letter. She said the NYSDEC correspondence regarding the bald eagle habitat is pending.

The Assistant City Engineer reviewed his comment letter. He said there are minor details to address, including sidewalk adjustment for consistency on the North Miller Steet side and removal of the overflow connection and redirection to the grassed area or through a curb-o-let to the gutter line of the street. He asked the Board to review the driveway apron width.

The Board requested to shorten the driveway apron width.

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 issue the preliminary plat approval for the proposed subdivision, subject to outstanding City Engineer and City Planner comments.

Duane Ware seconded the motion.

The motion passed unanimously via roll-call vote.

Alicia Ware moved to issue a Site Plan approval as submitted, subject to outstanding City Engineer and City Planner comments.

Weaver Debe seconded the motion.

The motion passed unanimously via roll-call vote.

NEW BUSINESS

Index No. 2024-18

Applicant: Michael Henderson/A. Hennessy Architects, PC
Owner: Manuel Zacarias Gregorio
Location: 11 Hillcrest Place

SITE PLAN application to convert the existing two-family dwelling

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

Michael Henderson appeared before the Board and gave an overview of the proposed project.

DISCUSSION BY THE BOARD

The Chairperson asked to confirm the total number of entrances.

Mr. Henderson said one main entrance through the front door with an internal stairway and the side entrance will be removed.

The Assistant City Engineer reviewed his comment letter.

Mr. Henderson said there are no sidewalks on Hillcrest Place and asked what is expected for this application.

The Assistant City Engineer asked that the applicant to match what was completed on Third Street.

The Chairperson asked how many on-site parking spaces are proposed.

Mr. Henderson said one space.

The Chairperson asked if there are plans to plant a tree.

Mr. Henderson said the plan calls for one tree planted in front of the house.

The Chairperson asked if a fence is proposed to screen parking.

Mr. Henderson said the fence is proposed down in the middle of the driveway to intercede vehicular access to the rear yard and to screen the roll out garbage bins. He said the one parking space would be parked into the side space and off from the front yard.

The Director of Planning and Development reviewed her comment letter.

Alicia Ware moved to waive a public hearing.

Acre Qui seconded the motion.
The motion passed unanimously via roll-call vote.

Duane Ware moved to issue a Type II declaration under SEQRA.
Weaver Debe seconded the motion.
The motion passed unanimously via roll-call vote.

The Chairperson recommended updating the landscaping plan to include additional plantings and grass and remove the existing mass of concrete on the site.

The Chairperson asked if the porch will be replaced.

Mr. Henderson said yes.

The Assistant City Engineer asked what the distance between the porch and the sidewalk is.

Mr. Henderson said 8 feet.

Mr. Debe asked what is proposed for lighting.

Mr. Henderson said one light fixture on the front porch and one light fixture on the rear porch.

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

With no further business to discuss, the meeting adjourned at 9:41 p.m.

Respectfully submitted:

J.K. Gentile, Secretary