

### **PLANNING BOARD MEETING**

The monthly meeting of the City of Newburgh Planning Board was held on Tuesday, November 19, 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

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

### **SITE PLAN APPROVAL EXTENSION REQUESTS**

#### **Index No. 2022-13**

**Applicant:** Sisha Ortuzar & Erik Cooney  
**Owner:** 191 Washington Street LLC  
**Location:** 191 Washington Street

**SITE PLAN** application to convert the existing building into a mixed-use residential building and construct a second mixed-use residential building on the same lot.

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

Sisha Ortuzar appeared before the Board.

The Assistant Corporation Counsel said the applicant received its original site plan approval on November 21, 2023.

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 a one-year extension of the Site Plan approval.

Weaver Debe seconded the motion.

The motion passed unanimously via roll-call vote.

### **OLD BUSINESS**

**Index No. 2022-23**

**Applicant:** Jonathan Moss / Berg + Moss Architects  
**Owner:** Daniela P. Nilo & Franco V. Nilo  
**Location:** 175 Liberty Street

**SUBDIVISION (FINAL PLAT APPROVAL)** application to subdivide a through lot into two lots, and to construct a three-family residential building on the subdivided vacant lot.

Jonathan Moss appeared before the Board.

The Assistant Corporation Counsel said the applicant received its preliminary plat approval on December 20, 2022 and is now seeking final plat approval.

The Planning Board found no significant changes to the preliminary plat set since the issuance of the preliminary plat approval.

Weaver Debe moved to approve the final plat.  
Duane Ware seconded the motion.  
The motion passed unanimously via roll-call vote.

**Index No. 2024-07**

**Applicant:** Lisa Silverstone / Safe Harbors of the Hudson, Inc.  
**Owner:** Safe William Street Partners LLC  
**Location:** 69 William Street

**SUBDIVISION (FINAL PLAT APPROVAL)** application to create a three-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.

Lisa Silverstone and Glennon Watson appeared before the Board.

Mr. Watson gave an overview of the final plat submission.

**DISCUSSION BY THE BOARD**

The Assistant Corporation Counsel said the applicant received its preliminary plat approval on July 16, 2024, and is now seeking final plat approval.

The Assistant City Engineer reviewed her comment letter. She said the only outstanding comment is that the existing and proposed sanitary sewerage conditions for each building shall be added to the final plat plan before signature.

Duane Ware moved to approve the final plat subject to subject to outstanding City Engineer comment.  
Weaver Debe 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 before the Board. He said there have been no design changes since the August meeting.

**DISCUSSION BY THE BOARD**

The Assistant City Engineer reviewed his comment letter.

The City Planner reviewed his comment letter.

The Assistant Corporation Counsel said the environmental issues have been either addressed or mitigated in staff opinion

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.

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

**Index No. 2024-09**

**Applicant:** Kelly Libolt/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 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 the City Planner were made a matter of record.

Kelly Libolt and Amy Argyrakis appeared before the Board.

Ms. Libolt gave an overview of the updates made to the site plan since the September presentation, including an updated existing conditions map, a lighting plan, landscaping plan, bicycle parking detail, limit of disturbance detail, and City requirements. She said the project received Zoning Board of Appeals (ZBA) approval in September.

## DISCUSSION BY THE BOARD

The Assistant City Engineer reviewed his comment letter. He recommended the Board review the bicycle parking.

The Chairperson recommended eight bicycle parking spaces.

The Assistant City Engineer said there is limited room to incorporate tree pits, and the property is in the state right-of-way. He said they have maximized planting by adding urban style planters and recommended the Board review whether they would like to see additional landscaping. He requested the applicant review the general QA/QC to ensure legibility and clarity of the proposed work on the plan set.

The City Planner reviewed his comment letter. He recommended placing the benches next to the existing trees and facing the river to satisfy the Waterbody Protection Overlay (WPO) requirements. He said although the street improvements on Water Street are under the discretion of the New York State Department of Transportation (NYSDOT), the plan should adequately depict all street improvements, and that the added seven parking spaces do not appear to be the correct dimensions.

Weaver Debe 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. 2024-14**

**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, Patrick Mitchell and Chris Berg appeared before the Board.

Mr. Mitchell gave an overview of the updates made to the site plan from the last presentation to the Board.

## DISCUSSION BY THE BOARD

The City Engineer inquired about the status of the State Historic Preservation Office (SHPO) response.

Mr. Mitchell said the review is pending response.

The Assistant City Engineer reviewed her comment letter. She said all outstanding comments had been satisfied with the remainder of technical details.

The City Planner reviewed his comment letter. He said all outstanding comments had been satisfied with the remainder of the SHPO response.

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

**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 GML §239 response was made a matter of record.

Mark Rothstein and Charles May appeared before the Board.

Mr. May gave an overview of the updates made to the plan from the last presentation to the Board. He provided for review: calculations regarding the 500-year floodplain, a detailed view of existing site conditions, call out details, site utility plan, and an erosion and sediment control plan.

**DISCUSSION BY THE BOARD**

The Assistant City Engineer reviewed her comment letter. She requested submission of the deed. She requested clarity on the proposed and existing site plan details, showing limits of disturbance. She recommended the Board review the sidewalk plans, existing and proposed plantings, and the lighting plan.

The Chairperson asked if the proposed lighting would be on poles.

Mr. May said the proposed lighting would be mounted on the building.

Mr. Debe asked if the proposed lighting would reach out onto the parking lot.

Mr. May said he did not have that information.

Mr. Rothstein said the office hours are 7:30 a.m. to 4:30 p.m. and the proposed mounted lights are for security purposes.

Mr. Debe said lighting the commercial space after hours is significant in maintaining safety and security for the area.

Mr. May said he could incorporate a light on a stanchion for the parking area.

The Chairperson asked where the proposed sidewalk would be placed.

Mr. Rothstein said the area does not yield significant pedestrian traffic and sees little need to incorporate a new sidewalk running along the property line.

The City Planner reviewed his comment letter. He said a revised Informational Report is pending that reflects the proposed off-street parking and the maximum lot area requirement. He said the site is within the Water Body Protection Overlay and suggests the Board review options for providing public access. He said the project is still subject to review by the Conservation Advisory Council (CAC).

The Assistant Corporation Counsel recommended the Board review the sidewalk and buffer strip. He said the project as proposed is subject to review by the Floodplain Administrator.

Ms. Ware requested the submission of additional site condition photos to gain clarity of what exists and what could be proposed to improve site conditions.

Mr. Ware asked if there is a sidewalk that leads to employee access.

Mr. Rothstein confirmed and said the sidewalk is in good condition.

Ms. Ware asked if the proposed lighting fixtures are meant for commercial or residential.

Mr. Rothstein said the fixtures could serve both uses as they are solar powered. He said he could add an additional lighting stanchion in the parking lot.

The Chairperson asked to locate the proposed lighting stanchion on the site plan.

The City Planner said per code the maximum height of the light pole is fifteen feet.

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

## **NEW BUSINESS**

### **Index No. 2024-19**

**Applicant:** Michael Henderson/A. Hennessy Architects, P.C.

**Owner:** Emmanuel Popa

**Location:** 640 Broadway

**SITE PLAN** application to convert a warehouse space into two (2) tenant spaces for Personal Services.

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

Emmanuel Popa and Michael Henderson appeared before the Board.

Mr. Henderson gave an overview of the proposed project.

## DISCUSSION BY THE BOARD

The City Planner reviewed his comment letter. He recommended removing parking spaces closest to the access drives and requested photos of the parking area for Planning Board review. He requested the submission of a lighting plan. He said the one-story addition is in the WPO which is prohibited by City Code and recommended mitigation measures, such as additional landscaping and providing a form of public access to the Gidneytown Creek. He said the project is subject to review by the CAC. He said the project is subject to reviewed by the Floodplain Administrator. He said the project is subject to GML §239 review.

The Assistant City Engineer reviewed his comment letter. He said the project proposes work located within the public right-of-way and any work completed on Broadway will require a Department of Transportation (DOT) permit. He recommended pushing the sidewalk away from the street allowing for street trees in a larger buffer strip as the applicant is realigning the large curb cut. He recommended removing a parking spot at the corner of the building to add safer pedestrian access from the new sidewalk to the front of the building. He said the drainage pipe and outlet associated with the trench drain in the loading dock must be abandoned. He requested submission of an erosion and sediment control plan. He asked to determine the number of proposed dumpsters and to secure the on-site grease trap. He said there is an existing above ground oil tank that should be removed. He said he received correspondence from the Fire Chief confirming that a standpipe and/or sprinkler is not required. The Fire Chief requested the implementation of a key box. He asked that the rear secondary means of egress be shown on the site plan.

The Assistant Corporation Counsel said the application is subject to a mandatory public hearing given its location within the WPO.

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

### **Index No. 2024-20**

**Applicant:** Eulogio Santiago  
**Owner:** 10 Overlook Realty Partners LLC  
**Location:** 10 & 12 Overlook Place

**SITE PLAN** application to construct a four-family dwelling on vacant land.

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

Eulogio Santiago and Nico Zapata appeared before the Board.

Mr. Zapata gave an overview of the proposed project.

## DISCUSSION BY THE BOARD

The Assistant City Engineer reviewed her comment letter. She requested the architectural elevations be removed from the plan set. She said a separate survey had been provided and

requested the removal of the existing plot plan. She asked for the proposed maximum building height.

Mr. Zapata said 35 feet.

The City Planner reviewed his comment letter. He said the project is subject to GML §239 review. He said the project is subject to CAC review. He requested submission of the Environmental Assessment Form including the mapper. He said the application requires a SHPO referral through the Cultural Resource Information System (CRIS) for potential archeological impacts.

Mr. Ware requested the submission of the lighting plan.

The Chairperson asked if the blue lines on the site plan indicate traffic.

Mr. Zapata confirmed.

The Chairperson asked to explain the parking.

Mr. Zapata said the applicant has to provide off street parking spaces and will modify the driveway apron to be wider.

The Chairperson asked about the other traffic lane.

Mr. Zapata said that there is another lane for the side entrance.

The Assistant City Engineer requested a legend added to the site plan for material details.

Alicia Ware moved to waive a public hearing.

Weaver Debe seconded the motion.

The motion passed unanimously via roll-call vote.

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

Respectfully submitted:

J.K. Gentile, Secretary