

PLANNING BOARD MEETING

The monthly meeting of the City of Newburgh Planning Board was held on Tuesday, January 21, 2025 at 7:30 p.m. at the Activity Center, 401 Washington Street, Newburgh, New York.

Members Present: Lisa Daily, Chairperson
Murray Cox
Weaver Debe
Daryl Kranec
David Lopez

Also Present: Alison Spinelli, Assistant City Engineer
Jonathan Midler, City Planner
Jeremy Kaufman, Assistant Corporation Counsel
J.K. Gentile, Secretary

Absent: Alicia Ware
Duane Ware

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

APPROVAL OF MINUTES

Minutes of November 6, 2024 (Rescheduled October Meeting)

David Lopez moved to approve the November 6, 2024 minutes as submitted.
Murray Cox seconded the motion.
The motion passed unanimously via roll call vote.

Minutes of the November 19, 2024 Meeting

Weaver Debe moved to approve the November 19, 2024 minutes as submitted.
David Lopez seconded the motion.
The motion passed unanimously via roll call vote.

Minutes of the December 17, 2024 Meeting

Weaver Debe moved to approve the December 17, 2024 minutes as submitted.
David Lopez seconded the motion.
The motion passed unanimously via roll call vote.

SITE PLAN APPROVAL EXTENSION REQUESTS

Index No. 2023-25

Applicant: John Waters/Dubois Street Associates
Owner: City of Newburgh
Location: 123 Renwick Street

SITE PLAN application to convert a vacant four (4) story building into a mixed-use building.

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

The Assistant Corporation Counsel said the applicant received its original site plan approval on January 16, 2024. He said the applicant is making its first extension request.

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.

David Lopez moved to approve a one-year extension of the Site Plan approval.
Daryl Kranec seconded the motion.
The motion passed unanimously via roll-call vote.

OLD BUSINESS

Index No. 2024-04

Applicant: Steve Esposito/Engineering & Survey Properties, P.C.
Owner: Lake Street LLC
Location: 207 Lake Street

SITE PLAN and SPECIAL USE PERMIT application to construct an addition to an existing manufacturing facility.

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

Jonathan DeJoy, Zach Szabo, and Ramon Gonzalez appeared before the Board.

Mr. DeJoy gave an overview of the proposed project. He said one of the main issues of concern had been whether the septic and sewer system could connect into what is currently existing. He said the plan is to hook into the sewer line connection located across the street.

DISCUSSION BY THE BOARD

The City Planner reviewed his comment letter. He said the applicant proposed 31 off-street parking spaces where 40 spaces are required. He asked the Board to review and consider the 25% off-street parking waiver. He requested a revised Environmental Assessment Form.

The Assistant City Engineer reviewed her comment letter. She said the existing water main servicing the privately owned fire hydrant on site is currently crossing over property that the owner does not have legal rights to. She requested the location of the water main to be confirmed and appropriate easements put in place where necessary.

The Assistant Corporation Counsel asked for confirmation that the proposed sewer line connection could make gravity.

Mr. Szabo said based on inverts in the field and information the city provided, they can connect to the existing main via gravity. He said if there is an issue, they will propose a pump station.

Mr. Murray asked why the Board should consider 31 parking spaces.

Mr. DeJoy said the proposed expansion is for space, and not for a new business. They do not propose hiring more than the 12 employees currently on staff.

Mr. Kranec asked to confirm that the proposal is a reconfiguration of the existing parking.

Mr. DeJoy confirmed.

Mr. Murray asked what type of customers frequent the business.

Mr. DeJoy said the business manufactures shoring boxes. It is not retail space. The business consists of trucks picking up and dropping off materials.

Mr. Murray asked how many parking spaces currently exist on site.

Mr. Gonzalez said he is uncertain of the exact number of parking spaces but there has always been adequate parking for the employees.

The Assistant Corporation Counsel said the Board recommended at a past meeting that the applicant stripe the lot for parking spaces and improved traffic flow.

Weaver Debe moved to declare the Planning Board as Lead Agency under SEQRA.

Daryl Kranec seconded the motion.

The motion passed unanimously via roll-call vote.

Weaver Debe moved to issue a negative declaration under SEQRA.

David Lopez seconded the motion.

The motion passed unanimously via roll-call vote.

Weaver Debe moved to approve the Site Plan as submitted, subject to outstanding comments from the City Engineer and City Planner, and the number of required parking spaces should be reduced to 31.

Murray Cox seconded the motion.

The motion passed unanimously via roll-call vote.

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, City Planner, and the Conservation Advisory Council (CAC) 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 City Planner reviewed his comment letter. He referred to the CAC comment letter and asked that the Board review the CAC's recommendations for additional shrub plantings along the stream buffer, and whether the proposed tree additions along the Quassaick Creek satisfies the conditions set forth in the Waterbody Protection Overlay (WPO.)

The Assistant City Engineer reviewed her comment letter. She recommended modifying the site plan to show the driveway apron measuring at twelve feet. She recommended the Board review the landscaping, lighting and garbage enclosures.

Mr. Debe asked about the dumpster enclosure size.

Mr. May said the dumpster enclosure is 8' x 8', and that garbage is picked up twice a week.

The Assistant City Engineer asked the applicant to clarify any additional signage at the time of the building permit.

Mr. Lopez asked why Ginkgo Biloba was selected for the front façade tree plantings.

Mr. May said the Ginkgo Biloba, the non-bearing fruit varietal, is a narrow, high branch tree selected as to not interfere with the traffic in and out of the site.

The Chairperson asked if the turning radius within the driveway can accommodate trucks entering and exiting the site.

Mr. Rothstein said a few tractor trailers enter the site, but most of the traffic is van transport.

Mr. Lopez asked if there is an existing chain link fence.

Mr. Rothstein said there is a chain link fence around the property that terminates at the stream.

Mr. Kranec asked where the property is in relation to the creek.

Mr. May said 80 feet from the proposed site.

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

There was no one present for or against the application.

Weaver Debe moved to close the public hearing.
David Lopez seconded the motion.
The motion passed unanimously via roll-call vote.

Weaver Debe moved to declare the Planning Board as Lead Agency under SEQRA.
David Lopez seconded the motion.
The motion passed unanimously via roll-call vote.

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

David Lopez moved to approve the Site Plan as submitted, subject to outstanding comments from the City Engineer and City Planner.
Daryl Kranec seconded the motion.
The motion passed unanimously via roll-call vote.

Index No. 2024-21

Applicant: Matthew Sorrell/Sorrell Engineering, PLLC
Owner: Dajman Group, Inc.
Location: 45 Liberty Street WH

SITE PLAN application to convert a one-family dwelling to a two-family dwelling.

The Comment Letters from the City Engineer and City Planner and the Conservation Advisory Council (CAC) were made a matter of record.

Matthew Sorrell and Amjad Quayyem appeared before the Board.

Mr. Sorrell gave an overview of the proposed project.

DISCUSSION BY THE BOARD

The Assistant City Engineer reviewed her comment letter. She asked for the retaining wall height.

Mr. Sorrell said it is less than 3 feet and that it is an architectural wall.

The Assistant City Engineer asked if they would propose any changes to the lighting.

Mr. Sorrell said there were no changes. They propose to maintain a porch light.

The City Planner reviewed his comment letter.

Mr. Debe asked how garbage will be accessed.

Mr. Quayyem said garbage will be located in the rear, accessed by a walkway.

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

Daryl Kranec seconded the motion.

The motion passed unanimously via roll-call vote.

Index No. 2023-41

Applicant: Zach Szabo/Engineering & Surveying Properties, PC

Owner (694 Broadway): 694 Newburgh LLC

Owner (696 Broadway): 696 Newburgh LLC

Location: 694-696 Broadway

SITE PLAN application to construct a two-story mixed-use residential building at 694 Broadway (“Lot A”) and construct a two-story mixed-use with residential building at 696 Broadway (“Lot B”)

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

Zach Szabo appeared before the Board. He said the project received final subdivision plat approval in April 2024. He gave an overview of the proposed site plan. He said they requested a waiver of 25% reduction for parking as they are providing 22 on-site parking spaces.

DISCUSSION BY THE BOARD

The City Planner reviewed his comment letter. He said the applicant proposed 22 off-street parking spaces where 26 spaces are required. He asked the Board to review the 25% off-street parking waiver. He asked the Board to review shade tree plantings within the parking area, bicycle parking, and screening of parking areas. He said he will be conducting an amended SEQRA analysis and requested submission of an updated Short Environmental Assessment Form.

The Assistant City Engineer reviewed her comment letter. She said the proposed lot line currently bisects the proposed parking lot and that a shared parking lot maintenance agreement and access easement may be required for the current lot line/parking lot orientation. She said the lot line approved at the April meeting appears to have shifted on the new plan set.

Mr. Kranec asked to confirm that each building will contain 5 apartments and 2 retail.

Mr. Szabo confirmed, retail on the first floor and 5 apartments on the second floor.

The Chairperson asked if the first floor will be a single retail space.

Mr. Szabo said given the size, most likely single retail, yet it has not been confirmed.

Mr. Lopez asked if the on-site parking spaces are designated for the tenants.

Mr. Szabo said parking would be considered first come, first served.

Mr. Kranec asked for the total bedroom count.

Mr. Szabo said bedroom counts had not been confirmed.

Mr. Debe said in consideration of the proposed paved parking area, alternate side parking and metered parking, he recommended designating parking spaces as tenant only parking.

Mr. Debe asked about bicycle parking.

Mr. Szabo said they will provide what the Planning Board deems sufficient.

The Chairperson said she would like to see bicycle parking located in the front and rear entrances.

The Chairperson asked where the tenants would enter the building.

Mr. Szabo said most likely a rear entrance.

The Assistant Corporation Counsel asked the Board if the proposed 22 parking spaces is sufficient.

Mr. Lopez said he agreed with 22 parking spaces on the condition that there will be reserved parking spaces for tenants.

The Assistant Corporation Counsel asked the Board if they would like to hold a public hearing for this site plan portion of the application.

The Board agreed to hold a public hearing at the following meeting.

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

Index No. 2024-22

Applicant: Rafiq Majeed
Owner: Rafiq Majeed
Location: 268 Carpenter Avenue

SITE PLAN application to construct a second-story addition to an existing one-story residence for the purposes of converting the building's use from a single-family residence to a two-family residence.

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

Michael Henderson appeared before the Board and gave an overview of updates made to the site plan since the December 2024 meeting.

DISCUSSION BY THE BOARD

The City Planner reviewed his comment letter.

The Assistant City Engineer reviewed her comment letter.

The Chairperson said she is not in favor of locating the garbage containers in front of the house and asked if there was room on the side of the house to place the garbage containers.

Mr. Henderson said there is not enough room to accommodate the garbage containers on the side.

The Chairperson asked to consider reducing the size of the garbage containers to fit them on the side of the house.

Mr. Henderson said he will relocate the garbage containers to the rear of the house.

The Chairperson asked about the condition of the sidewalk and how it drops off into the street.

Mr. Henderson said he is aware of the sidewalk conditions and that the sidewalk along the entire street does not have a curb.

The Assistant City Engineer said the Engineer's office advised not to move forward with re-doing the sidewalks as the sidewalks will be part of a future city project

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

David Lopez seconded the motion.

The motion passed unanimously via roll-call vote.

Index No. 2024-19

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

Owner: Emmanuel Popa

Location: 640 Broadway

SITE PLAN application to convert warehouse space to two tenant spaces for the purposes of personal services.

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

Michael Henderson appeared before the Board and gave an overview of the updates made to the site plan since the November 2024 meeting.

DISCUSSION BY THE BOARD

The Assistant City Engineer reviewed her comment letter. She asked that the Board review the adequacy of the dumpster enclosures.

The City Planner reviewed his comment letter. He said the proposed one-story addition is located within the Waterbody Protection Overlay (WPO) and asked the applicant to review City Code §300-46 (F) (b) regarding public access provision. He said this project is subject to be reviewed by the Conservation Advisory Council.

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

There was no one present for or against the application.

Weaver Debe moved to close the public hearing.

David Lopez seconded the motion.

The motion passed unanimously via roll-call vote.

The Assistant Corporation Counsel said the project is subject to review by the Floodplain Administrator.

Mr. Lopez said given the 3 entrances into the property, he recommended that the 4 parking spaces located on the southwest corner of the property be reserved for the shop owners to help alleviate the traffic in and out of the property.

The Chairperson asked the Assistant City Engineer about the comment regarding the grease traps.

The Assistant City Engineer inquired if any of the restaurant uses require a separate grease trap located underground in the parking lot.

Mr. Henderson said the proposed uses will be personal services and an additional grease trap will not be required.

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

NEW BUSINESS

Index No. 2025-01

Applicant: Chris Berg/Fifth Street Architecture

Owner: 157 Liberty Street LLC

Location: 157 Liberty Street

SITE PLAN application to convert a single-family dwelling to a mixed-use with residential building.

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

Chris Berg appeared before the Board and gave an overview of the proposed project.

DISCUSSION BY THE BOARD

The City Planner reviewed his comment letter. He said the application requires Conservation Advisory Council (CAC) review, is subject to GML §239 review, and is a Type II action under SEQRA.

The Assistant City Engineer reviewed her comment letter.

Weaver Debe moved to waive a public hearing.

David Lopez seconded the motion.

The motion passed unanimously via roll-call vote.

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

Mr. Lopez asked about the unit configuration.

Mr. Berg said two studios, 1 one-bedroom, and 1 two-bedroom.

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

Index No. 2025-02

Applicant: Kamran Nawaz/NNC 2, LLC
Owner: Newburgh SHG 18 LLC
Location: 496 Broadway

SITE PLAN application to establish a cannabis dispensary at the street level suite of a mixed-use building.

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

Kamran Nawaz, Joseph Minuta, and Michael McGuire appeared before the Board.

Mr. Minuta gave an overview of the proposed project.

DISCUSSION BY THE BOARD

The City Planner reviewed his comment letter. He said the project is a Type II action under SEQRA.

The Chairperson asked about the relationship of the dispensary to the building.

Mr. Nawaz said he will be a tenant of one retail space and that he does not have any other affiliation with the rest of the building.

The Chairperson asked to confirm the total number of retail spaces and residential dwellings that currently exist in the building.

Mr. McGuire said 3 ground floor retail spaces and 8 residential dwellings upstairs.

The Chairperson asked about garbage refuge.

Mr. Nawaz said garbage is located in the rear of the building and per state requirements, cannabis refuse must be placed in a separate box for regular pick up.

Mr. Debe asked about the Certificate of Occupancy issues represented in the Informational.

The Assistant Corporation Counsel said the Building Inspector conducted a recent site visit of the property and reviewed the Certificate of Occupancy of record. According to the Building Inspector, the actual uses are inconsistent with the Certificates of Occupancy in terms of use and space. He said the applicant will have to address those issues and may need to work with the owner to address the issues with the other commercial suites.

Mr. Lopez asked if there are plans for security.

Mr. Nawaz confirmed. He said it is required by the state.

The Assistant Corporation Counsel asked the Board if they would like to hold a public hearing.

The Board agreed to hold a public hearing at the following meeting.

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

Index No. 2025-03

Applicant: Roy Lethen
Owner: Roy Lethen
Location: 25 Benkard Avenue

SUBDIVISION application to subdivide the existing lot into two parcels.

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

Roy Lethen appeared before the Board and gave an overview of the proposed project.

DISCUSSION BY THE BOARD

The Assistant City Engineer reviewed her comment letter.

The Assistant Corporation Counsel said a mandatory public hearing will be scheduled for the next meeting.

David Lopez moved to waive the referral to the Orange County Planning Board.

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. 2025-04

Applicant: Daniel Merino
Owner: Daniel Merino
Location: 162 Dubois Street

SUBDIVISION application for a two-lot subdivision to an existing through lot that currently contains a three-family dwelling. The existing residential building on the western lot will remain unchanged.

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

Dan Merino and Johnathan Millen appeared before the Board.

Johnathan Miller gave an overview of the proposed project.

DISCUSSION BY THE BOARD

The Assistant City Engineer reviewed her comment letter. She recommended the applicant review 266-08 of the city code regarding subdivision. She requested deeds for the properties. She said the location of the subject parcel does not have known sewer infrastructure within the roadway, and based upon investigations at the neighboring properties, the sewer for the existing buildings on Dubois Street convey sewer to an existing sewer main in North Miller Street. She requested the plans be amended to accurately show the existing utilities that serve the site, and to show the location, size, type and depth of each utility confirmed and to add this information onto the plan set. She said the sewer cannot be located underneath the proposed structure on North Miller Street.

The City Planner reviewed his comment letter. He said the application is subject to GML §239 review and is a Type II action under SEQRA.

David Lopez moved to waive the referral to the Orange County Planning Board.

Daryl Kranec seconded the motion.

The motion passed unanimously via roll-call vote.

The Assistant Corporation Counsel said a mandatory public hearing will be scheduled for the next meeting.

The Assistant Corporation Counsel said due to a staff error, a SITE PLAN application was incorrectly reflected on the agenda and to disregard the SITE PLAN application. The only item for consideration and review is the SUBDIVISION application.

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

With no further business to discuss, the meeting adjourned at 10:55 p.m.

Respectfully submitted:

J.K. Gentile, Secretary