

**PLANNING BOARD MEETING**

The monthly meeting of the City of Newburgh Planning Board was held on Tuesday, April 15, 2025 at 7:30 p.m. at the Activity Center, 401 Washington Street, Newburgh, New York.

Members Present: Lisa Daily, Chairperson  
Murray Cox  
David Lopez  
Charles Robison  
Alicia Ware  
Duane Ware

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

Absent: Weaver Debe  
Daryl Kranec  
Rashidah Green-Sherman

The Chairperson called the meeting to order at 7:33 p.m. after confirming a quorum.

**APPROVAL OF MINUTES**

**Minutes of the March 18, 2025 Meeting**

Charles Robison moved to approve the March 18, 2025 minutes as submitted.  
David Lopez seconded the motion.  
The motion passed unanimously via roll call vote.

## SITE PLAN APPROVAL EXTENSION REQUESTS

### Index No. 2023-02

**Applicant:** David Benninger  
**Owner:** Blue Sky Distinctive Properties LLC  
**Location:** 79 Pierces Road

**SUBDIVISION** application to subdivide property at 79 Pierces Road.

### Index No. 2023-03

**Applicant:** David Benninger  
**Owner:** Blue Sky Distinctive Properties LLC  
**Location:** 79 Pierces Road

**SITE PLAN** application to construct a building on a proposed subdivided lot.

### Index No. 2023-04

**Applicant:** David Benninger  
**Owner:** Blue Sky Distinctive Properties LLC  
**Location:** 79 Pierces Road

**SPECIAL USE PERMIT** application to construct a building on a proposed subdivided lot.

Jerry Cassesa appeared before the Board.

The applicant requested a one-year extension of its Subdivision, Site Plan and Special Use Permit approval application.

The Assistant Corporation Counsel said the applicant received its original subdivision, site plan, and special use approval in May 2023. The applicant received its first subdivision, site plan, and special use permit extension in April 2024 and presents now for a second and final 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.

Alicia Ware moved to approve a one-year extension of the Subdivision, Site Plan, and Special Use approvals.

Charles Robison seconded the motion.

The motion passed unanimously via roll-call vote.

## SITE PLAN AMENDMENT

### Index No. 2021-15

**Applicant:** Sims Foster  
**Owner:** Grand Street Newburgh Property Co., LLC  
**Location:** 48, 54 and 62 Grand Street

**SITE PLAN** application to convert the existing vacant buildings into a boutique hotel with accessory spa & gym facilities, a restaurant, hospitality academy, bars and catering halls (Hotel).

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

Sims Foster and James Diana appeared before the Board.

Mr. Diana gave a brief overview of the proposed project and an overview of the proposed amendment to the site plan. He said the projects program has not changed, only the scope of work has been pulled back moderately and is less impactful to the site. He said the Masonic Temple south side addition was reduced from a proposed restaurant, bar and lounge to just an elevator shaft.

### DISCUSSION BY THE BOARD

The Assistant City Engineer reviewed his comment letter.

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

David Lopez seconded the motion.

The motion passed unanimously via roll-call vote.

## OLD BUSINESS

### Index No. 2025-07

**Applicant:** Zach Szabo/Engineering & Surveying Properties, P.C.  
**Owner (694 Broadway):** 299 Properties LLC  
**Owner (696 Broadway):** 299 Properties LLC  
**Location:** 694-696 Broadway

**SUBDIVISION** application for a lot line change to accommodate construction of a mixed-use residential building at 694 Broadway (“Lot A”) and a mixed-use with residential building at 696 Broadway (“Lot B”).

### Index No. 2023-41

**Applicant:** Zach Szabo/Engineering & Surveying Properties, P.C.  
**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.

Matteo Carrieri-Russo and Zach Szabo appeared before the Board.

Mr. Szabo gave an overview of proposed subdivision and the updates made to the site plan since the February 2025 meeting.

#### DISCUSSION BY THE BOARD

The City Planner reviewed his comment letter. He asked the Board to review the applicants’ request for a 25% off-street parking space waiver.

The Assistant City Engineer reviewed his comment letter. He asked the Board to review the landscape plan and refuge location.

The Chairperson asked where the garbage would be located.

Mr. Szabo said the refuse container would be located between the buildings in an enclosure.

Mr. Robison asked if the applicant was enlisting the services of a landscape architect.

Mr. Szabo confirmed that Steven Esposito will be handling the landscape architecture design for the project.

The Chairperson opened the public hearing for comment on the subdivision application.

There was no one present for or against the application.

Alicia Ware moved to close the public hearing.

Charles Robison 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. 2024-19**

**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 Applicant did not appear for the meeting.

The Board tabled the application to the May 2025 meeting.

**Index No. 2023-28**

**Applicant:** Eulogio Santiago  
**Owner:** 133 North Miller Realty Partners LLC  
**Location:** 133 North Miller Street

**SITE PLAN** application construct an Apartment House (9 units).

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

Eulogio Santiago and Jonahan Cella appeared before the Board.

Mr. Cella gave an overview of the updates made to the plan since the June 18, 2024 meeting.

**DISCUSSION BY THE BOARD**

The Assistant City Engineer reviewed her comment letter. She said a shared driveway easement may be required before the final site plan is signed by the City Engineer based on the current design submission. She requested an ADA drop curb to accommodate the ADA route from the ADA access aisle and to confirm that it would not conflict with the proposed refuse enclosure, and to clarify the driveway apron on the site plan. She asked the Board to review the lighting plan and the refuse container location.

Mr. Cella said the refuse container would be a dumpster located on the west side of the parking lot.

Mr. Lopez asked if an additional container could be placed on the south side of the site.

Mr. Cella said the site could not accommodate an additional container but that he would stretch the enclosure for additional space.

The City Planner reviewed his comment letter. He said a SEQRA determination is pending a Department of Environmental Conservation (DEC) review of the bald eagle habitat.

Mr. Robison asked to confirm the location of the bike racks.

Mr. Cella said the bike racks will be located behind the building and would not be accessible to the public.

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 updates made to the plan since the November 2024 meeting.

#### **DISCUSSION BY THE BOARD**

The City Planner reviewed his comment letter. He requested site plan detail clean up, a lighting plan, a landscaping plan and a planting schedule.

The Assistant City Engineer reviewed her comment letter. She requested all formal details listed on the site plan with a consistent legend.

The applicant requested a table of its application to the next meeting and to be placed on a Planning Board workshop.

#### **Index No. 2021-19**

**Applicant:** Colin Jarvis  
**Owner (17 Johnston):** City of Newburgh  
**Owner (19 Johnston):** The Newburgh Ministry  
**Location:** 17 & 19 Johnston Street

**SITE PLAN** application to construct a new multi-story residential building for use as a Residential Care Facility.

#### **Index No. 2023-21**

**Applicant:** Colin Jarvis  
**Owner (17 Johnston):** City of Newburgh  
**Owner (19 Johnston):** The Newburgh Ministry  
**Location:** 17 & 19 Johnston Street

**SUBDIVISION** application to shift the lot line between two (2) parcels of property.

#### **Index No. 2023-22**

**Applicant:** Colin Jarvis  
**Owner (17 Johnston):** City of Newburgh  
**Owner (19 Johnston):** The Newburgh Ministry  
**Location:** 17 & 19 Johnston Street

**SPECIAL USE PERMIT** application to construct a new multi-story residential building for use as a Residential Care Facility.

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

Colin Jarvis, Don Petruncola and James Arrabito, Esq. appeared before the Board.

Mr. Arrabito gave an overview of the status of the project.

Mr. Petruncola gave an overview of the updates since the project's last presentation to the Planning Board in August 2023.

#### DISCUSSION BY THE BOARD

The Assistant City Engineer reviewed his comment letter. He requested that the project comply with the City's Streetscape Standards and asked the Board to provide feedback. He said the proposed project is within the combined sewer system and requested a sidewalk buffer strip to aid in water retention. He asked for confirmation of the on-street, ADA-compliant handicap parking space.

Mr. Petruncola said ADA compliance is required by New York State Homes and Community Renewal (HCR) and that compliance might not require a restricted or assigned parking space but instead a ramp for pick-up/drop off.

The City Planner said a revised comment letter is forthcoming.

The Assistant Corporation Counsel said there is a City Council-approved Site Development Agreement (SDA) between the City of Newburgh and The Newburgh Ministry to acquire the 17 Johnston Street property and to develop the overall site. He said the Planning Board's purview is limited to the land use considerations as generally outlined in Chapters 300-87, 300-88 and 300-89 of the City Code. He said the Planning Board is not concerned with the end use of the development outside of land use considerations. He said the Planning Board should draw no inferences, positive or negative, from the City Council's SDA with the Ministry.

Mr. Cox asked if most of the parking be considered employee parking.

Mr. Jarvis confirmed.

Mr. Robison said there is minimal awning surrounding the building and asked if additional awning could be considered.

Mr. Petruncola said they propose an eight-foot-deep canopy over the main entrance but the limited space along the sidewalk and the ground floor tenants would not lend itself to additional awnings. He said the rooftop communal space will offer outdoor space for the tenants.

The Chairperson asked if the proposed number of bike racks is sufficient.

Mr. Jarvis said the proposed bicycle space in the basement should be more than sufficient.

Mr. Cox requested tree plantings along Johnston Street.

Mr. Petruncola said they are planning for street tree plantings within the 12-foot buffer space.

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

### **NEW BUSINESS**

#### **Index No. 2025-08**

**Applicant:** David Niemotko/David Niemotko Architect, PC

**Owner:** Soak and Rince LLC

**Location:** 750 Broadway

**SITE PLAN** application to convert an existing 2-family dwelling to a 3-family dwelling by constructing a one-story addition to the existing building

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

David Niemotko appeared before the Board and gave an overview of the proposed project.

#### **DISCUSSION BY THE BOARD**

The Assistant City Engineer reviewed her comment letter. She requested submission of a separate, signed and sealed survey, submission of an easement agreement in favor of 750 Broadway, and submission of a lighting plan. She requested curb and sidewalk improvements, as well as curbs extending the entire frontage of 750 & 754 Broadway, a 5-foot buffer strip and 5-foot sidewalk, a 5-foot landscape buffer for parking, and downspout details. She asked for clarification of the ADA parking space and accessible route and the status of the gate. She said the retaining wall is in the City's right-of-way.

The City Planner reviewed his comment letter.

Duane Ware moved to waive a public hearing.

Charles Robison seconded the motion.

The motion passed unanimously via roll-call vote.

Alicia Ware moved to issue a Type II declaration under SEQRA.

Duane Ware 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. 2025-09**

**Applicant:** David Niemotko/David Niemotko Architect, PC

**Owner:** Soak and Rince LLC

**Location:** 754 Broadway

**SITE PLAN** application to convert an existing 2-family dwelling to a 3-family dwelling by constructing a one-story addition to the existing building

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

David Niemotko appeared before the Board and gave an overview of the proposed project.

#### DISCUSSION BY THE BOARD

The City Planner reviewed his comment letter.

The Assistant City Engineer reviewed her comment letter. She said a previous application for this property was approved by the Planning Board May 18, 2021, and the outstanding City Engineer and City Planner comments that were not satisfied, including confirmation of three drywell installations, and the drywell locations, size, capacity and connections.

The Assistant Corporation Counsel recommended that the Planning Board require the applicant to complete all of the elements of the prior site plan approval before considering a vote on the current application.

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

Alicia Ware moved to issue a Type II declaration under SEQRA.  
Charles Robison 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. 2025-07**

**Applicant:** Jaspreet Singh  
**Owner:** 364-366 Broadway LLC  
**Location:** 364 Broadway

**SITE PLAN** application to establish a retail cannabis dispensary.

Jaspreet Singh, Jason Lichwick, and Sukhmani Singh appeared before the Board.

Mr. Lichwick gave an overview of the proposed project. He said there are no proposed changes to the footprint of the building or the exterior of the building, including sidewalks.

#### DISCUSSION BY THE BOARD

The Assistant City Engineer recommended a waiver of site plan requirements.

Ms. Ware asked if the project is subject to streetscape improvements.

The Assistant City Engineer said the sidewalks are in good condition and there are existing street trees.

Charles Robison moved to waive a public hearing.  
David Lopez seconded the motion.  
The motion passed 5-1 via roll-call vote.

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

Murray Cox moved to waive the site plan requirements and approve the application as submitted,  
subject to Zoning Board of Appeals approval.  
David Lopez seconded the motion.  
The motion passed unanimously via roll-call vote.

With no further business to discuss, the meeting adjourned at 9:45 p.m.

Respectfully submitted:  
J.K. Gentile, Secretary