

PLANNING BOARD MEETING

The monthly meeting of the City of Newburgh Planning Board was held on Tuesday, July 15, 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 (alternate)
David Lopez
Charles Robison
Alicia Ware
Duane Ware

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

Absent: Rashidah Green-Sherman

The Chairperson called the meeting to order at 7:37 p.m. after confirming a quorum.

APPROVAL OF MINUTES

Minutes of the June 2025 Meeting

Alicia Ware moved to approve the June 16, 2025 minutes as submitted.
David Lopez seconded the motion.
The motion passed unanimously via roll call vote.

SPECIAL USE PERMIT EXTENSIONS

Index No. 2013-07

Applicant: Jonathan Cella
Owner: Vishal Enterprises of Grand Street, LLC
Location: 405 Broadway

Special Use Permit for Automobile Gas Station

Comments from the City of Newburgh Fire Department, Police Department, and Building Department were made a matter of record.

Jonathan Cella appeared before the Board.

The Assistant Corporation Counsel gave an overview of the initial project.

Mr. Cox asked about the nature of the police calls.

Mr. Cella said he believe that most of the issues were initiated by people socializing around the adjacent properties.

Mr. Lopez said the station is located at a busy intersection.

Mr. Robison said there are no special reports from the police regarding the gas station.

Mr. Ware said the issues do not seem to be the fault of the gas station but rather public nuisance issues.

Weaver Debe moved to extend the Special Use Permit for two years.

Charles Robison seconded the motion.

The motion passed unanimously via roll-call vote.

Index No. 2023-27

Applicant: Chris Berg/Fifth Street Architecture, PLLC

Owner: Seymour B LLC

Location: 158 Montgomery Street

Special Use Permit for a Bed and Breakfast.

Comments from the City of Newburgh Fire Department, Police Department, and Building Department were made a matter of record.

Chris Berg appeared before the Board.

The Assistant Corporation Counsel gave an overview of the initial project.

Mr. Berg said the bed and breakfast had not yet opened but all the inspections and permits had been completed.

Mr. Cox asked if the owner would be occupying the property.

Mr. Berg said yes.

Mr. Cox said through a search of record addresses, it appears the owner owns multiple properties in the City of Newburgh, one of them being an AirBnB at 2 Bay View Terrace. He asked for

ownership details to confirm that the owner is abiding by City Code’s definition of a “Bed-and-Breakfast”, that all such facilities must be owner-occupied.

Mr. Ware asked when the bed and breakfast would open for business.

Mr. Berg said approximately in a couple of weeks.

Murray Cox moved to extend the Special Use Permit for six months.

David Lopez seconded the motion.

The motion passed unanimously via roll-call vote.

Index No. 2024-13

Applicant: Nicole McCutcheon
Owner: 128 Robinson Avenue, LLC
Location: 128 South Robinson Avenue

Special Use Permit for a Bar/Cabaret.

Comments from the City of Newburgh Fire Department, Police Department, and Building Department were made a matter of record.

Nicole McCutcheon and Armando Hernandez appeared before the Board.

The Assistant Corporation Counsel gave an overview of the initial project.

Ms. McCutcheon said they had completed the expansion into the commercial suite next door and officially re-opened on October 31, 2025. She said they installed extra lighting in the parking lot. She said at the recommendation of the Police Department, they installed light towers to illuminate dark spots in the parking lot.

Alicia Ware moved to extend the Special Use Permit for two years.

Weaver Ware seconded the motion.

The motion passed unanimously via roll-call vote.

SPECIAL USE PERMIT & SITE PLAN APPROVAL EXTENSION REQUEST

Index No. 2024-07

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

SITE PLAN application to create a 3-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.

Special Use Permit for a Residential Care Facility on Lot B.

Comments from the City of Newburgh Fire Department, Police Department, and Building Department were made a matter of record.

Lisa Silverstone appeared before the Board. She said the project is contingent upon the receipt of a 9 percent tax credit award from New York State. She expected the award to be disclosed in April 2026. If awarded, the plan would be to close on the property in June 2026 and begin construction in July 2026.

The Assistant Corporation Counsel said the applicant received its original site plan approval and special use permit approval in June 2024 and presents now for a one-year extension request on both approvals.

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 and one-year extension of the Special Use Permit
Charles Robison seconded the motion.
The motion passed unanimously via roll-call vote.

OLD BUSINESS

Index No. 2025-05

Applicant: Alvin Moonesar
Owner: Nutopia 203 Grand Street LLC
Location: 203 Grand Street

SITE PLAN application to add two dwelling units to an existing six-unit apartment house.

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

Alvin Moonesar appeared before the Board and gave an overview of the updates made to the plan since the last presentation to the Board in May 2025.

DISCUSSION BY THE BOARD

The City Planner reviewed his comment letter.

The Assistant City Engineer reviewed his comment letter.

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.

Alicia Ware moved to approve the Site Plan as submitted, subject to outstanding comments from the City Engineer and City Planner.
Murray Cox seconded the motion.
The motion passed unanimously via roll-call vote.

Index No. 2024-12

Applicant: Chris Berg/Fifth Street Architecture, PLLC
Owner: 60 William St. LLC
Location: 60 William Street

SITE PLAN application to construct a Mixed-Use with Residential building (21 apartment units and two retail spaces).

The Comment Letters from the City Engineer and City Planner, a New York State Department of Environmental Conservation Comment Letter, and Remedial Investigation Work Plan Addendum were made a matter of record.

Chris Berg appeared before the Board and gave an overview of the project. He last appeared before the Board in August 2024. He said the project has been accepted into the New York State Brownfield Cleanup Program. He said the property owner is working through those details with the DEC. He said the project requires additional investigation, including installation of monitoring wells on the site and in the sidewalk adjacent to the property.

DISCUSSION BY THE BOARD

The Assistant City Engineer reviewed his comment letter. He asked the Board to review the rear yard landscaping plan and front yard lighting plan. He requested that the site plan note all remediation remedies once the Remedial Action Work Plan (or similar document) is approved by the DEC.

The Chairperson asked about the small piece property that bumps out at the rear.

Mr. Berg said the bump out piece will be landscaped.

Ms. Ware requested the submission of additional landscaping details.

Mr. Cox asked where the garbage will be located.

Mr. Berg said there will be an internal trash room consisting of 4 garbage bins and 3 recycling bins.

The City Planner reviewed his comment letter. He requested submission of an updated Environmental Assessment Form. He said to refrain from placing the tree species on the plan set until the full scope of remediation has been determined.

The Chairperson asked to reiterate for the Board why the property requires remediation.

The Assistant Corporation Counsel said there is evidence of underground gas tanks located within the property boundary according to Sanborn mapping and later confirmed by ground penetrating radar.

The Assistant Corporation Counsel said to Mr. Berg that installation of any monitoring wells in the sidewalk area or any other City right-of-way would require a license agreement authorized by the City Council.

The Assistant Corporation Counsel recommended no action taken by the Board because SEQRA is not complete and continued Brownfield program investigation is needed to inform any SEQRA determination. He said the Board should continue to provide comment to the application regarding the design and layout of the building and surrounding area of the property.

The Chairperson asked to show the building's entrances.

Mr. Berg said the residential entrance is in the middle of the front façade and each retail space has its own entrance.

The Chairperson asked about egress.

Mr. Berg said the building has two (2) fire staircases, an elevator and egress in the lobby, and a hallway that exits out onto William Street.

The Chairperson asked if the building touches the sidewalk.

Mr. Berg said the building touches the property line and aligns with the neighboring properties.

Mr. Ware requested the submission of a lighting plan.

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

Index No. 2025-13

Applicant: Dexter Development & Renovations, LLC (by Tim Dexter)
Owner: Ebenezer Baptist Church
Location: Robinson Avenue (SBL: 3-9-24.21)

SUBDIVISION application to subdivide a vacant parcel into five lots and construct single-family townhouses on each lot.

The Comment Letters from the City Engineer and the City Planner, New York State Homes and Community Renewal, the Orange County Department of Health, the Department of Environmental Conservation (DEC), and initial submission documentation from the New York State Historic Preservation Office (SHPO), were all made a matter of record.

Michael Morgante and Chris Berg appeared before the Board.

Mr. Morgante gave an overview of the updates made to the plan since the last presentation to the Board at the May meeting.

DISCUSSION BY THE BOARD

The City Planner reviewed his comment letter.

The Assistant City Engineer reviewed his comment letter. He asked that the Board review the landscaping plan. He said the grass strip between the curb and the sidewalk is not large enough to accommodate a tree and recommends planting a street tree next to the front foundation.

Mr. Morgante said tree roots have strong potential to impact the multiple utility lines located at the front of the property.

The Assistant City Engineer recommended some type of planting to soften the look of the three-story townhouses along Robinson Avenue.

The City Planner recommended using planting boxes as an alternative to plantings.

The Assistant City Engineer recommended porch lights at the rear of the property, instead of a light pole, as to not offend the neighboring property.

Mr. Morgante said they would propose wall mounts.

The Assistant City Engineer recommended screening the shared driveway to avoid headlights shining into the windows of the neighboring property during nighttime traffic ingress/egress.

The Assistant Corporation Counsel said the proposed cross easement language is generally acceptable. He asked for status of the submission to the Orange County Department of Health.

Mr. Morgante said the applicant wanted to get feedback from the Board on the latest submission and complete the public hearing prior to submittal. He expected a submittal to the OCDOH to follow shortly.

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

Charles Robison seconded the motion.

The motion passed unanimously via roll-call vote.

The Chairperson opened the public hearing for comment.

No one was present for or against the application.

Weaver Debe moved to close the public hearing.

Charles Robison seconded the motion.

The motion passed unanimously via roll-call vote.

The Chairperson asked to confirm the planting designated in front of the townhouses.

The Assistant City Engineer said it is an evergreen shrub.

The Chairperson asked if there are proposed walkways that lead up to each townhome.

Mr. Morgante confirmed.

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

NEW BUSINESS

Index No. 2025-15

Applicant: Chris Berg/Fifth Street Architecture, PLLC

Owner: 48 Hasbrouck LLC

Location: 330 First Street

SUBDIVISION application of the existing parcel into two lots.

Index No. 2025-16

Applicant: Chris Berg/Fifth Street Architecture, PLLC

Owner: 48 Hasbrouck LLC

Location: 330 First Street

SITE PLAN application to demolish the single-family dwelling on-site and construct two, three-family buildings on a subdivided lot.

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 Assistant City Engineer reviewed his comment letter. He said the 2-foot buffer strip is not enough to plant trees and will conduct an on-site review to evaluate landscaping recommendations.

The Chairperson asked if the buildings will share a common wall.

Mr. Berg confirmed.

The City Planner reviewed his comment letter. He requested describing the new construction on the Environmental Assessment Form. He asked the Board to review the proposed bicycle parking.

The Assistant Corporation Counsel said a public hearing is required for the subdivision portion of the application.

The Assistant Corporation Counsel referred to City Code Section 266 as the operative code provision for subdivision approval. He asked the applicant whether he would waive the requirement that the Planning Board take action on the preliminary plat within 62 days of application submission.

The applicant waived the 62-day requirement.

Duane Ware moved to waive the referral to the Orange County Department of Planning.

Weaver Debe seconded the motion.

The motion passed unanimously via roll-call vote.

Mr. Ware asked to confirm that the existing building will be a total demolition.

Mr. Berg confirmed.

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

With no further business to discuss, the meeting adjourned at 9:36 p.m.

Respectfully submitted:

J.K. Gentile, Secretary