

PLANNING BOARD MEETING

The monthly meeting of the City of Newburgh Planning Board was held on Tuesday, August 19, 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: Allison Spinelli, Assistant City Engineer
Jonathan Midler, City Planner
Jeremy Kaufman, Assistant Corporation Counsel
J.K. Gentile, Secretary

Absent: Daryl Kranec (alternate)
Rashidah Green-Sherman

The Chairperson called the meeting to order at 7:30 p.m. after confirming a quorum.

APPROVAL OF MINUTES

Minutes of the July 2025 Meeting

Duane Ware moved to approve the July 15, 2025 minutes as submitted.
David Lopez seconded the motion.
The motion passed unanimously via roll call vote.

SITE PLAN APPROVAL EXTENSION REQUESTS

Index No. 2019-11

Applicant: Phil Bell, P.E.
Owner: Newburgh Commercial Development Corp.
Location: 639 Broadway

SITE PLAN AMENDMENT to a project originally approved January 2020 (Index #2019-11) to convert a vacant building into a site with multiple commercial uses (Professional Office, Retail, Restaurant), and construct a 15,200 square foot distillery.

Phil Bell, P.E. appeared before the Board.

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

The Assistant Corporation Counsel said the applicant received its original site plan approval in August 2024 and presents now for a one-year extension request.

Mr. Bell said the owner is working with a potential tenant who would like to open a pilates studio. He said a pilates studio is considered an “Activity Facility” under Newburgh City Code and that use would require an additional 3 parking variance request. He said the Planning Board granted relief of the parking requirement at the August 2024 meeting for the original uses and requested consideration for this new use request.

The Assistant Corporation Counsel said the application currently before the Board is a site plan amendment extension request only. He said once the owner obtains a site plan amendment extension approval and all the required site improvements have been completed, the owner may apply for a change of use relative to the pilates studio.

The Planning Board found no significant changes to the City of Newburgh Master Plan or City Code have occurred since the issuance of the original amendment approval.

Charles Robison moved to approve a one-year extension of the Site Plan amendment approval.

Alicia Ware seconded the motion.

The motion passed unanimously via roll-call vote.

Index No. 2024-11

Applicant: Chris Berg/Fifth Street Architecture, PLLC

Owner: John Schmidt

Location: 506 Liberty Street

SITE PLAN application to convert the existing one-family dwelling to a three-family dwelling.

Chris Berg appeared before the Board.

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 in August 2024 and presents now for a one-year 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 Site Plan approval.

David Lopez seconded the motion.

The motion passed unanimously via roll-call vote.

OLD BUSINESS

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 and New York State Department of Environment Conservation SEQRA Determination Letter were made a matter of record.

Jonathan Cella, P.E. appeared before the Board and gave a brief overview of the updates made to the plan since the last presentation to the Board in June 2025.

DISCUSSION BY THE BOARD

The City Planner reviewed his comment letter. He said all outstanding comments have been satisfied.

The Assistant City Engineer reviewed her comment letter. She said an updated site plan was not submitted for the August meeting and the comment letter presented to the Board reflects minor updates from the June meeting. She said the outstanding comments are technical in nature and can be addressed before submitting the final site plan for signature.

Alicia Ware moved to declare the Planning Board as Lead Agency under SEQRA.
Duane Ware seconded the motion.
The motion passed unanimously via roll-call vote.

Alicia Ware moved to issue a negative declaration under SEQRA.
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 comments.
Charles Robison seconded the motion.
The motion passed unanimously via roll-call vote.

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 and updates of the proposed project.

DISCUSSION BY THE BOARD

The Assistant City Engineer reviewed her comment letter. She referred the Board to the comment regarding streetscape standards. She said a site visit is pending to review the exact dimensions for the streetscape. She said once the dimensions are defined, she asked that the site plan reflect the updated dimensions. She asked the Board to review the proposed bicycle parking, refuse management and lighting plan. She said the plan to plant two trees in the front yard instead of the two-foot buffer strip is also pending a site visit review. She requested rear splash block detail.

The City Planner reviewed his comment letter. He said the streetscape standards are complicated by non-existent curbs in the area, and the site visit is needed to define the dimensions. He recommended referring to the “Recommended Street Tree” list and/or the “Conservation Advisory Council’s Street Tree” list regarding the proposed tree plantings. He asked the Board to review the proposed bicycle parking.

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

Ramon Padro spoke against the application due to lack of off-street parking availability.
Virginio Vazquez spoke against the application due to lack of off-street parking availability.
Arisbeidi Vazquez spoke against the application due to lack of off-street parking availability.

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

Alicia Ware moved to waive a public hearing for the Site Plan application.
Duane Ware seconded the motion.
The motion passed unanimously via roll-call vote.

Mr. Cox asked if the subdivision and site plan approval tied together.

The Assistant Corporation Counsel confirmed, because the site plan addresses construction of two new buildings, one on each of the subdivided lots. He said if the owner was unable to receive

subdivision approval, the owner would be unable to construct two buildings on the single, existing parcel.

Mr. Cox asked if the applicant would be appealing to the Zoning Board of Appeals for a parking variance request.

The Assistant Corporation Counsel confirmed. He referred the Board to the Informational/Building Inspector's ruling included in the submitted meeting materials.

Mr. Cox asked if there is a mandatory public hearing at the Zoning Board of Appeals initial appearance.

The Assistant Corporation Counsel confirmed and discussed the differences between a public hearing for Planning Board and Site Plan consideration, and for Zoning Board of Appeals and variance consideration.

Mr. Cox requested submission of photos showing current streetscape conditions and neighboring properties.

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

NEW BUSINESS

Index No. 2025-17

Applicant: Chris Berg/Fifth Street Architecture, PLLC
Owner: Gabriel Gualpa
Location: 15 Hasbrouck Street

SITE PLAN application to convert a one-family residential dwelling to a three-family residential dwelling by constructing a 3-story and 1,462 square foot addition to the rear of the existing building. In addition, construct a 672 square foot detached garage in the rear yard of the 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 City Planner reviewed his comment letter. He said this project is a Type II action under SEQRA. He said the existing curbs are not in compliance with the streetscape standards. He asked the applicant to determine if the existing tree will be removed to accommodate overhead utilities. He said a landscape buffer is required on the eastern and western property lines to screen vehicles from the adjoining properties and public view.

The Assistant City Engineer reviewed her comment letter. She requested the submission of a signed and sealed survey. She asked the Board to review the refuse management plan, proposed fencing, and the lighting plan. She said a site visit is pending to review streetscape standards implementation. She requested the location of the roof leaders be detailed on the site plan. She requested clarification of any existing gas infrastructure.

Mr. Cox asked if the proposed construction height and proposed dwelling configuration was consistent with the neighboring properties.

Mr. Berg said the neighboring properties are two to three story buildings consisting of two to three family dwellings.

Charles Robison moved to waive a public hearing for the Site Plan application.

Alicia Ware seconded the motion.

The motion failed (2-4) via roll-call vote. A public hearing will be scheduled for this application.

Mr. Berg gave an overview of the lighting plan.

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

Index No. 2025-18

Applicant: Zaneta Vopatova/Pastelitos LLC

Owner: Nikadam Properties LLC

Location: 117-129 Washington Terrace

SITE PLAN application to establish a sports bar (Restaurant) for the entirety of the two attached buildings.

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

Mario Henandez and Zaneta Vopatova appeared before the Board.

Mr. Hernandez gave an overview of the proposed project.

DISCUSSION BY THE BOARD

The City Planner reviewed his comment letter. He requested confirmation on the total number of proposed pool tables for an accurate off-street requirement determination. He requested the submission of an existing conditions plan. He asked for clarification of the requested off-street parking waiver.

The Chairperson asked if the rear handicap space was ADA compliant.

The Assistant City Engineer said clarification is required to determine if the ADA parking space exists or is proposed and whether the sidewalk that is attached to the space is ADA compliant.

The Assistant City Engineer reviewed her comment letter. She agreed with the submission of an existing conditions plan. She requested a signed and sealed survey and the property deed. She asked the Board to review the sanitation management plan and noted that a sanitation permit is required for commercial properties and obtained from the Superintendent of Public Works. She requested curb and sidewalk dimensions and notes, lighting and signage details, and drainage details added to the site plan. She recommended the design professional submit a response letter addressing the technical issues and to FOIL for the location of existing water, sewer and gas utilities and grease traps. She said there is concern with City Engineer's office regarding the status of the retaining wall and asked the applicant to for an engineer's letter stating if the retaining wall is sufficient for the proposed parking and traffic loads.

Alicia Ware moved to waive a public hearing.

Murray Cox 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.

Mr. Cox asked to locate the retaining wall.

Mr. Hernandez said it is at the west side of the property, towards the rear of the parking lot.

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

With no further business to discuss, the meeting adjourned at 9:15 p.m.

Respectfully submitted:

J.K. Gentile, Secretary