

PLANNING BOARD MEETING

The City of Newburgh Planning Board meeting was held on Tuesday, November 20, 2018
at the Activity Center, 401 Washington Street, Newburgh, NY 12550

Members Present: Lisa Daily, Chairperson
Argelia Morales
Alicia Ware
Duane Ware
Heather Moore

Members Absent: Sarah Hooff

Also Present: Chad Wade, Assistant City Engineer
Jeremy Kaufman, Assistant Corporation Counsel
Omar Balbuena-Palma, Secretary

The meeting was called at 7:30 p.m. after a quorum was confirmed.

APPROVAL OF MINUTES

Ms. Ware moved to approve the minutes of the October board meeting.
Ms. Morales seconded the motion.

The motion carried unanimously.

PUBLIC HEARING

Index No. 2018-17

Applicant: RUPCO
Owner: Newburgh Community Land Bank, Inc.
Location: 116 Lander Street

SUBDIVISION to subdivide the property into three (3) lots.

The Informational Inspection Report of the Building Inspector and the comment letters of the City Engineer and City Planner were made a matter of record.

DISCUSSION BY THE BOARD

AJ Coppola, Project Architect, and Emily Hamilton from RUPCO, appeared before the Board representing the Property Owner.

The Project Architect said 116 Lander Street is part of the RUPCO/Land Bank, Phase II project. He gave a review of the RUPCO/Land Bank project and highlighted the following:

- Project was partially funded by the low-income housing tax credit (LIHTC) program and the Historic Tax Credit (HTC) program
- Existing building at 116 Lander Street is collapsing. The intent is to renovate the building and construct two (2) additional buildings on the property
- Sanborn map from 1887 showed (2) houses on 116 Lander Street and the proposal has been modified to reduce the building size on the south end of the lot
- 116 Lander Street proposal is to subdivide into the following three lots:
 - 118 Lander Street – One (1) one-bedroom apartment and two (2) three-bedroom apartments in new building
 - 116 Lander Street – One (1) bedroom apartment and two (2) two-bedroom apartments in existing building
 - 114 Lander Street – Two (2) one-bedroom apartments in new building
- Project will require approval from the Zoning Board of Appeals (“ZBA”) for area variances.

The Assistant City Engineer said a few minor comments are noted on his comment letter but there is nothing significant that requires delaying preliminary plat approval. He said the Engineering Department reached out to the Orange County Clerk regarding the subdivision map filing requirements. He confirmed there is no issue if the submission to the Orange County Clerk separates puts the proposed subdivision map on page 1 of the submission, followed by a series of site plan details on additional pages.

The Assistant Corporation Counsel said the Planning Board should open the public hearing. He said the action is an unlisted action under SEQRA and the Board may declare itself lead agency and vote to approve the preliminary plat. He said if the Planning Board approves the preliminary plat, the Applicant should submit the final plat in accordance with the requirements of chapter 266 of the City of Newburgh City Code. He said the City Planner was not able to attend the meeting and that she has no additional comments on the application.

The Chairperson opened the public hearing.

Dmitry Pavlov, 146 Third Street, said he is opposed to the construction of 114 Lander Street. He submitted a letter (which was made part of the record) for the Board’s consideration. Mr. Pavlov said he has no issues with the proposed construction of 118 Lander Street.

There was no one else present to speak for or against the application.

Mr. Ware moved to close the public hearing.

Ms. Moore seconded the motion.

The motion passed unanimously.

The Project Architect said there will be no windows on the rear of the proposed building at 114 Lander Street. He said the building will be set back approximately three (3) feet from the property line and that layout is not unusual to the neighborhood.

Ms. Moore requested a clarification of the differences between the preliminary plat approval and the final plat approval.

The Assistant Corporation Counsel said many of the substantive details are the same, but there are procedural requirements for each. All of the requirements are contained in Chapter 266 of the City Code. He said the preliminary plat approval requires the Board to review the application and location of the subdivision lines and consider the future intention of the lot. He said plats with more than 5 proposed lots – not applicable here --- must comply with the Orange County Department of Health regulations. He said the final plat approval involves requires the final details of all subdivision lines, incorporated into the plat in a way manner and form acceptable to the Orange County Clerk. He said if the plat is approved, the Applicant must also obtain appropriate area variances from the ZBA and return to the Planning Board for a vote on the final plat.

Ms. Ware moved to declare the Planning Board Lead Agency pursuant to SEQRA.

Ms. Morales seconded the motion.

The motion passed unanimously.

Ms. Moore moved to issue a Negative Declaration pursuant to SEQRA.

Ms. Ware seconded the motion.

The motion passed unanimously.

Ms. Moore moved to approve the preliminary plat subject to the following conditions:

1. The Applicant shall satisfy all comments set forth in the Informational Inspection Report of the Building Inspector, the Comment letter of the City Planner and the Comment letter of the City Engineer.
2. The Applicant shall receive appropriate area variances from the Zoning Board of Appeals prior to final plat approval.

Ms. Ware seconded the motion.

The motion passed unanimously via roll-call vote.

OLD BUSINESS

Index No. 2018-07

Applicant: BOM Newburgh, LLC

Owner: BOM Newburgh, LLC

Location: 109 S. William Street

SITE PLAN to redevelop a vacant warehouse for mixed use, with ground floor use as a Restaurant; first floor use as Professional Office, and the second floor use as up to eight residential units (Apartment House).

The Informational Inspection Report of the Building Inspector and the comment letters of the City Engineer and City Planner were made a matter of record.

DISCUSSION BY THE BOARD

Neil Wilson, attorney from Mackey Butts & Wise, appeared before the Board on behalf of the Property Owner, along with Colin Brice, Project Architect, and Sisha Ortuzar.

Mr. Wilson gave a brief review of the project. He said an amendment request was submitted to the Architectural Review Commission (“ARC”) and the ARC approved installation of lighting, signage and six (6) foot tall fencing. He said they are returning for a determination regarding the sidewalk because they are concerned about the durability of the concrete suggested in the Streetscape Standards where the most vehicle traffic will take place.

The Assistant City Engineer said he is waiting for a determination by the ARC regarding the sidewalk and any additional exterior work. He said the concrete used in the Streetscape Standards is the standard concrete the Applicant proposes but with added dye and a stamped and broom finish. Durability shouldn’t be an issue. He said the Applicant should review his comment letter and reach out to the Engineering Department for clarification.

The Assistant Corporation Counsel reiterated that the City Planner was not able to attend the Planning Board meeting. He said the City Planner forwarded her comment letter for consideration by the Board. He said per the City Planner’s comment letter, the applicant should review § 300-154 of the City of Newburgh City Code and modify the streetscape design to conform.

Ms. Daily said the Applicant must address the comments by City Staff and the Board is waiting for a determination from the ARC regarding the sidewalk.

The application was tabled and the Applicant was informed to return to the December Planning Board meeting.

NEW BUSINESS

Index No. 2018-18

Applicant: St. Luke’s Cornwall Hospital
Owner: St. Luke’s Cornwall Hospital
Location: 70 Dubois Street

SITE PLAN to vertically expand and renovate the southwest corner of the Hospital, including renovation of the Emergency Department (“ED”), renovation to construct an Magnetic Resonance Imaging (“MRI”) service area, construction of a 4,850 square foot vertical expansion above the ED and expansion of the ambulance area.

The Informational Inspection Report of the Building Inspector and the comment letters of the City Engineer and City Planner were made a matter of record.

DISCUSSION BY THE BOARD

Joseph Surace, Vice President for St. Luke’s Hospital, appeared before the Board along with Amy Haight, Project Engineer, and Kurt Bower, Project Architect.

Mr. Surace said the intent is to install/modify the signs on the building, expand a portion of the building, and create some additional parking spaces because St. Luke's Hospital joined with Montefiore.

Ms. Daily said she was in St. Luke's Cornwall Hospital recently and the Emergency Department needs additional space.

The Project Engineer said the expansion will add a second floor above the existing emergency entrance and there is no expansion of the building footprint. She said the parking spaces for the ambulance will increase by six (6) spaces. She said there will be a negligible increase of no more than 5% stormwater runoff.

The Project Architect displayed a rendering of the expansion (which was made part of the record) for the Board's consideration. He said the ARC partially approved the application to install signage. They are submitting an update to the ARC for the remaining approvals shortly.

The Assistant City Engineer said any disturbed landscaping needs to be replaced with appropriate information included as part of the plan set. He said the Applicant needs to prepare a partial Stormwater Pollution Prevention Plan ("SWPPP") consisting of a pre vs. post-construction drainage analysis, and an erosion & sediment control plan with appropriate construction details in conformance with the latest edition of the New York State Standards and Specifications for Erosion & Sediment Control Manual. He said a review of the above items will be necessary for the City to sign the MS4 Acceptance Form should the Planning Board approve the project. He said the Applicant is expecting a negligible increase of no more than 5% stormwater runoff but the actual amount depends on the extent of the Applicant's proposed work. He said a waiver of the remaining site plan requirements will be addressed when/if the Planning Board moves to approve the submitted site plan.

The Assistant Corporation Counsel said the City Planner forwarded a comment letter for consideration by the Board. He said per the City Planner's comment letter, the project is within 2,000 feet of projects in the DEC Spills and ESR database and the City is aware of the open spill, 1503994. He said the City is aware that the tank has been removed and although the Spill has not yet been closed, it does not affect this application.

The Assistant Corporation Counsel raised an issue regarding the SEQRA designation by the City Planner for 70 Dubois Street. He said the action should be noted as an unlisted action under SEQRA and not as a Type I action.

Ms. Moore asked for the complete requirements for site plan review. She requested a clarification of the process for waiving those requirements.

The Assistant City Engineer said the site plan requirements can be found in § 300-87 of the City of Newburgh City Code. He said the Engineering Department reviews the requirements and makes a determination whether the Applicant has addressed the applicable requirements. He said an Engineering comment letter is then provided to the Board for their consideration.

The Assistant Corporation Counsel said Board members may request additional information they feel is necessary to address concerns with the site plan requirements. He said in the event of approval, any information not specifically address by staff and not provided on the final signed

site plan constitutes a waiver of those items by the Planning Board in accordance with § 300-87 (C) of the City of Newburgh City Code.

Ms. Daily asked for a clarification on SEQRA evaluation in connection to ARC review.

The Assistant Corporation Counsel said recent case law suggested that most ARC application approvals would no longer require SEQRA review. The Office of the Corporation Counsel issued an opinion letter stating basically that the ARC no longer needs to undertake a SEQRA review in connection with most of the applications before it. He said applications that request a Certificate of Appropriateness to demolish a structure in the Historic District are the exception, and the ARC should continue to perform a SEQRA review and analysis for those applications.

Mr. Ware moved to waive the public hearing.

Ms. Morales seconded the motion.

The motion passed unanimously.

Ms. Moore moved to declare the Planning Board Lead Agency pursuant to SEQRA.

Ms. Morales seconded the motion.

The motion passed unanimously.

Ms. Ware moved to issue a Negative Declaration pursuant to SEQRA.

Ms. Moore seconded the motion.

The motion passed unanimously.

Ms. Ware moved to approve the Site Plan application subject to the following conditions:

1. The Applicant shall satisfy all comments set forth in the Informational Inspection Report of the Building Inspector, the Comment letter of the City Planner and the Comment letter of the City Engineer.
2. Receive appropriate approvals for exterior renovations/repairs from the City of Newburgh Architectural Review Commission.

Ms. Morales seconded the motion.

The motion passed unanimously via roll-call vote.

Index No. 2018-19

Applicant: Philippe Pierre

Owner: Old Newburgh Properties, LLC.

Location: 23 Dubois Street

SITE PLAN to convert the first floor, east unit to a residential unit, making a total of six (6) units (Apartment House).

The Informational Inspection Report of the Building Inspector and the comment letters of the City Engineer and City Planner were made a matter of record.

DISCUSSION BY THE BOARD

Philippe Pierre, Applicant, appeared before the Board.

The Applicant said the existing building is a recently-purchased three (3) story building at the corner of Dubois Street and Van Ness Street. He said the property currently has five (5) occupied units and the intent is to convert the first floor, east unit to a residential unit, making six (6) residential units total. He said the unit currently has a full kitchen and bathroom available for use but it has been vacant since he purchased the property. He said he would like to rent out the vacant space as a studio apartment, but first requires approvals to do so. He said there are no proposed changes to the exterior or the building footprint, and an application to the ZBA was also submitted for area variances.

The Assistant City Engineer said the Applicant submitted a survey for consideration. He said there are no proposed changes to the exterior and he recommended waiving the site plan requirements.

The Assistant Corporation Counsel said the City Planner forwarded a comment letter for consideration by the Board. He said per the City Planner's comment letter, the action is an unlisted action under SEQRA and question E.2 (0) in the Full EAF is triggered by habitats in the Hudson River that are within the buffer area of this project. He said because there is no planned site work there is no further clarification needed.

The Assistant Corporation Counsel said any site plan approval needs to be conditioned on obtaining the applicable area variances by the ZBA. He confirmed with the applicant that if the Planning Board or Zoning Board of Appeals denied his application, or if a Certificate of Occupancy could not issue from the Building Department (due to square footage constraints), the applicant could not use the proposed 6th unit.

Mr. Ware said the Board may choose to wait until the ZBA makes a determination on the variance application.

The Assistant Corporation Counsel said that the increase in use triggered the need for a site plan application to the Planning Board and an area variance application to the ZBA. He said the project requires approvals by both Boards to move forward but the application approvals may operate independent of one another. He said the only reason the Applicant is appearing before the Planning Board first and not the ZBA is due to the timing of the meeting.

Ms. Moore confirmed the unit is already in existence and does not require a lot of work to bring into compliance. She said the application may still be denied by the ZBA or the Building Department if the Applicant does not meet the applicable requirements. She confirmed the Applicant may not use the unit until approval by the Building Department is given.

Ms. Moore moved to waive the public hearing.

Ms. Morales seconded the motion.

The motion passed unanimously.

Ms. Moore moved to declare the Planning Board Lead Agency pursuant to SEQRA.

Ms. Ware seconded the motion.

The motion passed unanimously.

Ms. Moore moved to issue a Negative Declaration pursuant to SEQRA.

Ms. Ware seconded the motion.

The motion passed unanimously.

Mr. Morales moved to waive the Site Plan requirements under the City Code.

Mr. Ware seconded the motion.

The motion passed unanimously via roll-call vote.

Ms. Ware move to approve the Site Plan application subject to the following conditions:

1. The Applicant shall satisfy all comments set forth in the Informational Inspection Report of the Building Inspector, the Comment letter of the City Planner and the Comment letter of the City Engineer.
2. Receive appropriate variances from the City of Newburgh Zoning Board of Appeals.

Ms. Moore seconded the motion.

The motion passed unanimously via roll-call vote.

With no further business to discuss, the meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Omar E. Balbuena-Palma,
Secretary to the Land Use Boards