Lisa Daily, Chairperson
Omar E. Balbuena-Palma, Secretary
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PLANNING BOARD MEETING

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

Members Present: Lisa Daily, Chairperson
Argelia Morales
Alicia Ware
Duane Ware
Heather Moore
Sarah Hooff (non-voting)

Members Excused: Lillian Burgarelli
Kent Diebolt (Alternate)

Also Present: Jason Morris, City Engineer
Alexandra Church, City Planner
Jeremy Kaufman, Assistant Corporation Counsel
Omar E. Balbuena-Palma, Land Use Board Secretary

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

APPROVAL OF MINUTES

Duane Ware moved to approve the minutes of the December Board meeting. Argelia Morales seconded the motion.

The motion carried unanimously.

PUBLIC HEARING

INDEX NO. 2017-28 SITE PLAN to reuse the existing structure for Hudson Taco and stripe the road for on-street parking and a crosswalk.
Location: 27 S. Water Street
Owner/ Applicant: West Shore Hudson, LLC

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

DISCUSSION BY THE BOARD

Kelly Libolt, from KARC Planning Consultants, Inc., appeared before the Board for the Applicant. She re-stated a brief overview of the project. She added that the new proposed restaurant will be connected to the new sewer line. She also submitted a permission/authority letter from the neighboring property to allow access to the Applicant's dumpster for trash removal.

Ms. Daily asked about the location of the proposed crosswalk.

Alicia Ware moved to open the public hearing.
Heather Moore seconded the motion.
The public hearing was opened.

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

Alicia Ware moved to close the public hearing.
Heather Moore seconded the motion.
The public hearing was closed.

The City Planner said the proposed action lies in an archaeological sensitive area, butthere is no need for further investigation because the Applicant is not proposing any site work that would disturb the ground. She said the Applicant requires a Highway Work Permit from NYSDOT for the proposed work on Water Street. She added that reduction of speed, the addition of on-street parking, and the improved pedestrian access is generally consistent under the "Complete Streets" projects in the City.

The City Engineer said the Applicant's consultants are working to address the remaining three (3) outstanding comments. He said the Applicant should show the new sewer lateral connection on the site plan, update the cover sheet with new signatures, and provide the reference map on the access agreement.

The Applicant said the sewer lateral connection has been added to the site plan and McGoey, Hauser and Edsall Consulting Engineers, D.P.C. provided a letter dated January 5, 2018 indicating the proposed lateral connection as part of the project. She said a revised cover sheet will be submitted and that she will work with the Engineering Department to clarify the access agreement dated December 28, 2018.

Ms. Moore asked whether a bike path was considered or was part of the application, in connection with a possible broader bike path plan for the Water Street corridor.

The City Planner said that Orange County has designated S. Water Street as a bicycle route and after conversing with the Applicant, it was determined that implementing a ten (10) foot long bicycle lane was not considered an improvement. She said the idea was to slow vehicle speeds that will enable further conversations with NYSDOT to implement a safer bicycle and pedestrian route.

Ms. Daily clarified that a bicycle lane may still be added in the future.

Heather Moore moved to issue a Negative Declaration pursuant to SEQRA.
Alicia Ware seconded the motion.
The motion carried unanimously.

Heather Moore moved to approve the application under the following conditions:

1. The Applicant shall satisfy all comments in the Informational Inspection Report and the comment letters of the City Planner and City Engineer.

Alicia Ware seconded the motion.
The motion passed unanimously via roll call vote.

NEW BUSINESS

INDEX NO. 2017-05 SITE PLAN to change the use of the building to a Restaurant and Bar.
Location: 136 Lake Street
Owner/ Applicant: Lakeside Plaza Associates, L.L.C. / Aleza Morgan & Carey Lewis

The comment letter of the City Planner was made a matter of record.

DISCUSSION BY THE BOARD

Aleza Morgan, Applicant, and Jonathan Cella, Project Engineer, appeared before the Board. Mr. Cella said the property is located in the Medium Density Residential Zone with a Commercial Overlay and the use is permitted by right with Site Plan approval by the Planning Board. He said the intent is to introduce the project to the Planning Board and begin the review process by the Board. He did not know how long the rental unit in the building was vacant. The intent is to change the use of the specific unit into a restaurant/bar. He said the unit's footprint is around 2,500 sq. ft. and there are no proposed changes to any portion of the building footprint. He said the interior will be divided to address the restaurant's needs. He said the application will require review by the Conservation Advisory Council ("CAC") and GML §239. He said the hours of operation listed on the Site Plan are:

Monday – Thursday	11:00 a.m. to 12:00 a.m.
Friday & Saturday	11:00 a.m. - 2:00 a.m.
Sunday	12:00 a.m. - 10:00 p.m.

The City Planner said the action is unlisted under SEQRA and requires review by the CAC and GML §239 review.

The City Engineer said he had no comments for the Board.

The Assistant Corporation Counsel made the Board aware of code violations that affected the entire building, and that the property owner was working to remediate the violations. He said that Site Plan approval was different from a Certificate of Occupancy, and both would be required for the Applicant to move forward with restaurant opening. For Planning Board purposes however, only the Site Plan considerations were appropriate. The applicant elected to move forward with the Planning Board application in hopes that the violations will be remediated by the landlord within the next 1-2 months.

Ms. Morales requested the maximum capacity of the building.

Ms. Daily said the interior layout should be submitted and the Applicant should contact the property owner to address the status of the code violations.

The Applicant agreed and requested to attend the next Planning Board meeting.

The Applicant was informed to attend the next Planning Board meeting on March 20, 2018.

INDEX NO. 2018-01 SITE PLAN to change the use of the building from a two-family dwelling into a four-family dwelling.
Location: 203 Liberty Street
Owner/ Applicant: Executive Realty Group (Wolf Friedman) / Jon Moss

The Informational Inspection Report of the Building Inspector, the Architectural Review Commission ("ARC") decision letter and the comment letters of the City Planner and Orange County Department of Planning were made a matter of record.

DISCUSSION BY THE BOARD

Jon Moss, Applicant, appeared before the Board. He said the intent is to renovate the building and change the use into a four-family dwelling. He said the building has four (4) kitchens and may have been previously used as a four-family dwelling. He said there are no proposed changes to the building footprint and the building will have a sprinkler system installed. He said the top floor will be modified as per the ARC decision letter.

The City Planner clarified that the action is a Type 1 action under SEQRA that GML §239 review was required, and review by the CAC was not required. She said the application does not require a referral to the Department of Environmental Conservation or the State Historic Preservation Office because the Applicant is not proposing any site work that would disturb the ground.

The City Engineer said there are no site improvements and recommended waiving the Site Plan requirements.

Ms. Hooff said the tax records show the building was sold as a two-family dwelling in 2015 and 2017, as a three-family dwelling in 2008, and a four-family dwelling in 2003.

Mr. Ware clarified that the building will have four, three-bedroom units.

Ms. Daily clarified that each unit is roughly 800 to 900 sq. ft.

Argelia Morales moved to waive the public hearing.
Alicia Ware seconded the motion.
The motion carried unanimously.

Argelia Morales moved to declare Lead Agency pursuant to SEQRA.
Heather Moore seconded the motion.
The motion carried unanimously.

Heather Moore moved to issue a Negative Declaration pursuant to SEQRA.
Argelia Morales seconded the motion.
The motion carried unanimously.

Argelia Morales moved to waive the Site Plan requirements under the City Code.
Alicia Ware seconded the motion.
The motion passed unanimously via roll call vote.

Duane Ware move to approve the Site Plan application as submitted.
Heather Moore seconded the motion.
The motion passed unanimously via roll call vote.

PERMIT EXTENSION REQUESTS

INDEX NO. 2017-01 SPECIAL OFF STREET PARKING PERMIT for four (4) parking spaces.
Location: 49 Carpenter Avenue
Owner/Applicant: Amiris Diaz/ Jonathan Cella

Amiris Diaz, Property Owner, and Jonathan Cella, Project Engineer, appeared before the Board. Mr. Cella said the Owner was granted a one-year Special Off-Street Parking Permit for four (4) parking spaces on February 21, 2017 and the Owner is requesting an extension for two (2) years.

The Assistant Corporation Counsel gave a brief background of the application and said the Applicant was originally not able to provide the required amount of parking spaces on-site. He said that per City Code, the Applicant had two methods to seek relief. First was to obtain a variance from the Zoning Board of Appeals ("ZBA"); the other was to request a Special Off Street Parking Permit from the Planning Board. He said the Applicant chose to submit an application to the Planning Board. During the February 2017 meeting, the Board found, based on a review of the materials submitted, representations made by the Applicant, and discussions had at the Planning Board meetings, that there was sufficient on-street parking spaces within 500 ft. of 49 Carpenter Avenue to accommodate the Special Parking Permit

Alicia Ware asked why the Owner did not choose to submit an application to the ZBA for a variance.

Mr. Cella said there was a misunderstanding of the options at the time and he will discuss the possibility of a variance with the Owner.

Alicia Ware moved to extend the Special Off Street Parking Permit for one year.
Lisa Daily seconded the motion
The motion passed unanimously via roll call vote.

INDEX NO. 2017-21 SPECIAL USE to change the use of the property to Automobile Service & Repair.
Location: 46 William Street
Owner/ Applicant: Jaber Nidal / Wendell Jackson

Wendell Jackson, Applicant, appeared before the Board.

The Assistant Corporation Counsel gave a brief background of the application. He said the Applicant was granted a Special Use Permit to operate an Automobile Service and Repair business at 46 William Street. He said although no formal letter was submitted by the Building Inspector, City Staff was notified that no serious code violations existed on the property. According to conversations with the Building Inspector, the Applicant has made progress in remediating some existing violations that the Board was aware of prior to approval.

The Applicant asked if he could sublease the vacant section on the building to a third party because he has not been successful in using the space as a retail store. He also asked if the Planning Board could transfer the Special Use Permit to a different property address.

The Assistant Corporation Counsel said that if the Applicant wants to sublease the vacant section of the building, he should confirm whether the proposed use is a permitted use per the City Code. If so, the responsibility would fall on the sublessee and the Property Owner to submit an application to the Building Department for an Informational Report request. He said that if the Applicant relocated to a different property, he would have to re-apply for the Special Use Permit because the Special Use Permit runs with the property, and not the person(s) to whom the permit was granted.

The City Planner clarified that the Special Use Permit did not permit a sublease of the Applicant's existing workspace, as the concern at the time of the original was that the Applicant might sublease his car lift to others interested in performing more extensive automobile repairs. The Special Use Permit did not address other, currently vacant, parts of the building, which could potentially be sublet by the Applicant.

Ms. Daily expressed concern with the violations regarding accumulation of trash outside the property.

The Applicant said he has not received any notice of violations pertaining to trash accumulation. He said the existing trash belongs to his neighbor's property and he may have received a violation by mistake.

The Applicant said he will review his options and he would like to request an extension to the Special Use Permit.

Alicia Ware moved to extend the Special Use Permit for six (6) months.
Argelia Morales 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