CITY OF NEWBURGH
PLANNING BOARD
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, June 19, 2018
at the Activity Center, 401 Washington Street, Newburgh, NY 12550

Members Present:	Lisa Daily, Chairperson Alicia Ware Duane Ware Heather Moore Sarah Hooff
Members Absent:	Argelia Morales Lillian Burgarelli
Also Present:	Alexandra Church, City Planner Jason Morris, City Engineer Jeremy Kaufman, Assistant Corporation Counsel
Also Absent:	Omar Balbuena-Palma, Secretary

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

APPROVAL OF MINUTES

Alicia Ware moved to approve the minutes of the April board meeting.
Duane Ware seconded the motion.

The motion carried unanimously.

OLD BUSINESS

Index No. 2017-10

Location: 35-37 Broad Street
Owner: City of Newburgh
Applicant: FD Water Street Holdings, LLC

SPECIAL USE PERMIT/ SITE PLAN to develop a parking 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

Justin Dates from Maser Consulting appeared before the Board representing FD Water Street Holdings, LLC. He said the overall scope of the Regal Bag redevelopment project has been revised substantially since their last submission. He gave a brief over view of the current project and highlighted the following:

- The project consists of three tax lots on the east and west side of Water Street, approximately five acres in total.
- The intent is to create a parking lot with 113 spaces for the parcel on the west side of Water Street.
- The parking lot will serve as parking for the various uses proposed in the Regal Bag building.
- The applicant is requesting approval of DOT for a mid-block cross-walk and a hawk signal on Water Street that will connect the parking lot area with the Regal Bag entrance on Water Street.
- The proposed uses on the 6-floor building are: storage/basement (1st floor), 4 residential units/artist studios (floors 2-5), and event space (6th floor).

Ms. Daily confirmed the parking lot can be used for studio spaces.

Ms. Hooff confirmed that two floors for artist studio space are currently rented and the intent is to redevelop two additional floors for more artist studios and the top floor for event space.

The City Planner said because the project scope changed significantly since the last submission, the previous timeframe for SEQRA review elapsed and the SEQRA review process must be restarted. She said the proposed use for the parking lot is allowed via a Special Use Permit from the Planning Board. The proposed uses in the Regal Bag building were allowed via Site Plan review/approval from the Planning Board. She said the project is a Type I action, and also subject to GML §239 review and review by the Conservation Advisory Council ("CAC"). She said the project should also be referred to the Department of Environmental Conservation ("DEC"), the State Historic Preservation Office ("SHPO") at a minimum. She said the Planning Board should be prepared to review impacts to traffic and review City Code §175 to determine if application of the remedies detailed in that Chapter mitigate any potential environmental impacts. She said the Planning Board should be aware of additional requirements (per §300-139 of the City Code) relating to Massing, Parking, Open Space and Public Access (Physical and Visual Access).

The City Engineer said the Applicant should develop a Storm Water Pollution Prevention Plan ("SWPPP") because the project disturbs more than one acre of land and is located in the City of Newburgh's designated Municipal Separate Storm Sewer System ("MS4") area. He said an engineering evaluation of the existing pump station serving the Regal Bag building should be provided for review. He said construction details for all proposed improvements need to be provided as part of the plan set and recent investigations by the Engineering Department have revealed the presence of sewer mains/shared laterals on the parcel where the proposed parking lot is shown. He said the City is working with Maser Consulting to identify all of the sewer line locations, memorialize them in the plans and accommodate them as part of the improvements.

Ms. Moore asked how the Applicant came to develop the proposed parking plan.

Mr. Dates said the Applicant had been looking at the parcel in different capacities for approximately five years and the parcel was driven to become a parking area to facilitate the renovation of the Regal Bag. He said parking is not readily available near the Regal Bag and developing a parking area will create parking for future tenants.

Ian Rieger, Project Accountant, appeared before the Board and said the additional parking spaces would also accommodate the event space on the top floor of the building.

Ms. Daily confirmed there were no calculations made to obtain the proposed number of parking spaces.

Ms. Hooff asked if a parking study had been completed for the parking spaces available south of the Regal Bag building and if the proposed parking lot would cause a reduction of the available parking on Water Street.

Ms. Ware asked whether parking accommodations will be made for people with special needs.

Mr. Dates said the existing parking spaces were not taken into account due to the proximity of the Regal Bag building to existing parking spaces on Water Street.

The Assistant Corporation Counsel said the only action that could be taken by the Planning Board this meeting is a vote for Intent as Lead Agency to begin the SEQRA review process.

Alicia Ware moved to declare the Planning Board's intent to be Lead Agency pursuant to SEQRA.
Heather Moore seconded the motion.
The motion passed unanimously via roll call vote.

Ms. Moore asked for additional information relating to how the parking figure (113) was derived and there are alternative ways to obtain the required number of parking spaces.

The Applicant was informed to submit additional information and attend the next Planning Board meeting on July 17, 2018.

NEW BUSINESS

Index No. 2018-02

Location: 7 Belknap Street
Owner: Kimberly M. Louie
Applicant: Kimberly M. Louie

SITE PLAN to change the use of the building from a single-family residence into a two-family residence.

Kimberly Louie, Property Owner, and Jonathan Cella, Project Engineer, appeared before the Board. The Project Engineer said the intent is to change the use of the building from a single-family residence into a two-family residence. He said Site Plan approval is required but there are no exterior modifications other than modifying the pump station.

The City Planner said the action is unlisted under SEQRA and the use is allowed pending Site Plan approval. She said CAC review is not required and it is not subject to GML §239 review. She said no referral to DEC is required because there is no proposed site work, the project is more than 1,000 feet from any boundary of the Dupont-Stauffer Site, and any old pollution is known to be remediated. She said no formal Site Plan has been submitted and the Planning Board should determine whether the submitted information is adequate for the scope of the proposed project or if a Site Plan should be required.

The City Engineer said the Applicant provided a revised plan sheet and cut sheets with hand written calculations as requested for the pump station. He said the revisions are acceptable and the Project Engineer should submit signed and sealed copies of these documents for the City's files and obtain a building permit for the plumbing upgrades. He recommended waiving the formal Site Plan requirements under the Code.

The Assistant Corporation Counsel clarified that the project is subject to GML §239 review and the action is a Type II action under SEQRA. He said the Orange County Department of Planning comment letter was received and it found no evidence that significant inter-municipal or countywide impacts would result. The letter recommended a local determination on the project.

The Project Engineer said no Site Plan was provided because a survey was never done on the property.

Heather Moore confirmed there are no proposed exterior modifications.

Ms. Daily clarified the building is approximately 2,000 square feet.

Heather Moore moved to waive the public hearing.
Alicia Ware seconded the motion.
The motion passed unanimously via roll-call vote.

Sarah Hooff moved to declare the application a Type II action under SEQRA
Heather Moore seconded the motion.
The motion passed unanimously via roll-call vote.

Duane Ware moved to waive the Site Plan requirements under the City Code.
Heather Moore seconded the motion.
The motion passed unanimously via roll-call vote.

Alicia Ware move to approve the Site Plan application as submitted.
Sarah Hooff seconded the motion.
The motion passed unanimously via roll-call vote.

Index No. 2018-03

Location: 2 Nicoll Street
Owner: Joseph & Maureen Darmetko
Applicant: Joseph & Maureen Darmetko

SITE PLAN to install a pool.

Joseph and Maureen Darmetko, Property Owners, appeared before the Board. Mr. Darmetko said the intent is to install a 15'x 33' in-ground pool at the rear of the property.

The City Engineer said the project is within the Waterbody Protection Overlay Zone and a Site Plan is required. He said the Planning Board should review §300-87(C) of the City Code and determine if the submitted sketch is acceptable. He said the sewer easement should be staked out by a New York State-licensed land surveyor prior to the commencement of construction and a note to this effect must be added to the final Site Plan.

Ms. Daily clarified that a deck will be constructed around the fiberglass insert pool.

The City Planner said the action is an unlisted action under SEQRA and subject to GML §239 review and review by the CAC. She said the project should be referred to the Department of Environmental Conservation ("DEC") and the State Historic Preservation Office ("SHPO") for clarification.

The Assistant Corporation Counsel said the only action that could be taken by the Planning Board this meeting is a vote for Intent as Lead Agency to begin the SEQRA review process. He said letters will be sent out to the interested agencies for clarification. He said the Owner should submit additional information/detail regarding the exact location of the pool in order to avoid encroachment on the City easement.

Alicia Ware moved to declare the Planning Board's intent to be Lead Agency pursuant to SEQRA. Heather Moore seconded the motion.
The motion passed unanimously via roll-call vote.

The Property Owners were informed to submit the requested information and attend the July 17, 2018 Planning Board meeting.

Index No. 2018-04

Location: 2 Liberty Street
Owner: John Bonhomme
Applicant: John Bonhomme

SITE PLAN to create a restaurant/bar in the first floor and residential units in the second and third floor.

John Bonhomme, Property Owner, appeared before the Board. The Owner said the intent is to create a bar and restaurant with an outdoor beer garden on the first floor and residential units above.

The City Planner said Site Plan approval by the Planning Board is required. The action is a Type II action under SEQRA. She said the project does not require GML §239 review nor review by the CAC. Also, no referral to the DEC or SHPO is required. She said if there is any site work later on, the Owner must return for review and submit an amended EAF.

Ms. Daily confirmed the Property Owner is considering paving the outdoor garden with asphalt.

The City Engineer said he initially recommended waiving the site plan requirements because there was no proposed work on the exterior but if the Property Owner intends to do any site work, he must submit a site plan for review.

Ms. Daily encouraged the Property Owner to submit the full scope of the project for review so that he will not be required to return later.

The Property Owner said the current intent is to restore the structure and said there will be no exterior modifications. He said he will submit a revised application at a later date if he proposes any exterior work.

The City Engineer said, based on the Applicant's representation of no exterior site work, he would recommend waiving site plan requirements.

Ms. Ware said perhaps a public hearing was necessary because of the school, some residential neighbors, and other businesses in the area.

Heather Moore moved to waive the public hearing.
Duane Ware seconded the motion.
The motion was denied 3-2 via roll call vote, as the decision lacked an affirmative vote of a majority (4 votes) of all of the members of the Board (7 members total), with the voting results as follows:

Duane Ware	Voting for waiving the public hearing.
Sarah Hooff	Voting for waiving the public hearing.
Heather Moore	Voting against waiving the public hearing.
Alicia Ware	Voting against waiving the public hearing.
Lisa Daily	Voting for waiving the public hearing.

The Property Owner was informed to contact the Secretary to the Land Use Boards to begin the process for the public hearing and to appear at the July 17, 2018 Planning Board meeting.

<u>Index No. 2018-06</u>

Location: 232 S William Street
Owner: Hector Gualpa
Applicant: Hector Gualpa

SITE PLAN to convert the existing single-family dwelling into a 2-family dwelling.

Hector Gualpa, Property Owner, appeared before the Board. He said the intent is to convert the existing building into a 2-family dwelling with the first dwelling unit covering the basement and first floor, and the second dwelling unit on the second floor.

The City Planner said a 2-family dwelling is allowed pending Site Plan approval from the Planning Board in the Low Density Residential Zone. She said the action is a Type II action under SEQRA. The project does not require GML §239 review or CAC review. She said the project is located within 2,000 ft. of projects in the DEC ESR database but there is no proposed site work and no known contaminants on the site. She said a referral to DEC is not required.

The City Engineer said he has no comments and recommends waiving the Site Plan requirements.

Sarah Hooff asked if there is a lot of interior renovation required.

The Property Owner said minimal work is required on the interior.

Heather Moore moved to waive the public hearing.
Alicia Ware seconded the motion.
The motion passed unanimously via roll-call vote.

Alicia Ware moved to declare the application a Type II action under SEQRA
Sarah Hooff seconded the motion.
The motion passed unanimously via roll-call vote.

Heather Moore moved to waive the Site Plan requirements under the City Code.
Duane Ware seconded the motion.
The motion passed unanimously via roll-call vote.

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

PERMIT EXTENSION REQUESTS

Index No. 2016-07

Location: 182 Fullerton Avenue
Owner: Central Hudson Gas & Electric, Inc.
Applicant: Justin Dates

SPECIAL USE PERMIT and SITE PLAN to establish a Gas Main Regulator Site.

Justin Dates from Maser Consulting, Applicant, Luke Mangels and Joe Koberger from Central Hudson Gas & Electric, Inc. appeared before the Board.

The Applicant submitted pictures of the project to the Planning Board (which were made part of the record) and said the project is almost completed. He said two trees were planted and requested an extension to the previously issued Special Use Permit.

Mr. Ware confirmed the green relief valve has been removed.

The Planning Board discussed extending the time frame of the special use permit.

Sarah Hooff moved to extend the Special Use Permit by one year.
Alicia Ware seconded the motion.
The motion passed unanimously via roll-call vote.

Index No. 2017-08

Location: 236 S. William Street
Owner: Belfry Arts LLC
Applicant: George Ian McMahon & Ashley Lyon

SPECIAL USE PERMIT to convert the current Auto Body Repair Facility to a workshop.

George Ian McMahon & Ashley Lyon representing Belfry Arts LLC appeared before the Board. Ms. Lyon gave a brief overview of the projects history. She said the intent is to renew the permit for a period longer than one year.

Mr. McMahon asked if every property in Newburgh required Planning Board approval to change its use.

Ms. Daily said not every property was required to change its use, and that §300-31 of the City Code lists the allowable uses of a building.

Ms. Hooff asked to clarify why the Property Owner cannot apply for a Use Variance from the Zoning Board of Appeals.

The Assistant Corporation Counsel said only the Zoning Board of Appeals has the authority to grant a Use Variance, and that a Use Variance the vehicle to use only when a proposed use is not allowed. He said the application before the Planning Board is already an allowed use but to ensure that the use is appropriate to the surroundings and consistent with the purposes of Chapter 300 of the City Code, the use requires a Special Use Permit by the Planning Board.

Duane Ware moved to extend the Special Use Permit application time for two years.
Heather Moore seconded the motion.
The motion passed via roll-call vote.

Index No. 2017-31

Location: 10 City Terrace North
Owner: Ertha Raymond
Applicant: Ertha Raymond

SPECIAL USE PERMIT to create a driving school on the first floor of the building.

Ertha Raymond, Property Owner, appeared before the Board. The Owner said she has recently opened for business and gave a brief overview of her project.

Ms. Hooff confirmed there will not be any practical exams on the street.

Alicia Ware moved to extend the Special Use Permit application time for two years.
Sarah Hooff seconded the motion.
The motion passed via roll-call vote.

With no further business to discuss, the meeting was adjourned at 9:00 p.m.

Respectfully submitted,

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