Lisa Daily, Chairperson
Omar E. Balbuena-Palma, Secretary

123 Grand Street, Newburgh, New York 12550
Phone: (845) 569-7380 Fax: (845) 569-9700

PLANNING BOARD MEETING

The City of Newburgh Planning Board meeting was held on Tuesday, August 21, 2018
at the Activity Center, 401 Washington Street, Newburgh, NY 12550

Members Present: Lisa Daily, Chairperson
Alicia Ware
Duane Ware
Sarah Hooff

Members Absent: Lillian Burgarelli
Heather Moore
Argelia Morales

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

The meeting was called at 7:40 p.m. after a quorum was confirmed.

APPROVAL OF MINUTES

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

The motion carried unanimously.

PUBLIC HEARING

Index No. 2018-07

Location: 109 S. William Street
Owner: BOM Newburgh, LLC
Applicant: BOM Newburgh, LLC

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 Butts, attorney from Mackey Butts & Wise, appeared before the Board on behalf of the Property Owner, along with Sisha Ortuzar and Caleb Mulvena.

Mr. Mulvena gave a brief overview of the floor layout and highlighted the following:

- Top floor will have seven (7) residential units
- Existing storefront will be renovated and kept as entrance
- Suspended non-functioning pipe will be kept if possible
- Elevator shaft will be renovated
- Rear parking spaces will be preserved
- Remove brick above existing windowsills and lower the existing windowsills to existing concrete curb
- Warm LED lights (not blue) will be installed
- Artist will be contracted to paint wall mural
- Remove chain link fence

Mr. Butts said the City Council approved a development agreement recently and an Architectural Review Commission application was approved on August 14, 2018. He said a survey will be finalized and a revised site plan will be submitted for the September 18, 2018 Planning Board meeting. He said the sidewalk will comply with the City of Newburgh Streetscape Standards.

The City Planner said the Applicant proposed more parking that what is required per the City Code. She said the Board should determine whether the number of parking spaces proposed is adequate. She said questions E.2 (O) and E.3 (f) were answered "yes" on the Full EAF but no further clarification is required from the Department of Environmental Conservation ("DEC") or the State Historic Preservation Office ("SHPO") since the application is generally only a change in use. She said the Applicant should review §300-153 for signage and §300-154 to modify the streetscape design.

Mr. Butts said there are no proposed changes to the existing blade-style sign.

The City Engineer said he has no new comments and said the Applicant has hired an engineer to address the engineer's comment letter.

Duane Ware moved to open the public hearing.
Sarah Hooff seconded the motion.
The motion passed unanimously.

Piotr Jagninski, 216 Montgomery Street, said the Board should consider the trees that were previously on the property. He said the trees were replaced with the existing parking lot.

Marianne Marichal, 216 Montgomery Street, asked what the hours of operation will be and who will be the tenants.

Alicia Ware moved to close the public hearing.
Duane Ware seconded the motion.
The motion passed unanimously.

The Assistant Corporation Counsel clarified that the public hearing provides the opportunity for interested individuals to present their views to the Board. He said it allows the Board to gather community comments and positions from all interested parties for public record and input into decisions. He said it is not meant for the public to ask questions directly to the Applicant. If the Board wishes to reiterate a public question to the Applicant, the Board may do so.

Ms. Daily said parking spaces should be minimal but enough to accommodate the tenants but to also then preserve green space.

Mr. Butts said the intent is to install a gate around the parking lot and accommodate the parking needs of the restaurant as well.

Ms. Hooff confirmed there are no existing trees on the parking lot and asked if crushed gravel or pavers will be used to deal with stormwater run-off.

Mr. Butts said the intent is to control the peak rate of storm water run-off.

Ms. Ware confirmed the building will be Americans with Disabilities Act ("ADA") compliant with a minimum of one handicapped parking spot.

The Applicant was informed to submit a revised site plan by September 7, 2018 in order to attend the next Planning Board meeting.

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

The Assistant Corporation Counsel said the Applicant was last before the Board on June 19, 2018. He said at the June meeting, the Board voted to declare its intent to be Lead Agency pursuant to SEQRA. There were less than 30 days between the June and July meeting dates. Now, more than thirty days have passed. No other potentially interested or involved agencies expressed an intention to be Lead Agency or to comment. He said the Board should declare itself Lead Agency and adjourn until the following meeting for the Applicant to address the comment letters of City staff and other substantive project issues.

Alicia Ware moved to declare the Planning Board as Lead Agency pursuant to SEQRA.
Sarah Hooff seconded the motion.
The motion passed unanimously.

The Application was adjourned until the next Planning Board meeting.

Index No. 2018-08

Location: 120 Front Street
Owner: JOSCOS Inc.
Applicant: JOSCOS Inc.

SITE PLAN to expand the existing use (Restaurant) and construct an indoor/outdoor eating area.

The Informational Inspection Report of the Building Inspector and the comment letters of the City Engineer, City Planner, Conservation Advisory Council ("CAC") and the Orange County Department of Planning were made a matter of record.

DISCUSSION BY THE BOARD

Joseph Bonura from JOSCOS Inc. and David Henderson appeared before the Board.

Mr. Bonura gave a brief overview of the project and highlighted the following:

- Outdoor eating area proposed to replace previous catering area
- Outdoor eating area will be open when weather permits
- Sufficient parking spaces available for use despite reduction of parking area
- No change to existing eating area
- Stone retaining walls erected for security
- Fire pit on site
- Permeable pavers will be used to prevent run-off

The City Planner said the Applicant should inform the Building Department of the fire pit. She said the property is within the Planned Waterfront Development Zone ("WPO") and the Local Waterfront Revitalization Program ("LWRP"). She said the action is a Type II action. She said the Applicant is also applying for area variances to the Zoning Board of Appeals ("ZBA").

The City Engineer said the Applicant revised the site plan to provide water and sewer connections with a grease trap for the kitchen area. He said a sign location with details, a floodplain permit and additional construction details are still required. He said drainage accommodations must also be shown on the site plan. He said the Board may approve the site plan on the condition of addressing the remaining comments.

The Assistant Corporation Counsel reminded that Board that a public hearing was held in July. He said the Board should review the comments by City staff and determine whether it wants to conditionally approve the application subject to ZBA approval and outstanding comments from City staff, or wait at least until the vote is complete with the ZBA. He said there are only four (4) Board members present at the current meeting and a vote on the application would require a unanimous vote for approval. He said if there are any concerns, an individual Board member should let the Applicant know of those concerns to give the Applicant a chance to address them or ask the vote be tabled until the next meeting.

Ms. Daily said the Building Inspector will inspect the property to ensure it is compliant with respect to the fire pit.

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

Sarah Hooff 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; and
2. Receive appropriate area variances from the City of Newburgh Zoning Board of Appeals.

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

NEW BUSINESS

Index No. 2018-05

Location: 503 Broadway
Owner: 503 Broadway Newburgh LLC
Applicant: Bank of America c/o CBRE

SITE PLAN to convert the existing vacant lot into a Drive-Thru (for ATM) and walk-up ATM.

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

Paul Mutch from Stonefield Engineering and Jacqui Menges from Project Expediters Consulting Corp. appeared representing the Property Owner.

Mr. Mutch gave a brief overview of the project and highlighted the following:

- Intent is to install a drive up ATM in Phase 1 and a second walk-up ATM in Phase 2
- One-way entrance from West Street and exit on Broadway
- Shrub plantings on site
- All three (3) sidewalks will be reconstructed
- Adding eight (8) LED lights for safety
- Lights will be shielded
- 93% of existing lot is impervious surface
- Approximately 60% reduction in storm water run-off
- Run off conditions to West Street will improve

The City Planner said the project is located in the Commercial zone and is not subject to CAC or GML §239 review. She said the action is an unlisted action under SEQRA and requires Site Plan approval by the Planning Board. She said the Applicant has addressed her comments.

The City Engineer confirmed that a separate signed and sealed survey will be provided in a supplemental submission. He said the location of the monitoring wells and oil tanks, if any, should be provided.

Mr. Mutch said the location of the wells is difficult to determine because they were filled in with concrete and blended in. He said there is no further monitoring required on site. He said the tanks are in place and they are coordinating with DEC and the property owner to remove them.

The City Engineer said the location of the existing water services and abandonment of old water services also need to be shown on the site plan. He confirmed an updated landscaping plan will be provided and said a sediment control plan is required. He asked why the Applicant proposed to phase the project rather than do it all at one time.

Mr. Mutch said the Bank intends to measure the traffic levels on site and install the additional ATM later on.

Ms. Daily clarified that site plan consideration and approval must include both phases of the project.

Ms. Hooff clarified that Phase 2 of the project will add three (3) parking spaces with a walk-up ATM to the property.

The Assistant Corporation Counsel said site plan approval for both phases will last for 1 year. If approved, the Applicant may request an extension for 6 months. Any extensions after that may require new site plan review.

Ms. Daily confirmed the Applicant will follow the Streetscape Standards for the sidewalks. She said it's a great project for permeable pavement.

Mr. Mutch confirmed permeable pavement will be discussed and asked how many trees are recommended for planting. He said too many trees could pose a safety risk.

The City Planner clarified that it may be difficult for police to assess a situation if trees block the sightline. She suggested two (2) trees on the north and south side and two (2) or three (3) trees on the east side.

Ms. Hooff agreed and said the Applicant should select trees from the list of trees approved by the CAC. She said the Applicant should lower the color temperature of the light and add shielding. She said warm lighting offers more benefits and is not detrimental to human health at night.

Mr. Mutch said the Bank adopted the state standards for lighting and he will have to check if the request can be accommodated.

The Assistant Corporation Counsel said the Board should discuss whether it wants to hold a public hearing for the project but should wait until additional details are provided per the City Engineer's comment letter before voting on the application.

Duane Ware moved to waive the public hearing.
Alicia Ware seconded the motion.
The motion passed unanimously.

The Applicant was informed to submit an updated site plan to attend the next Planning Board meeting with the option of attending the next Planning Board workshop.

Index No. 2018-12

Location: 112 Broadway
Owner: Executive Reality Group, LLC
Applicant: Jonathan Moss, RA

SITE PLAN to convert the existing building (vacant) into Mixed-Use (first floor commercial; remaining floors up to seven dwelling units).

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

DISCUSSION BY THE BOARD

Jonathan Moss, Project Architect from Berg + Moss Architects, PC appeared before the Board representing the Property Owner.

Mr. Moss said the applicant intends to renovate the vacant building at 112 Broadway. No changes to the building footprint are proposed. He said the vacant building will have a commercial use on the first floor and up to seven (7) apartments on the remaining floors.

The City Planner said the property is in the Broadway Corridor zone and is an unlisted action under SEQRA. She said the proposed action is not subject to CAC nor GML §239 review but requires Site Plan approval by the Planning Board. She said questions 12 (b) and 20 were answered "yes" on the Short EAF but no further clarification is required from the DEC or the SHPO because the application is only a change in use and there is no site work proposed. She said the project is within 2,000 feet of a DEC environmental remediation project but 112 Broadway is not the subject of the project and is adjacent to it. She said the zone does not require parking spaces for the use.

The City Engineer said there is no proposed site work. He recommended waiving the Site Plan requirements.

The Assistant Corporation Counsel said the Board could waive the public hearing, declare itself Lead Agency pursuant to SEQRA, issue a negative declaration, waive the Site Plan requirements and approve the application as submitted if it wishes.

Ms. Hooff confirmed that the use is permitted by right subject to Site Plan approval by the Planning Board.

Alicia Ware moved to waive the public hearing
Duane Ware seconded the motion.
The motion passed unanimously.

Duane Ware moved to declare the Planning Board as Lead Agency pursuant to SEQRA
Sarah Hooff seconded the motion.
The motion passed unanimously.

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

Duane Ware moved to waive the Site Plan requirements under the City Code.
Alicia Ware seconded the motion.
The motion passed unanimously.

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. 2018-13

Location: 184 Liberty Street
Owner: Executive Reality Group, LLC
Applicant: Jonathan Moss, RA

SITE PLAN to convert the building into an Apartment House.

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

DISCUSSION BY THE BOARD

Jonathan Moss, Project Architect from Berg + Moss Architects, PC remained before the Board representing the Property Owner.

Mr. Moss said the intent is to renovate the building into a 6-family dwelling (Apartment House). He said the building will support two (2) duplex residential units on the basement and first floor with four (4) residential units on the second and third floors. He said there is no site work proposed and no available on-site parking and asked if the six (6) parking spaces can be waived. The building footprint will remain intact.

Ms. Daily said the Board may issue a Special Off-Street Parking permit if there is sufficient parking within 500 feet of the property.

The City Planner said the property is in the Downtown Neighborhood zone and is an unlisted action under SEQRA. She said the proposed action is not subject to CAC nor GML §239 review but requires Site Plan approval by the Planning Board. She said questions 12 (b) and 15 were answered “yes” on the Short EAF but no further clarification is required from the DEC or the SHPO because the application is only a change in use and there is no site work proposed. She said the project is within 2,000 feet of a DEC environmental remediation project but 184 Liberty Street is not the subject of the project and is not adjacent to any known sites. She said the Board may issue a Special Off-Street Parking permit or the Applicant can request a variance from the ZBA.

The City Engineer said there is no proposed site work. He recommended waiving the site plan requirements.

The Assistant Corporation Counsel said the Board should review §300-70 of the City Code and discuss the expiration date of the Special Off-Street Parking permit and whether there is sufficient on-street parking available. He said the Owner should be made aware that the Special Off-Street Parking permit must be renewed periodically, whereas a variance for off-street parking is permanent. However, the Owner may apply for a variance at his discretion at a later date.

The Applicant requested approval for the Special Off-Street Parking permit and said he will inform the Owner about the variance option.

The Assistant Corporation Counsel said the Board may waive the public hearing, declare Lead Agency pursuant to SEQRA, issue a negative declaration, waive the Site Plan requirements and approve the application as submitted, and issue a Special Off-Street Parking permit, if it wishes.

Ms. Hooff asked why the applicant proposed a change in use from a commercial to residential use.

Mr. Moss said building is not street level and it makes sense to convert it into a residential use.

Ms. Hooff said a commercial use would help mitigate the parking impact because it would reduce parking at nighttime when there is a lot of residential parking.

The Applicant said there is available parking on the street with two (2) public parking lots nearby.

The City Planner said the parking lot nearby is public after 4:00 p.m.

Mr. Moss said the applicant would find it difficult to comply with ADA requirements and receive approval by the ARC if they kept the commercial use.

Duane Ware moved to waive the public hearing
Sarah Hooff seconded the motion.
The motion passed unanimously.

Alicia Ware moved to declare the Planning Board as Lead Agency pursuant to SEQRA
Sarah Hooff seconded the motion.
The motion passed unanimously.

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

Sara Hooff moved to grant a Special Off-Street Parking Permit for one year.
Duane Ware seconded the motion.
The motion carried unanimously via roll-call vote.

Duane Ware 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.
Sarah Hooff seconded the motion.
The motion passed unanimously via roll-call vote.

Index No. 2018-14

Location: 152 Third Street
Owner: Executive Reality Group, LLC
Applicant: Jonathan Moss, RA

SITE PLAN to convert the building into an Apartment House.

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

DISCUSSION BY THE BOARD

Jonathan Moss, Project Architect from Berg + Moss Architects, PC remained before the Board representing the Property Owner.

Mr. Moss said the project is substantially the same as 184 Liberty Street. He said the intent is to renovate the building into a 6-family dwelling (Apartment House). He said there is no available off-street parking and there are no proposed changes to the site.

The City Planner said the property is in the Medium Density Residential zone and is an unlisted action under SEQRA. She said the proposed action is not subject to CAC nor GML §239 review but requires Site Plan approval by the Planning Board. She said questions 12 (b) and 15 were answered “yes” on the Short EAF but no further clarification is required from the DEC or the SHPO because the application is only a change in use and there is no site work proposed. She said the project is within 2,000 feet of a DEC environmental remediation project but 152 Third Street is not the subject of the project and is not adjacent to any known sites. She said the Applicant will need to submit an application to the ZBA for the applicable variances.

The City Engineer said there is no proposed site work. He recommended waiving the Site Plan requirements.

The Assistant Corporation Counsel said the Board may waive the public hearing, declare Lead Agency pursuant to SEQRA, issue a negative declaration, waive the Site Plan requirements and approve the application as submitted, if it wishes.

Sarah Hooff moved to waive the public hearing
Alicia Ware seconded the motion.
The motion passed unanimously.

Alicia Ware moved to declare the Planning Board as Lead Agency pursuant to SEQRA.
Sarah Hooff seconded the motion.
The motion passed unanimously.

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

Duane Ware moved to waive the Site Plan requirements under the City Code.
Sarah Hooff seconded the motion.
The motion passed unanimously.

Alicia Ware move to approve the Site Plan subject to the following conditions:

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

Sarah Hooff seconded the motion.
The motion passed unanimously via roll-call vote.

<u>Index No. 2018-15</u>

Location: 324 Washington Street
Owner: Archdiocese of New York
Applicant: Fr Giuseppe Aniello Siniscalchu, CFR

SITE PLAN to convert the existing structure into a Community Center.

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

DISCUSSION BY THE BOARD

Father Giuseppe Aniello, Applicant, appeared before the Board. He submitted supporting pictures, a tax map and a revised schematic plan for consideration (which were made part of the record).

He said the intent is renovate the building at 324 Washington Street into a Community Center. He highlighted the following:

- Building has been vacant for approximately 10 years
- Paved driveway present with approximately 1,500 sq. ft. of paved area for parking
- Sacred Heart parking lot available for additional parking use if necessary
- Double bathrooms and kitchen
- Minimal expectation of automobile traffic
- No change to building footprint and no site work proposed

- 1st floor a space for gathering
- 2nd floor space for offices and a small chapel

Ms. Daily confirmed the garages on the site are not going to change in use or be used as part of the project.

The City Planner said the property is in the Medium Density Residential zone and is an unlisted action under SEQRA. She said the proposed action is not subject to CAC nor GML §239 review but requires site plan approval by the Planning Board. She said question 15 was answered "yes" on the Short EAF but no further clarification is required from the DEC since the application is generally only a change in use and there is no site work proposed. She said the project is within 2,000 feet of a DEC environmental remediation project but 324 Washington Street is not the subject of the project and is not adjacent to any known remediation sites.

The City Engineer said there is no proposed site work. He recommended waiving the Site Plan requirements.

The Assistant Corporation Counsel said the Board may waive the public hearing, declare itself Lead Agency pursuant to SEQRA, issue a negative declaration, waive the site plan requirements and approve the application as submitted, if it wishes.

Ms. Daily confirmed there will be a kitchen on both floors.

Mr. Ware confirmed that the building capacity will be determined by the Building Inspector.

The City Planner said Community Center is an assembly space that allows for a higher capacity than an office space.

Ms. Hooff confirmed the garage will be kept as a storage space.

Sarah Hooff moved to waive the public hearing.
Alicia Ware seconded the motion.
The motion passed unanimously.

Alicia Ware moved to declare the Planning Board as Lead Agency pursuant to SEQRA.
Sarah Hooff seconded the motion.
The motion passed unanimously.

Sarah Hooff moved to issue a Negative Declaration pursuant to SEQRA.
Alicia Ware seconded the motion.
The motion passed unanimously.

Duane Ware moved to waive the Site Plan requirements under the City Code.
Alicia Ware seconded the motion.
The motion passed unanimously.

Duane Ware 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. 2016-05

Location: 247 DuPont Avenue
Owner: Hugo E. Bencomo
Applicant: Hugo E. Bencomo

SPECIAL USE PERMIT to establish a pre-owned car dealership.

The Special Use Permit Extension Request Letter and the comment letter of the Building Inspector were made a matter of record.

DISCUSSION BY THE BOARD

The Applicant did not appear at the meeting.

Ms. Daily confirmed the Secretary to the Land Use Boards sent a notice to the Applicant on July 18, 2018.

The Secretary to the Land Use Boards said the Applicant submitted a Special Use Permit Extension Request Letter on August 10, 2018.

Ms. Daily read the letter for the benefit of the public and said the comment letter of the Building Inspector noted no open permits or violations on 247 Dupont Avenue.

The Assistant Corporation Counsel said the Applicant received approval for a Special Use Permit to establish a pre-owned car dealership on July 19, 2016. He said the permit expired as of July 31, 2018 and the Applicant is requesting an extension of two (2) years. He said the request falls within a reasonable amount of time for renewal and it is up to the Board to make a determination.

Alicia Ware move to extend the Special Use Permit for two (2) years.
Sarah Hooff seconded the motion.
The motion passed unanimously via roll-call vote.

Index No. 2016-06

Location: 82 Bridge Street
Owner: JSN Property Management
Applicant: Nemias Magana

SPECIAL USE PERMIT to establish a base office for taxi service.

The Special Use Permit Extension Request Letter, comment letter of the Building Inspector, Complaint Summary Report from the Department of Code Compliance, Police Blotter Call Summary from the Newburgh Police Department, photograph taken by the Newburgh Police Department, and photograph taken by Mayor Harvey were made a matter of record.

DISCUSSION BY THE BOARD

Nemias Magana, speaking on behalf of the Property Owner, appeared before the Board.

Ms. Daily read the comment letter of the Building Inspector for the benefit of the public. She said there have been numerous violations on the property since the Special Use Permit was granted on July 19, 2016. She said the photograph by the Police Department dated November 17, 2017 shows some evidence that the property has not always been in compliance with the terms and conditions of the Special Use Permit.

The Assistant Corporation Counsel said Police Officer Portillo aggregated all the service calls for 82 Bridge Street dating back to 2016, which were summarized in the Police Blotter Call Summary. He said all of those calls that she personally responded to were for vehicles parked on the sidewalk, vehicles parked on the street without license plates and taxis that were double-parked in front of the business. He said the Board received a separate picture dated August 20, 2018 which shows the status of the rear yard. He said there are two (2) Special Use Permits in effect at 82 Bridge Street. He said the Special Use Permit to establish a radio base office for taxi service is the current subject of Planning Board review, as that permit expired on July 31, 2018. He said the Board requires affirmative action to approve the extension request because if one member votes against the extension based on the number of members present at the meeting, the Special Use Permit will expire. He said the second Special Use Permit to operate an auto repair business and auto sales was granted in November 2014 and extended until October 2019. He said the Board may use the opportunity to give notice to the Applicant that the Board, based on the violations and other information submitted relative to the property, intends to revoke the Special Use Permit expiring in October 2019 at the September 18, 2018 meeting. He said the Applicant would have an opportunity to address the concerns of the Board at that time.

Mr. Magana said he recently purchased the property approximately three (3) months ago. He wants to continue operating his radio dispatch on the property. He said he will speak to the mechanics in the building to address the concerns of the Board and he will look to eliminate the traffic congestion. He said he would like an opportunity to rectify the concerns of the Board.

Mr. Ware said the rear of the property is not in compliance and two (2) violations were opened as of August 20, 2018. He said the Board will review the Special Use Permit for the auto repair business in the following month. He would consider extending the radio base office for taxi service for only one month to give the Applicant time to correct the violations.

Ms. Ware said she drove by the area several times and taxis often block the street. She said the property has not been in compliance since 2016 and the contents depicted on the photograph (of the rear yard) do not happen overnight. She said she is open to giving the Applicant one month to resolve the violations.

Ms. Hooff agreed and said the Applicant recently took ownership of the property. She said one month should allow the Applicant to address the violations.

Ms. Ware said one issue lies with the taxi cabs blocking the street.

Ms. Daily said if the Board wishes to extend the Special Use Permit for one month then the Applicant should be aware that unless all of the violations on the property are resolved, she will not vote in favor of the Applicant at the September meeting. She said the Applicant has had sufficient time to address the violations.

The Assistant Corporation Counsel said the City Code does not mention an opportunity for public comment for extensions of Special Use Permits. He said given the amount of people who appeared for the extension application and who had an expectation of commenting, the Planning Board could choose to have a public comment period for those who showed.

The Planning Board opted to hear public comment.

Paul Belcito, spoke against the application. He said the neighborhood has suffered for two (2) years because of the taxicab parking and other traffic issues, and the permit should not be renewed.

Torrance Harvey, 211 Overlook Place, spoke against the application. He said he has received several complaints regarding 82 Bridge Street and the vehicles on site are a breeding ground for rodent infestations. He said he submitted complaints to the Building Department and the Building Inspector and said Newburgh is in the process of being revitalization but the City should not renew permits to irresponsible owners.

Ceno Harvey, 211 Overlook Place, spoke in favor of an extension of the application. She said she understands that the Applicant recently purchased the property and believes a one month extension may help resolve the issues. She said the Applicant should have someone translate if he has difficulty in communication.

The Assistant Corporation Counsel said Mayor Harvey is present at the Planning Board meeting in his personal capacity as a citizen who lives in/around the subject property. His comments and the picture he submitted in August do not, and should not be construed, to reflect the position of the City of Newburgh, and are not to be given any more or less weight than any other person making public comment. Any information expressed by Mayor Harvey should be considered in the same manner as any other public commenter. The Assistant Corporation Counsel then asked if the Applicant required the assistance of a translator and offered the Secretary of the Land Use Boards to translate.

Mr. Nemeas said he understood the proceedings thus far and he would bring his own interpreter if he found it necessary.

The Assistant Corporation Counsel said as another possibility, the Board could impose additional conditions on the Special Use Permit to further address the Board's concerns and the applicant's request.

The City Planner clarified that the use under review is for a taxi dispatch and not a taxi service.

Ms. Daily clarified that the Applicant does not manage the auto repair business.

Sarah Hooff asked if the Applicant operated the taxi dispatch before he purchased the property.

The Applicant said he has operated the business at the premises for approximately 15 months.

Mr. Ware said the Applicant has operated the business for approximately 15 months, not just the 3 months he's owned the property. That goes to show that the violations have been an ongoing problem for the neighbors with the current ownership. He said the auto repair shop is a part of the problem and he does not believe the violations will be resolved in one month's time.

Ms. Daily clarified that the Special Use Permit is not tied to the Property Owner and instead runs with the property.

Ms. Hooff asked how many people work in the taxi dispatch.

Mr. Magana said four (4) people are currently employed and work with a rotating schedule.

Ms. Daily said cars without license plates cannot be parked on the road. She said the Applicant should use the time to address the violations on the property.

Ms. Hooff said the cars from the auto repair business should not be double parked and there should be a steady flow of movement within the property of ingoing and outgoing cars.

Sarah Hooff made a motion to extend the Special Use Permit for one (1) month subject to the following conditions:

- No cars standing on the lot
- No parking of taxicabs on the lot

Lisa Daily seconded the motion.
The motion failed 3-1 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:

Ms. Daily	Voting for granting the extension
Ms. Ware	Voting for granting the extension
Ms. Hooff	Voting for granting the extension
Mr. Ware	Voting against granting the extension

The Assistant Corporation Counsel said the result of the vote is that the Special Use Permit for a taxi dispatch has now expired. The Applicant can no longer operate the taxi dispatch at 82 Bridge Street. He said the Applicant must return to the September 2018 Planning Board meeting for a determination on the other Special Use Permit at 82 Bridge Street. The applicant may also apply for a new Special Use Permit for taxi services at a later date.

With no further business to discuss, the meeting was adjourned at 10:10 p.m.

Respectfully submitted,

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