

PLANNING BOARD MEETING

The City of Newburgh Planning Board meeting was held on Tuesday, October 16, 2018
at the Activity Center, 401 Washington Street, Newburgh, NY 12550

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

Members Absent: Heather Moore

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

The meeting was called at 7:33 p.m. after a quorum was confirmed.

APPROVAL OF MINUTES

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

The motion carried unanimously.

Neil Wilson, attorney from Mackey Butts & Wise, appeared before the Board on behalf of the Property Owner for 109 S. William Street. He said the Project Architect is not present at the meeting and requested moving the discussion of Index Number 2018-07 towards the end of the agenda.

NEW BUSINESS

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, 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:

- Existing building at 116 Lander Street is collapsing and 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

The City Engineer said the Applicant should 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.

The Assistant Corporation Counsel said the Phase II project involves 23 parcels separated into various applications and the Board must take into consideration the environmental impacts of the entire project/proposal and not just an individual portion of the project that might be before a particular land use board. He said the Project Architect should update the Full EAF with new information caused by the project modification. He said the Planning Board should review Chapter 266 of the City Code and consider the following:

- Referral of the application to the Orange County Planning Board (discretionary)
- Referral of the application to the Orange County Department of Health (discretionary)
- Determine if a performance bond is necessary for the project (discretionary)
- Scheduling a public hearing for the following month (mandatory)

The Assistant Corporation Counsel said the proposed lots do not conform to the Schedule of Use and Bulk Regulations and any approval by the Planning Board will be subject to approval by the Zoning Board of Appeals.

The Project Architect said he will address City Staff comments as part of the next submission.

The City Engineer said he does not recommend a performance bond and the Project Architect should consult with his Surveyor to address the site plan details on the subdivision plat.

Ms. Daily asked the Board if they would like to forward the application for comment by the Orange County Planning Board.

Ms. Ware said that a referral is not necessary.

The Assistant Corporation Counsel said a referral to the Orange County Department of Health is not required but the application could be forwarded out of courtesy. He said the Department of Health should be afforded the opportunity to comment on the application. He said the Planning Board is not required to incorporate those comments as part of the approval.

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

Ms. Morales seconded the motion.

The motion passed unanimously.

Ms. Morales moved to schedule a public hearing at the November 20, 2018 Planning Board meeting.

Mr. Ware seconded the motion.

The motion passed unanimously.

The Applicant was informed to submit the revised plan by November 9, 2018 and attend the November 20, 2018 Planning Board meeting.

OLD BUSINESS

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

Mr. Wilson said the Project Engineer is working to complete a revised site plan that addresses the City Engineer's comment letter. He said it will be submitted for review before the November 20, 2018 Planning Board meeting.

The Project Architect asked how to address comment 3 of the City Engineer's comment letter if they are requesting to waive some of the requirements outlined in § 300-87 of the City Code.

The City Engineer said a waiver of the site plan requirements will be addressed when/if the Planning Board moves to approve the submitted site plan.

The Project Architect asked if standard concrete is allowed for repairs on the sidewalk and curb on South William Street. He said other properties within the East End Historic District used standard concrete for the sidewalk and curb and he is requesting approval to do the same. He said a planted area along the curb will be added to reduce storm water run-off. He said the Streetscape Standards, especially with respect to granite curbs are too expensive.

Ms. Hooff said the Applicant discussed a portion of the Streetscape Standards at the previous Board meeting.

The City Engineer clarified that the discussion was regarding the bioswales that are currently within the Streetscape Standards. He said the Applicant is proposing stormwater mitigation on the rear of the property where they are more applicable. He said the bioswales do not apply to the front but it does not exempt the Applicant from complying with the other requirements of the Streetscape Standards.

The Assistant Corporation Counsel clarified the Planning Board does not have the capacity to approve the Applicant's request with respect to the Streetscape Standards, as that jurisdiction lies with the ARC. He said the Applicant should submit an amendment request to the ARC for consideration and include any other proposed exterior changes visible from the street.

The City Planner said the Applicant should review § 300-153 and propose any signage for approval by the Planning Board.

The Project Architect said he will submit an amendment request to the ARC for consideration.

The Applicant was informed to submit the revised site plan by November 9, 2018 in order to attend the November 20, 2018 Planning Board meeting.

PERMIT EXTENSION REQUESTS

Index No. 2017-15

Applicant: Juhee Lee-Hartford
Owner: Newburgh Community Land Bank
Location: 102-104 Washington Street

SITE PLAN APPROVAL EXTENSION to construct a mixed-use structure within the walls of the existing building.

The Site Plan Extension Request Letter was made a matter of record. The Applicant did not appear for the meeting.

DISCUSSION BY THE BOARD

Ms. Daily read the Applicant's Site Plan Extension Request Letter for the benefit of the Board and highlighted the following:

- Received Site Plan approval by the Planning Board on October 17, 2018
- Received ARC approval on October 10, 2018 which is valid for two (2) years
- Requesting an extension due to delays in funding

The Assistant Corporation Counsel clarified that the ARC approval is valid for one year, not two years. He said the Board should refer to § 300-92 (E) (2) of the City Code for renewal requirements. He said the Planning Board may request the Applicant to appear or vote to extend/deny the request.

Ms. Morales confirmed the Applicant intends to obtain a building permit during the approaching 2018/2019 winter season to allow construction to begin in the spring of 2019. She said she would vote in favor of the request.

Ms. Hooff confirmed the extension would be a one year extension.

The City Planner clarified once the Applicant obtains a Building Permit, the Applicant will no longer have to request an extension from the Planning Board. She said if the project is not completed within the allotted time frame of the Building Permit, the Applicant would need to request an extension from the Building Department.

Ms. Hoff asked if the property has any active violations, paid applicable fees and if the building is registered with the Building Department.

The City Planner said the property is owned by the Land Bank. She said the Land Bank is exempt from certain fees and generally addresses any complaints/violations quickly.

Ms. Morales moved to extend the Site Plan approval, and Building Permit application time for one year.

Ms. Ware seconded the motion.

The motion passed via roll call vote 4-1

Ms. Hooff voted against granting the extension

With no further business to discuss, the meeting was adjourned at 9:10 p.m.

Respectfully submitted,

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