

PLANNING BOARD MEETING

The City of Newburgh Planning Board meeting was held on Tuesday, December 17, 2019
at the Activity Center, 401 Washington Street, Newburgh, NY 12550

Members Present: Lisa Daily, Chairperson
Alicia Ware
Duane Ware
Heather Moore
Michael Kelly

Absent: Sarah Hooff

Also Present: Alexandra Church, Director of Planning & Development / City Planner
Jason Morris, 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 November 2019 board meeting.
Mr. Kelly seconded the motion.
The motion passed unanimously.

OLD BUSINESS

Index No. 2019-09

Applicant: Rural Ulster Preservation Company ("RUPCO")
Owner: Newburgh Community Land Bank, Inc.
Location: 37 & 39 Dubois Street

SUBDIVISION Application to move the lot line between 37 & 39 Dubois Street.

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

AJ Coppola, Project Architect, and Darren Stridiron, Project Surveyor, appeared before the Board on behalf of the property owner.

The City Engineer said the Applicant has addressed the majority of his comments. A few minor comments remain. He said the Board may proceed to a vote on the preliminary plat.

The City Planner said the Applicant addressed all of her comments except one. She said the EAF should be revised to clarify contradicting information from the Applicant and the New York Department of Environmental Conservation (“NYSDEC”).

The Assistant Corporation Counsel said at the November Planning Board meeting that the Board was unable to take any SEQRA action without a formal determination by NYSDEC on the impact of the project on the nearby wildlife. He said NYSDEC has since forwarded a comment letter that addresses those concerns. He said the Board should must consider the environmental impacts of all 24 parcels in the scattered-site project. He said the Board should vote on the SEQRA issues and, if issued a Negative Declaration, vote on the preliminary plat.

Mr. Kelly moved to issue a Negative Declaration pursuant to SEQRA.

Ms. Moore seconded the motion.

The motion passed unanimously.

Ms. Moore moved to approve the preliminary plat.

Ms. Ware seconded the motion.

The motion passed unanimously via roll-call vote.

OLD BUSINESS

Index No. 2019-11

Applicant: Newburgh Commercial Development Corp.

Owner: Newburgh Commercial Development Corp.

Location: 639 Broadway f.k.a. 625-637 Broadway

SITE PLAN Application to renovate two existing structures for retail, office space and manufacturing.

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

Victor Cappelletti on behalf of Newburgh Commercial Development Corp. appeared with Derek Day, Project Engineer from M.A. Day Engineering P.C.

The Project Engineer gave a brief review of the project and highlighted the following:

- Overall project is a 2.4 acre parcel in Commercial District;
- Two (2) existing structures to be renovated;
- Proposing mixed uses for the front building (offices, print shop);
- Rear building to be rebuilt for a craft cider business;
- Reduced parking spaces on site.

The City Engineer said the Applicant is intending to bring the existing parking lot into conformity and the Board should determine if they are satisfied with the proposed parking layout. He said the site is located in the Waterfront Protection Overlay District and the Board should also determine if the best application of the site plan has met the provisions of the City Code as it relates to public access. He said the City's Floodplain Administrator will contract the services of a consultant to evaluate the Floodplain Development application.

The Assistant Corporation Counsel said the Floodplain Development permit was not fully discussed at the Planning Board Workshop. He said the review process regarding the Floodplain Development permit would require the Floodplain Administrator to hire a consultant to review the application at the Applicant's expense. He said City Staff is bringing the matter before the Board in order to avoid any issues later on.

The City Engineer asked if the site disturbance will be kept under one acre.

The Project Engineer confirmed that site disturbance will be kept under one acre.

The City Planner said two (2) outstanding comments remain for the project. She said the Applicant must address the additional requirements of the Waterbody Protection Overlay District; and apply for, and receive, a Floodplain Development permit.

The Assistant Corporation Counsel reminded the Board that it waived the public hearing for the application. He said in light of the remaining engineering comments and floodplain concerns, it is not appropriate to take a vote on the application pursuant to SEQRA. He said the Board should provide feedback on the project as presented.

Ms. Moore said the project is developing nicely.

The Chairperson said maintaining shrubs clear of litter in that area is difficult. She recommended looking into a different choice in shrubbery and requested additional trees in the parking islands.

The Project Engineer agreed to review the plantings.

The Chairperson asked for the total number of parking spaces on the revised plan.

The Project Engineer said they are proposing 98 parking spaces on site.

The City Planner said the Applicant has provided a letter from the property owner across the street that allows for shared parking on that site.

The Assistant Corporation Counsel asked the Board to comment on the public access along the waterway and if the proposal by the Applicant is satisfactory.

The Board appeared collectively comfortable with the Applicant's proposal.

Mr. Cappelletti asked for additional details regarding the floodplain review cost and timeframe. He said this is the first time he has heard about the floodplain review cost.

The Assistant Corporation Counsel apologized for not discussing the floodplain review process at the Planning Board Workshop. He said City Staff will solicit a third party who has the capacity to conduct a study and will forward a quote back to the Applicant.

The Chairperson asked who the City's Floodplain Administrator is.

The Assistant Corporation Counsel said the Building Inspector is the Floodplain Administrator.

The application was tabled and the Applicant was informed to revise the site plan and appear at the next Planning Board meeting on January 21, 2020.

NEW BUSINESS

Index No. 2019-13

Applicant: House of God Hebrew Pentecostal Church, Inc.

Owner: Seniors Research Institute Inc.

Location: 140 Overlook Place

SUBDIVISION Application 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 the City Planner were made a matter of record.

DISCUSSION BY THE BOARD

Pastor Robert Diaz, from House of God Hebrew Pentecostal Church, Inc., and Jonathan Millen, Land Surveyor from Automated Construction Enhanced Solutions, Inc., appeared on behalf of the property owner.

The Land Surveyor gave a brief overview of the project and highlighted the following:

- Project involves the following three (3) lots:
 - 149 William Street, owned by House of God Hebrew;
 - 140 Overlook Place, owned by Seniors Research;
 - 124 Overlook Place, owned by House of God Hebrew;
- 140 Overlook Place will be subdivided into three (3) lots.

The Land Surveyor said one (1) of the subdivided lots will be merged with 149 William Street and the other lot will be merged with 124 Overlook Place. He said the lot merged with 124 Overlook Place will then be converted into a community parking lot later on.

The City Engineer said the application appears to be a simple lot line change. He said the current proposal would create a non-conforming lot.

The Land Surveyor said a re-alignment of the lot lines was requested in the original proposal but he was advised at the Planning Board Workshop to submit a subdivision application. He said the plat notes that the non-confirming lot is temporary and pending a consolidation by 149 William Street.

The Chairperson said they are not allowed to approve a non-confirming lot.

The City Planner said the property is just outside the Historic District and there are no proposed changes to any structure.

The Assistant Corporation Counsel said a re-alignment of lot lines may be done administratively and would not require Planning Board approval only if the subject properties are all owned by the same person or same entity (i.e. same legal name). He said at the Planning Board Workshop, the Applicant confirmed that the church is under contract to purchase the lot at 140 Overlook Place from Seniors Research Institute Inc., but the church does not yet own one of the subject properties. He said the Applicant requested approval of the lot line modification prior to purchasing the lot. That process prompted a subdivision application because Chapter 266 of the City Code does not allow an administrative action on a lot line change when the parcels have different owners. He said the process is essentially a lot line change, but in terms of Planning Board applications, the project is referred to as a subdivision application. Part of that process requires a public hearing. He said the Applicant will return with additional details pertaining to the parking lot later.

Pastor Diaz confirmed that the church will not purchase the property until the the appropriate approvals are obtained.

The Chairperson said they should vote to schedule a public hearing.

The Planning Board agreed to schedule a public hearing at the January Planning Board meeting.

The Applicant was informed to address the public hearing requirements with the Secretary and then appear at the January 21, 2020 Planning Board meeting.

With no further business to discuss, the meeting was adjourned at 8:20 p.m.

Respectfully submitted,

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