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, March 19, 2019 at the Activity Center, 401 Washington Street, Newburgh, NY 12550

Members Present: Lisa Daily, Chairperson
Alicia Ware
Duane Ware
Heather Moore
Michael Kelly (New Member)
Lauren A. Capul (New Member)

Members Absent: Sarah Hooff

Also Present: Joseph P. Donat, Interim City Manager
Alexandra Church, Interim Director of Planning and Development / City Planner
Chad Wade, Assistant 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.

The Chairperson introduced and welcomed Michael Kelly and Lauren Capul as new members to the Planning Board

APPROVAL OF MINUTES

Ms. Ware moved to approve the minutes of the February board meeting.
Ms. Moore seconded the motion.

The motion carried unanimously.

PERMIT EXTENSION REQUESTS

Index No. 2015-21

Applicant: Martin J. Diesing – Mauri Architects PC
Owner: East Rock, Corp.
Location: 399 Carpenter Avenue

SPECIAL USE PERMIT EXTENSION to convert a single-family residence for use as a residential treatment facility.

DISCUSSION BY THE BOARD

Sarita Green from Safe Homes of Orange County appeared before the Board representing the property owner.

Ms. Green said the Special Use Permit is expiring soon and they are at the last stage in the State funding process. She said they are closing on the grant next week and then they will soon be ready to begin construction.

The Assistant Corporation Counsel said the applicant applied for its Building Permit in 2018. He said there is no issue with the Planning Board extending the length of time for the Special Use Permit for another year.

Ms. Moore moved to extend the Special Use Permit for one (1) year.
Ms. Ware seconded the motion.
The motion passed via roll-call vote 5-0 (Chairperson Daily abstained)

OLD BUSINESS

Index No. 2018-20

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

SPECIAL USE PERMIT & SITE PLAN Application to convert the existing north side use (vacant) into a radio base office for taxi service dispatcher (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 the Building Inspector were made a matter of record.

DISCUSSION BY THE BOARD

Nemias Magana, speaking on behalf of the Property Owner, and Magda Arauz, Mr. Magana's translator, appeared before the Board.

Ms. Arauz said at the last meeting the Board wanted a clarification regarding the total number of registered operators and vehicles for Express USA Taxi in New York State and in the City of Newburgh. She said the Owner is finalizing the registrations for the taxis.

Ms. Daily said the letter the owner submitted mentions motorcyclists. She asked for a clarification.

Ms. Arauz said it is referring to the medical/livery plates.

The Assistant Corporation Counsel said there are no new updates from the Building Department and no new violations have been issued.

Ms. Daily asked why she still sees Express USA taxis double parked on the street and on the sidewalk in front of 82 Bridge Street. She said one of the conditions of the existing Special Use Permit for automobile repair was to keep any vehicles for repair parked on the rear of the property. She said it appears that Mr. Magana and the business at 82 Bridge Street have an issue following the conditions of the Special Use Permit.

The Assistant Corporation Counsel referred the Board to a memo he prepared to address ownership and registration issues in connection with Mr. Magana.

Ms. Moore confirmed that Mr. Magana has 10 taxi drivers and 2 drivers have livery plates.

Mr. Ware said he was not satisfied with the information provided by the applicant. He said the list does not detail how many taxis in total are operating on the road or which taxis require an inspection or are waiting for an inspection for registration. He said the Express taxis on the road should be parked in the rear of the building and not on the road outside 82 Bridge Street.

Ms. Moore confirmed that the Board must take into consideration the good and legal standing of any business applying for a Special Use Permit. She asked how the Board confirms that the business is complying with the City Code.

The Assistant Corporation Counsel said the Building Department is tasked with enforcing the conditions of the Special Use Permit. He said the Newburgh Police Department enforces other local code and New York State Vehicle and Traffic matters. He said the Board may take into consideration the businesses operated by Mr. Magana that will operate out of 82 Bridge Street, and the manner in which Mr. Magana has operated those businesses. He said if the Board is unclear of the information presented by the owner, it may request that the owner return provide additional information or request an inquiry from City staff.

Ms. Moore asked how many taxis are suspended from operating.

Ms. Arauz said two (2) taxis are not operating. She said one (1) taxi is awaiting an inspection and the other is waiting for the registration from the City.

Mr. Ware asked if the owner is operating the business elsewhere because he sees Express taxis on the road. He asked why Mr. Magana wants a Special Use Permit for 82 Bridge Street if he is operating elsewhere.

The Assistant Corporation Counsel said if the owner has a permit to operate a taxi business in another jurisdiction, the City cannot enforce issues with respect to that permit. He said there are no known Special Use Permits for a radio base office dispatch for Mr. Magana or any businesses he is known to operate within the City of Newburgh.

Ms. Ware asked the applicant where Express taxi are operating from.

The applicant said he is operates out of his house and sometimes from his car.

Ms. Ware asked if operating the dispatch from the house was legal.

The Assistant Corporation Counsel said if the applicant lives in the City of Newburgh, operation would not be legal because there is no Special Use Permit on file for taxi services at the applicant's house.

Ms. Ware said the applicant is operating illegally within the City and this is a huge concern of hers in granting the Special Use Permit. She said the applicant is not following the rules now and there are no assurances that he will follow the rules later.

Ms. Daily said there are many inconsistencies with the applicant's representations before the Board. She said the Board has given the applicant ample time to address the taxi issue.

The applicant said the parked taxis are most likely there for repairs. He said he informed the drivers and the repair business at 82 Bridge Street but they do not listen. He said he may have to look for a different tenant in order to address the situation.

Ms. Daily said she is not in favor of the application. She said the Board may take a vote or table the application.

Ms. Ware said she is ready to vote on the application.

Ms. Ware moved to declare the application a Type II action under SEQRA.
Ms. Moore seconded the motion.
The motion passed unanimously.

Ms. Ware move to approve the Special Use Permit and Site Plan application.
Ms. Moore seconded the motion.
The motion was denied 4-0 via roll call vote, as the decision lacked an affirmative vote of a majority of all of the members of the Board, with the voting results as follows:

Ms. Daily	Voting against granting the application
Ms. Ware	Voting against granting the application
Mr. Ware	Voting against granting the application
Mr. Moore	Voting against granting the application
Mr. Kelly	Abstained
Ms. Capul	Abstained
Ms. Hooff	Absent

Index No. 2019-02

Applicant: Alvin Moonesar
Owner: VIP Partners LLC
Location: 77 William Street

SITE PLAN Application to construct six (6) commercial units (Shopping Center).

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

Alvin Moonesar, Applicant, appeared before the Board.

The Applicant said 77 William Street is part of a larger project at 69-79 William Street. He said the intent is redevelop three (3) lots into a mixed-use redevelopment. He gave a brief overview of the project and highlighted the following:

- Project received area variances approval from the Zoning Board of Appeals on February 26, 2019;
- Survey of the area is currently in progress;
- Site plan has been revised;
- No changes to the lot line are proposed.

The City Planner said the project requires approval by the Planning Board per comment three (3) of the Zoning Enforcement Officer's February 8, 2019 letter. She said Site Plan approval is required for a Shopping Center at 77 William Street in the Commercial Zone. She said the action is a Type II action under SEQRA and the project does not require GML §239 review nor a review by the CAC. She said the Applicant addressed all her comments and that he should refer to the City Engineer's comment letter.

The Assistant City Engineer reviewed all of the comments on his comment letter for the benefit of the applicant and the Board. He asked why the Applicant revised the plan for one (1) entryway instead of two (2) with respect to the parking lot.

The Applicant said his project engineer mentioned there was an issue regarding the turning radius into the property. He said state guidelines require a 24-foot radius that the two entrances cannot meet.

The Assistant City Engineer asked the Applicant to forward the state regulations for review.

Ms. Daily said the applicant provided an update on the application and must address the comments of the City Engineer before she would consider voting on the application.

The Application was tabled and the Applicant was informed to submit any revisions by April 5, 2019 in order to attend the April 16, 2019 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