

PLANNING BOARD MEETING

The City of Newburgh Planning Board meeting was held on Tuesday, April 16, 2019
at the Activity Center, 401 Washington Street, Newburgh, NY 12550

Members Present: Lisa Daily, Chairperson
Alicia Ware
Duane Ware
Heather Moore
Sarah Hooff
Michael Kelly
Lauren A. Capul

Absent: City Engineer

Also Present: Alexandra Church, Interim Director of Planning and Development /
City Planner
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. Moore moved to approve the minutes of the March board meeting.
Ms. Ware seconded the motion.

The motion carried unanimously.

OLD BUSINESS

Index No. 2017-10

Applicant: FD Water Street Holdings
Owner: City of Newburgh (for 35-37 Broad Street)
FD Water Street Holdings (for 272 and 302 Water Street)
Location: 35-37 Broad Street & 272 and 302 Water Street

SPECIAL USE PERMIT & SITE PLAN Application (for 35-37 Broad Street) to develop a parking area in connection with a **SITE PLAN** Application (for 272 and 302 Water Street) to convert the existing 1st Floor (Subgrade) into Storage and Utilities; Floors 2-5 into Artist studios (20 per floor) and the 6th floor into Event Space (Cottage Industry; Assembly Hall).

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

Justin Dates, Project Engineer from Maser Consulting, appeared on behalf of the property owner before the Board.

The Project Engineer submitted a revised planting schedule and details for the light pole, retaining wall and crosswalk for consideration (which were made part of the record). He said the application was last before the Board on August 21, 2018. He said at the August 21, 2018 Planning Board meeting, the application was adjourned in order to address the comment letters of City staff and other substantive project issues. He said since that time, an update was provided at the February 2, 2019 Planning Board Workshop and a revised site plan was recently submitted for review. He gave an overview of the project and highlighted the following:

- The project consists of three tax lots on the east and west side of Water Street, approximately 5.2 acres in total;
 - 35-37 Broad Street, approximately 118,372 sq. ft., is on the west side of Water Street and within the Low Density Residential (“RL”) zone;
 - 272 Water Street, approximately 20,396 sq. ft., is on the east side of Water Street and within the Planned Waterfront District (“PWD”) zone. The existing structure connects to the Regal Bag building at 302 Water Street;
 - 302 Water Street, approximately 88,331 sq. ft., is on the east side of Water Street and within the PWD zone;
- The intent for the parcels are:
 - Construct a parking lot with 113 spaces at 35-37 Broad Street, with the parking designed to service the uses at the Regal Bag building;
 - Redevelop the Regal Bag building at 302 Water Street;
 - 1st floor (Subgrade) into Storage and Utilities (no change in use proposed);
 - 2nd – 5th floors into Artist studios with 20 studios per floor (Cottage Industry);
 - 6th floor into an Event Space (Assembly Hall);
 - Two-story addition on the north end, approximately 4,800 sq. ft., will be used for office space (Professional Office);
- Proposed uses are allowed in the zones;
 - Parking Lot is allowed pending Special Use Permit from the Planning Board in the RL zone;
 - Cottage Industry, Professional Office, Assembly Hall are allowed pending Site Plan approval from the Planning Board in the PWD zone;
- No changes or additions to the Regal Bag building footprint and surrounding area;
- Requesting approval from the New York State Department of Transportation (“NYSDOT”) for:
 - 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;
 - Addition of a left hand turn lane on Water Street into Broad Street;
 - Addition of 15 parking spaces on the west side of Water Street to offset the reduction of spaces on the east side (due to the proposed left hand turn) for a total

- of 42 parking spaces on Water Street;
- Installing 4-8 feet high, retaining walls with a decorative aluminum fence above in the parking lot screened with a three (3) foot wall per City Code;
- Landscaping and lighting details were added to the site plan with street trees proposed in the public right of way;
- Installing subsurface infiltration system to mitigate storm water run-off;

Ms. Daily confirmed that the crosswalk signal will be pedestrian activated.

The City Planner said SEQRA requires the City of Newburgh Land Use Boards to consider the environmental impacts of an entire project/proposal and not just an individual portion of the project that might be before a particular land use board. She said the Applicant's recent submissions now more fully outline the scope of the project needed to undertake a full SEQRA review. She said her comment letter has been updated to reflect this change. She said per the Informational Report by the Zoning Enforcement Officer, the uses for the Regal Bag building will require site plan approval by the Planning Board. She said the application will be referred to the Orange County Planning Department for review in accordance with General Municipal Law 239 and the Conservation Advisory Council ("CAC"). She gave a brief review of her comment letter and highlighted the following:

- Planning Board should be prepared to review environmental impacts on the Hudson River and substantial impacts to traffic.
- Planning Board should review § 175 of the City Code and determine if application of remedies detailed in that chapter, specifically the requirement for a Floodplain development permit, mitigates any potential environmental impacts.
- State Historic Preservation Office ("SHPO") has determined they have no concerns regarding the portion of the project at 35-37 Broad Street but they have indicated that follow up regarding the Regal Bag building will be required. The Planning Board should be prepared to review associated impacts.
- Any proposed construction within the PWD zone must comply with § 300-139 of the City Code. The Planning Board should determine if the thresholds under the section are applicable.

The Assistant Corporation Counsel asked for additional details related to the two-story building on the north side of the Regal Bag building.

The Project Engineer said the structure is an existing two-story building that was historically used as office spaces. He said the structure is attached to the Regal Bag building and is approximately 4,800 sq. ft. He said the intent was included as part of the Informational Request.

The Assistant Corporation Counsel said the existing Informational Report does not mention the office spaces. The Informational will need to be updated.

The City Planner said the Engineering Department was not able to attend the meeting and forwarded a comment letter for consideration. She highlighted the following portions of the City Engineer's comment letter:

- Planning Board should determine whether the proposed screening is sufficient;

- Planning Board should consider requiring the implantation of motion sensors on the proposed lights to activate them during the overnight only in the event the parking lot is accessed. The Dark Sky Society offers guidelines for consideration;
- Applicant should address comments on the Storm Water Pollution Prevention Plan (“SWPPP”);
- Engineer’s Report should be revised to include a map showing the service area of the pump station and whether it is capable of servicing the Regal Bag Building;
- Plan to address the issues surrounding the suspected sewer mains/laterals should be submitted;
- Proposed curb cut along Water Street should utilize granite curbs through the radius of the entrance/exit at a minimum;
- Chain link fence detail should be discussed with the Planning Board given that the parking lot is adjacent to the East End Historic District;
- Storm water arrangement shows multiple connections to several catch basins in the right of way on water Street. These connections will require a permit from the NYSDOT.
- Sewer easement agreement needed;

The Project Engineer said he recently submitted a report for the existing pump station that addresses the City Engineer’s comment. He said the pump station can handle up to 5,500 gallons per day and is sufficient for use, provided some modifications are detailed.

The Assistant Corporation Counsel clarified that the report was made based on the pump station operating under the maximum capacity of the uses and not the average usage.

The Assistant Corporation Counsel said the Board declared itself Lead Agency at the August 21, 2018 meeting and briefly highlighted the project history for the benefit of the newer Board members. He said the Board is required to review the environmental impact of the entire project, not just the parking lot. He confirmed the Planning Board application will be referred to the CAC and the County for review. He said the Board may choose to schedule a public hearing. He asked if the Applicant is preparing a traffic study.

The Project Engineer said a traffic study is underway and will be completed in approximately 1-2 weeks.

The Assistant Corporation Counsel said the Board should review the traffic study when it becomes available. He said the Board has the option of requesting a separate traffic study for consideration, which the Applicant would be required to pay for. He said the Board should refrain from making a SEQRA determination until all comments on the application are submitted and after closing the public hearing.

Ms. Moore asked for a clarification on the subsurface infiltration system.

The Project Engineer said the system will be installed below the pavement and will collect any run-off on-site and regulate the amount of storm water leaving the site. He said the system is compliant with the New York State Department of Environmental Conservation standards and goes above the minimum requirements in the City.

Ms. Daily asked for a clarification on the construction in front of the crosswalk.

The Project Engineer said the construction is to meet the requirements of the Americans with Disabilities Act (“ADA”). He said a ramp will be constructed next to stairs due to the elevation change of the lot.

Ms. Moore asked if the owner has considered connecting his property to the rest of the Waterfront.

The Project Engineer said the Regal Bag building is located on private property for private uses and he is not aware of any plans by the owner to connect the property to the rest of the waterfront area.

Ms. Hooff confirmed that the parcels lie in two (2) separate zoning districts. She asked which zoning regulations take precedence.

The City Planner said the application is in a unique position because the parcels are separated by the street and train tracks. She said per § 300-24, whenever the land use requirements are in conflict with the requirements of any other regulations, the most restrictive, or impose the highest standards shall prevail.

The Assistant Corporation Counsel clarified that one zone does not take precedence over another in a combined project such as this. The rules and regulations for a particular zone apply to the portion of the project where the particular piece of property lies. The R-Low zone regulations should be applied to the parking lot. The PWD zone regulations should be applied to the Regal Bag building and immediately surrounding area.

Mr. Kelly asked for additional details on the lighting impact and noise impact on the neighbors. He asked if those considerations were factored into the construction layout of the parking lot.

The Project Engineer said LED lights with dimming capabilities and house-side shields were considered. He said Water Street has heavy traffic and a parking lot would be prone to less noise because cars would not drive fast in the lot. He said they can add information for comparison.

Ms. Hooff said bright 4k Kelvin lights are too disruptive to the residents and traffic. She said warm lights are preferred for the neighborhood.

The Project Engineer said they coordinated the lighting plan with the City Engineering Department to remain consistent with lighting in other projects throughout the City.

The Assistant Corporation Counsel clarified that the City does not advocate for certain types of lighting. Rather, it provides information on the types of lighting that are used in and around certain areas of the City. He said the Board may take similar information into account prior to making a determination on the application. He said the application requires additional review and suggested adjourning the application until the traffic study is submitted and the comments by the CAC and County are received.

The application was adjourned and the Applicant informed to submit the traffic study and address the comment letters of City staff. The Applicant was informed to submit the revisions by May 10, 2019 in order to attend the next Planning Board meeting on May 21, 2019.

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 an overall mixed-use redevelopment project. He gave a brief overview of the project and said they have addressed the majority of comments by City staff.

The City Planner said the Applicant addressed all her comments and he should refer to the City Engineer's comment letter. She said the Engineering Department was not able to attend the meeting and forwarded a comment letter for consideration. She read the City Engineers comment letter and highlighted the following:

- Zoning bulk table should be revised;
- Note should be added to address granite curbing;
- Construction details need to be revised;
- SWPPP modifications are required;
- Proposed street may not be taller than 25 feet;
- Provide additional lighting details;
- Site plan should indicate which lot lines are to be extinguished and filed with the County Clerk if approved;
- Note should be added to describe how garbage will be handled onsite.

The City Planner said the comments are generally minor comment and the Planning Board may issue a conditional approval.

The Applicant said garbage will be removed daily by a private company under contract. He said the plan was revised back to two (2) entryways instead of one (1) with respect to the parking lot.

The Assistant Corporation Counsel confirmed that a separate signed and sealed survey was submitted for consideration. He clarified that the Board may vote to approve the application subject to the satisfaction of any outstanding comments from the City Engineer's letter. He said the action is considered a Type II action pursuant to SEQRA.

Ms. Hooff asked where the trash will be stored on non-pickup days.

The Assistant Corporation Counsel asked if there was a specific area depicted on the site plan for garbage collection.

The Applicant said there is no location depicted outside. He said garbage will be stored inside at each of the commercial units in a cold storage room and then be moved outside for pick-up.

Ms. Moore moved to declare the action a Type II action pursuant to SEQRA.

Ms. Hooff seconded the motion.

The motion passed unanimously.

Mr. Ware move to approve the Site Plan application subject to satisfying 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.

Ms. Hooff seconded the motion.

The motion passed unanimously via roll-call vote.

With no further business to discuss, the meeting was adjourned at 8:40 p.m.

Respectfully submitted,

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