

**PLANNING BOARD MEETING**

The City of Newburgh Planning Board meeting was held on Tuesday, May 21, 2019  
at the Activity Center, 401 Washington Street, Newburgh, NY 12550

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

Members Absent: Michael Kelly

Also Absent: City Engineer  
City Planner

Also Present: 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**

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

The motion carried unanimously.

**PERMIT EXTENSION REQUESTS**

**Index No. 2016-07**

**Applicant:** Central Hudson Gas & Electric, Inc.  
**Owner:** Central Hudson Gas & Electric, Inc.  
**Location:** 182 Fullerton Avenue

**SPECIAL USE PERMIT & SITE PLAN** Application to establish a Gas Main Regulator site.

The extension request letter and the comments memo of the Building Inspector were made a matter of record.

## DISCUSSION BY THE BOARD

Luke Mangels and Joe Koberger from Central Hudson Gas & Electric, Inc., appeared on behalf of the property owner before the Board.

Mr. Mangels said the site is operational and there have been no complaints.

The Assistant Corporation Counsel confirmed there are no existing violations per the Building Inspector. He said the Applicant is requesting a permanent extension of the existing special use permit. He said it is his legal opinion that a permanent extension is not permissible because a special use permit was designed to have expiration dates. He said by extending the special use permit into perpetuity, it would be akin to creating a variance.

Mr. Mangels asked why the use is allowed with a special use permit.

The Assistant Corporation Counsel said the use is allowed in the zone via a special use permit because that is what the City Code (§300-57) allows. He said special use permits are subject to periodic renewal by the Planning Board.

Ms. Daily said the renewal process also ensures the property remains compliant with the conditions set forth by the Planning Board.

Mr. Mangels said some municipalities issue permanent special use permits and then task the Building Department to oversee enforcement. He asked if the City of Newburgh is the only municipality that does not issue permanent special use permits.

The Assistant Corporation Counsel said he cannot speak for other municipalities with respect to special use permits. He said previous iterations of the Board have granted permanent special use permits in the past, but he does not agree with those decisions. He said the Applicant is free to submit a letter requesting additional time in between renewal dates and is not required to make an appearance unless specifically requested by the Board.

Mr. Mangels said they may face difficulty submitting renewal requests later on. He asked if the City is required to send a notice of expiration.

The Assistant Corporation Counsel said the City is not obligated to send notices, and the City Code states as much. However, he said City Staff have been working in sending reminder letters into its process as a courtesy to permit holders.

Heather Moore moved to extend the special use permit for three (3) years.

Duane Ware seconded the motion.

The motion passed unanimously via roll-call vote.

**Index No. 2018-17**

**Applicant:** RUPCO  
**Owner:** Newburgh Community Land Bank, Inc.  
**Location:** 116 Lander Street

**SUBDIVISION** Application to subdivide the property into three (3) lots.

The extension request letter was made a matter of record.

**DISCUSSION BY THE BOARD**

The Assistant Corporation Counsel said the subdivision application at 116 Lander Street received preliminary plat approval on November 20, 2018. He said the City Code requires the Applicant to submit a final plat application to the Planning Board within six (6) months of preliminary approval. He said the Applicant submitted a letter requesting additional time for submission.

Ms. Hooff motioned to approve a six-month extension for the applicant/subdivider to submit a final plat application.

Heather Moore seconded the motion.

The motion passed unanimously via roll-call vote. (Chairperson recused)

**DISCUSSION**

**Transportation Advisory Committee**

Gabriel Berlin, Transportation Advisory Committee Chairperson, appeared before the Board.

Mr. Berlin said the Transportation Committee serves an advisory role and is willing to assist all of the Land Use Boards. He said the mission statement for the Transportation Committee is to advocate for a safe and effective multi-modal transportation network for the City's residents and businesses.

Mr. Berlin gave an overview of the Transportation Committee's areas of focus and achievements. He said one of the goals is to increase transparency and open up the lines of communication to strike a balance between the needs of the City and the residents.

The Planning Board discussed the Transportation Committee's goals and advisory role.

Mr. Berlin thanked the Board for their time.

With no further business to discuss, the meeting was adjourned at 8:10 p.m.

Respectfully submitted,

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