

PLANNING BOARD MEETING

The City of Newburgh Planning Board meeting was held on Tuesday, July 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
Lauren A. Capul

Members Absent: Michael Kelly

Also Present: Alexandra Church, Interim Director of Planning and
Development / City Planner
Jason Morris, City Engineer
Jeremy Kaufman, Assistant Corporation Counsel

Members Absent: Omar Balbuena-Palma, Secretary

The meeting was called at 7:30 p.m. after a quorum was confirmed.

APPROVAL OF MINUTES

Ms. Hooff moved to approve the minutes of the May board meeting.

Ms. Ware seconded the motion.

The motion passed unanimously via roll-call vote.

Ms. Moore said she was not present for the June meeting. She asked if there was any issue if she voted to approve the minutes of the June meeting.

The Assistant Corporation Counsel said there was no issue. He said when voting on the minutes she should consider if she has any reason to believe that the minutes should be corrected. If not, she should vote to approve the minutes as a procedural matter of Planning Board business.

Ms. Ware moved to approve the minutes of the June board meeting.

Ms. Hooff seconded the motion.

The motion passed unanimously via roll-call vote.

The Chairperson moved application numbers 2019-04 through 2019-06 forward on the agenda.

NEW BUSINESS

Index No. 2019-04

Applicant: Tweeps Phillips Woods
Owner: Michael Green
Location: 297 Grand Street

SUBDIVISION Application to subdivide the Carriage House from the Main House to create two (2) separate parcels.

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

Tweeps Phillips Woods, Applicant, appeared on behalf of the property owner.

The Applicant gave a brief overview of the project and said the intent is to subdivide the existing property into two (2) lots. The 3-story brick dwelling would remain on the existing lot. The carriage house and garage would become a separate lot.

Ms. Moore asked for the intent of the lots after the subdivision.

The Applicant said there are no existing development plans but the owner may choose to sell one of the lots.

The City Planner said the subdivision application requires approval by the Planning Board but is not considered a change of use per the Informational Report dated March 20, 2019. She said the property lies in the Low Density Residential Zone and does not require review by the Orange County Department of Planning nor the Conservation Advisory Council (“CAC”). She said the action is a Type II action under SEQRA and question 12(a) on the Environment Assessment Form (“EAF”) was answered “Yes,” but the subdivision will not affect the historic features of the structures and no further clarification is needed.

The City Engineer said the subdivision plan should be revised to include the location of existing and/or proposed utilities on each of the properties.

The Applicant said the plan will be revised to include those details.

The Assistant Corporation Counsel said the Board a public hearing must be held by the Board per §266-21 of the City Code and the Applicant should contact the Secretary for assistance in completing the public hearing requirements. He said once the public hearing is completed, the Board may vote to conditionally approve the preliminary plat. He said the Board must take action on the application within 62 days of review per §266-24 of the City Code unless the Applicant waives this requirement. He asked the Applicant if she objected to waiving this requirement.

The Applicant waived the requirement.

The Assistant Corporation Counsel said the Board may refer the application to the Orange County Department of Health for review. He said because the application is a minor subdivision, the Board has the option to waive the referral.

Ms. Moore moved to waive a referral to the Orange County Department of Health.

Ms. Ware seconded the motion

The motion passed unanimously via roll-call vote.

The Applicant was informed to address the comment letters of City Staff, contact the Secretary to complete the public hearing requirements and attend the Planning Board meeting on August 20, 2019.

Index No. 2019-05

Applicant: SOS Car Detailing Co.

Owner: Mid Hudson Film LLC

Location: 247 Dupont Avenue

SPECIAL USE PERMIT Application to convert the facility to Auto Detailing (Automobile service/repair).

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

Esmeralda Bencomo from SOS Car Detailing Co., Applicant, appeared on behalf of the property owner.

The Applicant said the intent is to operate an automobile detailing business at 247 Dupont Avenue. She said their services are limited to cleaning the exterior and interior of vehicles.

Ms. Daily confirmed the property had been vacant for a few months.

The City Planner said a Special Use Permit from the Planning Board for automobile service/repair is required per the Informational Report dated July 3, 2019. She said the property lies in the Commercial Zone and does not require review by the Orange County Department of Planning or the CAC. She said the action is a Type II action under SEQRA and two (2) questions were triggered on the EAF. She said the property is near an adjacent environmental remediation site but since no site work is proposed and this property is within the buffer area known to not be affected by the Dupont Stauffer Landfill State Superfund Site, no further action is required. She said a portion of the property or adjoining lands contain wetlands or other waterbodies and the Applicant should confirm that no discharge will leave the premises.

The City Engineer asked for additional details on the activities of the car detailing business. He asked if cars will be washed on site.

The Applicant said approximately 4-5 cars will be cleaned per day and a power washer will be used to wash cars. She said the power washer will be used to wet the surface of the car but there will be no running water on site and no water will discharge into the drains.

The City Engineer said if there is any car washing activity on site, a site plan must be submitted to show the area for car washing on the premises and how the car wash runoff will be contained and either recycled or disposed of. He said he understands the amount of runoff may be minimal but it needs to be detailed on a site plan. He asked if the Applicant has contracted the services of an engineer.

The Applicant said no engineer has been contracted to work on the project.

The City Engineer said the Applicant has the option to contract the services of an engineer in order to provide the requested details on a site plan or state that there will be no washing of cars on site to the Board.

The Applicant said she intends to wash cars on site and an insignificant amount of runoff will occur.

The City Engineer said even with minimal runoff, the Applicant must provide a site plan with details related to the car wash and water runoff.

Ms. Capul confirmed the Applicant has already leased a portion of 247 Dupont Avenue.

Ms. Daily said the business is not allowed to operate unless and until the Board issues a Special Use Permit. She said the Applicant was informed of this requirement at the July 2, 2019 workshop meeting.

The Applicant said they were previously operating at 247 Dupont Avenue washing vehicles. She said almost no runoff occurs.

Ms. Daily said water runoff into the ground is not allowed in that area. She said the Board should vote to schedule a public hearing and the Applicant should address the comments by City Staff.

Ms. Hooff said the Applicant is in a difficult position because of the nearby wetland. She said runoff into the ground is not allowed but the Applicant has already signed a lease for the property.

The City Engineer said regardless of the nearby wetlands, the Applicant requires either a permit from the City of Newburgh wastewater treatment plant to discharge the runoff into the sewer system or a permit from the Department of Environmental Conservation ("DEC") to discharge the runoff into any other body of water including the storm sewer system. He said the permit from the DEC is very difficult to obtain and the easiest option the Applicant has is to either recycle the water or obtain a permit from the City of Newburgh to discharge the water into the waste water system.

The Assistant Corporation Counsel said the Planning Board should schedule a public hearing and discuss any applicable conditions with the Applicant.

The Applicant said the hours of operation are from 8:00 a.m. to 6:00 p.m. Monday through Saturday and 9:00 a.m. to 4:00 p.m. on Sunday.

The Assistant Corporation Counsel asked for the intent of the lift on site.

The applicant said the lift will not be used or allowed to be used by anyone in the near future. She said the intent later is to perform undercarriage cleaning to vehicles and that she will notify the Engineering Department accordingly when they move forward.

Ms. Daily asked if there will be any cars stored on the property.

The Applicant said they clean cars for used car dealerships and approximately 5-6 cars will be stored on site. She said the cars may remain onsite for about 1-2 days.

Ms. Daily confirmed the cars will be stored outside, in the backyard.

Ms. Moore said a parking layout should be provided on the site plan.

The Applicant said there is sufficient room to park approximately 50 cars on the rear of the property. She said parking is not a concern.

Ms. Daily said the Applicant should state the maximum number of parking spaces to be used for storage.

The Applicant said three (3) cars can be stored on the inside of the building and approximately 10 cars in front of the building. She said there are no plans to leave cars overnight in the front.

The Assistant Corporation Counsel asked if there will be any storage of vehicle related items such as tires, car parts etc.

The Applicant said no storage of tires or other car parts will be allowed.

Ms. Daily said the tires need to be removed from the site and it will be a condition of any Special Use Permit.

The Assistant Corporation Counsel asked if there will be any additional automobile work such as engine/transmission repair, oil changes etc.

The Applicant said there will be no oil changes and no major repair work on site and no proposed changes to the site. She said they will not be doing any electrical work on vehicles.

The City Engineer asked for additional information regarding ceramic coating services.

The Applicant said the ceramic coating service involves applying a liquid product on the exterior of vehicles for protection from the elements for up to a year.

The Board admonished the Applicant not to operate until the applicable permits are obtained.

The Applicant asked if she is allowed to clean the interior of cars only without using water.

Ms. Daily said the business is not allowed to operate because a Special Use Permit has not been issued.

The Applicant was informed to address the comment letters of City Staff, contact the Secretary to complete the public hearing requirements and attend the Planning Board meeting on August 20, 2019.

Index No. 2019-06

Applicant: Daniel Zuber
Owner: LSP Two LLC
Location: 12 Front Street

SITE PLAN Application to convert the existing first floor south use (Mercantile) into a Craft Beer Tasting Room with a Tavern Wine License (Bar).

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

Daniel Zuber, Applicant, appeared on behalf of the property owner.

The Applicant said the intent is to convert the southern portion of the first floor into a craft beer tasting room. He said a limited amount of alcohol will be served during limited business hours and the intent is for sales of alcohol to go. He said the hours of operation will be from noon to 10:00 p.m., and limiting the amount of alcohol consumption to 1-2 pints/drinks.

The City Engineer recommended waiving the site plan requirements of the application, subject only to the Applicant submitting an engineer's certification summarizing a dye testing and/or CCTV investigation of the existing sanitary sewer lateral for the building that confirms the building's sewer lateral is properly connected to the City of Newburgh's sanitary sewer system.

The City Planner said the project is located in the Planned Waterfront District and requires site plan approval from the Planning Board per the Informational Report dated July 3, 2019. She said the application requires review by the CAC but does not require review by the Orange County Department of Planning. She said the action is a Type II action under SEQRA and several questions were triggered on the EAF. She said the property is near an archeological sensitive area, a regulated waterbody, known habitats to endangered species and within the 100 year floodplain. She said because no site work is proposed, no additional clarification is required. She said there is also an adjacent environmental remediation site known as the Consolidated Ironworks State Superfund Site but since 12 Front Street is known not to be affected and there is no site work proposed, and the project does not require additional clarification.

The Assistant Corporation Counsel said the Planning Board should consider whether to hold or waive a public hearing and adjourn until the CAC has a chance to review the application. He said the property falls within the Local Waterfront Revitalization Area and the CAC has up to 30 days to submit a comment letter for consideration by the Board. He said the action is considered a Type II action under SEQRA because it is less than 4,000 square feet of commercial space.

Ms. Capul asked how the Applicant intends to limit alcohol consumption.

The Applicant said the bar approximately 1,000 square feet and the maximum occupancy allowed is relatively small. He said the business will be owner-operated and he will post a sign stating the drink limit. He said the idea is to promote local draft breweries.

Ms. Daily said the Board should vote on scheduling/waiving the public hearing.

Mr. Ware moved to waive the public hearing.

Ms. Ware seconded the motion.

The motion was denied 3-2 via roll call vote, as the decision lacked an affirmative vote of a majority (4 votes) of all of the members of the Board (7 members total), with the voting results as follows:

Ms. Capul	Voted against waiving the public hearing
Mr. Ware	Voted against waiving the public hearing
Ms. Hooff	Recused
Ms. Moore	Voted against waiving the public hearing
Ms. Ware	Voted for waiving the public hearing
Mr. Kelly	Absent
Ms. Daily	Voted for waiving the public hearing

The Applicant was informed to address the comment letters of City Staff, contact the Secretary to complete the public hearing requirements and attend the following Planning Board meeting on August 20, 2019.

PUBLIC HEARING

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 a storage/utility room; 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, the City Planner, the Orange County Department of Planning and the CAC were made a matter of record.

DISCUSSION BY THE BOARD

The Assistant Corporation Counsel said there was a delay in mailing the public hearing notices . To satisfy the requirements of the City Code, the public hearing scheduled for the July meeting

would be carried over into the August meeting. He announced that due to the large number of people present tonight, comment would be limited to 3 minutes per speaker.

The Assistant Corporation Counsel said members of the City Council are present for the meeting. If they chose to comment on the application, the Board must regard their statements as a matter of public comment, with no greater/lesser weight to be afforded to their comments than any other member of the public.

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

The Project Engineer gave a brief review 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 a storage/utility room (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);
- Storm Water Pollution Prevention Plan and lighting/landscaping plan submitted for consideration.
- Traffic study prepared to identify current and future traffic operating conditions on the surrounding roads/intersections and to assess the potential traffic impacts of the project;
 - Traffic evaluation analyzes potential conditions for 2022 and compared them to the existing conditions in 2019;
 - Study shows the proposed traffic generated by the completed project is not expected to cause any significant impact in overall levels of service;
- Proposing the following:
 - Mid-block crosswalk from the parking lot to the pedestrian crossing;
 - Installing a pedestrian activated LED traffic light at the crosswalk that matches the traffic light in front of 27 South 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;

- Two (2) entrances/exits for the parking lot, one (1) from Broad Street and one (1) from Water Street.

The Chairperson opened the public hearing.

Chuck Thomas, Montgomery Street, spoke against the application.

Ben Brandt, Grand Street, spoke against the application.

Michele Basch, Broad Street, spoke against the application.

Nadia Tarr, Montgomery Street, spoke against the application.

Beatrice Harris, Montgomery Street, spoke against the application.

Alison Filosa, Bay View Terrace, spoke against the application.

Helen Colacicco, Montgomery Street, spoke against the application.

Yaniyah Pearson, Montgomery Street, spoke against the application.

Trisha Halverson, Park Avenue, spoke against the application.

Erica Urie, Lander Street, spoke against the application.

Bill Exiner, Broad Street, spoke against the application.

Garbriel Berlin, Clinton Street, spoke against the application.

William Fioravanti, Montgomery Street, spoke in-part for and in-part against the application.

Michael Muyot, Spring Street, spoke against the application.

Steve Majano, South William Street, spoke against the application.

Belinda McKeon, Montgomery Street, spoke against the application.

Judy Thomas, Benkard Avenue, spoke against the application.

Thomas Roberts, Central Avenue, spoke against the application.

Ricardo Fuentes, South Street, spoke against the application.

Jagninski Piotr, Montgomery Street, spoke against the application.

Charline Boyle, Grand Street, spoke against the application.

Torrance Harvey, Overlook Place, spoke in-part for and in-part against the application.

Nitta Sutton, Liberty Street, spoke against the application.

Ali Muhammed, Liberty Street, spoke against the application.

Maryann Marichal, Montgomery Street, spoke against the application.

Andres Benitez, Smith Street, spoke against the application.

The Chairperson said the public hearing will be held open until the August 20, 2019 meeting and anyone who did not comment on the application tonight, may do so at that time.

The City Engineer said they have not received any new submissions and thus his comment letter has not changed. He said the Project Engineer is working to address outstanding comments by City Staff and is expected to make a full resubmission soon once the public hearing is completed.

The City Planner said there are no changes to her comment letter. She said at the June 18, 2019 Board meeting, the Board requested a second independent traffic study. The request was forwarded to four (4) different firms. She said the Board will be notified of any responses.

With no further business to discuss, the meeting was adjourned at 9:25 p.m.

Respectfully submitted,

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