Lisa Daily, Chairperson
Omar E. Balbuena-Palma, Secretary
Phone: (845) 569-7380 Fax: (845) 569-9700

PLANNING BOARD MEETING

The City of Newburgh Planning Board meeting was held on Tuesday, August 20, 2019 at the Activity Center, 401 Washington Street, Newburgh, NY 12550

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

Members Absent: Heather Moore

Also Present: Alexandra Church, Interim Director of Planning and 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 July board meeting.
Ms. Capul seconded the motion.
The motion passed unanimously via roll-call vote.

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 the Applicant confirmed its non-appearance for the August meeting on August 14. He said the applicant advised that it would submit a revised plan at a later date. In the interim, he said any person who wishes to speak at the public hearing for this project will still be given an opportunity to do so.

The Chairperson opened the public hearing.

Nancy Thomas, Montgomery Street, said the Planning Board should take into consideration the Master Plan and the Local Waterfront Revitalization Program in making its determination. She said the outcome of the project will have an impact that will last for several years and the Planning Board should strongly consider all of the environmental impacts. She said the property needs a proven developer that benefits the City and not a developer who seeks to make a profit only.

There was no one else who wished to comment on the application.

The Chairperson said the public hearing will remain open and the public will have a chance to comment once the Applicant submits a revised site plan.

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, and Michael Green, property owner, appeared before the Board.

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

The Chairperson opened the public hearing.

There was no one present for or against the application.

The Chairperson closed the public hearing.

The City Planner said she had no further comments on the application.

The City Engineer said the Applicant addressed all of his comments.

Ms. Hooff moved to declare the Planning Board Lead Agency pursuant to SEQRA.
Ms. Capul seconded the motion.
The motion passed unanimously.

Ms. Hooff moved to issue a Negative Declaration pursuant to SEQRA.
Ms. Ware seconded the motion.
The motion passed unanimously.

Ms. Ware moved to approve the preliminary plat as submitted.
Ms. Hooff seconded the motion.
The motion passed unanimously via roll-call vote.

The Applicant was informed to review Chapter 266 of the City Code and submit a final plat within six (6) months to the Planning Board for review.

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 an auto detailing store (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.

The Chairperson opened the public hearing.

Michael Mitchell, Dupont Avenue, asked for the days/hours of operation. He asked what recourse is available to residents if the Applicant does not honor the terms of the Special Use Permit. He asked who will maintain the property and what will the Applicant be responsible for.

There was no one else present for or against the application.

The Chairperson closed the public hearing.

The Chairperson confirmed the hours of operation will be 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. She said the property owner is responsible for the property and the Applicant is responsible for her place of business. She said if the public becomes aware of any activity that is not covered under the special use permit; the Building Department should be notified immediately.

The City Planner 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 said the Applicant has submitted a completed Industrial Discharge questionnaire signed and sealed by a licensed professional. He said the Applicant will be required to install an oil/water separator in the area of the reclaimed car wash water before discharging the water to the City's sewer system. He said a site plan should be submitted that shows the location of the oil/water separator and the area for car washing on the premises. He said the site plan should show how the car wash runoff will be contained and either recycled/disposed.

The Applicant said a 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. She said the products that will be used are all biodegradable.

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.

Ms. Hooff said she understands the concern of the Applicant but clarified that any amount of runoff for this property requires a site plan with details about the car wash area and runoff.

The Applicant asked why the requirement of a site plan was not mentioned earlier.

The City Engineer said the Applicant was informed of the site plan requirement at the previous Planning Board meeting and it was also mentioned on comment four (4) of his comment letter dated July 16, 2019.

The Chairperson said the Applicant should provide a site plan, signed and sealed by a New York State Certified Engineer, and attend the next Planning Board meeting. She said the action would be tabled in the interim.

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 along with Antonia Stach and Daniel Schiavone.

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. He said local art will be displayed with an option to purchase in order to connect with the community.

The Chairperson opened the public hearing.

Gregory Langer, Front Street, asked for the parking requirements.

There was no one else present for or against the application.

The Chairperson closed the public hearing.

Ms. Ware said the Building Inspector determined that the application met the required number of parking spaces per the Informational Report dated July 3, 2019.

The City Engineer said the owner of the building has been in contact with the City Engineering Department in an attempt to address the concern regarding the sewer lateral connection. He said a dye test and limited CCTV investigation of the sewer lateral has been performed with inconclusive results and the Engineering Department is requiring the building owner to perform additional investigations of the existing sewer lateral. He recommended the Planning Board to waive the site plan requirements, but condition any approval pending the results of the lateral investigation and any outstanding comments in the City Engineer's comment letter.

The City Planner said the property is within the 100 year flood plain and the Planning Board should review §175 of the City Code and determine if application of the remedies detailed in that chapter, especially the requirement for a development permit, mitigates any potential environmental impacts.

The Assistant Corporation Counsel said the action is considered a Type II action under SEQRA and the Planning Board may vote to conditionally approve the application.

Mr. Kelly asked for a clarification regarding the sewer lateral connection.

The City Engineer said the investigations are to positively identify a proper connection to the City-owned sanitary sewer system. He said the connection is for the entire building and is required regardless if the Applicant obtains approval.

The Chairperson said the property owner cannot obtain a new Certificate of Occupancy until this issue is resolved.

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

Ms. Ware moved to approve the Site Plan conditioned on the satisfaction of the City Engineer's comment letter.
Ms. Capul seconded the motion.
The motion passed unanimously via roll-call vote (Sarah Hooff abstained).

NEW BUSINESS

The Chairperson recused herself from application 2019-07.

Index No. 2019-07

Applicant: Jeff Wilkinson
Owner: Michael Lidgus
Location: 188 Grand Street

SITE PLAN Application to convert the existing building into a Community Center in the front with a residential unit in the rear.

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

Jeff Wilkinson, Project Architect, appeared with Michael Lidgus, property owner.

The Project Architect gave a brief overview of the application and highlighted the following in his proposal:

- Building constructed circa 1940;
- Property purchased in 2013 from the Newburgh Community Land Bank;
- Intending to convert the building into a Mixed Use Residential building (single family residency in the rear and a community assembly space in the front);
- Adding five (5) additional parking spaces for a total of seven (7) on-site parking spaces;
- Adding a parking turn area made out of gravel in the rear;
- Not proposing modifications to the building footprint.

The Project Architect submitted 10 photographs for consideration related to parking in the area.

The property owner said the photographs displays the typical crowd size of his events, the availability of parking within 500 feet and the sign style for the property.

Ms. Capul clarified that two (2) parking spaces exist on the rear of the building and five (5) parking spaces will be added to the northern side.

Ms. Hooff confirmed that a parking turn area made out of gravel will be added on the rear of the property. She asked for additional details on the lot to the north.

The property owner said the lot to the north contains a three-story building and is currently screened with shrubs, a chain link fence and trees. He said that building has its own separate parking lot.

The City Engineer said the Applicant should revise the site plan in accordance with §300-87 of the City Code. He said any information the Applicant feels is unnecessary should be discussed with the Planning Board and request a waiver for those items. He said the Applicant should provide a signed and sealed survey and add the location and size of existing water/sewer services to the site plan. He said additional construction details for the drive should be added and the site plan should be revised to show conformance with ADA accessibility. He said the site plan requires screening from the parking areas in the form of a fence or shrubs and it also requires a five (5) foot buffer with trees or dense vegetation when five (5) or more parking spaces are proposed. He asked if there is any proposed lighting on site.

The Project Architect said they will revise the plans and add a lighting plan.

The City Planner said a Community Center is allowed pending Site Plan approval from the Planning Board in the Medium Density Residential Zone per the Informational Report dated May 28, 2019. She said the project did not trigger any environmental impacts but it does require review by the CAC and the Orange County Department of Planning.

The property owner asked for a clarification on comment three (3) and 10 of the City Engineer's comment letter.

The City Engineer said the Planning Board may elect to require some or all of the information found on §300-87 of the City Code. He said in the alternative, the Planning Board may waive those requirements. He said if the Applicant is proposing to install a ramp to conform to ADA accessibility requirements, the ramp and any other site improvements should be added to the site plan.

The Assistant Corporation Counsel said the Planning Board must adjourn until comments by the Orange County Department of Planning and CAC are submitted/considered. He said the Planning Board should provide feedback on the application and discuss the parking requirements. He said the Planning Board may vote to schedule or waive a public hearing.

Ms. Hooff said the Applicant should consider a lighting temperature under 3,000 Kelvin and install lighting shields for the benefit of the neighbors.

Mr. Kelly said any proposed modifications to the water/sewer services should also be provided on the site plan.

Ms. Ware asked for additional details on the driveway. She said the Applicant should review the ADA accessibility requirements to ensure the proposed ramp is sufficient for compliance.

The Project Architect said he will review the requirements and clarified only the turning area will be added to the lot. He said the driveway already exists.

The property owner said he is not planning to hold weekly events. He said the intent is to use the assembly hall in a limited fashion for the benefit of the community. He asked if there is any way the Planning Board can limit the use of the building as a condition of approval.

The Assistant Corporation Counsel said the Planning Board may not add restrictions on Site Plan approval. He said the Planning Board may add restrictions on Special Use Permit applications only.

Ms. Hooff said community centers may become disruptive to the neighborhood.

The property owner said he is not planning on hosting events for 250 people. He said there is sufficient parking nearby for the proposed uses of the assembly space and he is reaching out to a separate property owner to utilize a nearby parking lot.

Ms. Ware said the City of Newburgh is a walkable City and a limited amount of parking space encourages people to walk.

Ms. Capul confirmed that a tree and some bushes will be removed from the north side of the lot in order to make room for the parking spaces. She asked if they can be replanted.

The Project Architect said there is not sufficient room to replant the tree. He said the purpose of the buffer is to provide screening for the parking area. He said installing a solid wood fence should address the issue.

Ms. Hooff said the Applicant should at least consider planting new bushes.

The Assistant Corporation Counsel said the properties location within the East End Historic District requires that the property owner obtain a tree removal permit for any tree larger than eight (8) inches in diameter.

The Project Architect clarified the existing tree diameter is less than eight (8) inches.

Mr. Kelly asked if the Applicant considered adding additional parking spaces on the remainder of the rear lot.

The property owner said the remainder of the lot is green space and it would be a shame to remove it.

Mr. Ware moved to waive the public hearing.
Ms. Ware seconded the motion.
The motion passed unanimously.

The Project Architect asked if there were any additional comments on the site plan.

The City Engineer said the Applicant should review §300-68 of the City Code to review the design, layout and construction of parking areas.

Ms. Hooff said details of proposed fence should be added to the site plan.

The Chairperson tabled the application pending receipt of County and CAC comment letters, and the applicant to revise his site plan in accordance with the discussed items at the meeting.

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