

PLANNING BOARD MEETING

The City of Newburgh Planning Board meeting was held on Tuesday, September 17, 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
Michael Kelly

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

Mr. Kelly moved to approve the minutes of the August board meeting.
Ms. Ware seconded the motion.
The motion passed unanimously.

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 Chairperson said the Applicant asked to table its application for the September meeting on September 16. The application was tabled until the October meeting.

OLD 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 before the Board on behalf of the property owner.

The Applicant gave 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 Assistant Corporation Counsel said the Applicant received preliminary plat approval at the September meeting and is now requesting final plat approval. He said any approval should be conditioned on satisfaction of the City Engineer's comment letter.

The City Engineer said he had three (3) minor comments on the plat. He said the title on the plat should be revised, a north arrow should be added and the location plan should be on a scale of 1" = 400'. He recommended issuing conditional approval.

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

The Chairperson said the Board is generally comfortable with the application and any approval will be conditioned on addressing the City Engineer's comment letter.

Ms. Hooff moved to approve the final plat subject to the City Engineer's comment letter.

Ms. Moore seconded the motion.

The motion passed unanimously via roll-call vote.

NEW BUSINESS

Index No. 2019-08

Applicant: AMP Architecture
Owner: St Marks Holy Tabernacle Inc.
Location: 313 Fullerton Avenue

SITE PLAN Application to convert the existing use (Professional Office) into a church (House of Worship).

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

Anthony Portillo, Project Architect, and Robert Ferrer, Pastor, appeared before the Board on behalf of the property owner.

The Project Architect gave an overview of the application and highlighted the following:

- Converting the existing building into a church with a maximum occupancy of 50 people;
- No proposed expansion of the building footprint;
- Providing 12 off-street parking spaces with two (2) handicapped parking spaces in the front;
- Basement area will be used for storage.

The City Engineer said his main comment deals with four (4) parking spaces at the rear of the building. He said there are thirteen (13) feet proposed for vehicles to maneuver in and out of those parking spaces and that width is too narrow for vehicles to navigate.

The Project Architect said he was under the impression that 12 feet was the minimum requirement for perpendicular parking. He said they are able to remove the guardrails and that would allow for two (2) additional feet of space.

The City Engineer said the guardrails should be kept. He said there isn't sufficient space available on the rear for three (3) or more perpendicular parking spaces and suggested the parking plan could be revised by swapping the handicap parking to the rear.

The Chairperson said the building used to have handicapped access on the rear with a ramp.

The Project Architect said the owner obtained a demolition permit and gutted the building. The owner must now obtain a building permit, but the owner needs approval from the Planning Board for the change of use. He said they are not opposed to revising the site plan and asked for some type of conditional approval from the Board.

The City Planner said the property lies in the Commercial Zone and requires Site Plan approval from the Planning Board per the Informational Report dated September 3, 2019. She said the action does not require review by the Conservation Advisory Council or the Orange County. She said the

Site Plan, Sheet A-300, should be submitted on its own sheet and the Planning Board should consider the specific standards for the design, layout and construction of parking areas per §300-68 of the City Code. She said the existing curb cut does not appear to conform to current standards and should be brought into conformity.

The Assistant Corporation Counsel said the Applicant expressed a broader vision of the project to utilize the property as a church and a child daycare center at the Planning Board workshop on September 3, 2019. He said the daycare is not part of the existing application but the Board should be aware that the application is likely forthcoming. He said the Applicant is aware that any current Site Plan could require revisions based on certain daycare requirements, and the Applicant elected to proceed with an application for the church at this time only. He said if the Applicant is not able to provide the sufficient amount of parking on-site, he has the option to request an area variance for the difference.

The Project Architect asked for a clarification on the minimum aisle width for parking and said they are willing to request the parking variance from the Zoning Board of Appeals. He asked if the approval may be conditioned on obtaining the applicable area variances.

The Chairperson said the Applicant should be aware that the approval process for a daycare is difficult and requires a New York State Office of Family Services license.

The Pastor said he is aware of the difficulty and said he will do further research.

The Project Architect said the adjacent property owner is willing to allow the use of his parking lot for the express use of 313 Fullerton Avenue. He asked if that would satisfy the parking requirements.

The Assistant Corporation Counsel clarified that a notarized permission letter for parking from the adjacent property owner would be the minimum requirement for consideration.

The Assistant Corporation Counsel clarified the Project Architect's previous point about parking widths in the Code. He said per §300-68 of City Code, the only mention of a 12-foot minimum relates to the entrance(s) and exit(s) of driveways for residential uses. He said per §300-68 (A)(1) of the City Code, each perpendicular parking space shall not be less than nine (9) feet by 18 feet with no less than 300 square feet of parking area for maneuvers per space. He said the Applicant has the option to either reconfigure the site plan or eliminate those spaces from the site plan and request a parking variance.

The Project Architect said he is inclined to eliminate those spaces from the site plan and request a variance for parking. He said they might add a space in front of the building.

The City Planner said if the parking spaces are removed from the site plan then a physical barrier should be installed to prevent parking on the empty space. She said any off-street parking spaces should be screened per §300-66 (E) of the City Code.

The City Engineer said the Applicant should review comment 3 of the City Planner's comment letter dated September 17, 2019 and ensure they are compliant with the parking regulations.

The City Planner said the driveway entrance should be brought into compliance and the Applicant should follow the streetscape standards for any new curbing.

Ms. Moore said the concern of the site plan lies mostly with the parking requirements. She asked if there are any other changes on site.

The Project Architect said they are adding a second means of egress to comply with the Building Code.

Mr. Kelly asked if there was a lighting plan.

The Project Architect said the lighting plan was submitted as part of the Building Permit application but not submitted for consideration by the Planning Board.

The City Planner said the plan should include trees and plantings that adequately screen the parked cars from street views.

Ms. Hooff said the plan should conform to the City parking regulations and adhere to the streetscape standards.

The Project Architect said the plan will be revised to conform with the regulations.

The Assistant Corporation Counsel clarified that the action is considered a Type II action pursuant to SEQRA because it involves less than 4,000 square feet of commercial space. He said the Board should determine if they want to schedule a public hearing and if they are comfortable approving the site plan as currently submitted.

Ms. Hooff said she is comfortable waiving the public hearing because there is a nearby church already and the Applicant is adhering to the streetscape standards. She said the Applicant is appearing before the Zoning Board of Appeals for a public hearing already.

Mr. Kelly said he is comfortable waiving the public hearing but he is not comfortable approving the site plan without reviewing the requested revisions.

Ms. Hooff said she is not trying to delay the application and clarified the Board needs to ensure the site plan is compliant with the Zoning Code to ensure all of the issues are addressed.

Mr. Ware said any additional green space should be labeled on the site plan.

Ms. Ware moved to waive the public hearing.

Ms. Moore seconded the motion.

The motion passed unanimously.

Mr. Kelly moved to declare the application a Type II action under SEQRA

Ms. Hooff seconded the motion.

The motion passed unanimously.

Based on the feedback from the Board, the applicant elected to revise its site plan and asked that its application be tabled. The Applicant was informed to submit a revised site plan and attend the

next Planning Board meeting on October 15, 2019 after attending the September 24, 2019 Zoning Board of Appeals meeting.

PERMIT EXTENSION REQUESTS

Index No. 2009-08

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

SPECIAL USE PERMIT permitting operation of an Automobile Repair/Automobile Sales Facility.

The Special Use Permit Extension Request letter and e-mailed comment from the Newburgh Police Department, were made a matter of record.

DISCUSSION BY THE BOARD

The Applicant did not appear.

The Assistant Corporation Counsel gave a summary of the Special Use Permit for 82 Bridge Street. He said the Applicant last appeared at the January 15, 2019 meeting for a revocation hearing of the Special Use Permit. The Board moved to conclude the revocation hearing without revoking the Special Use Permit and let the permit proceed to its natural expiration date in October 2019. The applicant recently requested an extension of the Special Use Permit. He said the Board should decide if it wants to extend the permit, and if so, for how long.

Mr. Ware said he would like to see a parking plan and an appearance by the Applicant to discuss any new changes on site.

Ms. Hooff said the Applicant previously submitted a parking sketch that outlined the location of the vehicles on site.

Ms. Moore said she is not aware of any new complaints from the neighbors. She asked if the Applicant has been compliant with the terms of the Special Use Permit.

Ms. Capul said the last inspection was about a year ago and said a new inspection should be performed. She said photographs should also be provided.

Ms. Moore said there have been no issues reported by the Police Department.

The Chairperson said there has been no update provided from the Code Compliance Department.

Mr. Kelly said due to the history of the application, it should behoove the Board to confirm the requirements of the Special Use Permit are being followed. He confirmed that an inspection of the property will require a code officer to review the rear of the property.

The Board collectively decided to table the extension vote and request an appearance by the Applicant at the October meeting.

With no further business to discuss, the meeting was adjourned at 8:30 p.m.

Respectfully submitted,

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