

PLANNING BOARD MEETING

The City of Newburgh Planning Board meeting was held on Tuesday, November 21, 2017 in the Activity Center, 401 Washington Street, Newburgh, NY 12550

Members Present: Lisa Daily, Chairperson
Ramona Monteverde
Alicia Ware
Heather Moore (Alternate)

Members Excused: Lillian Burgarelli
Argelia Morales
Duane Ware
Kent Diebolt (Alternate)

Also Present: Chad Wade, Assistant City Engineer
Alexandra Church, City Planner
Jeremy Kaufman, Assistant Corporation Counsel
Omar E. Balbuena-Palma, Land Use Board Secretary

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

APPROVAL OF MINUTES

Alicia Ware moved to approve the minutes of the October Board meeting. Ramona Monteverde seconded the motion.

The motion was carried unanimously.

PUBLIC HEARING

INDEX NO. 2017-31 SPECIAL USE PERMIT to create a driving school on the first floor of the applicant's residence.

Location: 10 City Terrace North

Owner/ Applicant: Ertha Raymond

The Informational Inspection Report of the Building Inspector and the comment letters of the City Planner were made a matter of record.

DISCUSSION BY THE BOARD

Ertha Raymond, property owner, appeared before the Board. She gave a brief history of the project and said the intent is to create a home office/classroom on the first floor of her residence for a driving school (classroom only, no practical instruction). She said she will offer a pick-up and drop off service for her students. As a result, there is sufficient off-street parking is available for the

use. Further, no students are yet authorized to drive, so they cannot drive and park at/around her residence. The applicant confirmed that there will be no exterior work on the lot.

The Chairperson opened the public hearing.

Patricia Mitchell, 12 City Terrace North, spoke against this application because she is concerned with parking. She said her driveway is next to 10 City Terrace North and is worried that her driveway will be continually blocked.

Marisol Riverol, 5 City Terrace North spoke against this application. She said the use will negatively impact parking availability on the street and that the residential neighborhood should be kept residential.

Eileen Mulvey, 1 City Terrace North, spoke against this application. She said changing the use will set a precedent in the neighborhood and will begin an influx of additional business in a residential area and will negatively impact the value of the adjacent properties.

Judy Ambrosetti, 3 City Terrace North, spoke against this application. She said there is enough traffic issues cause by the nearby college and does not want to increase traffic.

Susan Notar, 2 City Terrace North, spoke against this application. She said that the zone is a residential zone and not for commercial uses.

Eddie Hopper, 9 City Terrace North, spoke against this application. He is concerned that additional business will move into the residential neighborhood.

Ms. Moore moved to close the public hearing.

Alicia Ware seconded the motion.

The motion carried unanimously.

The Applicant said the proposed hours of operation of the business will be from 10:00 a.m. to 6:00 p.m. Monday through Thursday. She would offer 1 class, every other week, during the times of 4 p.m. to 7 p.m. or 5 p.m. to 8 p.m., depending on schedule. One class would accommodate 8 students, maximum. She said there are no current plans to open on Fridays or weekends but may try to change that in the future if it better accommodates students' needs.

Ms. Moore confirmed that the Applicant will offer a transportation services for her students.

Ms. Monteverde confirmed that there will be no additional parking on the street because the students will not be licensed to drive and the Applicant said she does not foresee parents waiting three hours for the class to finish.

Ms. Moore confirmed that only the first floor will be used as the driving school and that the second floor will not be used for commercial purposes.

The Applicant said this is an opportunity for her to start her own business doing what she already does, only closer to home.

Ms. Daily said the action is unlisted under SEQRA and the Board may waive the site plan approval requirements.

The City Planner submitted her latest comment letter for the record. She said the application does not require Conservation Advisory Council (“CAC”) or GML §239 review and that the Planning Board may waive site plan requirements.

The Assistant City Engineer had no comments on the application and recommended waiving site plan requirements because no changes to the building footprint were being proposed.

Heather Moore moved to declare Lead Agency pursuant to SEQRA.

Alicia Ware seconded the motion

The motion carried unanimously.

Alicia Ware moved to issue a Negative Declaration pursuant to SEQRA.

Heather Moore seconded the motion.

The motion carried unanimously.

Alicia Ware moved to waive the Site Plan requirements under the City Code.

Heather Moore seconded the motion.

The motion passed unanimously via roll call vote.

Ms. Daily recused herself from voting on the application itself.

The Assistant Corporation Counsel said that with the recusal, the Planning Board was left without a quorum and could not vote on the application.

Ms. Daily moved to table the application until the December 19, 2017 Planning Board meeting.

Heather Moore seconded the motion.

The motion carried unanimously.

The Applicant was informed to attend the next Planning Board meeting on December 19, 2017.

NEW BUSINESS

INDEX NO. 2017-33 **SITE PLAN** to convert the existing building into a two-family residence.

Location: 28 Hasbrouck Street

Owner/ Applicant: 28 Hasbrouck Realty Partners, LLC. / Jonathan Cella

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

Jonathan Cella, Applicant, and Eulogio Santiago, managing member of the property owner, appeared before the Board. Mr. Cella said the previous Certificate of Occupancy as a 2-family residence was lost due to the building’s vacancy. The owner intends to rehabilitate the buildings and convert each into a two-family residence. He said the bulk of the work will be on the interior. There is only minor repairwork proposed for the façade. He said an Area Variance application was submitted to the Zoning Board of Appeals as per the Informational Report.

Ms. Moore confirmed with the owner that the applications for 28, 42 and 53 Hasbrouck Street are substantially the same.

The City Planner submitted her latest comment letter for the record. She said these properties lie in the Low Density Residential zone. The use is allowed pending site plan approval by the Planning Board. The action is unlisted under SEQRA and does not require CAC or GML §239 review. She said all three properties are within 500 feet of the former Provan Ford environmental remediation project at 210 Mill Street but the remediation has been completed, and only monitoring continues. She said there is no association of the Provan site with 28, 42, or 53 Hasbrouck Streets.

The Assistant City Engineer said he has no comments on the application and will e-mail minor corrections to the Applicant to modify on the submitted site plan.

The Applicant said that each unit at 28, 42, and 53 Hasbrouck Street have separate entrances. For 28 and 42 Hasbrouck Street, the first and second floors will be combined into a 3-bedroom apartment unit and the basement will be a one bedroom apartment unit. He said 53 Hasbrouck is a little larger and will have a 3-bedroom apartment on the first and second floor with a foyer entrance.

A member of the public spontaneously asked whether a public hearing would take place for the Hasbrouck Street applications. The Assistant Corporation Counsel said the Planning Board had the option of holding a public hearing on the applications, and that the Zoning Board of Appeals was holding public hearings on the applications with respect requested area variances. The Planning Board decided to schedule a formal public hearing at the December 19, 2017 Planning Board meeting.

The Application was tabled and the Applicant was informed to attend the next Planning Board meeting on December 19, 2017.

INDEX NO. 2017-34 SITE PLAN to convert the existing building into a two-family residence.
Location: 42 Hasbrouck Street
Owner/ Applicant: 42 Hasbrouck Realty Partners, LLC. / Jonathan Cella

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

Jonathan Cella, Applicant, and Eulogio Santiago, managing member of the property owner, remained before the Board. The Applicant said the application is substantially the same as 28 Hasbrouck Street.

The Planning Board tabled the application and scheduled a public hearing at the December 19, 2017 Planning Board meeting.

The Applicant was informed to attend the next Planning Board meeting on December 19, 2017.

INDEX NO. 2017-35 SITE PLAN to convert the existing building into a two-family residence.
Location: 53 Hasbrouck Street
Owner/ Applicant: 53 Hasbrouck Realty Partners, LLC. / Jonathan Cella

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

Jonathan Cella, Applicant, and Eulogio Santiago, managing member of the property owner, remained before the Board. The Applicant said the property is substantially the same as 28 and 42 Hasbrouck Street.

The Planning Board tabled the application and scheduled a public hearing at the December 19, 2017 Planning Board meeting.

The Applicant was informed to attend the next Planning Board meeting on December 19, 2017.

OLD BUSINESS

INDEX NO. 2017-18 SUBDIVISION to divide 18 existing tax parcels to 36 lots.

Location: Along Morris Ave. between Hawthorne Ave. and Orchard St.

Owner/ Applicant: Ionic Properties, LLC / Dimitri Zahariadis

The comment letters of the CAC, City Engineer, City Planner, and the Orange County Department of Health were made a matter of record.

DISCUSSION BY THE BOARD

Lucy Conley, P.E., from Lanc & Tully Engineering P.C., appeared before the Board for the Applicant. She gave a brief overview of the project and highlighted the following:

- The site plan was updated and a letter was submitted addressing the CAC comment letter
- The public hearing was closed at the November 21, 2017 Planning Board meeting
- A letter was submitted confirming the sidewalk ramps have been constructed and installed to meet Americans with Disabilities Act (“ADA”) requirements
- The majority of the lot clearing has already been completed as part of the first subdivision
- Erosion control is not a major issue until construction begins and the Applicant will follow the New York State standards
- Thirty-three new trees will be added to Morris Avenue and planted in the right of way line to avoid being damaged by the plows or disturb the sidewalk
- The stormwater facility is a fully enclosed open top facility and the proposed cottonwoods would not have access to the stormwater runoff in this area
- The site soils are Hydrologic Soil Group D and are not suitable for permeable paving

The Assistant Corporation Counsel said the CAC comment letter is required as part of the application process, but advisory in nature. The Planning Board is required to read and consider the suggestions before approving the preliminary plat.

The Assistant City Engineer submitted his latest comment letter for the record. He said the Orange County Health Department (“OCHD”) has reviewed the subdivision plan and provided a letter stating that all comments have been addressed and they will provide their approval after the City of Newburgh approval. He said the OCHD approval shall be a condition of any potential Planning Board approval and a copy of their approval will be required prior to site plan signature. He said City Council will have to authorize a resolution to accept the revised performance bond related to the proposed infrastructure improvements.

Alicia Ware made a motion to approve the preliminary plat.
Heather Moore seconded the motion.
The motion carried unanimously via roll-call vote.

INDEX NO. 2017-26 SUBDIVISION for a lot line change on the property.
Location: 354 & 358 Broadway
Owner/ Applicant: S.A.L. Realty, Inc. / Howard W. Weeden

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

Howard Weeden PLS, Applicant, and Patricia Favata, property owner, appeared before the Board. The Applicant gave a brief overview of the project. He said the subdivision will separate the residential and commercial sections of the existing buildings into two lots. He said preliminary approval was granted in November and they are now requesting final approval.

The Assistant Corporation Counsel said Applicant made the request for final approval and the Board may declare the action a Type II action under SEQRA and a vote to approve the lot line change.

The City Engineer said the submitted plan lacks the AUTOCAD Blocks due to an oversight by the Applicant and the Applicant should resubmit the plans with the AUTOCAD Blocks prior to signature.

The Assistant Corporation Counsel clarified that the approval is conditioned upon satisfaction of the comments made by the City Engineer, City Planner, and the Building Inspector and that a minor detail should not delay the approval.

Heather Moore moved to declare the application a Type II action under SEQRA.
Alicia Ware seconded the motion.
The motion carried unanimously.

Alicia Ware moved to approve the lot line change.
Ramona Monteverde seconded the motion.
The motion carried unanimously via roll-call vote.

INDEX NO. 2017-32 SITE PLAN to convert the existing property into a mixed-use building.
Location: 323-325 Liberty Street
Owner/ Applicant: Anthony F. Giordano

The Informational Inspection Report of the Building Inspector and the comment letter of the City Planner were made a matter of record.

DISCUSSION BY THE BOARD

Jonathan Cella, project engineer, and Anthony Giordano, property owner, appeared before the Board. The Applicant gave a brief background on the project. The intent is to change the building into a mixed-use with residential. He said the first floor will be a commercial use (Cottage Industry), the second floor will be a residential unit, and the third floor will be an artist studio (Cottage Industry).

The Assistant Corporation Counsel said that the Applicant must declare what each floor shall be to the Planning Board.

The City Planner submitted her latest comment letter for the record. She said the first floor has 1,100 sq. ft. and the second and third floors each have 795 sq. ft. These measurements determined the parking requirements. She said the action is a Type I action under SEQRA only by virtue of its location in the historic district. The project does not require CAC review. She said GML §239 review was completed and the County commended the Applicant for the proposal. She said question E.2 (O) is answered as yes on the Full Environmental Assessment Form was triggered by habitats in the Hudson River that are within the buffer area of this project. She said because the application is generally a change in use, no further clarification is required, but that is subject to change if any site work is proposed as part of the project. She said it's the Applicant's responsibility to ensure that Precision Pipeline follows the City Standards for sidewalk repairs if the Applicant is going to contract with Precision Pipeline to perform any sidewalk repair work.

The Applicant said the site is paved; an awning is being repaired and will be placed back and that there is sufficient parking on-site.

Ms. Ware confirmed with the Applicant that the uses are as follows:

- 1st floor will be Cottage Industry (Canvas Shop)
- 2nd floor will be a Residential unit
- 3rd floor will be Cottage Industry (Artist Studio)

Ms. Monteverde confirmed that the property is fenced in.

Ms. Moore confirmed that there is no proposed signage and said there is sufficient parking on site.

The Assistant City Engineer said the Applicant should add a note to the site plan if the disturbed sidewalk width is eight feet or more, parallel to the curb. If so, it should be replaced in compliance with the City's Streetscape standards.

Alicia Ware moved to waive the public hearing.

Heather Moore seconded the motion.

The motion carried unanimously.

Heather Moore moved to declare Lead Agency pursuant to SEQRA.

Alicia Ware seconded the motion.

The motion carried unanimously.

Heather Moore moved to issue a Negative Declaration pursuant to SEQRA.

Alicia Ware seconded the motion.

The motion carried unanimously.

Alicia Ware moved to approve the Site Plan application under the following conditions:

1. The Applicant shall satisfy all comments in the Informational Inspection Report and the comment letters of the City Planner and City Engineer.
2. The Applicant shall receive Area Variances from the City of Newburgh Zoning Board of Appeals

Heather Moore seconded the motion.

The motion passed unanimously via roll call vote.

With no further business to discuss, the meeting was adjourned at 9:05 p.m.

Respectfully submitted,

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