

PLANNING BOARD MEETING

The monthly meeting of the City of Newburgh Planning Board was held on Tuesday, June 18, 2024 at 7:30 p.m. at the Activity Center, 401 Washington Street, Newburgh, New York.

Members Present: Lisa Daily, Chairperson
Weaver Debe
Alicia Ware
Duane Ware

Also Present: Chad Wade, Assistant City Engineer
Alison Spinelli, Assistant City Engineer
Jonathan Midler, City Planner
Jeremy Kaufman, Assistant Corporation Counsel
J.K. Gentile, Secretary

Absent: Acre Qui

The Chairperson called the meeting to order at 7:36 p.m. after confirming a quorum.

The Assistant Corporation Counsel said that due to recent City of Newburgh IT security breach issues, City Engineer and City Planner comment letters for all projects were delayed. City Planner comment letters were just completed and available for distribution at the meeting. City Engineer comment letters would be delivered to the applicants by e-mail upon completion.

APPROVAL OF MINUTES

Minutes of the March 19, 2024 Meeting

Duane Ware moved to approve the March 2024 minutes as submitted.
Weaver Debe seconded the motion.
The motion passed unanimously via roll call vote.

SPECIAL USE PERMIT EXTENSION

Index No. 2013-07

Applicant: Jonathan Cella
Owner: Vishal Enterprises of Grand Street, LLC
Location: 405 Broadway

SPECIAL USE PERMIT

2021 SITE PLAN AND SPECIAL USE PERMIT application to expand the current use (Automobile Gasoline Station).

Jonathan Cella and Bhajan Singh appeared before the Board.

Comments from the City of Newburgh Fire Department, Police Department, and Building Department were not available for review.

Mr. Cella gave an overview of the addition's status. He said the build out has been framed, and the interior work is in process.

Mr. Singh said the plumbing and electrical is complete, site work, sidewalks, garbage enclosures and blacktop will be complete soon.

The Assistant Corporation Counsel asked for the date of total exterior and interior completion.

Mr. Singh said the building permit expires September 8, 2024, and all work should be completed by then.

Mr. Debe asked for confirmation that all work shall be completed by September 8, 2024.

Mr. Singh said he has renewed his building permit several times and will need to finish by September to avoid filing for a new permit.

Duane Ware moved to extend the Special Use Permit for one year.

Weaver Debe seconded the motion.

The motion passed unanimously via roll-call vote.

OLD BUSINESS

Index No. 2023-28

Applicant: Eulogio Santiago
Owner (133 N. Miller): 133 North Miller Realty Partners LLC
Owner (141 N. Miller): 133 North Miller Realty Partners LLC
Location: 133 North Miller Street

SITE PLAN application construct an Apartment House (9 units).

The Comment Letter from the City Planner was made a matter of record.

Jonahan Cella and Eulogio Santiago appeared before the Board.

Mr. Cella gave an overview of the updates made to the plan since the April meeting. He said the updates include the landscaping plan, the lighting plan, expanded details, sidewalk plan, bike rack detail, retaining wall certification, refuse enclosure detail, and an erosion and sediment control plan.

DISCUSSION BY THE BOARD

The City Planner reviewed his comment letter. He requested the submission of a shared driveway agreement and a revised Environmental Assessment Form.

The Assistant City Engineer provided comments. She requested a separate, signed and sealed survey.

The Assistant Corporation Counsel said a response from the Department of Environmental Conservation is pending and is required to complete the SEQRA process.

The applicant requested a table of its application to the next meeting.

Index No. 2024-06

Applicant: Lisa Silverstone
Owner: Safe William Street Partners LLC
Location: 69 William Street

SUBDIVISION application to subdivide the existing lot into three (3) lots.

Index No. 2024-07

Applicant: Lisa Silverstone
Owner: Safe William Street Partners LLC
Location: 69 William Street

SITE PLAN & SPECIAL USE PERMIT application to create a 3-family residential dwelling on subdivided Lot A; construct a Residential Care Facility on Lot B; and establish an Apartment House (6 units) on Lot C.

The Comment Letter from the City Planner and a draft Declaration of Cross Easement and Maintenance agreement was made a matter of record.

Lisa Silverstone and Justin Stein appeared before the Board.

The Assistant Corporation Counsel said the Board issued a negative declaration for SEQRA at the May meeting.

Ms. Silverstone gave a brief update on the proposed project. She said a draft Declaration of Cross Easement and Maintenance agreement and the preliminary plat for the subdivision was submitted for review. She said that even though the three buildings are being developed separately, she wanted to ensure that all tenants have equal access between the property and the buildings.

DISCUSSION BY THE BOARD

The City Planner reviewed his comment letter.

The Assistant City Engineer provided comments. She requested the additional details be added to the subdivision plat.

The Assistant Corporation Counsel asked the Board if the easement agreement, as a concept, is satisfactory.

The Board agreed.

The applicant requested a table of its application to the next meeting.

Index No. 2023-42

Applicant: Andrew Schrijver
Owner: Mid-Hudson Film, LLC
Location: 50, 50 1/2, 52, & 54 Liberty Street

SITE PLAN application to construct a mixed-use with residential building on vacant land with 143 residential apartment units and six (6) retail spaces.

The Comment Letter from the City Planner was made a matter of record.

Greg Sgromo, Chris Berg, Keith Libolt and John Furst, Esq. appeared before the Board.

Mr. Sgromo gave a brief overview of the updates made to the site plan since the April meeting.

DISCUSSION BY THE BOARD

The City Planner reviewed his comment letter.

The Assistant City Engineer provided comments.

Alicia Ware moved to issue a negative declaration under SEQRA.

Duane Ware seconded the motion.

The motion passed unanimously via roll-call vote.

Alicia Ware moved to accept the Site Plan as submitted, subject to outstanding City Engineer and City Planner comments.

Alicia Ware seconded the motion.

The motion passed unanimously via roll-call vote.

Index No. 2019-11

Applicant: Phil Bell, P.E.

Owner: Newburgh Commercial Development Corp.

Location: 639 Broadway

SITE PLAN AMENDMENT application to amend a January 2020 approval.

The Comment Letter from the City Planner, the Floodplain Review comment letter and the final draft SWPPP were made a matter of record.

Victor Cappelletti and Phil Bell appeared before the Board.

Mr. Bell gave a brief overview of the updates made to the site plan since the May meeting. He said changes were made to the parking right-of-way and the lighting plan. He said he received receipt of submission from the State Historic Preservation Office (SHPO) and awaits a response.

DISCUSSION BY THE BOARD

The City Planner reviewed his comment letter. He said the Board should continue to discuss the off-street parking determination with consideration on certain hours of operation for each intended use.

The Assistant City Engineer provided comments. He said there are actions to be completed in the floodplain zone, and improvements to the landscaping plan. He asked the Board to review the proposed lighting plan, the dumpster details, and wider driveway entrances. He said the SWPPP review is forthcoming.

The Assistant Corporation Counsel asked for the Board's consideration of the parking determination.

Ms. Ware asked how many on-street parking spaces are proposed.

Mr. Bell said 78 parking spaces on-site.

Ms. Ware said she is comfortable with the parking based on the operational hours of the proposed uses.

The Board agreed.

Weaver Debe moved to accept the proposed 78 parking spaces for the site.

Duane Ware seconded the motion.

The motion passed unanimously via roll-call vote.

The Assistant Corporation Counsel asked for the Board's consideration of the non-standard driveway width off Little Britain Road. He said the applicant anticipates a great amount of truck access.

Mr. Ware asked if both driveways accommodate two-way traffic.

Mr. Bell confirmed.

The Chairperson asked when they would anticipate increased truck traffic.

Mr. Cappelletti said in the early morning.

Mr. Debe said the extended width will accommodate truck traffic safely, especially given the location of the property and traffic on Little Britain Road.

Mr. Ware said it is sufficient.

Ms. Ware recommended implementing clear indication marking.

The Board agreed with the driveway widths.

The Assistant Corporation Counsel asked for the Board's consideration of the lighting.

Mr. Bell said he is proposing a 3000K system as the lighting company he is working with does not manufacture a 2700K light.

Mr. Ware recommended a light temperature of 2700 Kelvin.

The Board agreed.

The Assistant Corporation Counsel asked for the Board's consideration of the dumpster enclosure.

The Chairperson asked about the material of the enclosure.

Mr. Bell said a chain link fence with slats.

Ms. Ware asked how many pick-ups are scheduled for the week.

Mr. Cappelletti said two times a week.

The Board agreed with the dumpster proposal.

The Chairperson recommended additional details to the landscaping plan.

Ms. Ware agreed.

The applicant requested a table of its application to the next meeting.

NEW BUSINESS

Index No. 2024-09

Applicant: Kelly Libolt, AICP/KARC Planning Consultants, Inc

Owner: West Shore Hudson, LLC

Location: 27 South Water Street

SITE PLAN application to construct a three-story mixed-use commercial space directly adjacent to the existing building on-site (first and second floor restaurant, third floor professional office); and construct a one-story, 505 square foot ice cream stand.

The Comment Letter from the City Planner was made a matter of record.

Kelly Libolt and Amy Argyrakis appeared before the Board.

Ms. Libolt gave an overview of the proposed project.

DISCUSSION BY THE BOARD

The City Planner reviewed his comment letter. He said the applicant considered viewshed impacts when designing the project. He recommended submission of a parking study. He said the application is subject to Conservation Advisory Council review.

The Assistant City Engineer provided comments. He said he spoke with Amy Bombardieri (of Day and Stokosa Engineering) regarding clarification of the storm and sewer lines. He requested striping and ADA curb ramp information, the Hudson Taco addition detail, and the location of the existing dumpsters onto the site plan. He requested correspondence from Central Hudson regarding the junction modular that extends past the property line and re-location of the existing transformer.

Ms. Libolt said she would like to coordinate a site visit with City staff and Central Hudson regarding the transformer.

The Assistant City Engineer requested correspondence from CSX regarding the proposed excavation and construction close to the CSX impact zone.

Ms. Libolt agreed and said they are not proposing excavation but instead using piles to build from the ground up.

Ms. Ware asked if Hudson Taco and the Pizza Shop would continue to share a tie through.

Ms. Libolt said the two restaurants will be separate from one another but share one lobby.

Ms. Ware asked if the two restaurants will continue to share the basement space.

Ms. Libolt said yes but there will be a door that connects the two.

Duane Ware moved to declare the Planning Board's intent to act as Lead Agency under SEQRA. Weaver Debe seconded the motion.

The motion passed unanimously via roll-call vote.

Duane Ware moved to waive a public hearing.

Weaver Debe seconded the motion.

The motion passed unanimously via roll-call vote.

The applicant requested a table of its application to the next meeting.

Index No. 2024-15

Applicant: Nathaniel Gooden/Caesar Engineering, D.P.C.

Owner: Stephen Taya Property Development, LLC

Location: 194 Dubois Street & 197 North Miller Street

SUBDIVISION application for a lot line adjustment and lot combination.

Index No. 2024-10

Applicant: Nathaniel Gooden/Caesar Engineering, D.P.C.

Owner: Stephen Taya Property Development, LLC

Location: 194 Dubois Street & 197 North Miller Street

SITE PLAN application to construct an Apartment House (6 units).

The Comment Letter from the City Planner was made a matter of record.

Michael Robinson, Nathaniel Gooden, and Nick Caesar appeared before the Board.

The Assistant Corporation Counsel said there were originally three parcels of property that were the subject of this application. He said Mr. Robinson officially combined 192 and 194 Dubois Street into a single lot. He said the Board is addressing two lots in the application. He said the subdivision is a lot line change to shift the lot line between 194 Dubois and 197 North Miller Street.

Mr. Gooden gave an overview of the proposed project.

Mr. Robinson spoke about developing this project as a high-performance building, passive housing, for low-income residents.

DISCUSSION BY THE BOARD

The City Planner reviewed his comment letter. He requested trees, sewer, water, gas line and electricity connection details added to the preliminary plat.

The Assistant City Engineer provided comments. He referred the applicant to Chapter 266 of the City Code. He requested to show what is existing and what is proposed on the plan sets.

Mr. Gooden asked if sidewalk work is required.

The Assistant City Engineer said bringing the sidewalks into ADA compliance is required by the owner.

Ms. Ware said the idea of passive housing has significant benefits for the City of Newburgh.

The Assistant Corporation Counsel said a public hearing is mandatory for the subdivision portion of the application.

Duane Ware moved to declare the Planning Board's intent to act as Lead Agency under SEQRA. Alicia Ware seconded the motion. The motion passed unanimously via roll-call vote.

Alicia Ware moved to waive a public hearing for the site plan portion of the application. Weaver Debe seconded the motion. The motion passed unanimously via roll-call vote.

Mr. Gooden asked about bicycle racks.

The Chairperson asked the total number of units.

Mr. Gooden said a total of six units and 1 bike rack per unit.

The Board agreed with the total number of bike racks.

The applicant requested a table of its application to the next meeting.

Index No. 2024-11

Applicant: Chris Berg/Berg + Moss Architects, PC

Owner: John Schmidt

Location: 506 Liberty Street

SITE PLAN application to convert the existing one-family dwelling to a three-family dwelling.

The Comment Letter from the City Planner was made a matter of record.

Chris Berg appeared before the Board and gave an overview of the proposed project.

DISCUSSION BY THE BOARD

The City Planner reviewed his comment letter. He said the application is subject to Conservation Advisory Council review.

The Assistant City Engineer provided comments.

The Chairperson asked if tandem parking is proposed.

Mr. Berg confirmed.

Alicia Ware moved to hold a public hearing.

Duane Ware seconded the motion.

The motion passed unanimously via roll-call vote.

The applicant requested a table of its application to the next meeting.

Index No. 2024-12

Applicant: Chris Berg/Berg + Moss Architects, PC

Owner: 60 William St. LLC

Location: 60 William Street

SITE PLAN application to construct a mixed-use residential building with 21 apartments and two retail spaces.

The Comment Letter from the City Planner was made a matter of record.

Chris Berg appeared before the Board and gave an overview of the proposed project.

DISCUSSION BY THE BOARD

The City Planner reviewed his comment letter. He said the property is in DEC's brownfield cleanup program and requested submission of Environmental Phase I and II reports.

The Assistant Corporation Counsel asked if the owner is participating in the brownfield cleanup program.

Mr. Berg said yes, the owner had been accepted into the program but unclear of the schedule.

The Assistant City Engineer reviewed the comments.

Weaver Debe moved to waive a public hearing.

Alicia Ware seconded the motion.

The motion passed unanimously via roll-call vote.

The applicant requested a table of its application to the next meeting.

Index No. 2024-13

Applicant: Nicole McCutcheon

Owner: 128 Robinson Avenue, LLC

Location: 128 South Robinson Avenue

SPECIAL USE PERMIT application for an expansion of use to the existing bar and cabaret.

The Comment Letter from the City Planner and records of calls for service from the Fire Department and the Police Department were made a matter of record.

Nicole McCutcheon, Armando Hernandez and Marcus Castro appeared before the Board.

Ms. McCutcheon gave an overview of the proposed project.

The Assistant Corporation Counsel clarified that the proposal is not to expand the building footprint but to move into a vacant suite directly next door within the same building.

DISCUSSION BY THE BOARD

The City Planner reviewed his comment letter. He requested the submission of a safety and evacuation plan. He asked the Board to consider whether it wants to activate its 25 percent parking reduction waiver authority per the City Code.

Ms. McCutcheon said they can provide twelve additional parking spaces on the side of the building.

The Assistant City Engineer had no comments.

The Assistant Corporation Counsel said a public hearing is mandatory and will be held for the next meeting.

Ms. McCutcheon said most of the police calls are initiated by staff to ensure safety. She said the establishment holds a positive relationship with the State Liquor Authority.

The applicant requested a table of its application to the next meeting.

Index No. 2024-14

Applicant: Jake Chai
Owner: Shaw Building L.P.
Location: 24 Johnes Street

SITE PLAN application to convert an existing warehouse building into a mixed-use apartment with 20 dwelling units, retail, food service and gym space. Construct a 4-story apartment complex with 34 dwelling units and a 16-space parking area on the same tax parcel.

The Comment Letter from the City Planner was made a matter of record.

Chris LaPorta, Patrick Mitchell, and Chris Berg appeared before the Board.

Mr. LaPorta gave an overview of the proposed project. He said the total number of units is 55 and not 54 as reflected.

Mr. Michell gave an overview of the proposed streetscape and landscaping plans.

DISCUSSION BY THE BOARD

The City Planner reviewed his comment letter. He said an updated Informational is forthcoming with the new unit total information given. He said this proposed project is a Type I Action under SEQRA. He said the application is subject to Conservation Advisory Council review.

The Assistant City Engineer provided comments. She requested full curb ramp extensions on the corner of Johnes Street and South William Street, bringing the curbs into ADA compliance, replacing and conforming the sidewalks to streetscape standards on Johnes Street, details on the retaining wall and details on the sky walk bridge. She asked if the owner is participating in the brownfield cleanup program.

Mr. Berg said he is unclear as the Phase I and II Environmental Report is pending review.

The Assistant City Engineer asked about the existing manhole shown on the site plan as located in the handicapped parking area.

Mr. Mitchell said it was verified that it can be removed.

The Assistant City Engineer requested that detail be shown on the site plan and a detail if there is a plan to re-route the line.

Alicia Ware moved to declare the Planning Board's intent to act as Lead Agency under SEQRA.
Weaver Debe seconded the motion.
The motion passed unanimously via roll-call vote.

Alicia Ware moved to hold a public hearing.
Weaver Debe seconded the motion.
The motion passed unanimously via roll-call vote.

The applicant requested a table of its application to the next meeting.

With no further business to discuss, the meeting adjourned at 10:35 p.m.

Respectfully submitted:

J.K. Gentile, Secretary