

CITY OF NEWBURGH  
PLANNING BOARD

Lisa Daily, Chairperson  
Margaret Hall, Secretary

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PLANNING BOARD MEETING, January 20, 2009.

The City of Newburgh Planning Board meeting was held on Tuesday, November 18, 2008, in the Activity Center, 401 Washington Street, Newburgh, New York.

Members Present:

Lisa Daily  
Chad Wade  
Deirdre Glenn  
Peter Smith  
Ramona Monteverde  
Vera Best

Members Absent:

Cheryle Branson

Also Present:

Geoff Chanin, Corporation Counsel  
William Hauser, PE, McGoey, Hauser & Edsall Consulting Engineer  
Ian McDougall, Planning and Development

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

**SPECIAL PERMITS TO EXPIRE**

Index No. 2007-01                      SPECIAL PERMIT for the operation of a take out restaurant  
Location: 219 Broadway  
Applicant: Salim Khan

The Chairman of the Board read a letter from the Code Compliance Supervisor. The letter stated that there are no violations on the property and the applicant is in compliance with said special permit. He recommends an extension.

Peter Smith moved and Vera Best second the motion to extend the special Permit for a period of one year.  
The motion was carried unanimously

## NEW BUSINESS

Index No. 2008-18

CHANGE OF USE

Location: 598-610 Broadway

Applicant: Vincent Cappelletti

The applicant's proposal is to change the use of the space from retail to a Billiard Parlor.

### DISCUSSION BY THE BOARD:

- The property is located in a C3 zone, in which a Billiard Parlor is not a permitted use.
- The applicant received approval for a Use Variance from the Zoning Board of Appeals.
- There will be no other change to the site as was previously approved.
- Hours of operation will be from 4:00 pm to 10:00 pm and to include weekends.
- The owner of the business, will hold tournaments and have billiard leagues.
- There is no change in regards to the environmental impact.
- This is a type II action.

Peter Smith moved and Chad Wade second the motion to approve the amendment to the site plan.

The motion was carried unanimously.

Index No. 2008-20 SPECIAL PERMIT & SITE PLAN for a restaurant

Location: 183 Broadway

Applicant: Aston Burnett represented by Coppola Assoc.

The proposal is to operate a restaurant on the first floor and catering room with storage area on the second floor.

### DISCUSSION BY THE BOARD:

- The applicant has received approvals from the Zoning Board of Appeals for Area Variances.
- The restaurants occupancy load will be 44 people and the catering occupancy load will be 47 people.
- The entrances for each facility will be on the Broadway side of the building.
- The building will be sprinklered.
- Code issues mentioned in Mr. Hauser's comments will be addressed by Steven Hunter, Code Compliance Supervisor.
- Applicant to schedule for the next work session.

Chad Wade moved and Ramona Monteverde second the motion to Assume Lead Agency  
The motion was carried unanimously.

The applicant will be placed on February's agenda for a public hearing for special permit.

Index No. 2009-01     SITE PLAN for front and rear additions to existing Vet Office  
                          Location: 41 Fullerton Avenue  
                          Applicant: Donald Factor, DVM represented by Coppola Assoc.

The proposal is to construct a front and rear addition to his building.

**DISCUSSION BY THE BOARD:**

- The building is a two story wood frame brick veneer building
- There will be a stockade fence in the rear of the property, which the adjoining property owner will have a preference on type of fence.
- The applicant will have to address Section 300-34A of the zoning ordinance
- Variances will have to be sought for the proposed building additions, for front and side yards, and use variance.
- The Building Inspector to investigate whether the certificate of record was issued in error, and whether a Vet Office is considered a home occupation.

Peter Smith moved and Deirdra Glenn second the motion to Assume Lead Agency  
The motion was carried unanimously.

Applicant to seek variances from the Zoning Board of Appeals.

**OLD BUSINESS**

Index No. 2008-16/17 SITE PLAN & SPECIAL PERMIT for residential buildings to be  
used for offices incidental to college use  
Location: 337,329,325,323, & 319 Powell Ave.  
Applicant: Mt. St. Mary College represented by Troy  
                          Wojciekofsky of Fuss & O'Neill PC

**DISCUSSION BY THE BOARD:**

- The applicant will have a dustless/ panel surface
- The combined sewer in the street is 12 ft deep which an overflow catch basin will relieve the overflow of rain water.
- There will be a rain garden type area for excessive water run off
- The applicant received a parking setback variance from the Zoning Board of Appeals.

Peter Smith moved and Deirdra Glenn second the motion for a Negative Declaration

The motion was carried unanimously.

Vera Best moved and Chad Wade second the motion to approve the site plan.  
The motion was carried unanimously.

The City Planner had binders of the Master Plan prepared for the Board members. The Master Plan (Text Component) was adopted by the Council on December 8, 2008. The Master Plan has to be enforced by all Boards of the City of Newburgh. The Land Use section of the Plan, involves SEQRA and will be adopted approximately in six months and the zoning law will have to be revised. Questions concerning the applicants compliance with the seven chapters of the Master Plan to be incorporated into the Planning Board application.

At this time Deirdre Glenn moved and Ramona Monteverde second the motion to enter into Executive Session for the purpose of discussing a proposal for professional services from McGoey, Hauser and Edsall.

Deirdre Glenn moved and Vera Best second the motion to end executive session.

Meeting adjourned at 9:30 p.m.

Respectfully submitted,

Margaret Hall  
Secretary