

**PLANNING BOARD MEETING**

The City of Newburgh Planning Board meeting was held on Tuesday, June 21, 2016 in the City Hall Council Chambers, 83 Broadway, Newburgh, New York.

Members Present: Lisa Daily  
Peter Smith  
Ramona Monteverde  
Victor Bramble

Members Absent: Elsworth Banks  
Argelia Morales

Also Present: Alexandra Church, City Planner  
Chad Wade, Assistant City Engineer  
Michelle Kelson, Corporation Counsel  
Eliana Diaz, Land Use Board Secretary

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

**NEW BUSINESS**

**INDEX NO. 2016-08**     **Site Plan Approval** to set up an above ground storage tank  
**Location:** 70 Dubois Street  
**Applicant:** St. Lukes Cornwall Hospital – Dennis Genoski

The comment letters of the City Engineer and the City Planner are to be made a matter of record.

**DISCUSSION BY THE BOARD**

- Kevin Graff, Project Manager, appeared.
- Mr. Graff gave an overview of the project and stated that the storage tanks currently housed have to be brought up above ground as soon as possible to avoid any environmental impact. The storage tanks on site are being switched from twenty thousand gallons to five thousand four hundred gallons. The storage tanks will be shielded from street level view with vegetation. In addition the applicant will provide the appropriate documentation which states the storage tanks to be used meet the state code requirements.
- The Assistant City Engineer stated that an open spill on the site was identified upon reviewing the full EAF. It was stated that the applicant should have a notes section on the plan to indicate what will be done to remediate the site.

- The City Planner stated that the City is in a phase three water emergency that should be taken into consideration when looking to plant. Outside arrangements will need to be made to water plants. The corporate affidavit requested was provided by the applicant and the EAF was signed by Mr. Graff during the meeting at the suggestion of the City Planner.

Peter Smith moved and Victor Bramble seconded the motion for intent to assume SEQRA Lead Agency.  
The motion was carried 4-0

### **PUBLIC HEARINGS**

**INDEX NO. 2016-06**      **SPECIAL USE PERMIT** to establish a radio based office for taxi service  
**Location:** 82 Bridge Street  
**Applicant:** Randolph A. Cerrato

The comment letters of the City Engineer and the City Planner are to be made a matter of record.

#### **DISCUSSION BY THE BOARD**

- Ronald Cerrato, Evelyn Carbajal and Blanche Drapun appeared.
- Mr. Cerrato gave a brief overview of the project. He stated that he would like to dispatch his taxis from 82 Bridge Street.

Ramona Monteverde moved and Peter Smith seconded the motion to open the Public Hearing.  
The motion was approved 4-0.

John Cohen, owner of the business next door to 82 Bridge Street stated he was in favor of having the business operate at the location. Mr. Cohens only request was to not have the cars block the entrance of his business. The Chairperson reminded Mr. Cohen his rights as a City resident to call the necessary authorities if this became a nuisance.

Victor Bramble moved and Ramona Monteverde seconded the motion to close the Public Hearing.  
The motion was approved 4-0.

- Ramona Monteverde sought further clarification regarding the exact location of the business. It was stated that 82 Bridge Street was not located at the corner of the street.

Peter Smith moved and Ramona Monteverde seconded the motion to grant the Special Use permit for two years.  
The motion was carried 4-0.

**INDEX NO. 2016-05**      **SPECIAL USE PERMIT** to establish a Pre-Owned car dealership  
**Location:** 247 Dupont Avenue  
**Applicant:** Hugo E. Bencomo

The comment letters of the City Engineer and the City Planner are to be made a matter of record.

**DISCUSSION BY THE BOARD**

- Viviana Bencomo, Deshant Surroach and Hugo E. Bencomo appeared.
- Mr. Bencomo stated his intent of establishing a car dealership at 247 Dupont Avenue and a brief overview of the project.

Peter Smith moved and Victor Bramble seconded the motion to open the Public Hearing. The motion was approved 4-0.

Mike Mitchell, resident at 277 Dupont Avenue posed questions regarding repairs on site, a clothing donation box on site, dates/hours of operation and the existence of gas pumps on the site. Mr. Bencomo stated that there will not be any repairs done on the cars. The business is strictly for commercial sale of vehicles. Mr. Bencomo stated his repeated attempts to contact the owner of the clothing donation box, so far he has been unsuccessful in reaching someone. He stated that he had considered reaching out to the City of Newburgh for help since he has no power to make any decisions regarding the clothing box. Mr. Bencomo stated that days of operation would be Monday through Saturday from 9am to 6pm.

Victor Bramble moved and Ramona Monteverde seconded the motion to close the Public Hearing. The motion was approved 4-0.

- The Assistant City Engineer stated that the gas tank storage referenced by Mr. Mitchell were closed according to DEC standards.
- The City Planner stated that if trees were to be planted on the site City water could not be used and if washing or detailing were to be done they would have to take the vehicles to other locations to have the work done.

Peter Smith moved and Victor Bramble seconded the motion to grant the special use permit for two years for a Pre-Owned car dealership with hours of operation from 9am to 6pm, Monday through Saturday. The motion was carried 4-0

**INDEX NO. 2016-02**      **SITE PLAN** to redevelop with a mix-use building consisting of 13,800 sq. ft. of retail space and 91 residential apartment units.  
**Location:** 140 Broadway between Lander Street and Johnston Street.  
**Applicant:** Mill Street Partners LLC

The comment letters of the City Engineer and the City Planner are to be made a matter of record.

#### DISCUSSION BY THE BOARD

- David Cooper, attorney at Zarin-Steinmetz law firm, Magnus Magnusson and Joe Moyer of Magnusson Architecture and Planning, Patrick Normoyle of Excelsior Housing Group LLC, and Mark Lukasik from Tectonic Engineering presented an overview of the project.
- Mr. Cooper stated that a new traffic and parking study was submitted this month to the Planning Board. According to these traffic and parking studies the project exceeds the amount of parking spaces required.
- Mr. Cooper stated that updated engineering plans are available as well as archeological assessments that included a certificate of insurance provided to the City of Newburgh prior to any excavation work done. The excavations were done between June 6<sup>th</sup> and June 10<sup>th</sup>. After the excavations were complete the trenches were filled and secured. A memo is being filed with SHPO acknowledging the work done on the site.
- Mr. Magnusson addressed the streetscape design of the project. The residential entrance will be on Johnston Street. Johnston Street will also allow circulation access for small tractor trailers and fire department apparatus exiting through Lander. The frontage along Broadway was requested to be upgraded to be consistent with the City of Newburgh streetscape standards. The applicant is not proposing permeable pavement treatment therefore, it has not been provided in the details, however; additional planting areas have been provided. The Assistant City Engineer stated that at previous Planning Board meeting more time to review the materials provided was requested. On June 13<sup>th</sup> a comment letter with additional comments was drafted. Additional responses regarding storm water reports are pending from the applicant. Furthermore, green infrastructure will have to be discussed because it is part of the new City standard. Clarification on interior building drainage which goes to the catch basin out Broadway was requested by the Assistant City Engineer. The intent of the note is to notify where the storm water gathers and ultimately discharges. The clarification is needed to ensure that there are no floor drains connected otherwise the discharge would need to go to the sanitary sewer to a storm system that will eventually be separate.
- The City Planner commented regarding the traffic study, she would like more details on the Broadway and Lander Street intersection. There are two outstanding comments regarding the historic structure and the archeological survey which have been submitted to SHPO.
- The Assistant City Engineer stated that there are certain aspects in the streetscape design that have not been able to be addressed by the applicant because of a letter from the City Fire Chief. On June 22<sup>nd</sup> the City Planner and the Assistant City Engineer have a meeting scheduled with the Fire Chief to clarify his intent and come to a mutual agreement. This agreement consists of having the streetscapes the city is pushing towards and have adequate areas for the fire department.
- There were questions about the various tanks on the site, it was stated that the site will have to be remediated according to DEC standards.

Peter Smith moved and Ramona Monteverde seconded the motion to open the Public Hearing.

The motion was approved 4-0.

Drew Kartiganer, City of Newburgh resident stated that the Planning Board should recognize that an apartment building should not be a parking dependent use. Mr. Kartiganer provided a series of packets that contained studies regarding parking and other materials. The packets provided by Mr. Kartiganer will be kept on file for matter of record. Mr. Kartiganer stated that he researched different cities, towns and municipalities, according to his research this project is short on parking in every study made. Pictures of the surrounding areas of the project site were shown and discussed. According to Mr. Kartiganer and his research, the availability of parking in the surrounding streets demonstrates that the project lacks the adequate amount of parking necessary for a project such as this. Mr. Kartiganer stated that the development of this project would affect anyone who has invested in the surrounding areas. Lastly Mr. Kartiganer presented articles referencing retail developments in Newburgh in the area from previous years. Mr. Kartiganer pointed out that if the parking issue wasn't addressed now it would be the downfall of Broadway.

Mill Street Partners requested to obtain a copy of the documents presented by Mr. Kartiganer.

Thomas Dodd, resident at 250 Grand Street stated that as a he believes that there are many projects developers can work on throughout the City. In reference to the Mid-Broadway project Mr. Dodd stated that parking lots are an environmental issue and adding ninety apartments while the City faces a water issue will cause a large impact. Mr. Dodd stated that he does not see any added value with the development of this project that would enhance the historical features of Newburgh. According to Mr. Dodd the City should focus on development of buildings that need fixing. Mr. Dodd recommends the members of the board to notify the community how similar projects from the developers have affected other communities.

Jeffrey Link, owner of 119-120 Broadway asked the developers to display on the screens the pictures of the Broadway elevation. The decision to allow the display of the pictures was deferred by the applicant to the members of the board who agreed to allow the pictures of the Broadway elevation to be shown. Mr. Link stated that he has lived in Newburgh for thirty years and to him the proposed project dwarfs its surrounding areas. Mr. Link stated that there is a false impression that people with sufficient income will choose to occupy the living areas in which the project is located. According to Mr. Link people with sufficient income will choose to live in cleaner and more secure areas. Mr. Link asked the Planning Board if they wanted to be responsible for low income housing on Broadway. Mr. Link stated that affordable housing is needed but in the future there can be other options for development. In addition Mr. Link posed three questions: Does this project conform to the zoning requirements? Will zoning exceptions be set? And is this the image the City wants to project?

Gay Lee, City of Newburgh resident stated that the Mid-Broadway project is a quintessential project for the City and this is an opportunity to rehab the City. Ms. Lee stated that the City has enough low income housing with landlords whose properties are in shambles. Ms. Lee stated that the Mid Broadway project is a very serious issue and she has reached out to the NAACP for legal assistance. Ms. Lee requested that the images which showed the lone building on Johnston Street be shown, she stated that it was time to move the City forward and developed.

Tammy Hollins, City of Newburgh resident stated she has viewed the project with fresh eyes and sees young adults, families and retirees occupying projects such as Mid-Broadway. Ms. Hollins feels that the project at hand would serve the community well, and had reservations about individuals who voiced concerns regarding this project. According to Ms. Hollins parking should not be a major issue for the project in general since there aren't enough cars to occupy the spaces available.

Stuart Sachs, resident at 98 Lander Street, read a letter which is to be made a matter of record. The letter addressed items of concern such as storm water runoff and sewer issues. Mr. Sachs mentioned that there had been deception on measurements given to the Codes Superintendent and urged the members of the board to address the Codes Superintendent regarding such misconceptions. Mr. Sachs stated that the City of Newburgh residents would end up paying the difference in taxes since the cost prices and tax prices do not reflect a fair amount. In addition he went on to say that the parking is based on budget and profit and that part of the parking being taken into account for the project is part of the Department of Motor Vehicles. Mr. Sachs requested that the public hearing remain open for another month.

Curlie Diller, County Legislator stated he was present at the meeting to speak on behalf of Mill Street Partners. Mr. Diller believes that those who speak negatively on this project are the ones who have brought down the City and have abused the City, therefore they do not want a project of this size. Mr. Diller believes the City will grow if the Planning Board carries out their duties.

Beth Brooks, resident of the Heights in the City of Newburgh stated that she believes there were changes made to the project from its original proposal. Ms. Brooks stated many concerns regarding the project, with the supermarket that may destabilize the sanitary environment on Broadway, subsidies given to people who are not from the City and tax revenues taken from the city.

Peter Smith moved and Ramona Monteverde seconded the motion to maintain open the public hearing.

The motion was approved 4-0

- Mr. David Cooper requested to have the public comments is writing however it was decided to allow the public to voice their comments in person at the next meeting.

**APPROVAL OF MINUTES**

Peter Smith moved and Ramona Monteverde seconded the motion to approve the minutes of the March Planning Board meeting.

The motion was carried unanimously.

Meeting adjourned at 9:45 p.m.

Respectfully submitted,

Eliana Diaz  
Secretary