

**PLANNING BOARD MEETING**

The City of Newburgh Planning Board meeting was held on Tuesday, July 19, 2016 in the Activities Center, 401 Washington Street, Newburgh, New York.

Members Present: Lisa Daily  
Peter Smith  
Ramona Monteverde  
Victor Bramble  
Argelia Morales

Members Absent: Elsworth Banks

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. 2016-09**      **SPECIAL USE PERMIT** to establish a cidery for tasting & production of hard cider to be packaged for sale and distribution  
**Location:** 218 Ann Street  
**Applicant:** Kyle Sherrer

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

**DISCUSSION BY THE BOARD**

- Kyle Sherrer, applicant and Victor Capeletti, property owner appeared.
- Mr. Sherrer gave an overview of the project, aerial maps of the location of the cidery where shown. The dimensions of the warehouse were given as well as the side lot and office space. The excess traffic projected to be brought to the area was addressed. Mr. Sherrer stated that there is plenty of parking throughout the Ann Street area to accommodate the people coming to consume at this location. For distribution purposes, tanker trucks which measure about sixty feet long will be used and they will come about once per month. Mr. Sherrer has been in contact with the City's Fire Department. The presence of the trucks are not perceived to have any negative effects. The Fire Department has asked to be notified upon

arrival and departure of trucks. Production projections were shown for the expected increase of the business for the next three years. On site staff is said to include 2-3 people which includes a cider maker and 2-3 people in the tasting room. Images of the inside, the front area of the warehouse, production and packaging area were shown. Water usage calculations for the first three years showed an increase from 750 gallons for the first year to 1750 gallons by the third year. Raw material waste is projected to increase from 720 gallons the first year to 1440 gallons by the third year. The cidery will be a three season tasting room with seating capacity for 10 occupants and an outdoor cider garden with shaded seating and capacity for 50 occupants. The dates and hours of operation will be Friday 4pm-10pm, Saturday 10am-10pm and Sunday 10am-8pm.

- The City Planner stated that the site is primarily for onsite consumption, the cottage industry use is what has brought the applicant to the Planning Board.
- The Assistant City Engineer stated that a Site Plan can be waived to a certain extent, the Planning Board would need to decide which parts will be waived. Despite having the IPP questionnaire filled out by the applicant there are additional details that need to be worked out. It was pointed out that there is a catch basin on the site that needs to be cleared out.
- The Chairperson pointed out main areas of interest for the project. These included discharge and trailer wait time on site. For approval, the site plan must include specifications as to how areas on the site will be made green.
- Members of the board made questions in reference to the dumpster, where would it be located and what is the odor expected from the dumpster. It was stated that the odor would be the same as any supermarket. The members of the board agreed that trash pickup would have to be done more than once a week.
- The Chairperson stated that the Site Plan wouldn't be able to be waived partially and a Site Plan would be necessary for this project. Even though the production will be inside the building, there will be a gathering area outside, dumpster area and with the IPP report a detailed outline for a manhole will have to be provided for the city to gain access for testing to make sure discharges that would affect our system are not being discharged.

Argelia Morales moved and Victor Bramble seconded the motion to schedule a Public Hearing for the month of August.

The motion was carried 5-0

Peter Smith moved and Ramona Monteverde seconded the motion for intent to assume SEQRA Lead Agency.

The motion was carried 5-0

### **OLD BUSINESS**

**INDEX NO. 2016-06**      **SPECIAL USE PERMIT** to establish a radio based office for taxi service

**Location:** 82 Bridge Street

**Applicant:** Randolph A. Cerrato

Peter Smith moved and Ramona Monteverde seconded the motion to reconsider something previously approved.

The motion was approved 5-0.

- In approving the special use permit there is no official record of a declaration on significance on SEQRA therefore the board must revisit the application and issue the Negative Declaration and then a vote for the application must be made again.

Peter Smith moved and Victor Bramble seconded the motion for a Negative Declaration. The motion was approved 5-0.

Peter Smith moved and Ramona Monteverde seconded the motion to grant the Special Use permit for two years.

The motion was carried 5-0.

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

Peter Smith moved and Argelia Morales seconded the motion to reconsider something previously approved.

The motion was approved 5-0.

- In approving the special use permit there is no official record of a declaration on significance on SEQRA therefore the board must revisit the application and issue the Negative Declaration and then a vote for the application must be made again.

Peter Smith moved and Ramona Monteverde seconded the motion for a Negative Declaration.

The motion was approved 5-0.

Peter Smith moved and Ramona Monteverde seconded the motion to grant the Special Use permit.

The motion was carried 5-0.

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

#### DISCUSSION BY THE BOARD

- Walter Kubow, Chazen Engineering, appeared on behalf of St. Luke's Cornwall Hospital.
- Mr. Kubow recapitulated the Planning Boards decision to declare itself Lead Agency and tonight he wishes the board to issue a Negative Declaration.

- Mr. Kubow addressed the comments from the Engineering Department one being the landscaping technique, in addition it is now indicated on the site plan the NYS regulations for the removal of the underground storage tanks.
- The City Assistant Engineer requested that the applicant provide the City with a copy of the certification of the new tanks when they are registered.

Peter Smith moved and Argelia Morales seconded the motion for a Negative Declaration. The motion was approved 5-0.

Peter Smith moved and Ramona Monteverde seconded the motion to grant Site Plan approval subject to final certification after the installation of the new tanks. The motion was carried 5-0.

**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, Mark Lukasik from Tectonic Engineering, Phil Grealy from Maser Consulting and David Schiff from VHB presented an overview of the project.
- Mr. Cooper gave updates regarding the letter sent from SHPO who reviewed the project to determine if there are any potential impacts to both the archeological and or historic resources on the site. A letter sent in the month June of 2016 from SHPO stated that they have no concern regarding impact of archeological resources on the site. In the month of July a letter was submitted by SHPO regarding the historical resources and it has been determined that the conservation of 14 Johnston St. is not feasible given its current condition. The proposal for the project design is appropriate for the historical district, Mill Street is being asked by SHPO to prepare an MOA which will set the measures to be taken during demolition to preserve and salvage any historical aspect of the building.
- Mr. Cooper stated that an updated traffic and parking report was submitted upon the City Planners request for an additional assessment for the Broadway & Lander Street intersection. In addition, during the previous public hearing questions were raised regarding the 111 parking spaces provided and whether they were sufficient to meet the anticipated demand of this project. Mr. Cooper stated that there were two aspects to this project, residential and commercial. There are 91 parking spaces being provided to the residential aspect to the project which is one parking space per unit. This would leave 20 spaces available for the commercial use of the project. The ITE standard manual was used to determine project demands. A conservative analysis was used for this site, it was determined that on a peak demand 56 parking

spaces would be required and 20 of them would already be provided on site. All of the potential spaces within an estimated two block radius were assessed around the site to find additional parking spaces, worst case scenarios were also assessed. From this information there would be an estimated 140 parking spaces available, not taking into consideration the municipal parking lots near the site as well as the parking spaces east and west of Broadway. Mr. Cooper stated that based on the information submitted the board could make a determination that this project would not result in a significant adverse impact for parking. Projects in the area that are in the pipeline similar to this project were also incorporated into the traffic analysis. A streetscape visual analysis was also included. This was done to address the questions raised whether the building was fit into the built scale of the neighborhood. An agreement for the approach regarding the Fire apparatus setup has been reached, it needs to be incorporated into the plans and have it meet the legal as well as building requirements.

- Phil Grealy from Maser Consulting addressed the parking study updates. In May 2016 a letter report addressing both parking and traffic was submitted; there were several questions regarding potential parking and traffic issues. In response to these questions an updated letter was submitted on July 2016 which addressed the questions and issues posed. With respect to traffic, the trip generation was shown as well as the analysis for the need for turn lanes. Based on that analysis it was shown that traffic generation that would be added on Lander Street could be accommodated. The traffic generation numbers for both the residential and commercial are conservative in being high estimation of traffic since there is expected to be a significant number of walk ins to the retail space and some of those walk ins will be the residents occupying the residential area in the project. Information was provided relative to the RUPCO project and how that was accounted for. In 2013 conservative projections were made of what increases there would be if growth occurred. Therefore, from a traffic standpoint their conclusion is that the traffic for the development, both residential and retail will not significantly change the levels of service at the intersections. This is taking into account other traffic for RUPCO and other growth in the area that would increase regardless of this project. From a parking standpoint the references to ITE (Institute of Transportation Engineers) are the standards used. Mr. Grealy stated that over the years parking ratios especially for retail uses have gone down. The causes are due to the types of trips people make, the codes in towns as well as suburban locations. For residential uses, one parking space per residential dwelling is in line with the published data from ITE. In terms of the off street parking in the area, the July letter provided a breakdown of the available spaces, such as reserved spaces as well as alternate side of the street spaces during the middle of the day and the evening. Mr. Grealy stated that there are several areas in the immediate proximity that provide the on street parking spaces that would be required for this type of use. For example, along the frontage side of Broadway there are about 19 parking spaces available.
- Mark Lucasik from Tectonic Engineering referred to the July 5<sup>th</sup> Planning Board work session. In the work session storm water management was primarily discussed and updated materials will be submitted for August. One of the key items the City

is asking of this project is mitigation as well as storm water quantities. In the month of June a comment was made that too much time had elapsed since Broadway's buildings were developed over what is now grass. As a result the math on storm water management is being done once again, the area is taken as pervious today and as a result the storm water management system needs to be bigger to deal with that flow and comply with the City's discharge permits. Comments regarding physically connecting to the City's combined sewer system are being taken care of. In reference to the long term control plan a proposal was made to use the Green Infrastructure Benefits Outline by the NYS DEC and propose tree planting. However, as a result of the change in the mathematics of the buildings that used to exist in Broadway to what is now grass, tree planting can't simply be provided on the property. Therefore, other green infrastructure elements will be provided. One item the City has been requesting is to incorporate from the Liberty Street project a series of bioswales which have not been included in the plans yet as well as a strip of porous pavement. This will allow the project to reach the standards required for green infrastructures. The Assistant City Engineer stated that the City has been using Liberty Street as an example to implement new streetscape standards. One of the ways the streetscape standards help is to reduce the peak discharge in the combined system. Mr. Lucasik stated that a Storm Water Pollution Prevention Plan will be implemented and an inspection element will be added to provide a level of comfort during the course of construction. With respect to Fire Lanes, plans have been provided with areal Fire apparatus setup location on Lander St. between the proposed building the DMV. It is required by fire code to provide a safe setup location. Subsequent discussions have taken place with fire officials within the City where it was felt that a second fire apparatus location was needed. The City Engineering and Fire Department looked at the mechanisms relative to how everything could work out relative to parking and city traffic as well as indications to passerby's and how space would be reserved so it is available when truly needed. Feedback was given to the applicant and asked how this could be incorporated. This space can be provided on the center of the Broadway or at the west curb line. On the Lander Street side there is a requirement to keep at least 26 feet in the setup area. There isn't enough space to keep the 26 feet and the parking in that location. Fire code requires 26 feet of distance from fire hydrants.

The Chairperson continued the public hearing

Drew Kartiganer resident at 30 Meadow Street, Newburgh, NY. Stated that there will not be enough open space on the plan to accommodate children in the area. There will also not be space to accommodate snow collection. Mr. Kartiganer provided copies of the Maser parking study. It was pointed out that in the beginning the report stated that 165 parking spaces were required and now 111 parking spaces are deemed to be sufficient. Mr. Kartiganer considers this information to be contradicting, he further states that what is being proposed now is an overdevelopment. There are 43 more apartments being proposed that what the original analysis shows can be handled. Previously Mr. Kartiganer showed an analysis that this project was short of parking spaces by numerous comparisons. Mr.

Kartiganer stated that an independent traffic study needed to be done by the Planning Board.

Alden Link, owner of 4-6 Clark St. stated that he believes the development project is not a good idea. He's done surveys on the Motor vehicle parking lot, from that he's determined that about 10 spots are unoccupied during the day. In addition he believes that subsidized housing on Broadway is not a good idea. He stated that the City would not make any money because it would incur in expenses not recognized in taxes since this is a subsidized project.

Kippy Boyle, resident of 400 Grand St. stated that a comment letter was to be given to Mill Street Partners and the Planning Board by the CAC. Ms. Boyle stated her appreciation for the possibility of having solar panels used in portions of the project and gave options that can be looked into in terms of public benefit, New York Sun; a State incentive Initiative and Clean Energy Authority. Ms. Boyle had questions regarding the designs for roof runoffs. Her main points of interest during this moment are storm water and constructive reuse of water.

Stuart Sachs, resident of 28 Lander St. read from a letter which will be part of the file for this project. In his letter Mr. Sachs quoted initial proposals made by Mill Street Partners in the beginning of the project. These proposals included workforce housing and utilization of green building technologies, however, Mr. Sachs stated none of these proposals made it to their current project. Mr. Sachs addressed the constant problems the City has with storm water runoff and urged the board to require 99% plus of all storm runoff be returned to groundwater before the storm runoff is connected to the sanitary sewer. Mr. Sachs quoted Section D page 2 bullet number 2, the linking of infrastructure improvements to redevelopment efforts and insisted that the applicants be held accountable for such a statement. If changes will be made to plans to satisfy the previous statement then the public hearing should be extended to review and comment. Mr. Sachs stated that permeable pavement should be a requirement for the Site Plan approval of this project, parking lots and sidewalks included. Mr. Sachs quoted that this project was to add new real estate tax to the City revenue stream. He further stated that the future land use plan for the City requires that this site and the Broadway Corridor generate tax revenue for the City. However, it has been disregarded by negotiating a pilot which exchanges a relatively small onetime payment for 30years of tax revenue. Mr. Sachs asks the planning Board to consider the conflict this project has with the City's master plan, and to not approve the project. Mr. Sachs addressed the parking in the project which he considers to be insufficient. He further stated that the traffic studies provided were confusing at best, he urged the Planning Board to reject the parking plans submitted and suggested they be sent to the Zoning Board of Appeals for a variance. He urged the Planning Board to insist that a public park and green space be included to the development of this site. Changes to the entrance and fire access should submitted for review and public comment, therefore the public hearing should remain open or a new hearing should be scheduled when the changes are submitted.

Gay Lee, resident of Forsythe Place, stated that when she was a member of the Newburgh City Council the Department of Planning and Development had initiated an RFQ. Since then and now she believes that this project is a revenue generating initiative. Ms. Lee stated

that unemployment in the city is very high and this project will bring employment. Her position is that there have been no developments and Broadway has not improved in many years. She suggest to close the public hearing and move forward because it's time for development. The location of the project is not a determinant of its occupants, rather this project will help clean the City.

Jeffrey Link, owner of 119-120 Broadway, Mr. Link believes revenue generating properties are needed in the City and he aggress with Ms. Gay Lee to a certain extent. He's noticed that the city is being overtaken by Non-for-Profit buildings and churches. He states that such non-for-profit property in the City takes away revenue when they are taken away from the tax rolls. Mr. Link stated that prime property is being given away for the development of this site since the taxes being paid for this project will in no way generate the amount of revenue it should. Mr. Link called to have an independent consultant put out for an RFP to provide an analysis of the parking studies.

Sheyla Murphy, City of Newburgh resident, questioned whether other projects proposed in the City such as the ones at the water front or Safe Harbors to name a few had been put through such a hard time. She stated that this is not going to be a low income building and that the proposal for this project in Broadway will be perfect.

Nancy Thompson, would like to speak against the project. She stated that she agrees with many parts of the statements made by Mr. Stuart Sachs. She stated that the taxes in the city are very high and it is unacceptable for anyone to be coming to the City asking for pilots instead of paying regular taxes. She feels that the City's current condition at the moment should dictate standards. She believes that proposals who require money from taxpayers should be reviewed more attentively.

Peter Smith moved and Argelia Morales seconded the motion to close the public hearing. The motion was approved 5-0

- Mr. David Cooper addressed the comments made in regards to the parking spaces available for the project. He stated that it was the Planning Boards duty to scrutinize this project. Mr. Cooper asked the board if any other outstanding matters were needed from them to please provide notification. The Chairperson stated that Part 2 of the SEQRA will be reviewed and other questions will follow from that. It was asked if an independent traffic study could be requested by the Planning Board. Mr. Cooper stated that professionals on staff could verify that the studies submitted were accurate and provide that information to the members of the board. In addition both parties in this public-private partnership agreed to expeditiously complete this review. Therefore, a request for a new traffic study would have to happen quickly. In addition Mr. Cooper does not believe that a new traffic study is necessary seeing as how there would be no legal basis or empirical basis for it. However, if the board is considering it, they need to make that clear as soon as possible. Argelia Morales asked regarding the bus stop, Mr. Mark Lucasik stated that conversations with the County had been established. According to what is already in the surrounding areas

to the project adding an additional bus stop at the location of the site is unwarranted at this time.

### **APPROVAL OF MINUTES**

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

The motion was carried unanimously.

Meeting adjourned at 9:45 p.m.

Respectfully submitted,

Eliana Diaz  
Secretary