

PLANNING BOARD MEETING

The monthly meeting of the City of Newburgh Planning Board was held on Tuesday, June 21, 2022 at 7:30 p.m. at the Hall of Fame Building, 401 Washington Street, Newburgh, New York.

Members Present: Lisa Daily
Weaver Debe
Penelope Guccione
Sarah Hooff
Acre Qui
Alicia Ware
Duane Ware

Absent: Michael Kelly

Also Present: Chad Wade, Assistant City Engineer
Joshua Stratton-Rayner, City Planner
Jeremy Kaufman, Assistant Corporation Counsel
J.K. Gentile, Secretary

The Chairperson called the meeting to order at 7:34 p.m. after confirming a quorum.

APPROVAL OF MINUTES

Minutes of the April 19, 2022 Meeting

Alicia Ware moved to approve the April 2022 minutes as submitted.
Duane Ware seconded the motion.
The motion passed unanimously via roll call vote.

Minutes of the May 17, 2022 Meeting

Alicia Ware moved to approve the May 2022 minutes as submitted.
Duane Ware seconded the motion.
The motion passed unanimously via roll call vote.

The Assistant Corporation Counsel introduced Weaver Debe, Penelope Guccione and Acre Qui, three newly-appointed Board members. Mr. Debe, Ms. Guccione, and Mr. Qui elected to observe only and abstain from voting at the meeting.

OLD BUSINESS

Index No. 2021-18

Applicant: National Builders South
Owner: Atkemix Thirty-Seven Inc.
Location: 700-768 South Street

SITE PLAN application to construct a Warehouse.

The Comment Letters from the City Engineer and the Department of Planning and Development were made a matter of record.

Charlie Bazydlo and Walter Kubow appeared before the Board.

Mr. Bazydlo presented the submission of the Traffic Impact Analysis and Wetland & Stream Delineation.

Mr. Kubow presented the revised site plan. He highlighted the changes made in response to the traffic study results. He presented a layout of the new left turn lane at the truck entrance on South Street. He said they will not propose a signal at Pierces Road.

Mr. Kubow also presented the Highway Entrance Plan.

The Assistant City Engineer said South Street is a state highway, therefore any road improvements will be subject to application and approvals from Department of Transportation (DOT).

Mr. Kubow said they have a pending application before DOT for the proposed work.

Mr. Bazydlo, referring to the Wetland & Stream Delineation, confirmation that there are no DEC wetland concerns at this site, but there may be Army Corps of Engineers wetland concerns.

The Assistant City Engineer reviewed his comment letter. He a preliminary DOT comment letter should be issued before any Site Plan submission is considered for approval.

Mr. Kubow said they are working on arranging a meeting with the Department of Environmental Conservation.

The City Planner reviewed his comment letter

The applicant requested a table of its application for further update.

Index No. 2021-17

Applicant: Javier Fiscal
Owner: Walter Park
Location: 435 Broadway

SITE PLAN application to convert existing building into a House of Worship and Restaurant.

The Comment Letters from the City Engineer and the City Planner were made a matter of record.

Floyd Johnson and Javier Fiscal appeared before the Board.

Mr. Johnson gave an overview of the updates made to the Site Plan. He said the new submission creates a total of 20 on-site parking spaces.

The Assistant Corporation Counsel said the Board should make a parking space determination. He said if the uses were in a zone that required ZEO determination, the bulk table would dictate that 21 spaces would be required -- 9 parking spaces for the restaurant and 13 parking spaces for the sanctuary. He said so long as the Board had a rational reason for determining more or less than 21 spaces, it could set a higher or lower off-street parking number.

The Assistant City Engineer reviewed his comment letter. He requested additional gate detail, as this detail was a new addition to the site plan, as well as the outstanding comments be addressed.

The City Planner reviewed his comment letter requesting the outstanding comments be addressed.

The Board requested signage detail.

The Board discussed the adequacy of 20 parking spaces, as the church would primarily be in use only on Sunday mornings and early afternoons, while the restaurant would likely be open the remaining days and times of the week. Therefore there wouldn't be much overlap or competition for the spaces between the 2 proposed uses.

Alicia Ware moved to declare 20 parking spaces to be sufficient for the project.

Sarah Hooff seconded the motion.

The motion passed unanimously via roll call vote

The applicant requested a table of its application for further update.

Index No. 2022-10

Applicant: Chris Berg / Berg + Moss Architects

Owner: 75 Grove LLC

Location: 191 North Miller Street

SUBDIVISION application to convert the single lot with one-family residence into a subdivided lot with 2 new three-family residences (1 on each lot).

The Comment Letters from the City Engineer and the City Planner were made a matter of record.

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

The Assistant City Engineer reviewed his comment letter.

The City Planner reviewed his comment letter

The Assistant Corporation Counsel said the application is being considered for Subdivision only. The subdivision will also require ZBA approval based on proposed lot size.

The Chairperson opened the public hearing for comment.

Brenda Dunham spoke against the application, as it will take up already limited on-street parking.

Alicia Ware moved to close the public hearing.

Duane Ware seconded the motion.

The motion passed unanimously via roll-call vote.

Alicia Ware moved to issue a Type II declaration under SEQRA

Sarah Hooff seconded the motion.

The motion passed unanimously via roll-call vote.

The applicant requested a table of its application for further update.

Index No. 2022-06

Applicant: Garfield Bruff

Owner: City of Newburgh

Location: 169 Johnston Street

SITE PLAN application to convert existing vacant building into five residential units.

The Comment Letters from the City Engineer and the City Planner were made a matter of record.

Michael Henderson appeared before the Board and gave an overview of the updates to the Site Plan. He said that based on the proceedings at the Zoning Board of Appeals meeting, the applicant created 5 parking spaces on site, which eliminated a rear yard for the project.

The Assistant City Engineer reviewed his comment letter. He requested utility markouts be added to the Site Plan.

The City Planner reviewed his comment letter.

The Assistant Corporation Counsel referred to §300-68(A)(3) of the City Code, said any portion of the driveway shall not be closer than 20 feet to the curb line of an intersecting street nor closer than 5 feet to any lot line, with both distances needing to be maintained by a curb. He recommended the applicant review §300-68(A)(3) of the City Code and address that provision with the Board.

Alicia Ware moved to declare the Planning Board as lead agency for the project under SEQRA.

Sarah Hooff seconded the motion.

The motion passed unanimously via roll-call vote.

The applicant requested a table of its application for further update.

Index No. 2022-08

Applicant: Nutopia Development Group

Owner: Nutopia Development Group / Michael H. Mamiye

Location: 60 Dubois Street

SITE PLAN application to convert the existing building into offices, a theatre and residential units.

The Comment Letters from the City Engineer and the City Planner were made a matter of record.

Alvin Moonesar and Albert Mizrahi appeared before the Board.

Mr. Moonesar gave an update on the project. He said SHPO comments were still pending. He said the applicant has abandoned seeking an agreement with St. Luke's Hospital with respect to parking garage access and use.

The Assistant City Engineer reviewed his comment letter. He asked the applicant to add notes to the site plan about water supply connection, fully detail the ADA curb ramps, detail the separate fire service and add construction details.

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

DISCUSSION BY THE BOARD

Ms. Ware asked the applicant how it plans to accommodate the electric vehicle capacity as recommended by the Transportation Advisory Committee.

Mr. Moonesar said that recommendation will not be implemented based on limited site space.

Ms. Ware inquired about placement of a bike rack.

Mr. Moonesar said they will place a bike rack at the rear of property and add that detail to the site plan.

Mr. Moonesar asked the Assistant City Engineer if they can place ADA detail with respect to building access on the side pathway facing St. Luke's Hospital.

The Assistant City Engineer said yes, but requested those specific details be added to the Site Plan.

The applicant requested a table of its application for further update.

NEW BUSINESS

Index No. 2022-14

Applicant: Jaroslava Simone Kvapil / Alvin Moonesar
Owner: Jaroslava Simone Kvapil
Location: 59 Courtney Avenue

SITE PLAN application to convert an existing one-family dwelling into a two-family dwelling.

Alvin Moonesar appeared before the Board and gave an overview of the proposed project.

The Assistant Corporation Counsel asked the applicant is there will be a change to the building footprint.

Mr. Moonesar said there is no proposed change to the footprint.

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

The City Planner reviewed his comment letter.

The Assistant City Engineer recommended a waiver of the Site Plan.

Sarah Hooff moved to waive the public hearing.

Alicia Ware seconded the motion.

The motion passed unanimously via roll-call vote.

Alicia Ware moved to issue a Type II declaration under SEQRA

Sarah Hooff seconded the motion.

The motion passed unanimously via roll-call vote.

Alicia Ware moved to waive site plan requirements.

Sarah Hooff seconded the motion.

The motion passed unanimously via roll-call vote.

Alicia Ware moved to accept the Site Plan as submitted.

Duane Ware seconded the motion.

The motion passed unanimously via roll-call vote.

With no further business to discuss, the meeting adjourned at 9:50 p.m.

Respectfully submitted,

J.K. Gentile

Secretary to the Land Use Boards