

**PLANNING BOARD MEETING**

The monthly meeting of the City of Newburgh Planning Board was held on Tuesday, March 21, 2023 at 7:30 p.m. at the Activity Center, 401 Washington Street, Newburgh, New York.

Members Present: Alicia Ware, Acting Chairperson  
Weaver Debe  
Sarah Hooff  
Acre Qui  
Duane Ware

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

Absent: Lisa Daily, Chairperson  
Michael Kelly

The Chairperson called the meeting to order at 7:33 p.m. after confirming a quorum.

**APPROVAL OF MINUTES**

Minutes of the February 2023 Planning Board meeting not available for review. Tabled for next month.

**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 City Planner were made a matter of record.

Charlie Bazydlo, Walter Kubow and Brian Sekel appeared before the Board.

Mr. Bazydlo said they have received conceptual approval letters from the NYSDEC and the NYSDOT.

Mr. Kubow said they addressed the DOT driveway concern by shifting the driveway 150 feet to the east. He said the DOT stated the previous driveway entrance conflicted with Thompson Drive. He said other than this change to the driveway the site plan remains the same.

Mr. Bazydlo said the DOT agreed with the traffic study and general plan.

Mr. Bazydlo said the DEC suggested changing the grading to avoid some of the excavation. He said any possible grade change would not affect the layout of the where the building and driveway are proposed.

The City Planner reviewed his comment letter. He recommended adding a demolition plan. He said that both Dry Detention Basin #2 and Bioretention Area #2 now are drawn to encroach into the 100-year Floodplain. Pursuant to Chapter 175 of City Code, a Floodplain Development Permit is required for construction activity within the 100-year floodplain. He said an escrow should be established for review of the floodplain impacts. He said the Planning Board should discuss the lighting plan.

The Assistant City Engineer reviewed his comment letter. He recommended confirming with the DEC the need for a review of the sanitary sewer pump station and force main. He suggested asking DOT if it would be acceptable to keep the sidewalk concrete consistent in material and the cross-slope ADA compliant.

The Assistant Corporation Counsel discussed the process involved in for floodplain review.

#### DISCUSSION BY THE BOARD

Ms. Hooff asked for clarification of the limit of the disturbance line. She asked if they plan on clear cutting back existing growth to that line.

Mr. Kubow said yes.

Ms. Hooff said the proposal is up against a low density residential neighborhood. She expressed concerns about installation of 30-foot high light poles.

Mr. Bazydlo said the proposed project layout and vegetation would assist as a buffer from any light encroachment.

The Assistant City Engineer said that timing sensors and motion sensors should be added to the lighting plan.

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

**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 repurposed 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 of the proposed project.

The City Planner reviewed his comment letter.

The Assistant City Engineer reviewed his comment letter.

**DISCUSSION BY THE BOARD**

The Assistant Corporation Counsel asked for SHPO status.

Mr. Moonesar said they have received approvals from SHPO.

Sarah Hooff moved to issue a Type II declaration under SEQRA.

Duane Ware seconded the motion.

The motion passed unanimously via roll-call vote.

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

Sarah Hooff seconded the motion.

The motion passed unanimously via roll-call vote.

**Index No. 2022-12**

**Applicant:** Manuel Zacarias-Gregorio  
**Owner:** Manuel Zacarias-Gregorio  
**Location:** 288 S. William Street

**SUBDIVISION** application to construct a new three-family dwelling on a vacant lot.

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

Floyd Johnson appeared before the Board and gave an update to the plan since the applicant's last appearance at the February 2023 meeting. Mr. Johnson said he submitted for review the recorded easement agreement from 1924.

The Assistant Corporation Counsel asked Mr. Johnson to draw out the meets and bounds as described in the recorded easement and incorporate the drawing onto the site plan and reference the Liber/Page of the recorded easement in the Notes section of the Site Plan.

The City Planner reviewed his comment letter.

The Assistant City Engineer reviewed his comment letter. He requested addressing the outstanding details. He requested a subdivision plat signed by a licensed surveyor.

#### DISCUSSION BY THE BOARD

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

#### **Index No. 2023-02**

**Applicant:** David Benninger  
**Owner:** Blue Sky Distinctive Properties LLC  
**Location:** 79 Pierces Road

**SUBDIVISION** application to expand existing vehicle storage by constructing a second building.

#### **Index No. 2023-03**

**Applicant:** David Benninger  
**Owner:** Blue Sky Distinctive Properties LLC  
**Location:** 79 Pierces Road

**SITE PLAN** application to expand existing vehicle storage by constructing a second building.

#### **Index No. 2023-04**

**Applicant:** David Benninger  
**Owner:** Blue Sky Distinctive Properties LLC  
**Location:** 79 Pierces Road

**SPECIAL USE PERMIT** application to expand existing vehicle storage by constructing a second building.

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

The Orange County Department of Planning (GML §239) letter was made a matter of record.

David Benninger, Jerry Casesa and Amador Laput appeared before the Board.

Mr. Casesa gave an overview of the proposed project for those Board members who were not present at the February meeting.

The City Planner reviewed his comment letter. He asked to label the measurement of the blacktop drive in Lot A, and label the distance to show two travel lanes.

Mr. Benninger said the blacktop drive narrows because of a gate at the bottom. He said only one car can get in at a time.

The City Planner said that is a circulation issue. He recommended directional signage. He requested an exact landscaping plan. He requested the lighting locations and footcandle measurements.

The Assistant City Engineer reviewed his comment letter. He requested site plan clean up regarding Sidewalk Standards detail, sprinkler system detail, sewer line, and manhole details.

#### DISCUSSION BY THE BOARD

The Acting Chairperson read the Chairperson's comment letter regarding landscaping and agrees with a choice of evergreen trees to screen the parking in the front of the building.

Ms. Hooff recommended using a light fixture that has screening and does not throw light.

The Assistant Corporation Counsel opened the public hearing for comment on the Special Use Permit.

No one was present for or against the application.

Sarah Hooff moved to close the public hearing for the Special Use Permit  
Acre Qui seconded the motion.  
The motion passed unanimously via roll-call vote.

The Assistant Corporation Counsel opened the public hearing for comment on the Subdivision.

No one was present for or against the application.

Sarah Hooff moved to close the public hearing for the Subdivision.  
Acre Qui seconded the motion.  
The motion passed unanimously via roll-call vote.

The Assistant Corporation Counsel said the City Code requires the Planning Board to take action on the preliminary plat within 62 days of submission. The Assistant Corporation Counsel asked if the applicant agreed to waive the requirement until further notice by the applicant.

The applicant agreed to waive the 62-day requirement so the Planning Board could consider further details on the application.

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

### **NEW BUSINESS**

#### **Index No. 2023-06**

**Applicant:** Chris Berg/Berg + Moss Architects, PC

**Owner:** 104 Elm LLC

**Location:** 45 Hasbrouck Street

SITE PLAN application to convert a two (2) family dwelling into a three (3) family dwelling.

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 overview of the proposed project.

The City Planner reviewed his comment letter.

The Assistant City Engineer recommended waiving Site Plan requirements.

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

The Assistant Corporation Counsel asked if there is any change to the building footprint.

Mr. Berg said there is no change to the building footprint.

Ms. Hooff recommended a tree planting.

A majority of the Board agreed with the planting of a tree.

Mr. Berg said he would update the Site Plan to reflect landscaping detail and location.

Sarah Hooff moved to waive a public hearing.

Acre Qui seconded the motion.

The motion passed unanimously via roll-call vote.

Duane 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 to the next meeting.

**Index No. 2023-07**

**Applicant:** Jonathan Moss /Berg + Moss Architects, PC

**Owner:** Newburgh SHG 8 LLC

**Location:** 150 Broadway

SITE PLAN application to combine three (3) adjacent vacant lots and construct a new five (5) story, mixed-use development.

Sarah Hooff recused herself from vote.

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

Jonathan Moss appeared before the Board and gave an overview of the proposed project.

The City Planner reviewed his comment letter. He requested a lighting plan and mounted bike racks.

The Assistant City Engineer reviewed his comment letter.

**DISCUSSION BY THE BOARD**

The Assistant Corporation Counsel said this application is on for presentation only as the lots need to be consolidated.

The Assistant Corporation Counsel asked the applicant how trash will be handled.

Mr. Moss said trash will be kept in the proposed loading dock.

The Assistant City Engineer asked if there will be a curb cut on the loading dock.

Mr. Moss said yes and will add a curb-cut detail on the site plan.

Acre Qui moved to waive a public hearing.

Weaver Debe seconded the motion.

The motion passed unanimously via roll-call vote.

The Board discussed the referring the application to the Transportation Advisory Committee. The Board declined a referral to the Transportation Advisory Committee.

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

**Index No. 2023-08**

**Applicant:** Chris Berg /Berg + Moss Architects, PC  
**Owner:** Guy R. Larocca  
**Location:** 211 Broadway

SITE PLAN application to convert the existing auto shop into a five (5) story mixed use development

Sarah Hooff recused herself from vote.

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 overview of the proposed project.

The City Planner reviewed his comment letter. He said this is a Type I action under SEQRA. He requested submission of a lighting and landscaping plan.

The Assistant City Engineer reviewed his comment letter. He requested submission of stormwater mitigation design and comprehensive landscaping plan by a licensed landscaper. He said existing utilities should be located on the site plan.

**DISCUSSION BY THE BOARD**

The Board discussed the referring the application to the Transportation Advisory Committee. The Board declined a referral to the Transportation Advisory Committee.

Acre Qui moved to waive a public hearing.  
Weaver Debe seconded the motion.  
The motion passed unanimously via roll-call vote.

Mr. Berg said he will submit Phase I & Phase II environmental study for review.

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

**Index No. 2023-09**

**Applicant:** Daniel Valverde/Mill Street Partners NY LLC  
**Owner:** Game Tab LTD  
**Location:** 153, 155, 157, and 159 Mill Street

SITE PLAN application to construct a warehouse vacant land.

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

Greg Sgromo, Dan Valverde and Lon Kammerman appeared before the Board.



Mr. Sgromo gave an overview of the proposed project.

The City Planner reviewed his comment letter. He referred to City Code §300-68 and asked that the site plan label the distance between the boundary of the parking area and the adjoining lot to the north which contains a residential dwelling. He requested documentation of trip generation; a brief narrative of what the general use is going to be.

The Assistant City Engineer reviewed his comment letter. He requested a signed, sealed, survey and the deed. He said the four (4) lots will have to be consolidated and proof of the consolidation should be provided prior to any final approval. He requested a stormwater management design. He said the City will be conducting street improvements and that any proposed sidewalk work should be completed fifteen (15) feet from the face of the curb and back.

#### DISCUSSION BY THE BOARD

The Assistant Corporation Counsel said this application is on for presentation only. He said part of the environmental review of the application is affected by the old Provan Ford site across the street from the property. He said the Provan Ford site has been fully remediated and is under a site management plan by the DEC. He suggested the applicant locate and review the SMP for the Provan Site.

Ms. Hooff recommended street trees and screening the building from the residential neighbors. She suggested down-facing lighting at the rear of the property to respect the residential neighbors.

Acre Qui 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.

With no further business to discuss, the meeting adjourned at 8:50 p.m.

Respectfully submitted:

Approved:

J.K. Gentile, Secretary

Alicia Ware, Acting Chairperson