

PLANNING BOARD MEETING

The monthly meeting of the City of Newburgh Planning Board was held on Tuesday, April 18, 2023 at 7:30 p.m. at the Activity Center, 401 Washington Street, Newburgh, New York.

Members Present: Lisa Daily, Chairperson
Sarah Hooff
Michael Kelly
Alicia Ware
Duane Ware

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

Absent: Weaver Debe
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The Chairperson called the meeting to order at 7:31 p.m. after confirming a quorum.

APPROVAL OF MINUTES

Minutes of the February 21, 2023 Meeting

Michael Kelly moved to approve the February minutes as submitted.
Duane Ware seconded the motion.
The motion passed unanimously via roll call vote.

OLD BUSINESS

Index No. 2022-08

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

SUBDIVISION and SITE PLAN application to construct a new three-family dwelling on a future subdivided 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 overview of the updates made to the plan since the March 2023 meeting.

DISCUSSION BY THE BOARD

The Assistant City Engineer reviewed his comment letter. He said the ductile iron service pipe and valve construction detail shall be removed from the plan and a construction detail related to the domestic water service shall be provided. He said the concrete sidewalk detail shall be removed and replaced with the City of Newburgh standard detail.

The City Planner reviewed his comment letter. He requested the applicant provide a “No adverse effect letter” from SHPO.

The Chairperson asked the applicant to correct the typos on the site plan.

Sarah Hooff moved to declare the Planning Board as Lead Agency under SEQRA.

Michael Kelly seconded the motion.

The motion passed unanimously via roll-call vote.

Sarah Hooff moved to issue a negative declaration under SEQRA.

Michael Kelly seconded the motion.

The motion passed unanimously via roll-call vote.

Michael Kelly moved to issue the preliminary plat approval for the proposed subdivision.

Duane Ware seconded the motion.

The motion passed unanimously via roll-call vote.

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

Michael Kelly seconded the motion.

The motion passed unanimously via roll-call vote.

Index No. 2021-19

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|-----------------------------|-------------------------|
| Applicant: | Colin Jarvis |
| Owner (17 Johnston): | City of Newburgh |
| Owner (19 Johnston): | Newburgh Ministry |
| Location: | 17 & 19 Johnston Street |

SITE PLAN application to construct a new multi-story residential building.

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

Don Petruncola, Lee Lasberg, Frank Cerbini, and Colin Jarvis appeared before the Board.

Mr. Petruncola gave an overview of the updates made to the site plan since the last presentation to the Planning Board October 2021. He said they received ARC approval in May 2022 and the changes made to the building are based on the ARC determinations. He said the building was reduced from 76,000 square feet to 66,000 square feet. He said the building height was reduced from 6 stories to 5 stories. He said the building now projects to accommodate 50 residential housing units in total.

DISCUSSION BY THE BOARD

The City Planner reviewed his comment letter. He recommended a lighting and landscape plan. He said proposed streetscape improvements shall comply with the City's Streetscape Standards. He said per City Code 300-32, the Planning Board will determine off-street parking. He said per City Code 300-67 (D) the site plan should include bike racks. He requested the submission of a completed EAF.

The Assistant City Engineer said requirements were reviewed at Planning Board Workshop but a comment letter was not formalized for this meeting.

Ms. Hooff asked if an application has been before the Zoning Board of Appeals.

Mr. Petruncola said a presentation to the Zoning Board of Appeals is forthcoming.

Duane Ware moved to declare the Planning Board's intent to act as Lead Agency under SEQRA. Sarah Hooff seconded the motion. The motion passed unanimously via roll-call vote.

The Assistant Corporation Counsel said staff will mail the "notice of intent" letters.

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 subdivide property at 79 Pierces Road.

Index No. 2023-03

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

SITE PLAN application to construct a building on a proposed subdivided lot.

Index No. 2023-04

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

SPECIAL USE PERMIT application to create an Automobile Service/Repair and Storage Yard on proposed subdivided lot.

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

Mr. Casesa gave an overview of the progress made to the site plan since the last presentation to the Board. He said they received Zoning Board of Appeals approval for the height variance. He said access to the rear of the building is for one-way traffic. He said they added a yield sign even though the utilization is minimal. He said the sewer line travels across the property into an easement, so and their attorney is drafting an agreement to convey from Lot A to Lot B and tie into the existing sewer. He said his mechanical engineer submitted a draft report to the Fire Chief regarding installation of a fire sprinkler throughout the building. He said the Fire Chief requested a plan to show and demonstrate the 3 distinct locations (shop, office, and additional tenant) for his review and final comment.

DISCUSSION BY THE BOARD

The Assistant City Engineer reviewed his comment letter. He requested a subdivision plan signed by a licensed land surveyor. He requested a signed and sealed survey. He referred to the streetscape standards and requested a 5-foot planting strip and a minimum of a 4-foot sidewalk. He said the sewer lateral connection needs to connect right into the City sewer system and not run across the property. He said the number of driveway aprons is a safety concern and not fully in compliance with the city code. He asked to clarify the location of the ADA curb ramp.

Mr. Laput asked if there is a driveway crossing detail.

The Assistant City Engineer said if it not stop-sign controlled it does not require a technical detail on the plan.

Mr. Casesa said he would like to address the City Engineer comment #8 and referred to C-701 of the plan set. He said they propose a 3-foot grass strip, a 4-foot concrete sidewalk and a 5-foot planting bed. He said a 5-foot grass buffer strip would take 2-feet away from the planting bed that is meant to serve as a parking screen.

The Board collectively indicated satisfaction with the current proposal.

Mr. Casesa referred to C-101 regarding the sewer lateral connection. He said the existing sewer manhole is just passed the property line in Pierces Road. He said they had their attorney draft an easement agreement allowing the existing connection to tie into the service lateral.

The Assistant City Engineer requested that the sewer lateral go out to the road right-away and down the street and not cross the other lot.

The Chairperson said the three driveways so close in proximity on the existing lot poses a safety concern regarding limited site distance.

Ms. Hooff recommended that each driveway apron is well defined. She referred to code which does not allow for parking in front of the building.

The City Planner reviewed his comment letter.

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 construct a new, five (5) story, mixed-use development.

Sarah Hooff recused herself from vote.

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

DISCUSSION BY THE BOARD

The Assistant City Engineer reviewed his comment letter. He requested a separate, signed, sealed survey, proof from the County when the lots have been consolidated, plans that include mitigation for stormwater quantity and location of the existing electric and communication utilities on the site plans. He said the change to the first-floor plan, the abandonment of a second door, shall be noted on the site plan as well as conducting an analysis with the NYS Fire Code to determine if required egress paths are impacted at 158 Broadway. He said the Phase-I environmental site investigation is under review by City staff.

The City Planner reviewed his comment letter. He recommended that the Board consider a parking study for SEQRA purposes.

The Assistant Corporation Counsel said for any projects in any of the form-based districts, the code eliminated parking requirements with respect to bulk compliance. He said separately for SEQRA purposes, it is required to consider environmental impacts and parking/traffic is among the impacts.

Mr. Moss said there is no alternative for on-street parking as they cannot place parking in the building. He said a parking study would only affect the outcome of the approval.

Mr. Kelly said a parking study would not be of much value considering the size and scope of the project.

Mr. Ware agreed.

Ms. Ware said a parking study would probably not change the outcome of the decision. She said for this project, the location is the issue. Parking is always going to be an issue for that area regardless of project size.

The Chairperson considers a parking study for buildings like this as a source of information for the City of Newburgh when analyzing information transportation, public transportation, parking and the need for parking.

Ms. Ware agreed with the Chairperson.

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

Index No. 2023-06

Applicant: Chris Berg/Berg + Moss Architects, PC
Owner: Parmenter Equities LLC
Location: 45 Hasbrouck Street

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

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

DISCUSSION BY THE BOARD

The Assistant City Engineer reviewed his comment letter.

The City Planner reviewed his comment letter.

Sarah Hooff moved to accept the Site Plan as submitted.

Alicia Ware seconded the motion.

The motion passed unanimously via roll-call vote.

Index No. 2023-08

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

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

Sarah Hooff recused herself from vote.

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

DISCUSSION BY THE BOARD

The Assistant City Engineer reviewed his comment letter.

The City Planner reviewed his comment letter.

The Chairperson said that parking studies are significant given the development proposed for the Broadway corridor.

Ms. Ware asked if the code dictates how many bicycle racks are required per unit.

The City Planner said bicycle racks are based on consultation of the Planning Board.

Mr. Berg based the number racks on one per every two apartments.

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: 153-159 Mill Street

SITE PLAN application to construct a new warehouse.

Greg Sgromo appeared before the Board and gave an update of the proposed project.

DISCUSSION BY THE BOARD

The Chairperson asked if there are plans to plant along the northern boundary.

Mr. Sgromo said hedgerows are there now. He said there are no proposed plans. He said there is a swale in between the property lines which makes it difficult to plant anything in that area.

The Assistant City Engineer reviewed his comment letter. He requested the submission of the property deeds. He suggested initiating the process of the lot line adjustment with the City Assessor.

The City Planner reviewed his comment letter. Referring to the lighting plan, he asked the applicant to locate the boundary property line.

Mr. Sgromo illustrated by referring to the site plan.

The Assistant City Engineer requested adding timers for sensors.

Mr. Sgromo agreed.

Michael Kelly moved to declare the Planning Board as Lead Agency under SEQRA.

Sarah Hooff seconded the motion.

The motion passed unanimously via roll-call vote.

Alicia Ware moved to issue a negative declaration under SEQRA.

Sarah Hooff seconded the motion.

The motion passed unanimously via roll-call vote.

Michael Kelly moved to accept the Site Plan as submitted, subject to outstanding City Engineer and City Planner comments, as well as compliance with any items contained in the final Provan Site Management Plan.

Sarah Hooff seconded the motion.

The motion passed unanimously via roll-call vote.

NEW BUSINESS

Index No. 2023-05

Applicant: Eli Vaknin/Fidelity Real Estate Management

Owner: 420 Grand, LLC

Location: 420 Grand Street

SITE PLAN application to convert a single-family dwelling into three (3) units.

Eli Vaknin and Dan Gilbert appeared before the Board.

Mr. Vaknin gave an update of the proposed project.

DISCUSSION BY THE BOARD

The Assistant City Engineer reviewed his comment letter. He asked if there is a need for a sprinkler system.

Mr. Vaknin confirmed a sprinkler system is required.

The Assistant City Engineer asked if the connection to the water main has been completed.

Mr. Vaknin said it is forthcoming.

The Assistant City Engineer said any sidewalk work needs to be completed under a DOT highway work permit.

The Assistant City Engineer asked about the garage on the Water Street side of the property.

Mr. Vaknin said it will be used as storage only.

The City Planner reviewed his comment letter. He said the application is 500 feet of a state road and will be referred to the County for GML §239 review. He said the application is within the LWRP area and will be referred to the Conservation Advisory Council for review.

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

Index No. 2023-14

Applicant: Sean Kearny/Kearney Reality & Development Group

Owner: City of Newburgh

Location: 140 Montgomery Street

SITE PLAN application to Construct two (2) mixed use residential buildings, both with retail on the street level (Mixed Use with Residential). Building 1 will contain 45 residential units and Building 2 will contain 73 residential units (Apartment House).

Sean Kearney, Christian Donahue and Jamie LoGiudice appeared before the Board.

Mr. Kearney gave a brief overview of the proposed project.

Ms. LoGiudice gave an overview of the proposed project details using the renderings and site plan as reference.

DISCUSSION BY THE BOARD

The City Planner reviewed his comment letter. He requested a viewshed analysis and a full environmental assessment form.

The Assistant City Engineer reviewed his comment letter. He requested a signed and sealed survey. He requested the submission of the property deeds. He suggested initiating the process of the lot line adjustment with the City Assessor. He said the City Engineer's office is working on locating the potential utility connections.

Ms. Hooff said she would like the submission of a traffic management plan. She said her concern is how this project will increase traffic to Montgomery and South Street.

Alicia Ware moved to declare the Planning Board's intent to act 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 to the next meeting.

Index No. 2023-10

Applicant: Alec Klee Galli, Architect
Owner: Fracasse Realty, LLC
Location: 33 South Robinson Avenue

SITE PLAN application to change the use of the first floor from Commercial/Warehouse to a Restaurant.

Rich Fracasse and Alec Galli appeared before the Board.

Alec Galli gave an update of the changes made to the plan since the last Planning Board approval on June 15, 2021.

DISCUSSION BY THE BOARD

The Assistant City Engineer reviewed his comment letter.

The City Planner reviewed his comment letter.

Mr. Galli asked what tree size is recommended for street plantings.

The Assistant City Engineer said 2” caliper.

The Assistant Corporation Counsel asked the Board to consider any remaining site issues from the first approval before granting the approval for this application.

Ms. Hooff asked if they are keeping parking lot fence.

Mr. Galli confirmed.

The Assistant City Engineer said the site plan shall reflect all details. He recommended clarifying the plantings, the sign, the fence, and parking details on the site plan.

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

Index No. 2023-11

Applicant: Chris Berg/Berg + Moss Architects
Owner: Konranbloom LLC
Location: 2 Bay View Terrace

SITE PLAN application to convert a single-family dwelling into an owner-occupied three-story bed and breakfast.

Index No. 2023-13

Applicant: Chris Berg/Berg + Moss Architects
Owner: Konranbloom LLC
Location: 2 Bay View Terrace

SPECIAL USE PERMIT application to convert a single-family dwelling into an owner-occupied three-story bed and breakfast.

Sarah Hooff recused herself from vote.

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

DISCUSSION BY THE BOARD

The Assistant City Engineer reviewed his comment letter. He requested a signed and sealed survey and to locate the utilities on the site plan.

The City Planner reviewed his comment letter. He said the application is within the LWRP area and will be referred to the Conservation Advisory Council for review.

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

Index No. 2023-12

Applicant: Will Cappelletti
Owner: XP, LLC
Location: 172 Dubois Street

SITE PLAN application to convert a mercantile space withing an existing mixed-use with residential building into a deli.

Will Cappelletti and Soledad Alvarez appeared before the Board.

Mr. Cappelletti gave an update of the proposed project.

DISCUSSION BY THE BOARD

The Assistant City Engineer recommended waiving Site Plan requirements.

The City Planner reviewed his comment letter.

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

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

Ms. Hooff said she would like to see that the side yard is not used as a parking lot.

Mr. Cappelletti said they are working on removing the cars from the side area.

Mr. Cappelletti said there are no proposed plans to disrupt the two existing trees in front of the side lot.

Michael Kelly moved to waive a public hearing.
Sarah Hooff seconded the motion.
The motion passed unanimously via roll-call vote.

Michael Kelly moved to issue a Type II declaration under SEQRA.
Alicia Ware seconded the motion.
The motion passed unanimously via roll-call vote.

Michael Kelly moved to waive Site Plan requirements per the City Code and approve the application as submitted.
Alicia Ware seconded the motion.
The motion passed unanimously via roll-call vote.

Index No. 2023-15

Applicant: Eldz Property LLC
Owner: Eldz Property LLC
Location: 199 Chambers Street

SITE PLAN application to convert a one (1) family dwelling into a four (4) family dwelling and convert the ground floor restaurant use (Restaurant) into a salon use (Personal Use).

David Niemotko appeared before the Board and gave an update of the proposed project.

DISCUSSION BY THE BOARD

The City Planner reviewed his comment letter.

The Assistant City Engineer reviewed his comment letter. He requested a separate, signed, and sealed survey. He spoke about the City Streetscape Standards and emphasized the ADA compliant curb ramp for the corner. He requested identifying the existing water, sewer and gas service on the plan set.

Mr. Niemotko asked if the request is to cut the existing sidewalk to create a 5-foot grass strip.

The Assistant City Engineer said the Gidney Avenue side has a grass strip but a grass strip will need to be added to the Chambers Street side.

Michael Kelly moved to waive a public hearing.
Alicia Ware seconded the motion.
The motion passed unanimously via roll-call vote.

Michael Kelly moved to issue a Type II declaration under SEQRA.
Alicia Ware 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. 2023-16

Applicant: Cian Hamill and Mian Ye
Owner: Cian Hamill and Mian Ye
Location: 207 Liberty Street

SITE PLAN application to Convert the three (3) family residential dwelling into a four (4) family residential dwelling.

Cian Hamill appeared before the Board and gave an update of the proposed project.

DISCUSSION BY THE BOARD

The Assistant City Engineer recommended waiving Site Plan requirements.

The City Planner reviewed his comment letter.

Assistant Corporation Counsel asked if there will be any change to the building footprint.

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

Michael Kelly moved to waive a public hearing.
Sarah Hooff seconded the motion.
The motion passed unanimously via roll-call vote.

Michael Kelly moved to issue a Type II declaration under SEQRA.
Alicia Ware seconded the motion.
The motion passed unanimously via roll-call vote.

Michael Kelly moved to waive Site Plan requirements per the City Code and approve the application.
Alicia Ware seconded the motion.
The motion passed unanimously via roll-call vote.

With no further business to discuss, the meeting adjourned at 11:20 p.m.

Respectfully submitted:

Approved:

J.K. Gentile, Secretary

Lisa Daily, Chairperson