

PLANNING BOARD MEETING

The monthly meeting of the City of Newburgh Planning Board was held on Tuesday, April 19, 2022 at 7:30 p.m. at the Activity Center, 401 Washington Street, Newburgh, New York.

Members Present: Lisa Daily
Michael Kelly
Alicia Ware
Duane Ware

Absent: Sarah Hooff

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 7:35 p.m. after confirming a quorum.

APPROVAL OF MINUTES

Minutes of the March 15, 2022 Meeting

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

SPECIAL USE PERMIT EXTENSION

Index No. 2009-08

Applicant: Nemias Magana
Owner: JSN Property Management Inc.
Location: 82 Bridge Street

SPECIAL USE PERMIT EXTENSION REQUEST

Applicant did not appear for the meeting.

Staff reported no calls for service or building code violations on the property occurred since the last time the Planning Board granted an extension.

Duane Ware moved to extend the Special Use Permit for two years.
Michael Kelly seconded the motion.
The motion passed 4-0 via roll-call vote.

Index No. 2016-07

Applicant: Central Hudson Gas & Electric, Inc.
Owner: Central Hudson Gas & Electric, Inc.
Location: 182 Fullerton Avenue

SPECIAL USE PERMIT EXTENSION REQUEST

Luke Mangels and Katelyn Wallner, on behalf of Central Hudson, appeared before the Board.

Staff reported no calls for service or building code violations on the property occurred since the last time the Planning Board granted an extension.

Alicia Ware moved to extend the Special Use Permit for five years.
Michael Kelly seconded the motion.
The motion passed 4-0 via roll-call vote.

OLD BUSINESS

Index No. 2021-20

Applicant: Willie Carley
Owner: Tabernacle of Faith Christian Fellowship Inc.
Location: 540 Gidney Avenue

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

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

David Niemotko appeared before the Board and gave a brief update of the project.

The Assistant City Engineer reviewed his comment letter. He said a separate, signed and sealed survey remains outstanding. He requested sidewalk curbing detail, additional details on the replacement of the ADA ramp and the Zoning Board of Appeals number be added onto the Site Plan.

The City Planner reviewed his comment letter.

DISCUSSION BY THE BOARD

Ms. Ware requested the Site Plan be corrected to reflect the outstanding details before considering an approval.

Mr. Kelly requested a planting schedule.

Mr. Kelly and Ms. Ware discussed adding a sidewalk from Gidney Avenue up Barton Street, and improvements to the existing driveway apron.

The Chairperson asked if there are any sidewalks leading up Barton Street.

The Assistant City Engineer said there are no sidewalks going up Barton, there are no sidewalks within that neighborhood, the neighborhood is considered low travelled roads.

Mr. Niemotko said if they were to place a sidewalk along Barton Street to the end of the property line the sidewalk would not be connecting to another sidewalk.

The Chairperson said she sees this as an established neighborhood and does not see the need to create sidewalks.

Mr. Kelly said he would like sidewalk installation as part of a larger plan for Newburgh to create increased walkability.

Ms. Ware agreed.

Mr. Niemotko asked about the request to plant trees along the sidewalk. He said mature trees could result in sidewalk heaving in the future.

The Chairperson referred the applicant to the City of Newburgh Streetscape Standards. The trees referenced are minimal in caliper and the roots grow down, not out. She didn't think the proposed trees would create a heaving issue.

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

Index No. 2022-04

Applicant: Jonathan Powell
Owner: Newburgh Community Land Bank
Location: 143 Washington Street

SITE PLAN application to convert vacant building into a mixed-use site.

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

Jonathan Powell appeared before the Board and gave an update on the project.

The Assistant City Engineer reviewed his comment letter.

The City Planner reviewed his comment letter. He asked for confirmation that the proposal will operate as one building.

Mr. Powell confirmed.

DISCUSSION BY THE BOARD

The Chairperson asked what is located behind the building.

Mr. Powell said a planter and raised decks.

The Chairperson asked what is below the raised decks.

Mr. Powell said the drywells.

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

Alicia Ware seconded the motion.

The motion passed unanimously via roll-call vote.

Index No. 2022-01

Applicant: Habitat for Humanity of Greater Newburgh

Owner: City of Newburgh

Location: 511 South Street

SUBDIVISION application for a minor subdivision.

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

Mike Brooks appeared before the Board and gave a brief update of the project.

The City Planner reviewed his comment letter. All comments have been satisfied.

The Assistant City Engineer reviewed his comment letter. He said South Street is not a City street. Any proposed work will need DOT review/approval.

DISCUSSION BY THE BOARD

Ms. Ware recommended 3-gallon planters with rhododendrons as part of the landscaping plan.

1. Michael Kelly moved to issue final approval of the proposed minor subdivision, subject to City Engineer and City Planner comment letters, and further subject to the following conditions: The Applicant shall comply with all requirements contained in Chapter 266, Article VII of the City of Newburgh Code of Ordinances;
2. The Applicant shall comply with any New York State Department of Transportation requirements in connection with any proposed work performed on South Street; and
3. The Applicant shall plant rhododendrons in 3-gallon sized holes in connection with its landscaping plan.

Alicia Ware seconded the motion.

The motion passed unanimously via roll-call vote.

NEW BUSINESS

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.

Michael Mamiye, Alvin Moonesar and Albert Mizrahi appeared before the Board.

Mr. Mamiye gave a brief overview of the scope of the project.

Mr. Moonesar gave an overview of how the existing building will change to accommodate the new use.

The Assistant City Engineer reviewed his comment letter. He asked the applicant to add notes to the site plan about fire service, sidewalk details, and ADA ramps.

The City Planner reviewed his comment letter. He asked for clarification about any agreement with St. Luke's Hospital regarding access to parking.

DISCUSSION BY THE BOARD

Ms. Ware asked the applicant to explain the basement floor plan.

Mr. Moonesar said the basement floor plan has one studio apartment and two, standard one bedroom apartments.

Ms. Ware inquired about the labeled "nursery" on the floor plan.

Mr. Moonesar said that was a labeling error. The space will be used for storage.

Ms. Ware asked if the apartments are self-sufficient.

Mr. Moonesar confirmed.

The Chairperson asked if there will be full windows facing out to Dubois Street.

Mr. Mamiye said the windows will face out onto First Street.

Mr. Kelly requested the strip between the curb and sidewalk be of permeable pavement, not concrete.

Alicia Ware moved to waive the public hearing.
Michael Kelly 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. 2022-11

Applicant: Carson Carter
Owner: Josephine Clare Hollo (POA: Tamsin Hollo)
Location: 120 First Street

SUBDIVISION application to convert the four-family residence with accessory detached garage into a subdivided lot with one residential dwelling on each lot.

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

Carson Carter and Jeff Wilkinson appeared before the Board.

Mr. Carter gave an overview of the proposed project.

The Assistant City Engineer reviewed his comment letter. He requested an enlarged version of the site plan and details regarding the water line.

Mr. Wilkinson said there is a water line on Liberty Street, but there is no sewer line in that same area. He said they are looking for some type of easement or right of way to take advantage of an existing line, if possible.

The Assistant Corporation Counsel said a connection into an existing line that services a separate property would not be allowed. He said the Assistant City Engineer will need to conduct an investigation to confirm the location of the nearest available sewer line for connection.

The City Planner reviewed his comment letter. He said the application requires an encroachment agreement approved by City Council to obtain final approvals because the survey shows the existing building encroaching slightly onto the sidewalk.

The Assistant Corporation Counsel said a public hearing is required for any subdivision application in accordance with Chapter 266.

The Board tabled the application to the next meeting to schedule the public hearing.

Index No. 2022-09

Applicant: 7 Belknap St. LLC / Stephen and Lina DeWinter
Owner: 7 Belknap St. LLC
Location: 7 Belknap Street

SITE PLAN application to convert vacant lot into a two-family home.

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

Stephen DeWinter, Oscar Castillo, and Jonathan Cella appeared before the Board.

Mr. DeWinter gave an overview of the proposed project.

The City Planner reviewed his comment letter. He said the project is subject to GML §239 review. He said the submitted preliminary site plan depicts a building footprint that is inconsistent with the provided construction plan set and requested submission of additional detail. He said the EAF indicated the property lies within the “the DEC Fresh Water Check zone” and referred the applicant to submit the project to the DEC for review and provide the DEC response to the Planning Board.

The Assistant City Engineer reviewed his comment letter. He said the existing pump station was constructed and calculated for 6 bedrooms. The City will require certification that it is currently functional and can support the correct number of bedrooms

DISCUSSION BY THE BOARD

Ms. Ware requested a landscaping plan as part of the site plan.

Michael Kelly moved to waive the public hearing.

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.

With no further business to discuss, the meeting adjourned at 9:30 p.m.

Respectfully submitted,

J.K. Gentile
Secretary to the Land Use Boards