

# Conservation Advisory Council | City of Newburgh, New York

The Heritage Center, 123 Grand St., Newburgh, NY 12550

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## Council Members:

Chuck Thomas, Chair

Genie Abrams

Alison Filosa

Gail Fulton

Robert Sanchez

Andrew Murphy

Ronald Zorrilla



## Conservation Advisory Council

Minutes of Meeting

May 10, 2021

6:30 p.m. – Zoom Videoconference

### • Roll Call

**Present:** Chuck Thomas, Chairperson, Genie Abrams, Alison Filosa, Gail Fulton, Andrew Murphy (arrived 6:35pm) Robert Sanchez, Ronald Zorrilla, J.K. Gentile, (Secretary)

**Guest:** David Eylers, Kathy Lawrence

**Meeting called to order 6:33pm**

### • Administration

- Approval of Minutes from April

- Monthly Financial Report

Review of budget

TD Greenspace Grant check received, \$19,020.00. Kathy Lawrence said she is in contact with Grants Administrator, Helen Reilly and Asst. Corporation Counsel, Jeremy Kaufman.

Once the sub-recipient agreement is finalized the funds will be released.

- Submit Monthly Volunteer Hours and Grant Hours

- Re-schedule October meeting.

Before solidifying the 10/4/21, Ms. Abrams asked Kathy Lawrence and Ronald Zorrilla when the Environmental Fellowship volunteers would like to do a wrap up presentation.

Kathy Lawrence stated November 8, 2021 is slotted as a CAC presentation date.

Robert Sanchez moved to approve the re-scheduled date to October 4, 2021.

Genie Abrams seconded the motion.

The motion passed unanimously.

### • Site Plan Review

- **15 S. Colden Street**

Sean Kearny / Kearney Realty & Development Group

Jamie LoGiudice / Insite Engineering, Surveying & Landscape Architecture, P.C.

Sean Kearny gave a brief overview of project. 67 residential units with 1 restaurant. Mixed use, mixed income development for residents with 40% to 90% of Orange County's Average Medium Income. 3 ½ story structure. Small parking lot off Edward St. and conducting road improvement (street widening) on S. Colden to allow for parallel parking.

Jamie LoGiudice provided site details, presented site plan for reference. Extensive landscaping plan along S. Colden St. frontage. New sidewalk on S. William St. with street trees. Back of building has an extensive retaining wall system with ramps and stairs and landscaping in between. Proposed parking lot of 8 spaces including 4 handicapped spaces. Extensive amount of grade change from Edward St. to S. Colden St. Storm water management for drainage, water and sewer connecting into the existing city system.

Ms. Abrams asked about additional traffic created by total of 67 new units.

Mr. Kearney said a parking study was conducted and the surrounding area can handle the amount of new parking. There are 130 parking spaces available off/on peak times.

Ms. Abrams asked about on-site trees, how many will be removed and how many will be replaced.

Ms. LoGiudice gave an account of trees being planted.

Ms. Abrams asked for clarification of location of trees as to not block any views or grow high to interfere with utility wires.

Chairperson asked about an inventory of trees scheduled for removal.

Ms. LoGiudice said an official tree study has not been done yet.

Chairperson requested a tree assessment and a plan to replace the trees, if not on site then within city owned properties. Applicant is responsible for hiring an arborist to evaluate trees on private property and that the CAC can provide a list of certified arborists.

Mr. Kearny asked for clarification on what is expected toward removal/replacement of trees.

Chairperson said replacing trees what would be of value, 1 for 1. This includes the trees that are a part of the landscaping plan. The balance would be planted elsewhere on city property.

Mr. Sanchez asked about the on-site parking, would it be assigned spaces.

Mr. Kearney stated the spaces are not assigned. If a resident has a mobility issue then accommodations can be made to assign a space. On site property manager and superintendent will be monitoring that the spaces available are being used for residents only.

Mr. Murphy asked how high above grade is the parking lot from Colden St. and how storm water be handled.

Ms. LoGiudice said the rough grade of the parking lot is 72 elevation and S. Colden St. is 44 elevation. The parking lot is made of porous pavement collecting and directing water through the on-site conveyance system. There is a drainage system proposed throughout project to soak up any water not soaked up by landscaping. Any access collected will be put into the city establish conveyance system.

Mr. Sanchez asked where the drainage is located, Ms. LoGiudice cited using the site plan.

Ms. Abrams asked about lighting, is it directed downward to not hurt any birds.  
Ms. LoGiudice said all lighting is Night-Sky compliant and all lighting is cast down.

Chairperson asked about parking, if Colden Street is wide enough.  
Ms. LoGiudice said they will be widening Colden St. bumping out spaces on both sides of the street, parking will be stripped and there will be a walkway on one side of the street. The walkway will be concrete.

Chairperson reviewed the Coastal Assessment Form submitted.  
Section 2, (c) was checked yes, Ms. LoGiudice explained the state designated significant fish/and/or wildlife habitat is the Sturgeon.  
Section 2, (i) was checked yes, Ms. LoGiudice explained the historic resource listed on the National or State Register of Historic Places is Washington Headquarters.  
Section 4 was checked no and Chairperson asked that be corrected to reflect yes as this project is located in the LWRP area.

Genie Abrams moved to approve the Coastal Assessment Plan.  
Robert Sanchez seconded the motion.  
The motion passed unanimously.

- **Site Plan Review**

- **120 Front Street**

Joe Bonura Jr. / Bonura Hospitality  
Michael Bonura / Bonura Hospitality

Joe Bonura gave an overview of the project. Due to Covid, Anthony's Pier 9 was sold and the booked events from June 2021 to November 2021 needed an outdoor location. The Bonura family decided to place an event tent on location of their 120 Front Street restaurant. This is not a permanent structure, will not change property surfaces. Parking calculations have been done and accommodated by existing 3 parking lots, anticipate valet parking and have an agreement with Regal Bag to host any overflow parking. Low environmental impact.

Ms. Abrams referred to projects Coastal Assessment Form and asked why they had checked no to the site being adjacent to a park when the South Street Park is right next door.  
Mr. Joe Bonura was not aware of any park.  
Chairperson confirmed it is a designated park site, former South Street Pier.

Ms. Filosa asked about water run-off.  
Mr. Joe Bonura stated there are no water hook ups in the tent. Tent is located on a lot that is all blacktop. Any storm-water run-off will run into the same storm-water system that the parking lot runs into.

Ms. Filosa asked about a designated trash dump.  
Mr. Joe Bonura noted the trash dumpster, same existing enclosure as restaurant trash.  
Mr. Michael Bonura said any additional refuse will be taken and disposed at another one of their sites.

Chairperson asked about parking spaces.  
Mr. Joe Bonura presented the parking calculations. Full site total parking need, 229 spaces.  
The ability is there to accommodate needed parking spaces.  
Chairperson asked about traffic flow.

Mr. Joe Bonura said that since guests of an event tend to travel together in cars they anticipate relatively low traffic flow.

Chairperson expressed concern about turn around in South Street Park, how many cars will end up turning around in that space.

Chairperson asked about the impact this event tent will have on the walkway, will the public have access to river point of the walkway.

Mr. Joe Bonura said the walkway is separated from the parking lot by a landscape area, the tent is not encroaching on the walkway at all.

Chairperson asked if tent has walls.

Mr. Joe Bonura the tent has the ability to open and close the sides with canvas walls.

Chairperson asked if the walls are on all four sides.

Mr. Joe Bonura said the weather will determine what walls get open.

Chairperson is concerned that closed walls sends a message to the public that access to the river front is not available. With a walled tent access of river views from the parking lot will be limited.

Mr. Joe Bonura is sympathetic and agrees the public needs access to the river but have to balance it with the fact that it is not public land and consideration that this is not a permanent installation.

Ms. Abrams said she understands that events previously booked have to be accommodated/honored and asked what happens when people want to book events after November.

Mr. Joe Bonura said they own other establishments that can accommodate future events.

Chairperson reiterated that question #4 on SEAF needs to reflect yes, as it located adjacent to a state park.

Chairperson asked about #16 on the SEAF (is the site located in the 100 year flood plain) and could Mr. Bonura explain the answer no to that question. Mr. Joe Bonura said as mapped, site is not at an elevation that is within the 100 year flood plain. If the elevation is lower, like further down Front Street, it would be.

Chairperson reviewed the Coastal Assessment Form submitted.

Section 1, (d) was checked no, Chairperson explained there would be a reduction which was commented on earlier in meeting.

Section 2, (c) was checked no, Chairperson explained in a project up the road the Sturgeon came up as a state designated significant fish.

Section 2, (h) was checked no, Chairperson asked that it be corrected to reflect yes as this project is located adjacent to South Street Park.

Section 4 was checked no and Chairperson asked that be corrected to reflect yes as this project is located in the LWRP area.

Genie Abrams moved to approve the Coastal Assessment Plan as amended.

Robert Sanchez seconded the motion.

The motion passed unanimously.

- **Old Business**

- **Arborist Report**

Chairperson requested to add Arborist Report to the top of the meeting, in the Administration part of the Agenda.

- **Board of Education CTE Building –BOE meeting 4/20/21**

Chairperson said the committee submitted a letter to the Board of Education.

Chairperson in on-going conversations with Roger Ramjug/NECSD Director, Maintenance and Efficiency. Mr. Ramjug is taking lead responsibility, with one of the architects, for the trees. They are in the process of an inventory and providing a site plan that shows how many trees will be lost. They have an ambitious plan to plant trees. They are also assessing whether any of the specimen trees can be retained. Chuck requested an analysis of how many trees are coming down based on 4” caliper.

Chairperson said they are in discussions about incorporating students, under supervision of facility and a NYS Arborist, to assist in the inventory. There are preliminary discussions with the SED, through Simon Gruber, about working trees into the curriculum of a school project.

Chairperson is asking for an opinion on what caliper should be considered for inventory.

Ms. Filosa asked for clarification about what caliper should be considered.

Chairperson said if we are asking for an inventory of that site, at what size caliper should the committee start with. Anything under 4” caliper does not need approval to take down.

Ms. Abrams said 4” caliper is the measure straight through the tree, it’s not the diameter.

Ms. Filosa said DPH is for larger trees. Caliper is for small nursery trees.

Kathy Lawrence offered any needed assistance in support of this project.

Agreed that inventory should start at 4” caliper.

Trees cannot be removed until October 15, 2021 due to Indiana Bats.

Chairperson said after the next conversation with the BOE he will generate a letter, pass it along to the board, if board agrees with letter then ask them for a commitment.

- **RFP for Tree Removal**

Ms. Abrams explained that this is for the \$40,000. DEC grant for tree maintenance. Tree removal is the first part of the grant. If there is any money left over from tree removal then can discuss street tree pits along Broadway.

Chairperson asked if the RFP was sent out to NYS Arborist.

Ms. Abrams said yes.

Chairperson said responses are due back within two weeks from those Arborists on the City’s list.

- **Tree Ordinance Revisions**

Kathy Lawrence submitted recommendations to consider.

Chairperson asked that the Board review and submit any comments to the Chairperson by the 17<sup>th</sup>.

Kathy Lawrence asked about property owner liability for expenses, particularly sidewalk heave caused by a tree. It has become a significant concern as disputes are occurring over sidewalk issues and residents are least likely to plant trees given the financial responsibility.

Chairperson recommended addressing this concern with Corporate Council.

- **Arbor Day Proclamation**

Ms. Abrams said we are eligible for more grants from the Arbor Day Foundation with this proclamation.

Chairperson said the Environmental Justice Grant was an Arbor Day Foundation grant at \$19, 020.

Mr. Zorrilla said it is not just an Environmental Fellowship, that part of the grant deliverables is creating a course on street trees. The Parks Conservancy has taken a lead on designing the curriculum. That is why it’s important getting the ordinance language fixed so by end of program we can share those details with Newburgh residents and increase the amount of people to who want to plant a tree and have the knowledge on how to do it.

- **CAC Priority Projects**

- Work Permission for Right of Way Street tree(s)  
Ms. Filosa said Dave Eylers created this request form.  
Mr. Zorrilla asked about “dbh”.  
Mr. Sanchez said they should spell that out, Diameter Breast Height.  
Chairperson said the question about the tree in the historic neighborhood needs to read “trees in Historic District”. Trees in the historic district are treated different than trees in the rest of the city. Once approved by Board it will go to the City Corporate Council for approval before it becomes an official City document.  
Mr. Zorrilla said before it gets presented to the Council we should we get a clear work flow between DPW and CAC, how the form will flow through the system.  
Ms. Filosa said in October a comprehensive list of the process of Street Trees and how to plant them and suggested we continue to work on this document.
- Tree Risk Assessment Update:  
Chairperson sent an email to the DPW regarding the reporting of trees, outlining the importance of giving us the exact address and location of the trees. No response received from email.  
Chairperson discussed Davey Tree Software.  
Ms. Abrams said having a form should be put off until the Tree Ordinance is solidified.  
Mr. Zorrilla agrees with Ms. Abrams about postponing implementing a form.  
Kathy Lawrence said she agrees with Mr. Zorrilla suggestion about speaking to DPW before approaching Corporate Council because the role, responsibility and easiest possible work flow between DPW and CAC has to be figured out.
- 41 Liberty Street  
Dave Eylers went to the site to review and gave a few type suggestions to Greg Sgromo/Dunn & Sgromo Engineers,
- Broadway Street Tree Pit Survey  
Project put off to see if there is any money left over from tree removal.  
Kathy Lawrence said that Scenic Hudson is interested in planting more trees in Newburgh, there is money available. Chairperson to follow up with Ms. Filosa volunteers for the Mount St. Mary’s Sustainability Club that selected 5 tree pits on Broadway.
- River Sweep - South Street Park Clean-up May 1, 2021.  
Ms. Abrams said they successfully filled 25 bags of tall garbage bags and a pile of car parts that the DPW came the next day to haul all of it way. Ms. Abrams said huge gratitude to Marichen Montiel for helping with this project and employing student volunteers.
- Scenic Hudson Tree Planting and BBQ Event May 9, 2021 at S. Miller Street/1<sup>st</sup>/Broadway.  
Kathy Lawrence said it was a successful event. Collaborated event with the CAC, Scenic Hudson, Habitat for Humanity, Broadway River District Neighborhood Association. Put 9 trees in the ground. Worked with residents of S. Miller Street. One neighbor was upset about a tree being planted so close to her property line. Emphasized the importance of making it easy to plant trees in low income neighborhoods, maybe changing something in the city code to reduce the financial responsibility of sidewalk issues.

**5. On-going Updates:**

- Natural Resource Inventory (NRI/Open Space)  
Nothing new to report
- LWRP Update –  
Nothing new to report

**6. Calendar of Upcoming events (webinars, training, community events)**

- 06-08-21 Architectural Review Commission
- 06-14-21 City Council Meeting
- 06-15-21 Planning Board Zoom Meeting
- 06-22-21 Zoning Board of Appeals Zoom Meeting

**Motion to Adjourn**

**Meeting concluded 9:11pm**