

### **PLANNING BOARD MEETING**

The monthly meeting of the City of Newburgh Planning Board was held on Tuesday, May 16, 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  
Michael Kelly  
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

The Chairperson called the meeting to order at 7:32p.m. after confirming a quorum.

### **APPROVAL OF MINUTES**

#### **Minutes of the March 21, 2023 Meeting**

Duane Ware moved to approve the March 2023 minutes as submitted.  
Sarah Hooff seconded the motion.  
The motion passed unanimously via roll call vote.

### **OLD BUSINESS**

#### **Index No. 2022-01**

**Applicant:** Habitat for Humanity of Greater Newburgh  
**Owner:** City of Newburgh  
**Location:** 511 South Stret

**SUBDIVISION** of land into four (4) separate parcels for the construction of single-family dwellings on each parcel..

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

Mike Brooks, Jill Marie and John Cappello, Esq. appeared before the Board.

Mr. Cappello said his clients are clarification prior to filing a final subdivision map with the County.

#### DISCUSSION BY THE BOARD

The Assistant City Engineer reviewed his comment letter. He referenced City Code Chapter 266 and reviewed the details required for a subdivision plat.

The City Planner reviewed his comment letter.

The Assistant Corporation Counsel said the Planning Board previously approved the plan set, but the County rejected the approved plan for a number of reasons. Some were technical and required correction by the applicant. Others stated there was too much detail included in certain areas of the plan set. He said the applicant's options were either to remove certain details from the plan set or relocate certain details to other pages in the plan set with more room. He said the applicant elected to remove certain details from the plan set for subdivision submission, but would include the details in a building permit application.

Mr. Brooks addressed the City Planner's comments.

Mr. Ware asked for confirmation that the building plan cannot move forward until the subdivision plat is approved by the County.

Mr. Cappella confirmed.

The Assistant City Engineer said the plat needs to comply with the City of Newburgh subdivision code requirements while satisfying the requests of the County.

The Assistant Corporation Counsel asked the Board if it was satisfied with the applicant's proposed revision.

Sarah Hooff moved to approve the amended plan, as proposed and as submitted, subject to outstanding City Engineer and City Planner comments.

Acre Qui seconded the motion.

The motion passed unanimously via roll-call vote.

**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 a three-family dwelling.

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

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

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

**DISCUSSION BY THE BOARD**

The Assistant City Engineer reviewed his comment letter.

The City Planner reviewed his comment letter.

Duane Ware moved to waive a public hearing.  
Sarah Hooff 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.

Sarah Hooff moved to approve the application as submitted.  
Acre Qui seconded the motion.  
The motion passed unanimously via roll-call vote.

**Index No. 2023-10**

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

**SITE PLAN** application to change the first floor use from commercial storage space to a restaurant.

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

Rich Fracasse appeared before the Board and gave an update of the proposed project.

## DISCUSSION BY THE BOARD

The Assistant Corporation Counsel said the applicant received Site Plan approval in June 2021, but only some of the details were executed, while others were outstanding. The applicant's submission included current site condition and existing detail in order to compare against the approved June 2021 plant set.

Mr. Fracasse said the changes to the 6/15/21 site plan were the entrance and exit to the parking lot and the one removed tree from the planting plan. He said the Washington Street plantings have not changed. He said he would like to maintain the privacy fence in front of the planting bed on Washington Street to keep garbage from blowing into the parking lot. He said they would need to cut into the sidewalk to plant trees on the Robinson Avenue strip.

The Assistant City Engineer reviewed his comment letter. He recommended a 5-foot grass buffer strip on Washington Street to assist in the long term control plan to absorb stormwater. He said the entire site is in the combined sewer system.

The City Planner reviewed his comment letter.

Ms. Hooff said she agrees with the addition of a grass strip down the Washington Street side to aid in stormwater retention.

Mr. Fracasse said they propose to keep the concrete sidewalk and add raised flower beds.

Mr. Ware said a grass strip down the Washington Street side will match what is on the Robinson Street side. Mr. Ware asked the status of the digital sign.

Mr. Fracasse said the digital sign will be removed.

Acre Qui moved to issue a Type II declaration under SEQRA.

Weaver Debe seconded the motion.

The motion passed unanimously via roll-call vote.

Sarah Hooff moved to approve the application, subject to the outstanding comments from the City Engineer and City Planner, and upon the condition that the exterior work proposed in the approved plan set under the amended application and application number 2021-08 shall be completed prior to the issuance of any permits to commence work or change the Certificate of Occupancy for the interior work.

Acre Qui seconded the motion.

The motion passed unanimously via roll-call vote.

**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. The response letters from the DEC and the DOT were made a matter of record.

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

Mr. Bazydlo gave an overview of the DEC response letter.

Mr. Kubow said the environmental details have been addressed.

Mr. Bazydlo gave an overview of the DOT response letter.

**DISCUSSION BY THE BOARD**

The Assistant City Engineer reviewed his comment letter.

The City Planner reviewed his comment letter.

Mr. Ware asked how many bikes the proposed bike rack will accommodate.

Mr. Kubow said he did not have that number but would bring the information to the next meeting.

Mr. Debe asked the proposed height for the lighting poles regarding the safety of the tractor trailers and staying within the city code requirements.

The Board discussed a consensus of fifteen-foot-high lighting poles for the front of the building and twenty-foot-high lighting poles for the rear of the building.

Mr. Hooff requested the applicant add additional screening from the neighboring properties.

Duane Ware moved to issue a negative declaration under SEQRA.

Weaver Debe seconded the motion.

The motion passed unanimously via roll-call vote.

The applicant requested a table of its application to address Planning Board and City staff comments.

**Index No. 2023-15**

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

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

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 an overview of the proposed project. He said they received approval from the Architectural Review Commission May 9, 2023. He said they have an appearance before the Zoning Board of Appeals May 23, 2023.

**DISCUSSION BY THE BOARD**

The City Planner reviewed his comment letter.

The Assistant City Engineer reviewed his comment letter.

Duane Ware moved to approve the application, subject to the outstanding comments from the City Engineer and City Planner, and required approvals from the Zoning Board of Appeals. Weaver Debe seconded the motion. The motion passed unanimously via roll-call vote.

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

**Index No. 2023-04**

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

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

David Benninger and Jerry Casesa appeared before the Board.

Mr. Casesa gave an overview of the updates made to the plan since the April 2023 meeting.

**DISCUSSION BY THE BOARD**

The Assistant City Engineer reviewed his comment letter.

The City Planner reviewed his comment letter.

Ms. Hooff asked about the status of the driveways.

Mr. Benninger said if they eliminate the driveways, they will lose circulation.

Mr. Casesa said they discussed the possibility of shifting the building to gain a turn-around, but the logistics did not accommodate that possibility.

Ms. Hooff asked to applicant to identify the parking area.

Mr. Casesa located the parking area using the site plan.

**For Index No. 2023-02:**

Acre Qui moved to issue a Type II declaration under SEQRA.

Sarah Hooff seconded the motion.

The motion passed unanimously via roll-call vote.

Duane Ware moved to issue the preliminary plat approval for the proposed subdivision.

Sarah Hooff seconded the motion.

The motion passed unanimously via roll-call vote.

**For Index No. 2023-03**

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

Weaver Debe seconded the motion.

The motion passed unanimously via roll-call vote.

Duane Ware moved to issue a negative declaration under SEQRA.

Acre Qui 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.

**For Index No. 2023-04**

DuaneWare moved to issue a Type II declaration under SEQRA.

Acre Qui seconded the motion.  
The motion passed unanimously via roll-call vote.

Duane Ware moved to approve the Special Use Permit for one year.

Weaver Debe seconded the motion.  
The motion passed unanimously via roll-call vote.

**NEW BUSINESS**

**Index No. 2023-17**

**Applicant:** Benjamin Tilton  
**Owner:** Benjamin Tilton and Celine Tilton  
**Location:** 249 Grand Street

**SITE PLAN** application to construct an addition to the second floor of the existing garage.

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

Benjamin Tilton, Celine Tilton and Jonathan Moss appeared before the Board.

Mr. Moss gave an overview of the proposed project.

**DISCUSSION BY THE BOARD**

The Assistant City Engineer recommended waiving Site Plan requirements.

The City Planner reviewed his comment letter. He said the property is within the LWRP and is subject to review by the Conservation Advisory Committee.

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

**Index No. 2023-18**

**Applicant:** Matthew D. Sorrell, P.E.  
**Owner:** Amjad Qayyem & Munal Qayyem  
**Location:** 55 Liberty Street WH

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

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

Matthew Sorrell and Amjad Qayyem appeared before the Board.

Mr. Sorrell 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. He said the property is within the LWRP and is subject to review by the Conservation Advisory Committee.

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

**Index No. 2023-19**

**Applicant:** Matthew D. Sorrell, PE  
**Owner:** Dajma Group, Inc.  
**Location:** 99 Henry Avenue

**SITE PLAN** application to convert a single-family dwelling into a two (2) family dwelling.

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

Matthew Sorrell and Amjad Qayyem appeared before the Board.

Mr. Sorrell gave an update of the proposed project.

**DISCUSSION BY THE BOARD**

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

The City Planner reviewed his comment letter.

Acre Qui moved to waive a public hearing.  
Sarah Hooff 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.

Weaver Debe moved to waive the site plan requirements and approve the application 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 9:56 p.m.

Respectfully submitted:

J.K. Gentile, Secretary

Approved:

Alicia Ware, Acting Chairperson