

PLANNING BOARD MEETING

The monthly meeting of the City of Newburgh Planning Board was held on Tuesday, June 20, 2023 at 7:30 p.m. at the Activity Center, 401 Washington Street, Newburgh, New York.

Members Present: Lisa Daily, Chairperson
Weaver Debe
Sarah Hooff
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: Michael Kelly
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The Chairperson called the meeting to order at 7:33 p.m. after confirming a quorum.

SITE PLAN APPROVAL EXTENSION

Index No. 2021-04

Applicant: Kearney Realty & Development Group / Sean Kearney
Owner: City of Newburgh
Location: 15 S. Colden Street

SITE PLAN application to construct a four-story building with an attached restaurant.

Applicant requested a one-year extension of its Site Plan approval.

Sean Kearney and Christian Donahoe appeared before the Board.

Mr. Kearney gave a status update of the project. He said the project is fully funded and construction is scheduled to begin in late August.

The Assistant Corporation Counsel said there have been no significant changes to the City of Newburgh Master Plan or City Code that have occurred since the issuance of the original approval. He said this is the applicant's second extension request, and the final extension that is permitted by City Code. He said the first one-year extension was set to expire June 2024.

Duane Ware moved to approve a one-year extension of the Site Plan approval.
Sarah Hooff seconded the motion.
The motion passed unanimously via roll-call vote.

Index No. 2021-25

Applicant: Sarah Beckham Hooff
Owner: Sarah Beckham Hooff
Location: 95 Beacon Street

SITE PLAN application to convert vacant garages into single-family dwelling.

Applicant requested a one-year extension of its Site Plan approval.

Sarah Hooff appeared before the Board and gave a status update. She said construction was delayed due to structural issues.

The Assistant Corporation Counsel said there have been no significant changes to the City of Newburgh Master Plan or City Code that have occurred since the issuance of the original approval. He said this is the applicant's first extension request. He said a one-year extension, if granted, would apply retroactively to the Site Plan approval date and actually expire in February 2024.

Alicia Ware moved to approve a one-year extension of the Site Plan approval.
Duane Ware seconded the motion.
The motion passed unanimously via roll-call vote.

OLD 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 were made a matter of record.

Jon Moss appeared before the Board and gave an update on the proposed project. He said they presented to the Zoning Board of Appeals and received approval. He said they presented to the Conservation Advisory Council and that they found the proposed action is consistent with the LWRP policy standards as set forth in the City code.

The City Engineer recommended waiver of site plan requirements at the May 2023 meeting.

The City Planner reviewed his comment letter.

Sarah Hooff moved to waive a public hearing.

Alicia Ware seconded the motion.

The motion passed unanimously via roll-call vote.

Alicia Ware moved to issue a Type II declaration under SEQRA.

Sarah Hooff seconded the motion.

The motion passed unanimously via roll-call vote.

Alicia Ware moved to approve the Special Use Permit.

Sarah Hooff seconded the motion.

The motion passed unanimously via roll-call vote.

Index No. 2023-18

Applicant: Matthew D. Sorrell, PE

Owner: Amjad Qayyem & Munal Qayyem

Location: 55 Liberty Street WH

SITE PLAN application to convert 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 on the proposed project. He said they presented to the Zoning Board of Appeals and received approval. He said they presented to the Conservation Advisory Council, and they found the proposed action is consistent with the LWRP policy standards as set forth in the City code.

The City Engineer recommended waiver of site plan requirements at the May 2023 meeting. He said the sidewalks are in good condition, there are no exterior changes and there is a street tree planted in front of the property.

The City Planner said he had no additional comments.

Duane Ware moved to waive a public hearing.

Sarah Hooff seconded the motion.

The motion passed unanimously via roll-call vote.

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

Alicia Ware seconded the motion.

The motion passed unanimously via roll-call vote.

Alicia Ware 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.

Index No. 2021-19

Applicant: Colin Jarvis/Newburgh Ministry
Owner (17 Johnston): City of Newburgh
Owner (19 Johnston): The 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.

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

Mr. Petruncola gave an update since the last presentation to the Planning Board in April 2023. He said there has been a lot line revision at the edge of the facility.

The Assistant City Engineer reviewed his comment letter. He requested a separate, signed and sealed subdivision survey for lot consolidation mapping, deeds for the property, an updated preliminary plat, and a plan set that showed consolidation of the three lots, removal of the architectural design set from the plan set, storm water mitigation information, location and notes to properly abandon the utility services for the abandoned buildings, notation of the gas infrastructure on the site plan, anticipated connection to electric and gas, and clarification the ADA ramp at the entrance from the street is a crossing or access only. He also suggested a Phase-1 site investigation.

The City Planner reviewed his comment letter. He said the rendering reflects trees and the site plan does not reflect a landscaping plan. He asked if there are proposed street trees.

Mr. Petruncola said there is already an existing street tree. He said there are no plans to plant street trees.

The Assistant Corporation Counsel said there was a May 9, 2023 update to the Informational Report. He said the updates include changes to the variance request and a slight reduction in the overall unit count to fifty units. He said at the April meeting the Board made a motion to declare itself lead agency. He said a comment letter was received from NYS Homes Community Renewal (“HCR”) and should be reviewed.

DISCUSSION BY THE BOARD

Mr. Debe asked to verify the existing street tree planting.

Mr. Petruncola could not confirm the existing street tree layout. He said he would bring that information back to the Board.

Ms. Hooff said her concern is the impact of a large project with large zoning requests. She said it is dense building for a residential zone. She said for a large building a landscaping plan is a significant consideration.

Ms. Ware asked about the purpose of the rear chain link fence.

Mr. Petruncola said the intention of the 6-foot fence is to screen the backyard.

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

Duane Ware moved to waive the public hearing on the Site Plan.
Weaver Debe seconded the motion.
The motion passed 4-1 via roll-call vote.

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

Index No. 2021-15

Applicant: Sims Foster (Foster Supply Hospitality)
Owner: Sims Foster (Foster Supply Hospitality)
Location: 48, 54, 62 Grand Street

SITE PLAN REVISIONS FOR REVIEW

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

Matthew Milnamow and James Mauer appeared before the Board.

The Assistant Corporation Counsel said Planning Board approval was granted November 2021.

Mr. Milnamow gave an overview of the proposed lot line revision. They no longer propose to consolidate the three lots into one single lot. Instead they propose to consolidate the American Legion and YMCA lot and maintain the Masonic Temple as a separate lot. He said this change now requires the applicant to provide a transformer and medium distribution services to both buildings. He said building code requirements would mandate the placement of the transformer on the edge of the property line. He said they asked for a code determination from the Building Department to see if the transformer also requires compliance with setback requirements from the property. He also acknowledged that merging 2 lots instead of three creates the need for an area variance, which will be addressed at the Zoning Board of Appeals.

Mr. Milnamow said they will be redesigning the aesthetic of the addition to conform with SHPO. He said they await SHPO final review and approval; then the project will be referred to NPS. He said if the review is favorable, they will go back to the ARC for review of the changes.

The Assistant Corporation Counsel said if the ruling of the Building Inspector denies the proposed placement of the transformer, the applicant will be before the Board requesting a minor subdivision for the lot line change request. He said an update to the Informational Report will be issued to reflect the rear yard setback variance. He said the applicant presented this evening to update the Board on the status of the project and to alert the Board of the potential subdivision request in the event of a ruling adverse to the applicant regarding the transformer.

The Assistant City Engineer reviewed his comment letter.

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

Index No. 2023-14

Applicant: Kenneth Kearney/Kearney Realty & Development Group

Owner: City of Newburgh

Location: 140 Montgomery Street

SITE PLAN application to construct (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 Donahoe and Eric Schloeohm appeared before the Board.

Mr. Kearney gave an update from the last presentation to the Board in April 2023.

The Assistant City Engineer reviewed his comment letter.

The City Planner reviewed his comment letter.

The Assistant Corporation Counsel said Intent to be Lead Agency letters will be mailed. He said the Board shall determine if they would like to hold a public hearing on this project.

The Chairperson asked to clarify where the front yard faces.

Mr. Kearney said the front yard will face Montgomery Street.

Ms. Hooff said she is interested in reviewing a traffic flow study. Her concern is the interaction of increased traffic so close to the elementary school. She asked if the hours of construction were considered when school is in session.

Mr. Kearney said construction is planned for 8 a.m. to 8 p.m. He said they anticipate three months of heavy construction.

Ms. Hooff asked about the construction noise.

Mr. Kearney said they took the school into consideration. He said the timing of construction depends on the funding schedule.

Ms. Hooff said she would like the applicant to be referred to the Transportation Advisory Committee for project review.

Ms. Hooff asked that 2700K be considered for the lighting plan.

Ms. Hooff asked if this project is considered supportive housing.

Mr. Kearney said the project is not supportive housing. It is considered independent, affordable housing. He said management is in house. There will be a full time, on-site superintendent and property manager, and a full-time porter.

The Assistant Corporation Counsel said South Street is a state road up to Liberty Street. He said if there are any proposed road improvement or parking requests made by the applicant, it may require City Council approval, and not DOT approval.

Alicia Ware moved to hold a public hearing on the application.

Sarah Hooff seconded the motion.

The motion passed 4-1 via roll-call vote.

Index No. 2021-13

Applicant: Fidelity Real Estate Management/Eli Vaknin

Owner: Overview Properties, LLC

Location: 135 Ellis Avenue

SITE PLAN application to develop 12 buildings and 72 apartment units.

Greg Sgromo, Eli Vaknin, Dan Gilbert and Shaul Vaknin appeared before the Board.

Greg Sgromo gave an update from the last presentation to the Board in July 2022.

The Assistant City Engineer reviewed his comment letter. He requested a signed and sealed field survey. He said the project requires review and approval by the Orange County Health Department. He said the SWPPP review is not complete. He said changes were made to the stormwater layout with outfall to be piped to Crystal Lake. He said temporary construction easements and permanent easements shall be developed for consideration by the City Council. He said to anticipate a bond for the proposed road extension. He requested extending the site plan to show the improvements down to Crystal Lake.

The City Planner reviewed his comment letter. He asked to update the site plan bulk table to reflect the recalculation of the dimension requirements. He asked that the Board review whether the project should be re-referred to the Transportation Advisory Committee. He asked that the Board review the necessity to add landscape islands in the parking lot.

Ms. Sgromo said he would not like to see losing spots to landscape islands but will add Spiraea bumaldas to fulfill landscape aesthetics.

The Assistant Corporation Counsel said he will coordinate the necessary steps with the City Manager's office for internal staff review and for presentation to the City Council.

Ms. Hooff said her concern is the lack of a sidewalk to connect the development to the southern cluster. She referred to the Chapter 300-33 regarding the Conservation Development District. She stressed the importance of connectivity of the residents in the area to the surrounding natural environment.

Ms. Hooff also asked about the proposed height of the light poles.

Mr. Sgromo said the poles are fifteen-feet high, are night sky compliant light, and are downlit.

The Chairperson recommended presentation to the Transportation Advisory Committee and submission of a full planting schedule. She asked about the proposed building materials.

Mr. Sgromo said a vertical slant siding in cement plank.

The Chairperson recommends staying with the natural earth tones.

Mr. Hooff asked what happened to the proposed walkway to Crystal Lake.

Mr. Sgromo said it was eliminated due to logistics and budget considerations.

The Assistant Corporation Counsel recommended the applicant continue to work on the City Engineer and City Planner comments.

The Board agreed to refer the project for Transportation Advisory Committee review.

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

NEW BUSINESS

Index No. 2023-20

Applicant: Navia Mordan
Owner: Navia Mordan
Location: 32 City Terrace North

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

Navia Mordan appeared before the Board.

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

The City Engineer recommended a waiver of Site Plan requirements.

The City Planner reviewed his comment letter.

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

Alicia Ware 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 approve the application as submitted, subject to approval by the Zoning Board of Appeals.
Sarah Hooff seconded the motion.
The motion passed unanimously via roll-call vote.

With no further business to discuss, the meeting adjourned at 10:15 p.m.

Respectfully submitted:

Approved:

J.K. Gentile, Secretary

Lisa Daily, Chairperson