

PLANNING BOARD MEETING

The monthly meeting of the City of Newburgh Planning Board was held on Tuesday, July 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 7:36 p.m. after confirming a quorum.

APPROVAL OF MINUTES

Minutes of the June 20, 2023 Meeting

Duane Ware moved to approve the June 2023 minutes as submitted.
Michael Kelly seconded the motion.
The motion passed unanimously via roll call vote.

SPECIAL USE PERMIT EXTENSION

Index No. 2020-01

Applicant: Jonathan Cella
Owner: Vishal Enterprises of Grand Street, LLC
Location: 405 Broadway

Bhajan Singh appeared before the Board.

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

Mr. Singh said the construction to the small addition onto the deli structure is still in process. Same for the exterior modifications in connection with the previously approved Site Plan.

Michael Kelly moved to extend the Special Use Permit for one year.

Sarah Hooff seconded the motion.

The motion passed unanimously via roll-call vote.

OLD BUSINESS

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).

Sean Kearney, Christian Donahoe and Jamie Loguidice appeared before the Board.

The Assistant Corporation Counsel asked if there were any updates made to the plan set since the last presentation to the Planning Board in June 2023.

Ms. Loguidice said there were no updates made to the plan set since June 2023. The applicant appeared this evening in order to open the public hearing process.

The Assistant City Engineer said his comment letter stands from the June meeting.

The City Planner said his comment letter stands from the June meeting.

The Assistant Corporation Counsel said lead agency determination will likely be made at the next Planning Board meeting.

The Chairperson opened the public hearing for comment for the Site Plan.

Drew Kartiganer spoke against the application.

Giselle Martinez spoke in favor of the application.

Roger Ramjug spoke in favor of the application.

Duane Ware moved to close the public hearing for the Site Plan.

Alicia Ware seconded the motion.

The motion passed unanimously via roll-call vote.

The Assistant Corporation Counsel cautioned that Ms. Martinez’s comments should be viewed solely in her capacity as a member of the public and not in her capacity as a member of the City Council.

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

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.

Index No. 2023-21

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

SUBDIVISION application to construct a new multi-story residential building.

Index No. 2023-22

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

SPECIAL USE PERMIT application to construct a new multi-story residential building.

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

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

The Assistant Corporation Counsel asked if there were any updates made to the plan set since the last presentation to the Planning Board in June 2023.

Mr. Lasberg said there were no updates made to the plan set since June 2023. The applicant appeared this evening in order to open the public hearing process.

The Chairperson opened the public hearing for comment for the Subdivision.

Mark Sanchez Potter spoke in favor of the application.

Katheryn Epps Smith spoke in favor of the application.
Nelda Rodriguez spoke against the application.
Angela Lane spoke in favor of the application.
Drew Kartiganer spoke against the application.
Tamika Stewart spoke in favor of the application.
Giselle Martinez spoke in favor of the application.
Keith Smith spoke against the application.
Roger Ramjug spoke in favor of the application.
Liliana Cardoso spoke against the application.
Martha White spoke against the application.
Doug Hovey spoke in favor of the application.
Aura Lopez-Zirate spoke in favor of the application.
Mary Ellen Straebler spoke in favor of the application.

Duane Ware moved to close the public hearing for the Subdivision application.
Michael Kelly seconded the motion.
The motion passed unanimously via roll-call vote.

The Assistant Corporation Counsel cautioned that Ms. Martinez's comments should be viewed solely in her capacity as a member of the public and not in her capacity as a member of the City Council.

The Assistant Corporation Counsel asked the Board if it would like to refer the application to the Orange County Department of Planning for further review.

Sarah Hooff moved to waive referral to the Orange County Department of Planning.
Alicia Ware seconded the motion.
The motion passed unanimously via roll-call vote.

The Chairperson opened the public hearing for comment for the Special Use Permit.

There were no comments made for or against the application.

Duane Ware moved to close the public hearing for the Special Use Permit.
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. 2022-07

Applicant: Hudson Visionary Development, LLC
Owner: Hudson Visionary Development, LLC
Location: 449 First Street

SITE PLAN application to combine existing lot with a vacant lot and subdivide to create two lots with a three-family structure on each.

Index No. 2023-23

Applicant: Hudson Visionary Development, LLC
Owner: Hudson Visionary Development, LLC
Location: 449 First Street

SUBDIVISION application to combine existing lot with a vacant lot and subdivide to create two lots with a three-family structure on each.

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

Connor McCormick and Allen Rothman appeared before the Board.

Mr. McCormick gave an update on the proposed project since the last presentation to the Board in March 2022.

The Assistant City Engineer reviewed his comment letter.

The City Planner reviewed his comment letter.

DISCUSSION BY THE BOARD

Mr. Kelly asked for clarification if the site plan approval includes the existing structure.

The Assistant Corporation Counsel said the site plan approval is for the new construction only on the newly created lot-Lot A. He said there are no proposed changes to the existing structure on Lot B.

Sarah Hooff moved to waive referral to the Orange County Department of Planning.

Alicia Ware seconded the motion.

The motion passed unanimously via roll-call vote.

Duane Ware moved to waive a public hearing for the Site Plan.

Michael Kelly seconded the motion.

The motion passed unanimously via roll-call vote.

Mr. Kelly requested a driveway apron re-construction detail added to the site plan.

Ms. Hooff requested tree plantings added to the site plan in addition to the existing landscape screening.

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

Index No. 2021-18

Applicant: Brian Sekel/National Builders South
Owner: Atkemix Thirty-Seven Inc.
Location: 700 South Street

SITE PLAN application to construct a warehouse.

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

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

Mr. Bazydlo gave an update to the proposed project.

The Assistant City Engineer reviewed his comment letter. He said the NYSDEC should determine whether it wants to provide comment on the proposed private sanitary sewer pump station and force main. He said the NYSDEC provided comments on the work plan to perform a groundwater elevation study at the site.

The City Planner reviewed his comment letter.

Sarah Hooff moved to accept the Site Plan as submitted, subject to outstanding City Engineer and City Planner comments, and an acceptable metes and bounds description of the easement agreement.

Michael Kelly seconded the motion.

The motion passed unanimously via roll-call vote.

Index No. 2022-04

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

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

Jonathan Powell and Oliver Chene appeared before the Board.

Mr. Chene gave an overview of the amendment request. He said aspects of the site plan were removed for value engineering purposes. He said the changes were presented to the Architectural Review Commission in June 2023 and approved.

The Chairperson asked the applicant to explain the specific changes made.

Mr. Chene said the ramp to the cellar on the Federal Street side was removed and replaced with landscaping. He said the rear yard decking above the drywells was removed and replaced with landscaping. He said the rear yard ramp to the public hall has been shortened. He said there is a new landscaping plan including a new planting schedule.

Mr. Powell added that SHPO provided comments to revise architectural details.

The Assistant City Engineer said the amendments made are in general conformity with what was originally approved.

The City Planner had no comments.

DISCUSSION BY THE BOARD

Mr. Kelly asked if the drywells would remain.

Mr. Powell confirmed that the drywells would remain. He said the civil engineering plan has been updated and the size of the drywell system will remain.

Sarah Hooff moved to accept the Site Plan amendment as submitted.

Duane Ware seconded the motion.

The motion passed unanimously via roll-call vote.

Index No. 2022-13

Applicant: Sisha Ortuzar & Erik Cooney

Owner: 191 Washington Street LLC

Location: 191 Washington Street

SITE PLAN application to convert the current prekindergarten facility into a commercial/residential space with 70 residential units on the vacant western lot.

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

Sisha Ortuzar, Erik Cooney, and Colin Brice appeared before the Board.

Mr. Ortuzar said the applicant is resuming the site plan process and re-introducing the project since the last presentation to the Board in July 2022. He said they received Zoning Board of Appeals approval in August 2022.

Mr. Brice gave an overview of the proposed project as a refresher for the Board.

The Assistant City Engineer reviewed his comment letter.

The City Planner reviewed his comment letter.

DISCUSSION BY THE BOARD

Ms. Hooff requested the submission of a lighting plan.

The Chairperson asked if a traffic study has been completed.

Mr. Ortuzar said a parking study had been completed but not a traffic study.

The Board discussed the necessity of a traffic study. The consensus of the Board was that a traffic study was not necessary.

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

NEW BUSINESS

Index No. 2023-30

Applicant: Sabrina Sargent
Owner: Living in Jesus Ministry Inc.
Location: 119 South Street

SITE PLAN application to convert the basement space of a church to a day care.

Index No. 2023-24

Applicant: Sabrina Sargent
Owner: Living in Jesus Ministry Inc.
Location: 119 South Street

SPECIAL USE PERMIT application to convert the basement space of a church to a day care.

Sabrina Sargent appeared before the Board and gave an overview of the proposed project.

The Assistant Corporation Counsel there is no proposed changes to the building footprint. He said this is a change of use application.

The Assistant City Engineer recommended waiving Site Plan requirements.

The City Planner had no comments.

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

The applications were tabled to the August 2023 meeting.

Index No. 2023-25

Applicant: John Waters/Dubois Street Associates
Owner: City of Newburgh
Location: 123 Renwick Street

SITE PLAN application to convert a vacant four (4) story building into a mixed-use building.

Index No. 2023-29

Applicant: John Waters/Dubois Street Associates
Owner: City of Newburgh
Location: 123 Renwick Street

SPECIAL USE PERMIT application to convert a vacant four (4) story building into a mixed-use building.

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

Matthew Cordone and Kristine Magliano appeared before the Board.

Ms. Magliano gave an overview of the proposed project.

Mr. Cordone said the restoration and preservation is in collaboration with National Park Service and the State Historic Preservation Office.

The Assistant City Engineer reviewed his comment letter.

The City Planner reviewed his comment letter.

DISCUSSION BY THE BOARD

Ms. Hooff asked to confirm the choice to pursue on site parking instead of green space.

Mr. Cordone confirmed and added a water retention system will be installed under the parking area.

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

The Assistant Corporation Counsel said this project is a Type II action under SEQRA, but the applicant should confirm with its state funding agencies whether this will be an issue.

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

Index No. 2023-26

Applicant: Chris Berg/Berg + Moss Architects, PC
Owner: Seymour B LLC
Location: 158 Montgomery Street

SITE PLAN application to convert a single-family residence to a bed and breakfast.

Index No. 2023-27

Applicant: Chris Berg/Berg + Moss Architects, PC
Owner: Seymour B LLC
Location: 158 Montgomery Street

SPECIAL USE PERMIT application to convert a single-family residence to a bed and breakfast.

Sarah Hooff recused herself from participation on the applications.

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

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

The Assistant City Engineer recommended waiving Site Plan requirements.

The City Planner reviewed his comment letter.

Michael Kelly moved to waive a public hearing for the Site Plan.

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. 2023-228

Applicant: Eulogio Santiago
Owner (133 N. Miller): 133 North Miller Realty Partners LLC
Owner (141 N. Miller): 133 North Miller Realty Partners LLC
Location: 133-141 North Miller Street

SITE PLAN application to consolidate two (2) vacant lots into one (1) lot and construct one (1) 9-unit apartment house building.

Sarah Hooff recused herself from participation on the application.

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

Jonathan Cella appeared before the Board and gave an overview of the proposed project.

The Assistant City Engineer reviewed his comment letter.

The City Planner reviewed his comment letter.

The Assistant Corporation Counsel said this application is subject to GML §239 review.

Alicia Ware moved to waive a public hearing for the Site Plan.

Michael Kelly seconded the motion.

The motion passed unanimously via roll-call vote.

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

Index No. 2023-17

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

SPECIAL USE PERMIT application to construct an addition to the second floor of the existing garage.

Chris Berg appeared before the Board.

Sarah Hooff moved to waive a public hearing for the Special Use Permit.

Alicia Ware seconded the motion.

The motion passed unanimously via roll-call vote.

Michael Kelly moved to approve the Special Use Permit for two years.

Alicia Ware seconded the motion.

The motion passed unanimously via roll-call vote.

With no further business to discuss, the meeting adjourned at 10:28 p.m.

Respectfully submitted:

J.K. Gentile, Secretary

Approved:

Lisa Daily, Chairperson