

PLANNING BOARD MEETING

The monthly meeting of the City of Newburgh Planning Board was held on Tuesday, August 15, 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 7:31 p.m. after confirming a quorum.

APPROVAL OF MINUTES

Minutes of the April 18, 2023 Meeting

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

Minutes of the May 16, 2023 Meeting

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

Minutes of the July 18, 2023 Meeting

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

SITE PLAN APPROVAL EXTENSION

Index No. 2020-09

Applicant: Philippe Pierre
Owner: 104 Washington St., LLC
Location: 104 Washington Street

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

OLD BUSINESS

Index No. 2021-11

Applicant: Aaqib Majeed
Owner: Aaqib Majeed
Location: NS North Street

SITE PLAN AMENDMENT application to construct a three-family dwelling.

Ken Lytle and Rafiq Majeed appeared before the Board.

Mr. Lytle gave an overview of the amendment request. He said the owner proposes increasing the size of the building to allow for additional space to the room layouts, the addition of a front porch and the additional of a rear deck.

DISCUSSION BY THE BOARD

The Assistant Corporation Counsel asked if these proposed changes apply to both lots.

Mr. Lytle said the proposed changes are for Lot 1 only.

The Chairperson asked if these proposed changes fall within the allowable setbacks.

Mr. Lytle confirmed.

Michael Kelly moved to accept the Site Plan amendment as submitted.
Alicia Ware seconded the motion.
The motion passed unanimously via roll-call vote.

Index No. 2023-14

Applicant: Kenneth Kearney/Kearney Realty & Development Group
Owner: City of Newburgh
Location: 140 Montgomery Street, 146 Montgomery Street, & 137 Smith Street

SITE PLAN application to construct two (2) mixed use residential buildings, both with retail on the street level. Building 1 will contain 45 residential units and Building 2 will contain 73 residential units (Apartment House).

The Assistant Corporation Counsel said there was a public hearing held at the last meeting. He said Intent for Lead Agency letters were mailed between the months of June and July. No objections have been received from any interested or involved agencies. He said there have been no updates made to the site plan.

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

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.

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

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

DISCUSSION BY 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 July 2023.

Mr. Lasberg said the updates made to the site plan are explained in the submitted applicant comment letter.

The City Engineer reviewed his comment letter. He said the outstanding comments are technical, relating to utilities and streetscape.

Mr. Petruncola asked if an ADA ramp at the curb is necessary.

The City Engineer said the ADA ramp is not necessary.

The City Planner reviewed his comment letter. He said a buffer strip between the sidewalk and curb is required as per the streetscape standards.

Alicia Ware moved to issue a negative declaration under SEQRA.

Michael Kelly seconded the motion.

The motion passed unanimously via roll-call vote.

Mr. Petruncola asked about the conditions regarding parking.

The Chairperson asked the availability of staff parking.

Mr. Petruncola said staff at the Ministry currently utilizes on-street parking. He said there will be no increase to on-street parking as the Ministry's staff is already working at the current facility. He said there is a proposed bicycle rack in the basement of the new facility.

Mr. Kelly asked to confirm that the staff members at 9 Johnston will be also working in the new facility.

Mr. Jarvis confirmed. He said outreach and supportive services staff are already in place and prepared to receive the tenants of the new project.

Mr. Kelly asked the applicant to address the concerns of the neighboring property owners from the public hearing as it relates to the Special Use Permit application.

Mr. Jarvis said the tenants that will utilize the new project will be provided on-site case management services. He said the Ministry is not responsible for the actions created by citizens who are not tenants of the Ministry.

Ms. Hooff asked whether a parking study would be required to demonstrate available on-street parking, considering the project is located outside of the Broadway corridor and off-street parking is a bulk requirement in the existing zone.

The Assistant Corporation Counsel said providing a parking study could assist the Board in demonstrating available on-street parking in the immediate and surrounding areas. He said the parking determination for this project, per the Informational report and by City Code, must be determined by the Planning Board, and not the Zoning Board of Appeals.

The Chairperson requested a parking analysis from the applicant to demonstrate the availability of on-street parking for staff.

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 update of the proposed project. He said the application received approval from the Zoning Board of Appeals in July 2023. He said the Conservation Advisory Council reviewed the application and determined the project was consistent with the LWRP.

DISCUSSION BY THE BOARD

The Assistant Corporation Counsel asked if there were any updates to the site plan.

Mr. Berg said no.

The City Planner reviewed his comment letter.

The City Engineer recommended waiving Site Plan requirements.

For Index No. 2023-26

Michael Kelly moved to issue a Type II declaration under SEQRA.
Alicia Ware seconded the motion.
The motion passed unanimously via roll-call vote.

Michael Kelly moved to waive the site plan requirements and approve the application as submitted.
Alicia Ware seconded the motion.
The motion passed unanimously via roll-call vote.

For Index No. 2023-27

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

No one was present for or against the application.

Michael Kelly moved to close the public hearing for the Special Use Permit

Alicia Ware seconded the motion.

The motion passed unanimously via roll-call vote.

Michael Kelly moved to issue a Type II declaration under SEQRA.

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.

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.

Connor McCormick and Allen Rothman appeared before the Board.

Mr. McCormick said there are no new updates to the site plan. He said he is in receipt of an updated Informational report outlining the Zoning Board of Appeals variances needed for the project. He said the applicant will perform a sewer investigation August 17, 2023.

DISCUSSION BY THE BOARD

The City Engineer asked to confirm the sewer location is unknown at this time.

Mr. Cormick said the sewer location will be confirmed at an August 17, 2023 investigation.

The City Engineer said with the subdivision of the lot, if the only alternative is to serve the existing lot over the proposed lot, a utility easement will be required and provide separation if constructing new utilities. He said separate laterals are required for each property. He said property easements for the utilities are required. He asked if access would remain off First Street for the existing unit when the new multi-family units are constructed.

Mr. Rothman said the access will be off of Van Ness Street.

The City Engineer asked if they would need a cross access easement on the driveway.

Mr. Rothman said they will not need a cross access easement on the driveway.

The City Engineer asked if a barrier will be provided to avoid traffic cross-over.

Mr. Rothman said they will provide a movable barrier.

The Chairperson opened the public hearing for comment on the Subdivision portion of the application.

Matthew Scully spoke against the application.

Richard VanDerveer spoke against the application.

Teresa Delillo spoke against the application.

Arthur Delillo spoke against the application.

Milagros Bonet spoke against the application.

Duane Ware moved to close the public hearing.

Michael Kelly seconded the motion.

The motion passed unanimously via roll-call vote.

Index No. 2023-23

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

Michael Kelly seconded the motion.

The motion passed unanimously via roll-call vote.

Michael Kelly moved to approve the preliminary plat as submitted.

Alicia Ware seconded the motion.

The motion passed unanimously via roll-call vote.

Index No. 2022-07

Michael Kelly moved to issue a Type II declaration under SEQRA.

Alicia Ware seconded the motion.

The motion passed unanimously via roll-call vote.

The Chairperson recommended the applicant speak to the Fire Department regarding the driveway access barrier.

The Assistant Corporation Counsel requested the submission of the metes and bounds of any easement areas to be submitted.

The Applicant said it would return to the next meeting with an entrance barrier plan, construction fencing plan and landscaping plan.

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

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.

DISCUSSION BY THE BOARD

The City Engineer had no new comments.

The City Planner had no new comments.

For Index No. 2023-30

Sarah Hooff moved to issue a Type II declaration under SEQRA.
Alicia Ware seconded the motion.
The motion passed unanimously via roll-call vote.

Duane Ware moved to waive the site plan requirements and approve the application as submitted.
Michael Kelly seconded the motion.
The motion passed unanimously via roll-call vote.

For Index No. 2023-24

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

No one was present for or against the application.

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

Michael Kelly moved to issue a Type II declaration under SEQRA.
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.

NEW BUSINESS

Index No. 2023-31

Applicant: Sergio Murillo
Owner: Maur Investor Enterprise, Inc.
Location: 118 Wisner Avenue

SITE PLAN application to construct a one-story shopping center with six commercial spaces.

The applicant was not present for the meeting.

The Board tabled the application to the September 2023 meeting.

Index No. 2023-33

Applicant: Sergio Murillo
Owner: Magda Arauz.
Location: 72 William Street

SITE PLAN application to construct a three-story mixed-use residential building.

The applicant was not present for the meeting.

The Board tabled the application to the September 2023 meeting.

Index No. 2023-34

Applicant: Jonathan Moss/Berg + Moss Architects, PC
Owner: 48 Hasbrouck Street
Location: 330 First Street

SUBDIVISION application to demolish the single-family dwelling on-site; subdivide the existing lot into (2) lots; and construct two (2) three-family buildings on each lot.

Index No. 2023-35

Applicant: Jonathan Moss/Berg + Moss Architects, PC
Owner: 48 Hasbrouck Street
Location: 330 First Street

SITE PLAN application to demolish the single-family dwelling on-site; subdivide the existing lot into two (2) lots; and construct two (2) three-family buildings on each lot.

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

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

DISCUSSION BY THE BOARD

The City Engineer reviewed his comment letter.

The City Planner reviewed his comment letter. He asked the applicant if they propose to install new sidewalks and curbs.

Mr. Berg confirmed.

Mr. Kelly asked if they are proposing one water supply for the domestic and sprinkler for both buildings.

The City Engineer said each building requires a separate domestic and separate fire service for each building.

Mr. Kelly requested submission of fence details.

Michael Kelly moved to waive referral to the Orange County Department of Planning.

Alicia Ware seconded the motion.

The motion passed unanimously via roll-call vote.

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. 2023-25

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

SITE PLAN application to convert four 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 four story building into a mixed-use building

The applicant was unable to attend this meeting.

The Chairperson opened the scheduled public hearing for the record.

Elizabeth Ahten voiced concerns regarding the visibility issues at the property corner, traffic flow issues and available parking issues.

Damiane Charles voiced similar concerns expressed by Ms. Ahten.

The Board held the public hearing open and tabled the application.

With no further business to discuss, the meeting adjourned at 9:31 p.m.

Respectfully submitted:

Approved:

J.K. Gentile, Secretary

Lisa Daily, Chairperson