

PLANNING BOARD MEETING

The monthly meeting of the City of Newburgh Planning Board was held on Tuesday, August 16, 2022 at 7:30 p.m. at the Hall of Fame Building, 401 Washington Street, Newburgh, New York.

Members Present: Lisa Daily
Weaver Debe (arrived at the meeting 7:49 p.m.)
Michael Kelly
Acre Qui (arrived at the meeting 7:53 p.m.)
Alicia Ware
Duane Ware

Absent: Sarah Hooff
Penelope Guccione (Alternate)

Also Present: Chad Wade, Assistant City Engineer
Alexandra Church, Director of Planning and Development
Jeremy Kaufman, Assistant Corporation Counsel
J.K. Gentile, Secretary

The Chairperson called the meeting to order at 7:37 p.m. after confirming a quorum.

SPECIAL USE EXTENSION

Index No. 2021-01

Applicant: Jesse Farrenkopf
Owner: Bannerman Tokyo Properties LLC
Location: 26 Liberty Street

SPECIAL USE PERMIT

Applicant did not appear for the meeting.

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

Duane Ware moved to extend the Special Use Permit for two years.
Alicia Ware seconded the motion.
The motion passed unanimously via roll-call vote.

OLD BUSINESS

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 Department of Planning and Development were made a matter of record.

Charlie Bazydlo appeared before the Board and gave an update on the project. He said the NYSDEC sent a letter with comments from the Bureau of Environmental Remediation. They are currently working to satisfy the questions addressed in that comment letter.

He said the DOT had comments on the initial traffic study. The DOT requested submission of a different time study, peak warehouse operating hours (10 a.m. to 12 p.m.). The applicant has submitted that information to the DOT. They have completed a DOT PERM30 form. That will allow the DOT to conduct a detailed review of the project resulting in a conceptual approval letter from DOT.

The Director of Planning and Development reviewed the City Planner comment letter.

The Assistant City Engineer reviewed the City Engineer comment letter.
The Chairperson asked if there are plans to make the roof more environmentally friendly.

Mr. Bazydlo said the steel roof structure has the potential for placement of solar panels. Plans are in place for stormwater runoff to go into a stormwater control system.

The Applicant requested a table of its application for further details.

Index No. 2021-20

Applicant: Willie Carley
Owner: Tabernacle Faith Christian Fellowship Inc.
Location: 540 Gidney Avenue

SITE PLAN application to convert existing building into a House of Worship.

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

Willie Carley appeared before the Board. He said David Niemotko was not available to appear this evening.

The Director of Planning and Development said there were no updates to the prior comment letter as there were no updated plan sets provided for review.

The Assistant City Engineer reviewed his comment letter.

The Assistant Corporation Counsel said at the last meeting the Board collectively agreed on installation of sidewalks continuing up Barton Street. David Niemotko had requested to table the application to allow for discussions about the Board's choice with the property owner and the congregation.

Mr. Carley said he understood the City Code and the comprehensive planning for public accessibility. He said the Church's argument is that Barton Street is a residential street and the installation of sidewalks will not add value to the property or promote walkability in that area. There are no sidewalks along Barton Street and the installation along church property will only end into someone's yard. The Planning Board's proposal for sidewalk installation would be one of substantial financial burden, especially post coronavirus pandemic.

The applicant requested a table of its application for further submission of sidewalk installation estimates.

Index No. 2022-08

Applicant: Nutoxia Development Group
Owner: Nutoxia Development Group/Michael H. Mamiye
Location: 60 Dubois Street

SITE PLAN application to convert the existing building into repurposed offices, a theatre and residential units.

The Comment Letters from the City Engineer and the Department of Planning and Development were made a matter of record.

Michael Mamiye, Albert Mizrahi, and Alvin Moonesar appeared before the Board.

Mr. Moonesar gave an update of the proposed project.

The Assistant City Engineer reviewed his comment letter. He said the City of Newburgh standard details and the ADA ramp at the intersection shall be detailed on the Site Plan.

The Director of Planning and Development said all the comments in the comment letter have been satisfied.

Mr. Moonesar requested a conditional approval subject to outstanding Engineering Department comments.

Mr. Kelly said all site plan details should be presented before approval by the Planning Board before the Board considers a vote.

The applicant requested a table of its application for further submission of site plan details.

NEW BUSINESS

Index No. 2022-16

Applicant: Jeff Wilkinson
Owner: 102 Broadway LLC
Location: 102 Broadway

SITE PLAN application to convert vacant lot into a 4-story new construction (Mixed Use with Residential)

The Comment Letters from the City Engineer and the Department of Planning and Development were made a matter of record.

Jeff Wilkinson appeared before the Board and gave an overview of the proposed project.

The Director of Planning and Development reviewed her comment letter.

The Assistant City Engineer reviewed his comment letter. He said the site behind the property is an existing environmental cleanup site. Based on that observation, he said that proposed infiltration chambers shall not be used and instead, all stormwater runoff should be piped into the sanitary sewer system to avoid any possible contamination.

Mr. Ware asked if there will be a surface connection or a gap between the buildings.

Mr. Wilkinson said the building will butt up against both buildings, but not share a party wall.

Mr. Debe asked if there is access to the roof.

Mr. Wilkinson said there are plans for a penthouse apartment with access to rooftop space.

Duane Ware moved to waive the public hearing.
Michael Kelly 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. 2022-17

Applicant: Robert Fontaine
Owner: Industrial House LLC & Monica Coronatti
Location: 47 Lander Street

SITE PLAN application to convert the existing two unit residential over vacant commercial use into a two unit residential over commercial spaces for overall mixed use.

The Comment Letters from the City Engineer and the Department of Planning and Development were made a matter of record.

Robert Fontaine and Chris Berg appeared before the Board.

Chris Berg gave an overview of the proposed project.

The Assistant City Engineer reviewed his comment letter. He requested submission of a separate architectural plan. He requested submission of a separate signed and sealed survey. He said the sidewalks are not complete and not in compliance with the Streetscape Standards and the curb ramp is not ADA compliant. He requested identification of the existing gas service.

The Director of Planning and Development reviewed her comment letter.

Mr. Kelly asked if there is existing ADA access.

Mr. Berg said no.

Mr. Kelly requested lighting detail, sidewalk and curb detail and planting schedule for 5 trees.

Weaver Debe moved to waive the public hearing.

Duane Ware seconded the motion.

The motion passed unanimously via roll-call vote.

Duane Ware moved to issue a Type II declaration under SEQRA

Michael Kelly seconded the motion.

The motion passed unanimously via roll-call vote.

The applicant requested a table of its application for further submission.

Index No. 2022-18

Applicant: Chris Berg / Berg + Moss Architects

Owner: Nutopia 31 Dubois LLC

Location: 31 Dubois Street

SITE PLAN application to convert the three-family residence into a six-family residence.

The Comment Letter from the Department of Planning and Development was made a matter of record.

Michael Mamiye, Albert Mizrahi and Chris Berg appeared before the Board.

Albert Mizrahi gave an overview of the proposed project.

The Chairperson asked about the fire escape located on the front façade.

Mr. Berg said it will be removed.

The Assistant City Engineer did not submit a comment letter and recommended waiving site plan requirements for this application.

The Director of Planning and Development reviewed her comment letter.

The Assistant Corporation Counsel asked Mr. Berg about the driveway apron issue from a previous plan set submission.

Mr. Mizrahi said the driveway apron belongs to the neighbor.

Mr. Weaver asked the plans for garbage storage location.

Mr. Berg showed the location of the exterior trash enclosure on the site plan, located in the front of the building adjacent to the porch stairs.

The Assistant City Engineer requested details for the trash enclosure.

Michael Kelly moved to waive the public hearing.

Alicia Ware seconded the motion.

The motion passed unanimously via roll-call vote.

Michael Kelly moved to declare the Planning Board as Lead Agency under SEQRA.

Alicia Ware seconded the motion.

The motion passed unanimously via roll-call vote.

Michael Kelly moved to issue a negative declaration under SEQRA.

Alicia Ware seconded the motion.

The motion passed unanimously via roll-call vote.

The applicant requested a table of its application for further submission.

Index No. 2022-19

Applicant: Chris Berg / Berg + Moss Architects

Owner: 47-49 Liberty Street LLC

Location: 47-49 Liberty Street

SITE PLAN application to convert a vacant property into 2 ground floor commercial spaces with (4) 2nd & 3rd floor residential units (Mixed Use with Residential)

The Comment Letters from the City Engineer and the Department of Planning and Development were made a matter of record.

Eli Vaknin and Chris Berg appeared before the Board.

Eli Vaknin gave an overview of the proposed project.

The Assistant City Engineer reviewed his comment letter. He requested submission of a separate architectural plan. He requested submission of a separate signed and sealed survey. He said the latest version of the City's Streetscape Standards shall be included.

The Director of Planning and Development reviewed her comment letter.

The Assistant Corporation Counsel asked the location of the garbage containers.

Mr. Vaknin said individual garbage bins will be kept inside in the basement, and there was no plan for an outdoor garbage storage structure.

Mr. Berg said complying with the Streetscape Standards affects the adjacent buildings, their garbage placement and entrances.

The Assistant Corporation Counsel said any deviation from the Streetscape Standards requires a variance from the Architectural Review Commission.

Michael Kelly moved to waive the public hearing.

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.

Alicia Ware moved to accept the Site Plan as submitted, subject to outstanding City Engineer and City Planner comments, and final a site plan revision to reflect the sidewalk buffer strip increased to a four (4)-foot width from the current 3'6" width.

Michael Kelly seconded the motion.

The motion passed unanimously via roll-call vote.

Index No. 2022-20

Applicant: Jonathan Moss / Berg + Moss Architects

Owner: TiffanyMichelle Design, LLC

Location: 23 Hudson View Terrace

SUBDIVISION application to convert a vacant lot into two parcels and construct a single three-family dwelling on each new parcel.

The Comment Letters from the City Engineer and the Department of Planning and Development were made a matter of record.

Tiffany Buxton, Todd Buxton and Chris Berg appeared before the Board.

Ms. Buxton said the County has record the lot was previously approved to be subdivided many years ago, but the map was never recorded with the County, and so the subdivision was never officially filed or recognized.

The Assistant Corporation Counsel said this was a new detail about the project. He asked if the subdivision is exactly how they propose to subdivide.

Ms. Buxton confirmed.

Ms. Buxton gave an overview of the proposed project.

Mr. Berg said they will be file an easement with the subdivision map to reflect a shared driveway between the 2 subdivided parcels.

The Assistant Corporation Counsel said to note the easement details and dimensions on the site plan.

The Director of Planning and Development reviewed her comment letter. She requested DEC response regarding the bald eagle habitat.

The Assistant City Engineer reviewed his comment letter. He requested submission of a separate architectural plan. He requested submission of a separate signed and sealed survey.

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

With no further business to discuss, the meeting adjourned at 9:52 p.m.

Respectfully submitted,

J.K. Gentile
Secretary to the Land Use Boards