

**PLANNING BOARD MEETING**

The City of Newburgh Planning Board meeting was held on Tuesday, December 15, 2015, in the City Hall Council Chambers, 83 Broadway, Newburgh, New York.

Members Present: Lisa Daily  
Elsworth Banks  
Peter Smith  
Ramona Monteverde  
Argelia Morales

Members Absent: Dan Stokes

Also Present: Jason Morris, City Engineer  
Alexandra Church, City Planner  
Timothy Kramer, Assistant Corporation Counsel  
Eliana Diaz, Land Use Board Secretary

The meeting was called at 7:30 p.m. after a quorum was confirmed.

**OLD BUSINESS**

**INDEX NO. 2015-14**      **APPLICATION FOR SITE PLAN** for 4 family dwellings at 39A Johnston Street and 6 family dwellings at 39B Johnston Street  
**Location:** 39A Johnston Street and 39B Johnston Street  
**Applicant:** Rural Ulster Preservation Company (RUPCO)

The comment letters of the City Engineer and the City Planner dated December 15, 2015 are to be made a matter of record.

**DISCUSSION BY THE BOARD**

- A.J Coppola, Project Architect and Chuck Snyder, Director of Real Estate and Construction for RUPCO appeared.
- Lisa Daily and Ramona Monteverde recused themselves from this application.
- Mr. Coppola stated that is the site plan application is for a scattered site project that includes 15 buildings throughout South Miller Street, Johnston Street and Lander Street. The Site Plan submitted calls for the demolition of 183 First Street in order to support parking for the project. It was stated that 35 parking spaces are required to be provided under the new zoning code, but only 16 off street parking spaces are available, therefore the applicant has made an application to the Zoning Board of Appeals for a parking variance. The Planning Board must make S.E.Q.R.A determination in order to move

forward with the Zoning Board application for the parking variance as well as for the ARC application for the demolition of 183 First Street.

- A discussion was held regarding the project. The long form EAF was updated and submitted in October which has since been distributed to all interested and involved agencies. The thirty day time-frame for a response from the agencies has expired. The applicant is in the process of completing the site plan for submission in order to be presented for review and approval.
- The City Engineer stated that further comments on the project will be made once the completed Site Plan is submitted.
- The City Planner stated that her comments were satisfied regarding the long form EAF. A letter from SHPO was received in relation to the proposed demolition and the general project in which they stated their agreement to the general project.
- It was stated that NYS Homes and Community Renewal sent a letter consenting to the Planning Board acting as lead agent.
- No action could be taken because only three members of the board were present to vote as a result of the two recusals from this application. It was determined that a special meeting will be held on December 22<sup>nd</sup> so that the Board can take action on a S.E.Q.R.A. determination.

### **NEW BUSINESS**

**INDEX NO. 2015-18**      **APPLICATION FOR SPECIAL USE PERMIT** for a 10,724 sq.ft. warehouse for medium utility truck storage and repair.  
**Location:** 79-105 Pierces Road  
**Applicant:** Blue Sky Distinctive Properties

The comment letters of the City Engineer and the City Planner dated December 15, 2015 are to be made a matter of record.

#### **DISCUSSION BY THE BOARD**

- David Benninger, President of Blue Sky Distinctive Properties appeared.
- Mr. Benninger stated that the building is an existing former Verizon building that the applicant would like to rent for medium size utility truck storage and repair. The building will be used by companies renting the space to perform work on their own vehicles; therefore the use will not be of a registered motor vehicle repair shop.
- Outstanding comments from the workshop, including questions on the EAF, have been addressed, and aerial photographs were displayed.
- The City Engineer requested the investigation of oil and water separator in the building. Mr. Benninger stated that the building has an oil and water separator that has been re-certified since December 2014. The paperwork for this will be submitted by Mr. Benninger.
- The City Planner stated that the application required GML §239 approval. A letter from the County stated “no evidence that significant inter-municipal or countywide impacts would result from its approval.”

- The City Engineer and the City Planner stated that since there is no proposed exterior change to the site, the board can waive Site Plan approval pursuant to §300-102(E) if the Board deems it appropriate
- The action is a S.E.Q.R.A Type II action, therefore no further review is required from the Board.

Peter Smith moved and Ramona Monteverde seconded the motion to open the Public Hearing. The motion was approved unanimously.

There were no comments of the public.

Peter Smith moved and Elsworth Banks seconded the motion to close the Public Hearing. The motion was approved unanimously.

Peter Smith moved and Argelia Morales seconded the motion to waive Site Plan approval. The motion was approved unanimously.

Elsworth Banks moved and Ramona Monteverde seconded the motion to approve the application. The motion was approved unanimously.

**INDEX NO. 2015-19                      APPLICATION FOR SITE PLAN** for two (2) 4,800 sq.ft. single story vehicle storage buildings  
**Location:** 198 South Robinson Avenue  
**Applicant:** Victor Javinett

The comment letters of the City Engineer and the City Planner dated December 15, 2015 are to be made a matter of record.

**DISCUSSION BY THE BOARD**

- Amador Laput, Project Manager for Fellenzer Engineering appeared.
- Mr. Laput stated that the buildings would be used for vehicle storage. He stated that since the Planning Board workshop the Site Plan has been updated with the correct bulk, area and parking regulations.
- The City Engineer stated that, due to the location of the buildings within the WPO District, a predevelopment vs. postdevelopment drainage analysis is required to determine whether there are any increases in the post development peak rates of runoff. No sprinkler systems are required due to the size of the buildings and no water or sewer services are being proposed. The applicant is required to address stormwater management and refer the application to the CAC for review.
- The City Planner stated that the plan requires GML §239 review. This allows interested agencies thirty days to review the plan submitted by the applicant. CAC review of the plan is required due to its proximity within the WPO. Additional information is required to clarify the proximity of three (3) Brownfield properties within 2,000 feet of the site.
- A discussion was held regarding the Site Plan. Mr. Laput stated the applicant’s possible intent to revise the application submitted in order to allow for the repair of trucks in the two buildings. It was stated that revised plans would need to be submitted as well as an application for a Special Use Permit which will require a Public Hearing.

- The applicant may request to be placed on the January Planning Board workshop.
- The applicant will address the comments of the City Engineer and City Planner and return for the January meeting.

Peter Smith moved and Ramona Monteverde seconded the motion to hold a Public Hearing for this application in January.

The motion was approved unanimously.

**INDEX NO. 2013-08**                      **APPLICATION FOR SITE PLAN** to redevelop with a mix-use building consisting of 13,800 sq.ft. of retail space and 91 residential apartment units.  
**Location:** 140 Broadway between Lander Street and Johnston Street.  
**Applicant:** Mill Street Partners LLC

The comment letters of the City Engineer dated December 15, 2015 are to be made a matter of record.

**DISCUSSION BY THE BOARD**

- Michael Zarin, and David Cooper, attorneys at Zarin-Steinmetz law firm, Magnus Magnusson of Magnusson Architecture and Planning, and Patrick Normoyle of Excelsior Housing Group LLC presented an overview of the project.
- Mr. Zarin stated that a land development agreement was signed between the City and Mill Street Partners in 2012. The Planning Board approved the project in 2014; however, the approval was invalidated by the court. Since then, the Zoning Code has been rewritten, which clears up the differing interpretations at issue with the court, and the City Council has extended the land development agreement for one year.
- The project consists of a mixed use commercial and residential building located in both the Broadway Corridor and Downtown Neighborhood Districts. The uses are permitted as of right in each of the districts with site plan approval.
- Mr. Magnusson stated the project consists of a four story building with a partial fifth floor, which is setback. The landscape consists of outdoor space for tenants, a laundry room, a community room and an all purpose room on the ground floor.
- A discussion was held regarding the fifteen (15) foot setback in the east end that makes up the partial fifth floor. The fifth floor is considered partial because it does not have as many apartments as a regular floor.
- Mr. Normoyle stated that the project seeks to create jobs for local residents during and after construction. Market Fresh, a grocery store that will occupy the ground floor as commercial space, has stated through letters that they would hire 40 local residents consisting of 25 full time employees and 15 part time cashiers. The residential portion of this project seeks to bring in high quality housing for working individuals and families earning anywhere from \$30,000 to \$75,000.
- Mr. Zarin stated that the retail area has 12,380 sq. ft. in the Broadway Corridor Zone and 1,417 sq. ft. in the Downtown Neighborhood District. The residential area contains 53 units in the Broadway Corridor Zone and 38 units in the Downtown Neighborhood District. The City will apply the most restrictive applicable standards for parking, using Downtown Neighborhood District parking standards for the entire lot. The project requires 121 parking spaces, however only 111 spaces are being provided. The applicant

will request a special off street parking permit pursuant to the zoning code, which the project qualifies for and will be used to compensate for the 10 parking space deficit.

- It was stated that this is an overview presentation. Based upon the workshop attended and the interpretation of the zoning received, the drawings presented and the application which will contain a full EAF form for formal submission will be modified and submitted in a comprehensive package.
- The City Engineer addressed the site contamination from a petroleum spill and dry cleaner. Mr. Zarin stated any contamination will be remediated. This will be incorporated into the Full EAF. The City Engineer further stated that proof of an ownership agreement with the owner of 116 Johnston Street is required, which will be submitted.
- The City Planner will hold comments until the Full EAF is submitted.
- A general discussion was held regarding the project. In an effort to keep information as public as possible, a new page on the Planning Board website called Special Projects and Documents has been developed. The applicant's representatives provided permission for the City to post submissions onto the webpage. The Planning Board Secretary will always have the official documents available. It was stated that there is no expiration on the ARC approval granted on January 2014 in regards to the façade and elevation of the site, which was issued under the old zoning code. ARC approval may be required for fencing and landscaping. The applicant will be seeking tax credits offered by New York State after approvals are obtained.
- The applicant will make a formal submission to the Planning Board for site plan approval after making revisions to the plans and completing the EAF. The applicant is planning on making a submission for the January or February Planning Board meeting.

### **APPROVAL OF MINUTES**

Argelia Morales moved and Ramona Monteverde seconded the motion to approve the minutes of the November Planning Board meeting.

The motion was carried unanimously.

Meeting adjourned at 9:00 p.m.

Respectfully submitted,

Eliana Diaz  
Secretary