

PLANNING BOARD MEETING

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

Members Present: Lisa Daily
Dan Stokes
Peter Smith
Elsworth Banks
Argelia Morales

Members Absent: Ramona Monteverde

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

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

OLD BUSINESS

INDEX NO. 2015-07 **APPLICATION FOR SITE PLAN** for a public park
Location: 97 and 103 Broadway
Applicant: Safe Harbors of the Hudson, Inc.

The comment letter of the City Engineer dated September 15, 2015 is to be made a matter of record.

DISCUSSION BY THE BOARD

- Lisa Silverstone, Executive Director of Safe Harbors of the Hudson, Inc., Michael Bodendorf, P.E. of Hudson Land Design, and Bryan Quinn, Landscape Designer, appeared.
- A discussion was held on the proposed lighting. Bryan Quinn stated that they tried to satisfy both sustainable/green lighting as well as historical. What is presented is the best option based on the track record of the lighting options available, over the historical aesthetics. Peter Smith stated that, in a historic district, it is better to use modern lighting unless there is existing historical lighting which they are replicating.

Peter Smith moved and Elsworth Banks seconded the motion to assume Lead Agency. The motion was carried unanimously.

Peter Smith moved and Dan Stokes seconded the motion for a Negative Declaration. The motion was carried unanimously.

Peter Smith moved and Argelia Morales seconded the motion to approve the application. The motion was carried unanimously.

NEW BUSINESS

INDEX NO. 2015-12 APPLICATION FOR SITE PLAN for a funeral home

Location: 18 Lake Street

Applicant: Rhodes Funeral Home

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

DISCUSSION BY THE BOARD

- Joe Pfau of Pietrzak Pfau Engineering & Surveying, PLLC, Mario Salpepi of Coppolla & Associates, and Linwood Rhodes, owner of Rhodes Funeral Home, appeared.
- Mr. Rhodes stated that the site plan is for a funeral home on the corner of Lake Street & Ann Street which will consist of a 288 seat chapel, an office, a viewing room and a two car garage.
- Joe Pfau stated this is a 9,000 square foot pre-existing building. There will be parking in the southerly rear parking lot and a drop-off area in the rear. There is no new disturbance so there will be no storm water issues. The existing sidewalk is in fairly good shape and the parking lot will likely be re-surfaced.
- Mario Salpepi stated the shell of the building will remain as-is, the inside will be gutted and the building will have new alterations.
- The bulk table and regulations must be updated to conform to the new zoning code. The applicant was directed to contact the operator of the City Wastewater Treatment Plant as there will be preparation of bodies on the premises.
- This is an Unlisted Action under SEQRA. The Planning Board could not take action on SEQRA or the application because additional information is required on the EAF.
- There are no parking space requirements because the property is located in the Broadway Corridor, so no variance is required. Mr. Rhodes stated that he will be speaking to the owner of the rear property to use that as primary parking, and the municipal lot would be secondary parking.
- A discussion was held on the possible traffic effects in the area. Mr. Rhodes stated that the funeral home will not have an effect on traffic because there is no parking on the street, and cars will exit onto Washington Street rather than Lake Street for funeral processions. The chapel will only be used 5-10 times per year, the services are usually held in a church. Peter Smith stated that parking or traffic should not be an issue because parking is not required in the code, there will only be about 10 funerals per year, and there are traffic signals. Elsworth Banks agreed with Peter Smith and stated that he is a Deacon in a church which holds funerals, and they make it work without a problem in a setup that is more difficult than this location.

- The applicant will submit updated plans addressing the comments of the City Engineer and City Planner and return for the October meeting.

Peter Smith moved and Elsworth Banks seconded the motion for intent to assume SEQRA Lead Agency.

The motion was carried unanimously.

INDEX NO. 2015-13 APPLICATION FOR SITE PLAN for conversion of an existing retail showroom to a catering hall
Location: 445 Robinson Avenue
Applicant: Javier Fiscal

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

DISCUSSION BY THE BOARD

- Mario Salpepi of Coppolla Associates appeared.
- The building is pre-existing with a parking lot. No changes are proposed to the site. The building is currently used as a retail fireplace store. The application is for a site plan to change the use to a catering hall. A parking variance is required to provide for more parking spaces.
- The City Engineer stated that the parking spaces need to be delineated on the plans, and the plans must conform to the new zoning code.
- The City Planner stated that this is an Unlisted SEQRA Action. The plans must conform to the new zoning code, and that there are new parking requirements. There is a second floor, but only a first floor plan submitted. The entire square footage is required to calculate the parking requirements. The application must be referred to the County after the City receives an updated complete plan set.
- Peter Smith noted that this is a commercial building adjacent to a low density residential zone, and inquired whether buffers are required. The City Planner stated that buffers are required, and, because of the close proximity to the residential zone, she does not recommend the applicant receive any leniency on setbacks.
- Lisa Daily noted that there are a number of items on the Part II of the EAF which note moderate to large impacts on the community, and the Planning Board would want to see how these can be mitigated. The EAF states that the proposed action may have a moderate to large impact on the character or quality of the existing community. This is due to the sound, light, etc. on property so close to a residential area. A similar impact will be felt on the existing level of traffic because of the amount of people that attend events at a catering hall. It will also create a hazard to the environmental resources or human health because the Codes Department received numerous noise complaints from neighbors when the site was used as a VFW.
- It was noted that parking will be an issue, and that using an off-site parking lot may not be a good idea because people will be leaving the catering hall after parties.
- The Planning Board discussed a public hearing, but decided not to schedule a hearing because one will be held when the applicant appears before the Zoning Board of Appeals for a parking variance. The Planning Board would like a copy of the minutes of the

meeting at which the applicant attends the Zoning Board of Appeals to review the public comments.

- The applicant will return to the Planning Board after appearing before the Zoning Board of Appeals.

Peter Smith moved and Argelia Morales seconded the motion for intent to assume SEQRA Lead Agency.

The motion was carried unanimously.

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 dated September 15, 2015 and the City Planner dated September 15, 2015 are to be made a matter of record.

DISCUSSION BY THE BOARD

- Mario Salpepi of Coppolla Associates and Chuck Snyder, Director of Real Estate and Construction for RUPCO appeared.
- Mr. Snyder stated that RUPCO is a non-profit housing development provider and servicer. They are working with the Newburgh Community Land Bank and have assembled 15 properties scattered in a small area in the City. Ten of the properties are compliant with the zoning code for parking.
- Mr. Salpepi stated that the current application is for 39A and 39B Johnston Street. There are several contiguous lots, and he is looking for guidance on which lots to include in the site plan, or whether all of the lots should be included.
- Lisa Daily stated that she is the Chairperson of the Land Bank in the interest of full disclosure.
- A discussion was held regarding eliminating the lot lines to make it one parcel. The City Engineer stated that his comments address this situation. A number of easements will be required if the lots are not combined.
- The City Engineer stated that information is needed for the site plan pursuant to Section 300-86 of the Zoning Code, and he would like to see pre vs. post construction drainage analysis.
- The City Planner stated that this is a Type I SEQRA Action and that a Full EAF is required because the properties are located in the Historic District. The overall project must also be presented to avoid segmentation for SEQRA. This must show the overall project as well as the action the applicant is requesting. SEQRA requires an analysis of the total of all effects the project may have. The Planning Board would only take action on this portion of the project with the entire project in mind.
- The Planning Board, on its own, may reduce the parking requirement by 25 percent if the applicant meets the conditions set forth in Section 300-89(D) of the Zoning Code.
- The applicant will appear at the October Work Shop after performing a review of the plans given the information provided at this meeting and to figure out what variances will be required.

Dan Stokes moved and Argelia Morales seconded the motion for intent to assume SEQRA Lead Agency.

The motion was carried unanimously.

INDEX NO. 2015-16 **APPLICATION FOR SITE PLAN** for a three story mixed use building
Location: 123 Washington Street
Applicant: Habitat for Humanity of Greater Newburgh

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

DISCUSSION BY THE BOARD

- Nate Litwin, Construction Manager for Habitat for Humanity, appeared.
- Mr. Litwin stated that this project is for a three story mixed use building. The first floor will be commercial, while the second and third floors will be residential. This is part of a larger project that received site plan approval in 2008. This building will now have a different use. Adjacent buildings may be constructed in the future, but this application is only for one building.
- Mr. Litwin stated that the building footprint is not changing. One story is being added. Only small changes to the grading are required. There are a number of items that have been built that are currently in place.
- The City Engineer stated that an actual proposed site plan is required, there was not much he could review with what was submitted.
- The City Planner stated that this is a Type I SEQRA Action due to the property's location in the Historic District. All three parcels are required to be submitted in order to avoid segmentation for SEQRA purposes. This application will be one action of the entire project.
- A discussion was held on whether the applicant can submit this application as an amended site plan from the prior approval of which this is a later phase. The project would have already been reviewed under SEQRA if the applicant submits an amended site plan.
- The applicant will contact City staff to advise whether he would like to appear at the October Work Shop.

Peter Smith moved and Argelia Morales seconded the motion for intent to assume SEQRA Lead Agency.

The motion was carried unanimously.

APPROVAL OF MINUTES

Peter Smith moved and Argelia Morales seconded the motion to approve the minutes of the August Planning Board meeting.

Meeting adjourned at 9:00 p.m.

Respectfully submitted,

Timothy W. Kramer
Acting Secretary