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STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH PLANNING BOARD

----- X

In the Matter of

DOMINOS
(2017-25)

88 North Plank Road
Section 77; Block 27; Lot 2.1
B Zone

----- X

AMENDED SITE PLAN

Date: February 15, 2018
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
STEPHANIE DELUCA
KENNETH MENNERICH
DAVID DOMINICK

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
PATRICK HINES
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: RAYMOND McKEEVER

----- X

MICHELLE L. CONERO
PMB #276
56 North Plank Road, Suite 1
Newburgh, New York 12550
(845)541-4163

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DOMINOS

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CHAIRMAN EWASUTYN: Good evening,
ladies and gentlemen. We'd like to welcome
you to the Town of Newburgh Planning Board
meeting of the 15th of February. We have two
agenda items and one board business item.

We'll call the meeting to order
with a roll call vote.

MR. GALLI: Present.

MS. DeLUCA: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. BROWNE: Present.

MR. DOMINICK: Present.

MR. DONNELLY: Michael Donnelly ,
Planning Board Attorney.

MS. CONERO: Michelle Conero,
Stenographer.

MR. CANFIELD: Jerry Canfield, Town of
Newburgh Code Compliance Supervisor.

MR. HINES: Pat Hines with McGoey,
Hauser & Edsall Consulting Engineers.

CHAIRMAN EWASUTYN: At this point we'll
turn the meeting over to Frank Galli.

MR. GALLI: Please rise.

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DOMINOS

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(Pledge of Allegiance.)

MR. GALLI: Your cell phones, if you could put them on vibrate or shut them off all together. Thank you.

CHAIRMAN EWASUTYN: The first item of business this evening is Dominos. It's an amended site plan on North Plank Road in a B Zone. It's being represented by Talcott Engineering.

MR. McKEEVER: Should I use the mic or just speak?

CHAIRMAN EWASUTYN: Excuse me?

MR. McKEEVER: Do I have to use the mic or just speak?

CHAIRMAN EWASUTYN: You can speak. Just give your name, please, for the record.

MR. McKEEVER: My name is Ray McKeever. I work with Charles Brown. He's currently at Engineers Week in Albany so he can't be here tonight.

CHAIRMAN EWASUTYN: About time I get to meet you.

MR. McKEEVER: I think I've spoken to everyone here but never met anyone.

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DOMINOS

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We only have two comments remaining. Unfortunately we're still waiting for County Planning to get back to us. No matter what decision you have, we have to wait for them. They did approve the Zoning Board change for the same matter. It's my understanding Mr. Church from Orange County Planning is still on vacation. Hopefully it will be soon.

The only other matter is I had updated the map to show the doors on the Shop Rite side so it's not as visible from the road.

I also stated that the brick on the side of the building will match the dumpster enclosure.

Those were the only comments from the February 9th comments.

CHAIRMAN EWASUTYN: Okay, Ray.

Comments from Board Members?

MR. GALLI: No additional.

MS. DeLUCA: No.

MR. BROWNE: Nothing more.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: We have nothing new. Ray touched on both of our comments.

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DOMINOS

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Unfortunately we can't take action because for the County Planning Board the thirty-day timeframe hasn't expired. It would probably be best to set this up as board business on the agenda when it times out or we get the response.

CHAIRMAN EWASUTYN: It will time out when?

MR. HINES: February 23rd.

CHAIRMAN EWASUTYN: So then the Board will set this up for board business for the meeting of the 1st of March.

MR. DONNELLY: You may want to issue a SEQRA declaration tonight while we're here.

CHAIRMAN EWASUTYN: Thank you.

Pat, would you advise the Board?

MR. HINES: There's actually no new construction here other than the relocated dumpster pad. The Board looked at architectural review as well during this, which you can approve later. It's a repurposing of an existing building. We would recommend a negative declaration.

CHAIRMAN EWASUTYN: We still have to do

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DOMINOS

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ARB, is that what you're saying? We haven't concluded ARB?

MR. HINES: We have. They presented us with architectural.

CHAIRMAN EWASUTYN: I don't remember. Did we do an ARB approval is what I'm asking?

MR. DONNELLY: I don't think so.

MR. HINES: I don't think you did.

MR. McKEEVER: We submitted it but it hasn't been reviewed.

MR. DONNELLY: You can do it at the same time. We've seen the rendering.

CHAIRMAN EWASUTYN: At the 1st?

MR. DONNELLY: Yes.

CHAIRMAN EWASUTYN: Would you make note of that?

I would ask for a motion to declare a negative declaration on Dominos.

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: Motion by Frank Galli. Second by Ken Mennerich. Roll call vote starting with Frank.

MR. GALLI: Aye.

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DOMINOS

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MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried.

MR. CANFIELD: John, one question. Did we receive the ARB, the form?

CHAIRMAN EWASUTYN: I'll have to look in the file to see. I'll let you know. I'll check that.

MR. CANFIELD: It's typical corporate colors and what not?

CHAIRMAN EWASUTYN: We have it. Charlie is good like that. Thank you.

All right, Ray. You can let Charlie know we'll discuss this under board business at the meeting of the 1st, and at that time we'll move to approve the project and ARB approval also.

MR. McKEEVER: Okay. Thank you very much, sir.

(Time noted: 7:04 p.m.)

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C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do hereby
certify:

That hereinbefore set forth is a
true record of the proceedings.

I further certify that I am not
related to any of the parties to this proceeding by
blood or by marriage and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 27th day of February 2018.

Michelle Conero

MICHELLE CONERO

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STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH PLANNING BOARD

----- X
In the Matter of

U-HAUL CANOPY - ROUTE 9W
(2018-03)

Route 9W
Section 9; Block 3; Lot 32.2
COMM-1 Zone

----- X

INITIAL APPEARANCE
AMENDED SITE PLAN

Date: February 15, 2018
Time: 7:04 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
STEPHANIE DELUCA
KENNETH MENNERICH
DAVID DOMINICK

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
PATRICK HINES
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: RYAN SMITHEM

----- X

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CHAIRMAN EWASUTYN: Our second item of business is U-Haul Canopy on Route 9W. It's the initial appearance. It's in the B Zone. It's being represented by Ryan Smithem, is it?

MR. SMITHEM: Yes, sir.

Good evening. I'm with Mercurio-Norton-Tarolli-Marshall. I'm the applicant's engineer.

MR. KEEFE: I'm with U-Haul. My name is Patrick Keefe.

MR. SMITHEM: The project site is an existing U-Haul facility with storage structures located on the easterly side of U.S. Route 9W.

The project proposes a 20 by 30 covered canopy. This area is a designated drop-off area for vehicles. Vehicles can come up, be inspected after they're dropped off and then eventually taken around to the back at the storage area. This area will continue.

There's an approximate 25.7 foot clearance between the proposed canopy and the existing structure. This will allow, in case of emergency, fire trucks to continue to be able to go around the building.

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CHAIRMAN EWASUTYN: Questions from
Board Members?

MR. GALLI: No.

MR. BROWNE: No.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. CANFIELD: We had talked at work
session. One of Pat's comments were he
questioned the reducing of the fire access road.
The fire code states that any structure exceeding
30 feet in height, the aerial access road should
be 30 feet in width. That portion --

MR. HINES: 26 in width.

MR. CANFIELD: 26. Okay. That portion
of the building does exceed 30 feet. That
reduction there -- typically the authorities have
jurisdiction, which is the Town is the one that
can make that call if it's acceptable. We
discussed this at the work session. My
recommendation is the applicant's representative
speak with the jurisdictional fire department
just to see if they have any issues with it.
We understand that the canopy roof is of a vinyl
or cloth type material. In the event of a fire
it's a good possibility that the fire department

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U-HAUL CANOPY

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could remove it if they need to. We would like to hear that from them. If you can make contact with them and then submit to the Board their findings.

MR. SMITHEM: We will do that.

MR. CANFIELD: Middlehope Fire Department is the jurisdictional department there.

MR. SMITHEM: Thank you.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: Ryan, were you going to hand out architecturalals tonight? I thought Larry had mentioned there was a possibility you were going to provide those to the Board.

MR. SMITHEM: We have a picture of an existing canopy at another site. I also have copies for the Board.

MR. KEEFE: I have some photos as well of an existing canopy. Would anyone like these?

MS. DeLUCA: Thank you.

MR. GALLI: It looks more like a tent.

MR. SMITHEM: A canopy top to keep the rain off.

CHAIRMAN EWASUTYN: And the purpose of

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U-HAUL CANOPY

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having this on the site?

MR. KEEFE: Primarily safety. When a vehicle is returning, as opposed to it crisscrossing over the parking lot or parking in an area that could be unsafe, causing the customer to walk across traffic and such, having a landmark there that is designated for return helps out flow. Having the covered area protects the customer and my employees from rain, snow, sun. It serves a purpose for the comfort as well.

CHAIRMAN EWASUTYN: All in all the property is doing well?

MR. KEEFE: Yes. Absolutely. It's a standard design feature at all of our facilities. Everyone seems to enjoy it. We'll get you proof but the canopy itself is fire rated, snow rated, steel construction. I believe we can get you mechanicals for everything.

CHAIRMAN EWASUTYN: Pat, do we have to circulate this to the Orange County Planning Department?

MR. HINES: Because it's an amended site plan and the proximity to Route 9W, County

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U-HAUL CANOPY

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Planning does need to weigh in on that. We'll submit the required complete application to them as well. I would assume this is going to be a local determination but we do have to follow that procedure.

Also, the amended site plan has a public hearing associated with it but the Board can waive that. You may want to discuss that as well. There are no new impervious surfaces and no traffic flow issues on the site. I think those issues are resolved.

When it was mentioned to us we didn't really know the scope and size of the canopy that was being proposed. That's one of the reasons why you're here tonight. It is a change to the site plan.

CHAIRMAN EWASUTYN: Is it necessary to send out an informational letter?

MR. HINES: Yes.

CHAIRMAN EWASUTYN: I'll poll the Board Members. Would you like to have a public hearing?

MR. GALLI: No.

MS. DeLUCA: No.

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MR. MENNERICH: No.

CHAIRMAN EWASUTYN: No.

MR. BROWNE: No.

MR. DOMINICK: No.

CHAIRMAN EWASUTYN: Let the record show that the Board waived the need for a public hearing.

Ryan, you'll work with Pat Hines as far as the informational letter.

MR. SMITHEM: Yes, sir.

CHAIRMAN EWASUTYN: And you'll keep us in the loop as far as the jurisdictional fire department?

MR. SMITHEM: Yes.

CHAIRMAN EWASUTYN: Anything else?

MR. HINES: That's it.

CHAIRMAN EWASUTYN: Patrick, nice meeting you.

MR. SMITHEM: Thank you all. Nice to meet you, too.

(Time noted: 7:10 p.m.)

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C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary Public
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Michelle Conero

MICHELLE CONERO

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STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH PLANNING BOARD

----- X
In the Matter of

GARDNERTOWN COMMONS
(2016-03)

Field Change Discussion

----- X

BOARD BUSINESS

Date: February 15, 2018
Time: 7:10 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
STEPHANIE DELUCA
KENNETH MENNERICH
DAVID DOMINICK

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
PATRICK HINES
GERALD CANFIELD

----- X

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CHAIRMAN EWASUTYN: At this point we'll ask Pat Hines to discuss with us the Gardnertown Commons field change.

MR. HINES: The Gardnertown Commons project, which is under construction in the Gardnertown Road and Creek Run Road area, has submitted a revised grading plan -- a proposed revised grading plan. In doing some of their value engineering and detailed site work, calculations regarding the construction, there's an excess fill material that needs to be exported from the site. Rather than exporting that fill off the site they've proposed to amend the site grading plan, roughly raising the finished floor elevations of all the buildings one foot plus or minus. Some of them are fourteen inches. It's right in the vicinity of one foot. That will allow the entire site to be filled one foot higher and eliminate the need to export a large quantity of material from the site.

We reviewed the grading plan and found it to not have any impacts. It's all within the existing footprint of disturbance.

They've raised up all the site

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utilities accordingly on the grading plan.

Finished product, no one would know the difference with the one foot elevation change. It may help the site drain a little better to their stormwater ponds, adding a little slope to those.

We would recommend that the Board approve it as a field change with the caveat that they provide an as-built survey to the building department upon completion of the project.

CHAIRMAN EWASUTYN: Jerry Canfield, your input?

MR. CANFIELD: I have nothing additional. I agree with Pat, I think it will help the site.

CHAIRMAN EWASUTYN: Comments from Board Members?

MR. GALLI: No additional.

MR. BROWNE: I just have a question. Just information. The material that they're going to be spreading out and what not, is that suitable for growing grass and stuff or will they end up putting in a --

MR. HINES: The majority of the topsoil

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on that site has been disposed of in the deep
fills because of the former orchard use. They'll
be importing topsoil for landscaping purposes.
Some of it is raising the buildings up to prevent
from having to cut as much. There's that balance
that they're seeking to -- in the areas of cut,
raising it up a foot leaves you less fill to
dispose of on the site. They've done more
detailed engineering. I think the site
contractors took a look at how much export was
required and wanted to eliminate that. It
eliminates the need for traffic on the local
streets as well.

MR. BROWNE: I didn't realize they were
importing -- bringing topsoil in.

MR. HINES: They would have to. Unique
to this site and most sites similar to this
because of the amount of paving and such would
have excess topsoil. Because of the pesticide
residue testing that was done on the site, that's
being buried in the deeper fills. That work is
underway right now, the moving of the topsoil and
disposing of it.

MR. BROWNE: Thanks.

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CHAIRMAN EWASUTYN: Do you want to give us the verbiage and we'll make that part of the minutes for approving the field change for the record?

MR. HINES: You're going to approve the amended grading plan which changes the elevations of the buildings by plus or minus one foot to eliminate the need for disposal of excess material off site.

MR. GALLI: Actually, I do have one question.

CHAIRMAN EWASUTYN: Sure.

MR. GALLI: Has anybody been out to the site since they cleared it?

MR. HINES: Representatives of my office are out there frequently.

MR. GALLI: Next time you go out, the house that had the issue on Creek Run, --

MR. HINES: Sullivan.

MR. GALLI: -- when I rode by the other day I happened to look next to his house and it looks like they cleared almost right up to the -- they left like two trees or three trees next to his house. I mean I'm sure he would have

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complained if it was an issue. It looks pretty cleared right up to the property line on that particular side where his house is.

MR. HINES: They did delineate the limits of disturbance with fencing during the initial clearing.

MR. GALLI: I see fencing up.

MR. HINES: They actually opted for -- rather than construction fence they put up conventional chain link fence.

MR. GALLI: I don't think on that side it had chain link. Next time you're out there.

MR. HINES: Yes.

CHAIRMAN EWASUTYN: I'll have a motion from the Board to approve the field change for Gardnertown Commons as described by Pat Hines.

MR. GALLI: So moved.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: Motion by Frank Galli. Second by Cliff Browne. Roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

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MR. BROWNE: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Pat, you said they had to submit as-built plans?

MR. HINES: As a condition of that. It's normally required but we just want to show that that was built to the revised grading plan.

CHAIRMAN EWASUTYN: All right. There will be no further business this evening. I move for a motion to close the Planning Board meeting of the 15th of February.

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: Motion by Frank Galli. Second by Ken Mennerich. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 7:14 p.m.)

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Michelle Conero

MICHELLE CONERO