

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

- - - - - X

In the Matter of

CUMBERLAND FARMS
(2016-05)

270 Route 17K
Section 86; Block 1; Lots 14 & 15
IB Zone

- - - - - X

SITE PLAN

Date: September 15, 2016
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
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: JAMES GILLESPIE
RICHARD OLSEN

- - - - - X

MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
(845)895-3018

MR. BROWNE: Good evening, ladies and gentlemen. Welcome to the Town of Newburgh Planning Board meeting of September 15, 2016.

At this time I'll call the meeting to order with a roll call vote starting with Frank Galli.

MR. GALLI: Present.

MR. BROWNE: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

MR. BROWNE: Thank you. The Planning Board has professional experts that provide reviews and input on the business before us, including SEQRA determinations as well as code and planning details. I would ask them to introduce themselves at this time.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield, Town of

Newburgh.

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

MR. BROWNE: Thank you. At this time
I'll turn the meeting over to John Ward.

MR. WARD: Please stand to say the
Pledge.

(Pledge of Allegiance.)

MR. WARD: Please turn off your phones
or on vibrate. Thank you.

MR. BROWNE: Our first item of business
this evening is Cumberland Farms, project
2016-05. This is a site plan being presented by
Bohler Engineering.

MR. GILLESPIE: Good evening,
everybody. I'm Jim Gillespie from Bohler
Engineering. We're here tonight just to update
the Board and hopefully move the project forward.

We did receive some comments at the
last meeting. We also received a letter --
another letter from McGoey, Hauser dated
September 9th. We can update the Board as to the
status of these comments.

I know one of the big concerns was some

feedback from DOT and Orange County.

Unfortunately we haven't been able to get that from them. I followed up with them at least once a week. I know the DOT is open to a meeting on site, as was suggested at the last meeting, but Orange County is very busy I know from working with them on past projects. They have confirmed they received the plans. It's in their pile of things to look at. I haven't gotten an ETA on comments or any commitment for a meeting. I'll continue to follow up with them.

Like we talked about at the last meeting, I know they do have an issue with one of these entrances. Certainly we can make the plan work. We'll figure out a way to make that delivery work and make the plan work with one access on Rock Cut Road. We do need one for the truck -- the fuel delivery circulation. I don't think they're going to have a problem with that. You guys, I'm sure you're very familiar with this. This is one giant curb cut now. It's an existing Cumberland Farms. We're improving access tremendously here. Hopefully they can see that and we'll be able to work something out with

1
2 them. I'm very positive that we can make this
3 project work and make them happy.

4 As far as a response to technical
5 comments on the SWPPP, we reviewed those. We
6 don't have any issues with those. We've already
7 made the plan revisions. We're prepared to
8 resubmit for the next meeting. The only reason
9 we held off on that was we were hoping to get
10 some feedback from Orange County and DOT, and if
11 there were any changes we would incorporate
12 those. Hopefully we can set it for the next
13 meeting and we'll get some feedback from them and
14 we'll have a final set of plans for you guys.

15 The sanitary sewer pump as noted is
16 acceptable.

17 We understand the lot consolidation
18 will be a condition of approval.

19 We're hoping to move forward tonight.
20 I'll answer any additional questions you may
21 have.

22 CHAIRMAN EWASUTYN: Questions from
23 Board Members. Frank Galli?

24 MR. GALLI: No. We just talked about
25 having the public hearing and if there were any

issues we can hold it open if we have to, in case they didn't get back to you in time.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: Nothing in addition to that.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Nothing.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Any update on the drainage issue we asked you to look at?

MR. OLSEN: As far as us taking any type of ownership of that pipe, I'll discuss it further with your counsel. I also discovered a title issue on this. I'll have to speak with your counsel on it.

MR. DONNELLY: We talked about it briefly at work session. The piping on the adjoining lot was put in by the landowner for their own purposes. I know there's been difficulty in getting an easement but I don't think it should be the responsibility of this property owner to maintain that piping system. The jeopardy is really with this property owner. If it fails it will become a private issue. In a

perfect world it would be better to have an easement and have some party legally bound and responsible for maintaining it. It realistically shouldn't be this property owner. They're taking water from upstream, passing it through their property and adding it to an existing system.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: If there's a public hearing, if you'd address the public of a plan B just in case, this way they know there's something on the table.

MR. GILLESPIE: Yes. And we have incorporated an overflow in our system, so if this were to clog or there was some issue --

MR. DONNELLY: I think John means in the event the DOT --

MR. GILLESPIE: Oh, you're talking about the access.

MR. WARD: The County.

MR. GILLESPIE: We'll be prepared.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: We have nothing.

CHAIRMAN EWASUTYN: Pat Hines?

1
2 MR. HINES: At the last meeting the
3 timeframe for the lead agency notice of intent
4 had not lapsed. It is now lapsed. The Board can
5 become lead agency. We did not hear from any of
6 the other interested or involved agencies
7 regarding that.

8 My second comment has to do with the
9 driveway access. If the Board is inclined to
10 issue a negative declaration, it would be based
11 on the access layout currently proposed. If
12 there was a significant change to that, the Board
13 would have to readdress SEQRA. Again, it would
14 have to be a significant change according to the
15 SEQRA definitions.

16 We are waiting for some technical
17 comments on the SWPPP, however the stormwater
18 pollution prevention plan does address water
19 quantity and quality control as well as
20 incorporate the green infrastructure and runoff
21 practices that it needs to address.

22 I believe that the Board is in a
23 position, if it wishes, to issue a negative
24 declaration on the project and then schedule the
25 public hearing. There are five Thursdays in this

month, so we could get it published for your next meeting if the Board desires.

CHAIRMAN EWASUTYN: Mike Donnelly, Planning Board Attorney, your advice to the Board?

MR. DONNELLY: I think that makes sense.

CHAIRMAN EWASUTYN: Any questions on that matter?

(No response.)

CHAIRMAN EWASUTYN: Then I'll move for a motion to declare a negative declaration for the Cumberland Farms site plan and to set the public hearing -- Pat, is it the 6th of October?

MR. HINES: Yes.

CHAIRMAN EWASUTYN: To set a public hearing for the 6th of October.

MR. WARD: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward. I have a second by Dave Dominick. Can we have a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CUMBERLAND FARMS

10

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. Motion
carried.

So Mr. Gillespie, you'll work with Pat
Hines as far as the mailing.

MR. GILLESPIE: Yes.

MR. OLSEN: Thank you.

MR. GILLESPIE: Thank you all.

(Time noted: 7:05 p.m.)

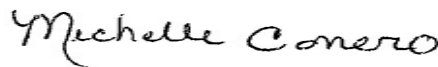
C E R T I F I C A T I O N

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 September 2016.



MICHELLE CONERO

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

- - - - - X

In the Matter of

MATRIX BUSINESS PARK AT NEWBURGH
(2015-26)

Route 17K
Section 95; Block 1; Lots 4.12, 54.1, 69.25 & 49.12
IB Zone

- - - - - X

AMENDED SITE PLAN

Date: September 15, 2016
Time: 7:05 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
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: DAVID EVERETT
RAY AQUINO
CHUCK UTSCHIG

- - - - - X

MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
(845)895-3018

MR. BROWNE: Our next item of business is Matrix Business Park at Newburgh, project number 2015-26. This is an amended site plan being presented by Langan Engineering.

MR. EVERETT: Good evening, everybody. While Chuck is setting up the board I'll do a brief introduction. My name is Dave Everett, I'm legal counsel for Matrix. I have with me tonight Ray Aquino, who is the director of development for Matrix, and Chuck Utschig from Langan Engineering.

We applied to the Board for amended site plan approval for the Matrix Business Park. We're seeking to add a new tenant to the vacant space that's being constructed out there now pursuant to an amended site plan approval that you folks had granted. The new tenant is going to be Amscan, Incorporated. They are the largest designer/manufacturer/distributor of decorative party goods and accessories in the world. They desire to use the space partly for manufacturing and partly for warehouse distribution.

You folks had approved the space purely for warehousing the last time we were here.

1 Because there is a slight change in use, we need
2 to come back to you folks for you to take a look
3 and have your consultants take a look.

4 The other thing is we also would like
5 to make some minor site plan modifications,
6 removal of some truck bays and some parking
7 changes on the outside. That's basically to
8 address some of the operational needs that Amscan
9 has.

10 The other thing is that
11 AmerisourceBergen, who will be the existing
12 tenant in the facility, also requested some
13 additional minor modifications to the parking
14 layout.

15 So that's a brief introduction. I
16 guess I'll turn it over to Chuck and Chuck can go
17 through more of the technical details.

18 We did receive some comments from your
19 consultants, and we'd be happy to walk through
20 those with you tonight and talk about each one of
21 those.

22 MR. UTSCHIG: Good evening. The
23 changes to the plan really center around swapping
24 out loading dock spaces for parking spaces. The

1 new tenant has a higher requirement on the
2 employee side, primarily because of the way they
3 run their shifts. They run three shifts a day
4 and there's some overlap. They have a higher
5 requirement for parking and a much lower
6 requirement for the tractor trailer spaces.
7

8 Really the bay to the east that was all
9 tractor trailers has now been converted over to
10 parking. We reduced the number of loading bays
11 along the building by about fifty percent. There
12 was a small reduction in parking for warehouse A
13 by about thirty spaces. So everything is within
14 the limits of disturbance that were originally
15 proposed. There's no additional disturbance.

16 Overall there's about a 17,000 square
17 feet, not quite half an acre, of impervious area
18 that's a reduction. So we have no impact on our
19 stormwater management system. This is really
20 just about layout of loading spaces and parking
21 spaces.

22 We've submitted some traffic analysis
23 to your traffic consultant. The conclusion there
24 was that this adjustment really had very little
25 impact on the operation of the new intersection

1 and the traffic signal. Minor, measured in
2 seconds, changes in the time it takes to make
3 certain movements in and out of the driveway. So
4 it's really -- although some of the swapping of
5 parking and loading spaces is a little hard to
6 explain, I can go into the exact numbers if you
7 want me to. Really this is what this is about.

8 CHAIRMAN EWASUTYN: All right.

9 Questions from Board Members. Frank Galli?

10 MR. GALLI: You said the traffic is not
11 going to change at the intersection. You're
12 running a new warehouse with three shifts, with
13 more employees than the original build out called
14 for. Before it was truck traffic. Supposedly
15 there's only going to be eight trucks a day
16 coming in and out of there?

17 MR. UTSCHIG: Correct.

18 MR. GALLI: That's it?

19 MR. UTSCHIG: For this use it's eight
20 in and eight out in a day.

21 MR. GALLI: Do you know if they run out
22 of Chester?

23 MR. UTSCHIG: I do not.

24 MR. GALLI: It just seems that there's
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

going to be more car traffic.

MR. UTSCHIG: There is, but remember that the traffic analysis is done during the peak hour for the roadway system.

MR. GALLI: They said 8:00, 8:30 which is peak.

MR. UTSCHIG: But we run three shifts. So yes, there's a change in the number of employees but they're spread out over the three shifts. So when you run the technical analysis, it does prove out that there's very little change in the operation of the intersection. The delays were -- the changes in the delay times that they measure were a few seconds at most.

MR. GALLI: How many employees are employed per shift, roughly?

MR. UTSCHIG: Let's see. In full operation I think the peak shift was 100.

CHAIRMAN EWASUTYN: 107.

MR. GALLI: That's 75 cars, you would think, coming between 8:00 and 8:30 and leaving --

MR. UTSCHIG: The first shift starts at 8, so it's before the morning peak, or just

1 before it. If the morning peak were just after
2 8, this is just before. And again, we submitted
3 the analysis that -- the technical side of that
4 analysis. I understand the perception is maybe
5 there's more. When you run it through the
6 analysis it really proves out that there's little
7 change.

8
9 MR. GALLI: That's all I have.

10 CHAIRMAN EWASUTYN: Thank you.

11 Cliff Browne?

12 MR. BROWNE: The manufacturing aspect,
13 my assumption is, based on their product type,
14 that it's mostly a printing operation. Is that
15 true?

16 MR. UTSCHIG: Correct.

17 MR. BROWNE: My experience around the
18 country -- I work for a company and we make
19 equipment that measures color. This kind of
20 application, I can look to several of these kinds
21 of things. What I've seen is it's an industry
22 that kind of generates a fair amount of waste.
23 Are you planning to have more -- how is the waste
24 going to be handled?

25 MR. UTSCHIG: The way it's been

described to us is that there's a byproduct to this process. It's about 300 gallons a day of water that's being used to clean the equipment and deal with the color. That's stored in tanks within the building and then it's hauled off by an approved carrier to an approved location. So they have already set up from their other facilities, they have a process for that. The paper and the cardboard boxes are all compressed and bound internal to the building and a separate hauler comes in and carries those off. So one of the comments was aren't you going to have a dumpster. The answer is yes. The dumpster will be added to the plans at one of the loading spaces. Primarily all of the waste product from here is really handled by special haulers and it's all done internal to the building and then hauled away.

MR. BROWNE: I was a little concerned with some of that. From what I've seen in a lot of the printing operations, the solvents that you use, there's a fair amount of flammable chemicals involved. You can't use the standard waste things because of that kind of contamination.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. UTSCHIG: This byproduct is stored in tanks internal and it's hauled off by a specific hauler, someone different than your normal waste hauler.

MR. EVERETT: It doesn't go down the drain.

MR. UTSCHIG: They're very specific about where drains are in the building so it can't get to the drains.

MR. BROWNE: Thank you.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: On the traffic situation, Ken Wersted had some additional questions. Have they been answered?

MR. UTSCHIG: We think we have. I think our discussion with him today was that he hadn't had a chance to go through them completely, but we've provided all of the information he's asked for.

MR. HINES: Ken received a submission from them just this afternoon.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: This is a pretty impressive and enormous project. Any chance the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Board could get a tour of the facility?

MR. UTSCHIG: I'm sure that's possible.
I'm sure that's possible. Now that the walls are
going up, it's starting to take shape.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: My question is your parking
lot for the employees, your new parking lot.
Access to the building, they have to go by the
trucks loading and all. It's crossing across the
road itself?

MR. UTSCHIG: Yes. This parking lot,
people have to come across and go into one of two
entrances that are in the northeast corner. Yes.

MR. WARD: Possibly a crosswalk, this
way it's established, not people taking
shortcuts.

MR. HINES: Ken has a comment on that.
I think his comment said it didn't warrant a
crosswalk.

MR. WARD: It didn't? Well --

MR. UTSCHIG: I mean I think -- I
understand. I think this use at this end of the
building really has a very low truck movement to
it, eight in and eight out. As compared to a

1 building of this size with a normal warehouse
2 use, you're probably looking at more like a
3 hundred trucks in and out. So I think due to
4 that volume -- one of the things that worries us
5 about doing crosswalks is nine times out of ten,
6 in a situation like this, people will not use it.
7 They're going to walk where they want to. It's
8 not a place where you would start introducing a
9 lot of sidewalks to try to keep them on
10 sidewalks. As much as I understand the concern,
11 I think from a safety perspective we have a
12 really low volume of trucks and I think maybe a
13 crosswalk -- we could paint them but I don't
14 think they're going to use them.

15
16 MR. WARD: And lighting?

17 MR. UTSCHIG: The lighting stayed
18 exactly like it was. The areas where we've
19 converted from loading docks to parking were lit,
20 and so we maintain the exact same lighting plan
21 that was previously approved.

22 MR. WARD: Okay.

23 CHAIRMAN EWASUTYN: Jerry Canfield,
24 Code Compliance?

25 MR. CANFIELD: The manufacturing use is

permitted in the IB Zone.

As we discussed at the work session, the modifications to the driveway around the building, the roadway, is permissible with the requirements of the aerial access roads. In some spots the minimum is thirty feet. In other areas it opens up to forty and sometimes fifty feet. So it's well within the allowable widths.

The question which probably relates more to construction is the fire suppression system. Of course, as you know, with this building there's quite a large demand here. Currently I have drawings on my desk for the Matrix portion of this, the pharmaceutical warehouse portion of it. I think the commodities with this new proposed tenant will be a little bit larger demand. You had mentioned paper products but I believe there is also a large degree of plastics used in this industry as well. Of course that will be a larger density requirement. I don't anticipate an issue because there will be a fire pump provided for this facility, but just the calculations and the densities will need to be addressed.

1
2 MR. UTSCHIG: Okay. Can we do that as
3 part of submitting the updated fire suppression
4 system with the building permit application for
5 this?

6 MR. CANFIELD: Yes. Like I said,
7 that's a building issue that can be addressed at
8 that time.

9 CHAIRMAN EWASUTYN: Thank you.

10 Pat Hines, Consultant?

11 MR. HINES: Our first comment has to do
12 with the submission of the plans to DOT and
13 Orange County Planning. This Board routinely
14 keeps the projects that access State highways up
15 to date on any of the amended site plans and
16 always notifies County Planning for amended site
17 plans. There will need to be those submissions
18 made.

19 We discussed at work session the need
20 for a public hearing. I'll leave that up to the
21 Board.

22 We just discussed the processed water.
23 I noted there was no location for that. I didn't
24 know the volumes were as low as 300 gallons a
25 day. I assumed when it was manufacturing there

would be more. If those are the volumes and they are handled internally, that comment is addressed.

Just for the Board, we noted that all the previously land banked parking spaces, due to the change in use, are now proposed to be constructed.

A revised landscaping plan will be required to show the planting within the islands in compliance with the new -- what was now loading dock is now parking lot. There's a requirement for a certain number of landscaped trees per parking spot. That will need to be shown.

Just a note to make sure that the handicap accessibility, it's proposed by ramps to the office area, meets the requirements. There's been some changes to the grades in that area I believe.

MR. UTSCHIG: We'll detail that out.

MR. HINES: We discussed the dumpster. I did take a look at the aerial photos for the Chester facility for Amscan and there is, just as you said, a roll-off dumpster in one of the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

loading docks. So if that's going to be shown,
we should see that.

The next comment has to do with the
building code classifications which Jerry just
discussed.

The guide rail shown for what was
before the loading docks and is now car parking,
we weren't as concerned last time when it was
trucks backing in there. Now it's cars. It
looks like that should be moved a little bit up
the hill.

MR. UTSCHIG: No problem.

MR. HINES: Similarly, along the land
banked parking spots it did not have a guide rail
before along the 84 side.

MR. UTSCHIG: For the majority of these
the grade goes up.

MR. HINES: It does go up first?

MR. UTSCHIG: Yeah. We did look at the
corners. At both the corners we do need to add
some. It's not so much the complete north end as
it is small, isolated locations around -- turns
really start going around the end of the
building.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. HINES: Then there's two four-car parking spots with the same issue.

MR. UTSCHIG: Right.

MR. HINES: The next comment has to do with identifying for the Board the number of employees. There will be more employees. Actually, it identifies less employees now. It's a significant increase in parking.

MR. UTSCHIG: Right.

MR. HINES: I guess that's to handle the three shifts or shift changes.

MR. UTSCHIG: Yes.

MR. HINES: Is there going to be any change to signage? We didn't discuss this at work session. The signs are going to stay the same?

MR. UTSCHIG: In the approved sign package we provided a place for the other tenant to go. They're just going to go there. They don't need any additional signage.

MR. HINES: We're just looking for -- you provided us a chart which is to assist the Board in coming to a SEQRA determination. We're just looking for some more definitive numbers now

1 that you have the traffic numbers. The
2 impervious surface, if we could plug that into
3 the chart so when the Board is in a position to
4 make either a SEQRA consistency determination or
5 some other action, they'll have those numbers.
6

7 I wasn't sure of the extent of the
8 manufacturing air discharge permits. Previously
9 there was none required. I'm assuming, based on
10 the 300 gallons of dye, this facility will not
11 have an air discharge permit.

12 MR. UTSCHIG: We understand from the
13 proposed tenant that they are not required to get
14 any additional air permits.

15 MR. HINES: The previous environmental
16 review had no additional permits. I'm making
17 sure we check all those boxes.

18 The increased water use, we weren't
19 sure. If it is 300 gallons, it's diminimus.

20 MR. UTSCHIG: We'll confirm that.
21 We'll add it to the table so it's quantified.

22 MR. HINES: That's what we have on the
23 change. I think it just needs circulation to the
24 outside agencies.

25 CHAIRMAN EWASUTYN: Mike Donnelly,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Planning Board Attorney?

MR. DONNELLY: We discussed the possibility of holding a public hearing at the work session. Beyond that, we need a final report from Ken Wersted, some indication from the DOT as to how they feel about the changes, and a report from the Orange County Planning Department.

CHAIRMAN EWASUTYN: I'll start with polling the Board Members if they'd like to have a public hearing on the Matrix Business Park amended site plan. Frank Galli?

MR. GALLI: No.

MR. BROWNE: No.

MR. MENNERICH: No.

MR. DOMINICK: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: No.

Let the record show that the Planning Board waived the public hearing on the Matrix Business Park.

You'll get plans to Pat Hines and he'll circulate that to the DOT and the Orange County Planning Department. I'll ask you to work

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

diligently to get a response from both of those agencies.

If the Board so agrees, we'll set this up for the meeting of October 20th, which falls within that thirty-day timeframe. Board Members?

MR. GALLI: Yes.

MR. BROWNE: Yes.

MR. MENNERICH: Yes.

MR. DOMINICK: Yes.

MR. WARD: Yes.

CHAIRMAN EWASUTYN: You'll get plans to Pat Hines. We have to work with the two involved agencies at this point -- involved and interested.

MR. HINES: I'll reproduce those plans so we can get it out tomorrow for the timing.

CHAIRMAN EWASUTYN: We'll set this for the meeting of the 20th of October.

MR. EVERETT: If the Board Members want a tour, feel free to get in contact with me or Chuck and we'll be happy to try to set that up for you and any other officials of the Town that you want to have come to the facility.

CHAIRMAN EWASUTYN: I appreciate that.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Thank you.

(Time noted: 7:23 p.m.)

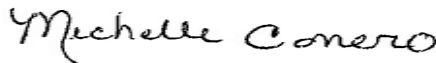
C E R T I F I C A T I O N

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 September 2016.



MICHELLE CONERO

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

- - - - - X
In the Matter of

GREEN STREET SOLAR POWER
(2016-15)

Section 8; Block 1; Lot 97
AR Zone

- - - - - X

INITIAL APPEARANCE

Date: September 15, 2016
Time: 7:24 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
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

- - - - - X

MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
(845)895-3018

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRMAN EWASUTYN: Our next item of business is Green Tree Solar Power, project number 2016-15. This is an initial appearance being presented by Talcott Engineering.

MR. BROWN: It's actually Green Street.

MR. HINES: I caught that later. That's the mortgage company, Green Tree.

MR. BROWN: I'm here tonight with my client's representative, David Cane.

This is a 28 acre plus parcel. I don't know if you remember awhile ago I did an eight-lot subdivision. That map was never filed. The owner lost it to the bank and the bank was trying to sell it for a long time.

The subdivision, because of the drop in lot values, is not really viable. It is pretty steep coming off of Old Post Road. This common driveway shown here follows that same geometry as the private road in that subdivision.

The proposal here is to cut it into half. The reason for that is the State is giving incentives for solar power generated facilities up to 2 megawatts. You need five or six acres per megawatt in this area to generate that kind

1 of power. To do the whole thing as one piece,
2 you wouldn't get the State incentives for roughly
3 half of what you're putting in there. That's the
4 reason for the subdivision.
5

6 Both of these, as shown, will generate
7 roughly about 2 megawatts, which is essentially
8 enough power to power 365 houses for a year.

9 We don't meet the zoning as far as the
10 use, so we would need a use variance. We would
11 like to get that. The solar portion of the
12 zoning code refers to the I district, and in
13 there they want a hundred acres for a power
14 generating facility. That code was put into
15 effect before the solar code. I think it's
16 tailored toward coal powered facilities. I did
17 check the Town zoning map and the only parcel
18 that's over a hundred acres in the I zone is the
19 Tilcon piece which is just north of the existing
20 power facility. That's pretty steep terrain so
21 it's not viable for this kind of project.

22 The other thing would be -- the acreage
23 variance would be a front yard setback because in
24 the I zone under the power generating facility
25 they want 250 feet.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

So that's where we're at. We're here to take questions from the Board and hopefully get a referral to the Zoning Board.

CHAIRMAN EWASUTYN: John Ward, questions?

MR. WARD: No questions.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Just for the applicant, what got you started to bring this in? What was -- just give us a little background.

MR. CANE: Sure. I run the commercial division of Green Street Solar Power. We're based in the Bronx. I come from a background in what we call community solar. This is our response to, as Charlie referenced, the new rule making in New York from late last year called community distributed generation, CDG, which allows us to build these solar farms, send all the power directly into the grid and then reallocate that power to residential customer accounts that are in the same utility load zone and utility service territory. Obviously this is Central Hudson. Any other Central Hudson customer can purchase a portion of the production

1 from this system if they elect and save -- you
2 know, save equivalent to what they would save if
3 they put solar panels on their own home. So a
4 large proportion, as it turns out, of homeowners
5 can't do solar because they have a bad roof, they
6 have orientation issues, they have a shading
7 tree, or they don't own their home. So this
8 allows low-income residents, people who live in
9 apartments, they don't have to own their home,
10 they just have to have an account with Central
11 Hudson and they can benefit from a project like
12 this.
13

14 We're in the process of developing --
15 we have about fifteen projects like this going
16 concurrently from the five boroughs, Westchester
17 right up to the Hudson Valley. Most of the
18 project are in Orange County. We're currently
19 before the board in Warwick. We have several
20 projects going on there right now, again through
21 the permitting process. We're leasing rooftops
22 on big buildings as well.

23 MR. DOMINICK: Thank you.

24 MR. CANE: Sure.

25 CHAIRMAN EWASUTYN: Ken Mennerich?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. MENNERICH: The area of this piece of property is mostly treed?

MR. BROWN: No. It's probably about half meadow. It was farmed a long time ago. This outbuilding right here, which is right in the middle of the driveway, that's a barn that's pretty much falling down. With the next submission I can certainly attach a map that shows the tree line. It's roughly half meadow.

MR. MENNERICH: The area that has the trees would have to be all cleared?

MR. BROWN: That's correct.

MR. CANE: Yeah. There's not much -- as it turns out, there's not much there in the upper right quadrant of the northwest portion as you're looking at the map. I don't know if that's true or not. In the upper left portion there are some trees that we would have to clear, yes. But, you know, as Charlie said, I think sixty to seventy percent of the area is just meadow. It's just grass, gently sloping.

MR. BROWN: This also borders on the Central Hudson high power lines that go down to the Danskammer plant. They run along this

1 property and this is the golf course. It's a
2 pretty high plateau. When we were out there,
3 there's only two houses, the one that the former
4 owner's brother owns right here and the house
5 over -- Valentine. They couldn't actually see
6 this property. All the other houses are so much
7 lower that even if you cut the trees they
8 wouldn't be able to see this because of the
9 hills.
10

11 MR. CANE: The panels themselves will
12 not be visible from Old Post Road.

13 MR. MENNERICH: The panels themselves,
14 will they rotate with the orientation of the sun?

15 MR. CANE: No. Good question. It's
16 not feasible -- it's not cost feasible in this
17 environment. Trackers are used a lot in
18 California and the desert regions. These will be
19 fixed panels on a thirty-degree tilt. It's a
20 rack that's driven into the ground, a post that's
21 driven into the ground. It's just driven.
22 There's no concrete footing. On those posts we
23 put racks. So on the low end it's two feet
24 rising to about ten feet.

25 MR. MENNERICH: What kind of

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

maintenance do you have to have to keep
vegetation from coming back?

MR. CANE: You know, during the growing
season, mowing every month, that kind of --
really just to keep the vegetation down around
the panels. The rain -- the weather takes care
of keeping the panels clean in this area of the
country. We just inspect them on an annual
basis. We inspect all the inverters to make sure
the connections are tight. We monitor the system
in realtime 24/7. We know even if an individual
panel goes down, we would obviously roll the
truck in that instance to repair that. Otherwise
we're just doing, you know, routine maintenance.

MR. MENNERICH: Thank you.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: No. Thank you for the
background.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: Charlie, all the panels
look pretty straight and even and across from one
another.

MR. BROWN: Those are the rows. The
gaps in between, like right there, that's where

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

the terrain is too steep. But again, the way --

MR. GALLI: All the valleys and stuff,
they're just going to have longer poles in the
ground --

MR. BROWN: Right.

MR. GALLI: -- so they're all even up
so high from side to side?

MR. BROWN: Each row would be even.

MR. GALLI: In other words, if the
property goes like this --

MR. CANE: The panel will sort of
follow the contours of the land. We're trying to
minimize disturbance to the land. We don't want
to go in there and just bulldoze this lot. We
stayed off of -- we looked -- where you see the
panels, the grades are less than fifteen degrees.
We're staying off any grades in excess of fifteen
degrees on the site.

MR. HINES: It looks like -- I think
Frank is getting to it. It looks like they're
cutting across the contours. Across the rows
you're showing there's some topographic
differences that look fairly steep.

MR. BROWN: The rows do not have to be

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

in the same plain. The rows can be stacked.
Correct?

MR. CANE: Yes.

MR. BROWN: How long is one rack?

MR. CANE: Each rack is thirty feet.

MR. BROWN: Okay. So we'd have thirty
feet and then the next one could be stepped up or
down.

MR. HINES: It just would seem they
would more conform to the contours than the
straight lines you have. Maybe this is a
preliminary drawing.

MR. BROWN: Well the lines are based
upon -- oriented towards the south. But again,
each thirty-foot rack could be stepped up or down
based upon the terrain.

MR. CANFIELD: I'm somewhat familiar
with this property. It used to be grape
vineyards many, many years ago where it's
generally terraced. I think that was the largest
portion of this property was grape vineyards.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Being that this region has
snow and everything, cloudy days, how does this

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

function?

MR. CANE: So we really let the bad weather, the snow, kind of take it's course. We anticipate -- we model production of the solar system. This is -- these panels are warranted for twenty-five years. This is a system that's going to be sitting there for a long time. There are certainly going to be major snow events in that period where the panels will just be buried and won't be producing. The large majority of the production comes in the hot -- you know, in the June to September months, and then in those other months the production trails off pretty significantly. So we don't try to intervene. The panels themselves, because they're black, they absorb a little more -- a little radiation. They tend to be a couple degrees warmer than ambient temperature. They tend to sluff snow off quicker and things tend not to freeze on them. We don't worry about it.

MR. DOMINICK: You don't shovel them off?

MR. CANE: We don't. The snow does, especially with them being large, you know, kind

1 of sails in the air. They do attract snow. Snow
2 will kind of pack up against them. We don't
3 really take any exceptional measures to keep them
4 clean.
5

6 CHAIRMAN EWASUTYN: Pat Hines, any
7 further comments?

8 MR. HINES: Our first comment is
9 regarding the AR Zone and the need for either a
10 use variance or a zone change. Apparently you're
11 going to pursue a use variance.

12 You described the subdivision, which
13 is, as I thought, the requirement for the amount
14 of power that can be generated per lot. We do
15 have a solar code, Section 185-83, that will need
16 to be complied with for future submissions.

17 Are there any buildings, utility
18 buildings that interconnect? There seems to be
19 something that needs to collect this and get it
20 into the power grid.

21 MR. CANE: There will be a pad mounted
22 transformer on site and then -- there won't be an
23 enclosure for that.

24 MR. HINES: We need the location map
25 updated.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Lot 34.1, Charlie, can you explain what that is, how we're going to access that?

MR. BROWN: That's the former owner's brother I believe. I did talk to him. He's interested in either selling his -- it's a rental. He doesn't live there. He's interested in either selling that to this applicant or possibly going back to what we did with Suthers which is give him frontage onto Old Post Road, and we reconfigured his driveway to go onto our private road.

MR. HINES: Moving forward that will have to be addressed.

MR. BROWN: Right. Moving forward, if this applicant buys the property, all those issues go away. We would just remove that lot line, tear the house down, absorb that into the parcel. If we don't we'll do the same thing, give him frontage to Old Post Road. Now that will be three on a common driveway so we would have to take a trip to the Town Board for that I'm assuming.

MR. HINES: Yup.

MR. BROWN: That's still in negotiation

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

with him.

MR. HINES: Also because of the amount of clearing, you'll be clearing more than an acre, obviously stormwater management will become an issue in the future. This is just a checklist for you moving forward.

Visual simulations, the Board is going to want to see some cross sections and see where this can be seen from.

They said there was a lot line change. Does that have to do --

MR. BROWN: That had to do with the out parcel we were just talking about. I wanted to include that in the event it became a reality. You're talking about on the application, the EAF; right?

MR. HINES: The application said subdivision, lot line change, site plan. I didn't see the lot line change.

MR. BROWN: It's not shown there yet.

MR. HINES: Future development, details of the equipment and such will need to be provided to the Board if you're successful at the ZBA and come back here.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRMAN EWASUTYN: Let me understand.
At this point Mike Donnelly is going to be
preparing a letter -- I should ask Mike Donnelly.

Mike, you'll be preparing a letter to
the Zoning Board of Appeals for a use variance?

MR. DONNELLY: Well I'll do it for the
area variance for lot coverage and the proposed
front yard. The use variance is something you'll
have to appeal from Jerry's office. You'll get a
letter. But I will mention in the letter to the
Zoning Board --

MR. BROWN: I'm sorry for interrupting.
Do we apply for that for each lot as if they are
already subdivided or for the parent parcel?

MR. DONNELLY: I'd ask Jerry's office
how they think you should best handle that.

MR. BROWN: Okay.

MR. DONNELLY: We'll do the referral
for the area variance. We'll note the use
variance. I would suggest you might want to also
approach the Town Board to see if they have any
interest in amending the law. That might, just
might, be an easier route than getting a use
variance.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. BROWN: We did meet with Gil on this project. It was an informal meeting. We told him what we were intending and he said you're going to need a use variance.

MR. DONNELLY: You've done that already then.

MR. BROWN: I did not talk with him about the middle lot size of a hundred acres, which again is totally contradictory to a solar generating facility like this with the State incentives. For that you only need twelve, thirteen acres.

MR. DONNELLY: It might be helpful to pass that along. Even if they wouldn't change this to allow it in the AR Zone, they might want to --

MR. BROWN: I told him we're harvesting the sun. AR is agricultural.

MR. DONNELLY: That's why he sent you for a use variance.

CHAIRMAN EWASUTYN: While you're harvesting the sun are you setting aside any land for deer for grazing?

MR. BROWN: They're welcome to clean

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

the panels. This is an inside joke.

CHAIRMAN EWASUTYN: So Mike --

MR. MENNERICH: One other quick question. Is the area fenced in at all?

MR. CANE: Each array is separately fenced and secured. There will be cameras and fencing.

MR. MENNERICH: Okay.

MR. HINES: Your code requires an eight-and-a-half foot fence around these types of facilities.

MR. CANFIELD: Just one thing also. I'm sorry, Charlie. Pat mentioned 185-83 which spells out a lot of detailed information, such as fencing, landscaping and what not. One issue that may be of significance, you talked about a ten-foot high panel. There's a requirement in there of twelve feet -- average height of twelve feet. You may want to reexamine this and make sure that's not an issue that may get referred also to the Zoning Board.

MR. BROWN: Okay.

MR. CANFIELD: Take a look at the overall height of these panels.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. BROWN: Okay.

CHAIRMAN EWASUTYN: For now it's an area variance.

MR. DONNELLY: We can refer it for those two. I don't know if you want to wait until you examine if you need more so you don't have to go back again.

MR. BROWN: The use variance is the most critical.

MR. DONNELLY: You could always change the plan to make them higher.

MR. BROWN: We don't want to spend a lot of time and effort.

MR. DONNELLY: You'll need to appeal to Jerry if the use isn't allowed. We'll send it for an area variance. We'll note you're also applying for a use variance.

MR. BROWN: Okay. Thank you.

CHAIRMAN EWASUTYN: I'll move for a motion to have Mike Donnelly prepare a letter to the ZBA for an area variance, and at the same time that motion will include a letter that Mike Donnelly will prepare and send to the Town Board introducing the application which is before us

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

tonight.

MR. WARD: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward. I have a second by Frank Galli. I'll move for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWN: Jerry, I need a building permit application or a letter?

MR. CANFIELD: Probably that would be the best way to handle it, Charlie.

MR. BROWN: A building permit. Okay.

CHAIRMAN EWASUTYN: Mr. Cane, thank you.

MR. CANE: Thank you very much.

(Time noted: 7:42 p.m.)

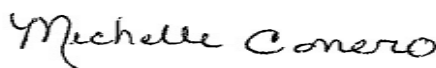
C E R T I F I C A T I O N

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 September 2016.



MICHELLE CONERO

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

- - - - - X
In the Matter of

ELEGANT SPA
(2016-17)

Section 43; Block 1; Lot 6
B Zone

- - - - - X

INITIAL APPEARANCE - SITE PLAN

Date: September 15, 2016
Time: 7:42 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
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

- - - - - X

MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
(845)895-3018

1
2 MR. BROWNE: Our next item of business
3 is Elegant Spa, project number 2016-17. It's an
4 initial appearance for a site plan. Again it's
5 being presented by Talcott Engineering.

6 MR. BROWN: Thank you. This is an
7 existing building at 5177 Route 9W. It's
8 actually an isolated commercial building. The
9 downstairs contains offices. The tenant had
10 moved out. The owner, John Lease, is looking to
11 rent that.

12 The applicant is a massage therapist,
13 which is a personal service store. That's a
14 change of use, so we're here before the Board.

15 Pat did mention we don't meet the rear
16 yard setback. They obtained a variance for that
17 in 1994. I do have the information for that. I
18 don't know if that's still valid with the change
19 of use.

20 I have an old survey. We did go out
21 there and field verify everything that's on this
22 map with the exception of the dry well because
23 they're in the ground and we couldn't see them.

24 The building has been tied into Town
25 water.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ELEGANT SPA

54

We're here for comments and to proceed forward.

CHAIRMAN EWASUTYN: Michael, is that 1994 variance still in effect?

MR. DONNELLY: Unless the variance -- durationally it would be because the building was built. Unless the variance said that it was -- the decision said it was only for that use, then it runs with the land and would be a variance for all uses. I would like to see a copy of the decision.

MR. BROWN: Okay.

CHAIRMAN EWASUTYN: Thank you, Michael. I'll start with comments from Board Members. Frank Galli?

MR. GALLI: Is it a licensed facility?

MR. BROWN: Yes. I actually have a copy of the New York State license with me if you want.

MR. GALLI: I'm good.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: Nothing.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Nothing.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: No.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. CANFIELD: One thing which is a building permit issue. What Frank had touched on; in your project narrative, Charlie, it said massage parlor. Those are not permitted in any zone. Licensed therapists is something different. Of course to get a permit we'll need to see that. That's the only way they are permitted.

MR. BROWN: This is licensed. I did verify that before I accepted the job. I have a copy of that and I can change the wording. Personal service store for therapy.

MR. CANFIELD: Okay. And then also if there's any additional signage, I don't know if that's on your comments --

MR. BROWN: I have to talk to my client about that. I don't know.

MR. HINES: The rear yard setback -- the sign on your plan appears to be within fifteen feet of the property line. The aerial photo that I looked at shows the sign in a

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

different orientation which is what led to the
comment saying the survey is dated.

MR. BROWN: I'll check that.

MR. HINES: It may need a variance for
the sign to remain where it is as well.

MR. CANFIELD: And total square
footage.

MR. BROWN: Okay.

MR. HINES: Your zoning bulk table has
the lot coverage at thirteen percent.

MR. BROWN: It's seventy.

MR. HINES: You need to clean that up.
The rest of the comments are technical.
It will need to go to DOT and County
Planning.

MR. BROWN: Do you need additional
copies of the map for that?

MR. HINES: Yes.

MR. BROWN: Two sets?

MR. HINES: Both the DOT and County
Planning. Yes.

The Board would need to declare it's
intent for lead agency for the amended site plan.

Depending on that variance, whether or

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

not you need that referral.

CHAIRMAN EWASUTYN: I remember being on the Board when the site plan was approved. I don't remember the variance. I'm not doubting you.

All right. Any other questions from Board Members or Consultants? Mike Donnelly?

MR. DONNELLY: No.

CHAIRMAN EWASUTYN: Then I'll move for a motion to declare our intent for lead agency and circulate to the New York State Department of Transportation and to the Orange County Planning Department.

MR. MENNERICH: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich and a second by Dave Dominick. I'd like to have a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRMAN EWASUTYN: Aye.
Thank you.
MR. BROWN: Thank you.

(Time noted: 7:47 p.m.)

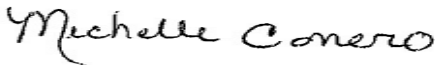
C E R T I F I C A T I O N

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 September 2016.



MICHELLE CONERO

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

- - - - - X

In the Matter of

440 SOUTH PLANK ROAD
(2016-16)

Section 52; Block 7; Lot 1
B Zone

- - - - - X

INITIAL APPEARANCE - SITE PLAN

Date: September 15, 2016
Time: 7:48 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
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: CHRISTOPHER TAGUE
SUSAN TAGUE

- - - - - X

MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
(845)895-3018

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

440 SOUTH PLANK ROAD

60

MR. BROWNE: Our next item of business is 440 South Plank Road, project number 2016-16. This is an initial appearance for a site plan being presented by Margaret --

MR. TAGUE: My name is Chris Tague. My wife Susan and I are in the process of purchasing this building. It's going to be used -- it's currently used as a restaurant.

Tonight we're here to request a waiver for the site plan based on the square footage. It's 2,015 square foot. The code allows for that waiver.

I did read some of the engineer reports and I can answer some of them -- most of them.

CHAIRMAN EWASUTYN: Let's start with Board Members. Frank Galli?

MR. GALLI: No questions.

MR. BROWNE: No. We covered everything in the work session.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Not at this point, no.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Just give me a brief -- what is your potential business? I have a

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

refrigerator, you buy it, sell it?

MR. TAGUE: Yeah. It's more vintage stuff, dealing with some furniture, a lot of collectibles and pottery.

MS. TAGUE: We purchase through an auction and put it up through resale. It's collectibles. Not all antiques. I call them collectibles. Little vintage. If you want to go to antiques you're going very, very expensive and very, very collectible.

MR. DOMINICK: Thank you.

MR. WARD: Nothing.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: They're here requesting a waiver under Section 185-56 for structures less than 2,500 square foot. The building is 2,015 square feet.

Right now the site has uncontrolled access from Route 52. There's no curbing, no defined curb cut. If you look at the site, it looks like it has a lot of parking and a lot of pavement but some of that pavement is on the adjoining property, a lot of the parking spaces.

In addition, the site has existing

1 zoning bulk deficiencies for front yard, side
2 yard and accessory deck. There's nothing in the
3 section of the code that allows the waiver that
4 says you can't do it if it needs a variance. I
5 just noticed -- just wanted to note those
6 existing zoning bulk deficiencies. I believe
7 it's up to the Board. I don't know, I think Mike
8 concurs there is no zoning issue.

10 MR. DONNELLY: Under 185-56(b) there's
11 no prohibition on granting a waiver when there
12 are zoning deficiencies for the lot. It's also
13 not a requirement that you grant a waiver. It's
14 in your determination. It says you have the
15 discretion to waive the requirement of site plan
16 approval for buildings with areas under
17 twenty-five feet in your determination as to
18 whether or not review by the Planning Board is
19 required.

20 CHAIRMAN EWASUTYN: Okay. Do you
21 understand that some of what you're showing there
22 really doesn't belong to you?

23 MR. TAGUE: Yes, yes. We discussed
24 that with our lawyer, Dan Bloom.

25 CHAIRMAN EWASUTYN: So let's assume

1 that -- you are, in your site plan, taking credit
2 for that or you're not taking credit for it let's
3 say as it relates to just parking?
4

5 MR. HINES: They didn't provide a
6 parking analysis. The survey that was submitted
7 just shows the lot lines. I didn't do a parking
8 calculation either. I don't know if it meets
9 that or not based on the retail.

10 MR. TAGUE: There's currently fifteen
11 spots on the side with an additional ten in one
12 area. We do know that part of that is taken, but
13 we also will be purchasing the land behind it
14 which is an empty lot right now.

15 CHAIRMAN EWASUTYN: With the intention
16 of doing what with it?

17 MR. TAGUE: Nothing at this time, sir.

18 CHAIRMAN EWASUTYN: Using it for
19 parking or not?

20 MR. TAGUE: Not at this time. We don't
21 envision needing that for parking.

22 CHAIRMAN EWASUTYN: Are we talking --

23 MR. HINES: We were just discussing the
24 parking layout.

25 MR. GALLI: If they own the property

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

behind it -- is it all one piece?

MS. TAGUE: All one piece.

MR. HINES: The lot has reverse frontage on Old South Plank Road. I would assume the major access would be off of Route 52. I'm just guessing there's probably eight parking spots if you pulled in off of 52 in front of the building.

MR. TAGUE: That's right.

CHAIRMAN EWASUTYN: Signage, as far as any signage on the property?

MR. TAGUE: There is a current sign from the restaurant. It's on the west side of the building, right in front of it. It doesn't block any view.

CHAIRMAN EWASUTYN: You're going to work with that existing sign?

MR. TAGUE: We're going to use that.

MR. MENNERICH: Are you going to remove the one on the east side? I know there's nothing in the sign, it's the framework that's still there.

MR. TAGUE: That's where that -- we don't own that land. Right now we don't plan on

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

removing that because it's not our piece of property. That sits actually on that other land.

MR. HINES: That's well on that parcel that I was discussing.

CHAIRMAN EWASUTYN: Okay.

MR. HINES: Was it for the restaurant, though?

MR. TAGUE: I'm sorry?

MR. HINES: Was it for the previous use of the site?

MS. TAGUE: I believe they might have had it for that use.

MR. TAGUE: Yeah.

MS. TAGUE: I'm really not sure.

MR. TAGUE: The restaurant in the past, I don't know if they used both of the signs.

MR. DONNELLY: Will there be any outdoor storage of materials?

MR. TAGUE: No.

MS. TAGUE: No.

MR. MENNERICH: Will you be making any improvements to the outside exterior of the building?

MR. TAGUE: Probably just paint. The

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

440 SOUTH PLANK ROAD

66

building was recently painted by a person. We don't really see it at this time needing any painting. Most of it is just painting the inside. Nothing on the outside.

CHAIRMAN EWASUTYN: What section again, Michael?

MR. DONNELLY: 185-56(b) authorizes you to grant the waiver. I think if you do so your resolution should note the need for variances and you're not approving the use until the Zoning Board acts. You can grant the waiver but we don't want anybody to understand they can go in business. You need variances.

CHAIRMAN EWASUTYN: Do you understand that?

MR. DONNELLY: You'll have to go to the Zoning Board to get variances for front yard, side yard and the accessory deck.

Where is that, in front or --

MR. HINES: It's to the rear of the property -- to the rear of the structure.

MR. TAGUE: The front of the building is where it's at, where 52 -- the building sits right there.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. DONNELLY: I know they exist but
you need to get variances for this change of use.

MR. TAGUE: We go in front of the
Board?

CHAIRMAN EWASUTYN: The Zoning Board.

MR. TAGUE: Okay.

CHAIRMAN EWASUTYN: That would be a
separate application. Mike Donnelly explained to
you how that process works starting --

MR. DONNELLY: You need to check with
the building code department. They will deny you
a building permit or give you a letter and an
application packet to appeal to the Zoning Board.
You have to show the Zoning Board why it creates
no detriment to the community. The most
important factor is the building exists, you're
not proposing to change it. They'll have to have
a public hearing. You won't be able to occupy or
use the building until you obtain that variance.
You will not need, if the Board grants a waiver,
to come back here for any further approval.

MR. GALLI: If you don't plan on using
that deck and you're going to tear it down, you
might want to mention it because when you go to

1 the Zoning Board that will be one less variance
2 you'll need.

3 MS. TAGUE: Well that deck is mobile.
4 It looks like somebody put a piece of board. You
5 can pick it up and do whatever you want with it.

6 MR. HINES: Then move it 4.7 feet.

7 MR. GALLI: Move it over 5 feet.

8 MR. TAGUE: That's our plan for that.
9 They moved it from behind the building.

10 MR. GALLI: You have to show it on the
11 survey or show something when you go to the
12 Zoning Board. You won't need that variance.
13 They'll come out and look and see it's not there.

14 MR. HINES: If you're going to the ZBA,
15 while you're there you should get a variance for
16 the sign which is less than fifteen feet off the
17 front property line. That will clean up all your
18 issues there.

19 CHAIRMAN EWASUTYN: All right. Then
20 I'll move for a motion to -- a motion from the
21 Planning Board under Section 185-56(b) which
22 allows the Planning Board to waive site plan
23 approval for buildings under 2,500 square feet
24 which the application before is I believe 2,100
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

square feet.

MR. HINES: 2,015.

CHAIRMAN EWASUTYN: 2,015. Thank you.

I'll move for a motion to grant that
approval.

MR. DOMINICK: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by
Dave Dominick. I have a second by Frank Galli.
I'll move for a roll call vote starting with
Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. Motion
carried.

Now the process begins with the ZBA.
Thank you.

MR. TAGUE: Thank you.

MS. TAGUE: Thank you.

(Time noted: 7:57 p.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25


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 September 2016.



MICHELLE CONERO

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

- - - - - X

In the Matter of

LANDS OF ZAZON
(2004-09)

Request for a Six-Month Extension of Approval from
September 15, 2016 until March 15, 2017

- - - - - X

BOARD BUSINESS

Date: September 15, 2016
Time: 7:58 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
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

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

- - - - - X

MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
(845)895-3018

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. BROWNE: We have the lands of Zazon, project number 2004-09. They're requesting a six-month extension from September 15, 2016 to March 15, 2017.

CHAIRMAN EWASUTYN: I'll put it to the Board for discussion. We've had similar requests from projects that have a history of being between ten and twelve years of age. If the Board so desires, Mike Donnelly has prepared a letter to the applicant suggesting we grant a ninety-day extension, noting the date that the applicant would come forward and give us an update as to where they actually are in the process.

Would the Board like to apply that same thought process to the one before us?

MR. DOMINICK: Be consistent.

MR. HINES: This has a 2004 job number.

MR. WARD: Yes.

MR. HINES: It's consistent with the other 2004s we're seeing.

CHAIRMAN EWASUTYN: In the case of Trinity Square, I know they'll be on the agenda for November 15th, which would be the ninety

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

days.

MR. DONNELLY: December 15th would be
your second meeting in December.

CHAIRMAN EWASUTYN: Okay. Then can I
have a motion to grant a ninety-day extension for
the lands of Zazon with Mike Donnelly sending a
letter to the applicant suggesting they come back
before us on December 15th.

MR. WARD: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: John Ward made a
motion, Frank Galli seconded it. If we could
have a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

The last item of business this evening
is I'll move for a motion to close the Planning
Board meeting of September 15th.

MR. GALLI: So moved.

MR. DOMINICK: Second.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRMAN EWASUTYN: I have a motion by
Frank Galli and a second by Dave Dominick. Roll
call vote starting with John Ward.

MR. WARD: Aye.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. GALLI: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 8:00 p.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

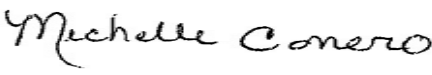
C E R T I F I C A T I O N

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 September 2016.



MICHELLE CONERO