

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

PETERBILT - UTICA TRUCK GENERAL
(2011-25)

Route 17K
Section 86; Block 1; Lot 35.12
IB Zone

----- X

SITE PLAN

Date: February 2, 2012
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
JOSEPH E. PROFACI
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
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

MR. BROWNE: Good evening,
gentlemen and Michelle. Welcome to the
Planning Board meeting of the Town of Newburgh,
February 2, 2012.

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. PROFACI: Here

MR. WARD: Present.

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

MR. DONNELLY: Michael Donnelly,
Planning Board Attorney.

MS. CONERO: Michelle Conero,
Stenographer.

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. CANFIELD: Jerry Canfield, Code Compliance Supervisor.

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

MR. COCKS: Bryant Cocks, Planning Consultant.

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

MR. PROFACI: Please join us in a salute to the flag.

(Pledge of Allegiance.)

MR. PROFACI: If I could please remind you to turn off your electronic communication devices.

MR. BROWNE: Our first item of business we have this evening is Peterbilt - Utica Truck General, project number 2011-25. This is a site plan being presented by Charles Brown.

MR. BROWN: Thank you. This is our third trip before the Planning Board. I believe that we've addressed all the comments from the consultants and the landscape comments. We're here to get input from the Board and hopefully get an approval.

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: Thank you.

Bryant Cocks, Planning Consultant?

MR. COCKS: I have no further comments.

We did receive Orange County Planning Department's letter and it did receive a local determination.

CHAIRMAN EWASUTYN: Pat Hines, Drainage Consultant?

MR. HINES: All of our previous comments have been addressed.

I did note that the Town of Newburgh/ City of Newburgh flow letter is a requirement that has been waived because the project has proven that they are using less capacity now than previously approved. With that, we have no outstanding issues.

CHAIRMAN EWASUTYN: I believe Karen Arent has signed off on the landscaping.

MR. BROWN: That's my understanding, yes.

MR. RAAB: It should be approved, the landscaping.

MR. BROWN: The bond.

CHAIRMAN EWASUTYN: Jerry Canfield,

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

Code Compliance?

MR. CANFIELD: We have nothing outstanding.

CHAIRMAN EWASUTYN: Doug Crossley, you submitted the detailed ARB?

MR. CROSSLEY: Yes, we did.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: No additional.

MR. BROWNE: Nothing more.

MR. MENNERICH: No comments.

MR. PROFACI: No.

MR. WARD: No additional.

CHAIRMAN EWASUTYN: Mike Donnelly, Planning Board Attorney?

MR. DONNELLY: A couple quick questions. I wasn't here on the 5th. Did you handle SEQRA on January 5th?

CHAIRMAN EWASUTYN: I have a note here. SEQRA, no. The answer is no.

MR. DONNELLY: You need to declare lead agency, and I assume issue a negative declaration. You did do ARB on January 5th.

The resolution will carry a tie in to

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 ZBA opinion. I don't have the date but I know the variance was granted.

MR. BROWN: We withdrew that and changed the plan.

MR. DONNELLY: That's why I don't have a date. The ARB approval condition, a landscaping security and inspection fee. We don't need any sign-off letters.

Is there a stormwater --

MR. HINES: It's just re-paving. There's no --

MR. DONNELLY: No other required securities. The standard condition regarding outdoor fixtures and amenities. You can't construct anything on the site that isn't shown on the approved plan.

CHAIRMAN EWASUTYN: Any additional comments from our consultants?

MR. HINES: No.

CHAIRMAN EWASUTYN: We'll take two actions. We'll first declare ourselves lead agency, and in that same motion we'll declare a negative declaration for the Peterbilt - Utica Truck General site plan.

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: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich. I have a second by John Ward. Any discussion of the motion?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye myself. The motion is carried.

The next motion before us is to grant final site plan approval for the Peterbilt - Utica Truck General location presented -- given to us in the resolution and presented by our Attorney, Mike Donnelly.

MR. WARD: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward. I have a second by Frank Galli. Any

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

PETERBILT - UTICA TRUCK GENERAL

discussion of the motion?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a
roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself, yes. So
carried.

MR. BROWN: Thank you very much.

(Time noted: 7:05 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 Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

DATED: February 22, 2012

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

COLANDREA SUBDIVISION
(2012-01)

Route 17K
Section 100; Block 5; Lot 37.21
IB Zone

----- X

CONCEPTUAL LOT LINE CHANGE

Date: February 2, 2012
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
JOSEPH E. PROFACI
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: DOUG CROSSLEY

----- 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: Our next item of business is the Colandrea Subdivision, project number 2012-01. This is a conceptual lot line change being presented by -- not Gregory Shaw.

MR. CROSSLEY: Not Gregory Shaw. Doug Crossley.

Good evening. Doug Crossley with Crossley & Associates. Mr. Shaw is out of town, that's why he isn't here this evening.

He briefly went over this lot line change that was proposed a month ago and we received concept approval for the site plan.

If you look at the aerial view, presently Mr. Colandrea owns almost 15 acres here where -- the lot where the dealership is located spills over into the second lot.

So what's being proposed here is that that situation be resolved and the shaded area, which constitutes 1.42 acres, be added to the existing parcel. It's section, block, lot 105-6-7; 105-37-21.

Basically all of the improvements that exist will be now incorporated on the existing

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.

So that's the request for the -- and the reason for the lot line change.

CHAIRMAN EWASUTYN: Thank you.

Comments from our consultants. Bryant Cocks, Planning Consultant?

MR. COCKS: I have no comments on this project. It's a simple lot line change. Both lots currently will meet, as proposed, all zoning regulations.

CHAIRMAN EWASUTYN: Pat Hines, Drainage Consultant?

MR. HINES: We have nothing on this lot line.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: We have nothing either.

CHAIRMAN EWASUTYN: Okay. Frank Galli, Planning Board Member?

MR. GALLI: I have nothing.

CHAIRMAN EWASUTYN: Cliff?

MR. BROWNE: I'm good.

MR. MENNERICH: No question.

MR. PROFACI: No comments.

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. WARD: No questions

CHAIRMAN EWASUTYN: Mike, would you bring us along. The Town adopted a new local law for lot line changes.

MR. DONNELLY: That's correct. The procedure is this: The application is made, as this was, for a subdivision. You may then convert it and treat it as a lot line change if you make the following findings: That what is proposed is an alteration that will result in land area becoming part of an existing adjacent lot without the creation of a new lot and without making any lot nonconforming or making any existing lot -- making any existing lot a nonconforming one. Once you have made those findings you are permitted to approve this as a lot line change. It remains an action under SEQRA. You will have to issue a declaration of significance. However, because it's not a subdivision, it does not need to be referred to the Orange County Planning Department.

There are conditions that the law requires we include. The first is the addition of a map note, if it isn't there, that requires

1 an indication that to the best available
2 knowledge there are no buried utilities within or
3 adjacent to the lot line change that will create
4 problems. You're going to have to file a map
5 with the Orange County Real Property Tax Service.
6 It will need to show metes and bounds
7 descriptions and acreage computations. There are
8 a certain number of copies that need to be
9 submitted. All that is set forth in the
10 resolution. After you -- simultaneously with
11 filing the map you're going to have to record a
12 deed. The Planning Board wants to be copied on
13 the cover letters to the Orange County clerk on
14 both the filing of the map and the recording of
15 the deed, and the Town wants to see a copy of the
16 deed after it's returned to you with recording
17 information on it. All of those conditions are
18 contained within the resolution.

19
20 MR. CROSSLEY: Excuse me. Why would
21 there be a deed if it's from Mr. Colandrea to Mr.
22 Colandrea?

23 MR. DONNELLY: I think that you should
24 have a deed anyway. It's going to be from him to
25 him to show that, because the original deed has a

1
2 different description than what's going to
3 result. I think that's the way you're going to
4 have to do it, otherwise what's of record is
5 inconsistent with the map.

6 MR. CROSSLEY: Okay.

7 CHAIRMAN EWASUTYN: I'll move for a
8 motion from the Board to declare a negative
9 declaration for the lot line change for the lands
10 of Colandrea.

11 MR. PROFACI: So moved.

12 MR. MENNERICH: Second.

13 CHAIRMAN EWASUTYN: I have a motion by
14 Joe Profaci. I have a second by Ken Mennerich.
15 Any discussion of the motion?

16 (No response.)

17 CHAIRMAN EWASUTYN: I'll move for a
18 roll call vote starting with Frank Galli.

19 MR. GALLI: Aye.

20 MR. BROWNE: Aye.

21 MR. MENNERICH: Aye.

22 MR. PROFACI: Aye.

23 MR. WARD: Aye.

24 CHAIRMAN EWASUTYN: Myself. So
25 carried.

1
2 I'll move for a motion to grant
3 conceptual approval and final approval for the
4 lot line change for the lands of Colandrea
5 subject to the conditions of the resolution
6 presented to us by our Attorney, Mike Donnelly.

7 MR. GALLI: So moved.

8 MR. PROFACI: Second.

9 CHAIRMAN EWASUTYN: I have a motion by
10 Frank Galli. I have a second by Joe Profaci.
11 Any discussion of the motion?

12 (No response.)

13 CHAIRMAN EWASUTYN: I'll move for a
14 roll call vote starting with Frank Galli.

15 MR. GALLI: Aye.

16 MR. BROWNE: Aye.

17 MR. MENNERICH: Aye.

18 MR. PROFACI: Aye.

19 MR. WARD: Aye.

20 CHAIRMAN EWASUTYN: Aye. Okay.

21 And Mr. Crossley, I believe tonight
22 you're looking to receive architectural approval
23 for -- are you prepared to give us a presentation
24 on that?

25 MR. CROSSLEY: Yes.

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: At the same time, Mr. Colandrea, if you wouldn't mind speaking somewhat as to what's driving you to make this change.

MR. COLANDREA: What's driving me to do it? General Motors. I wouldn't be here if it wasn't for that.

CHAIRMAN EWASUTYN: Can you explain that to us, please?

MR. COLANDREA: They pretty much want all the dealerships to look the same. Like Chilli's and Starbucks and all of that. So they're the ones that are driving the specifications and everything. Not me.

MR. GALLI: It's a nice looking building.

MR. COLANDREA: Oh, it's nice.

MR. GALLI: I saw it across the river.

MR. COLANDREA: I was just there today looking at his.

MR. DONNELLY: I wasn't here. I thought you did ARB on the 5th of January.

CHAIRMAN EWASUTYN: No.

MR. CROSSLEY: No.

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: Okay.

MR. CROSSLEY: As Cosmo Colandrea just said, what is driving the bus here is General Motors. The architectural design and the architectural services are provided by GM, so they sent a team several times to the site and came up with this design scheme, which, as Mr. Colandrea said, is pretty much cookie cutter in terms of what they want it to look like. Pretty much every General Motors facility is going to have to be look like this. The one across the river is just about done. That's in Poughkeepsie.

Again, Gensler architectural firm did most of this work. We've provided you with some renderings that basically show some rendered sections and everything. The finishes are really, really simple. The existing building is block. It will remain block and painted white. Whether it be the addition and/or the existing facility, it will remain white. The addition that's proposed on the east elevation will be a split face block and also painted white. The only color that comes into play is a black band

1
2 that will be running around the showroom. That's
3 reflected in the renderings that were provided.

4 I also -- we also gave you a sheet that
5 shows typically what all of these GM facilities
6 are going to look like. So as we're showing you
7 on these plans, it reflects that. This is
8 typically, on that small sheet, what they're
9 going to have.

10 The only other material introduced is
11 what they call an ACM panel which is a metal
12 panel that's been fabricated specifically for
13 these dealerships. Again, that will be white.
14 So white, black is the order of the day.

15 CHAIRMAN EWASUTYN: Comments from Board
16 Members. Frank Galli?

17 MR. GALLI: No additional.

18 MR. BROWNE: Normally we ask for specs
19 for finish detail and all that. Is that
20 something needed for this project?

21 CHAIRMAN EWASUTYN: Yeah. You'll do a
22 similar submission eventually like you've done
23 with Peterbilt.

24 MR. CROSSLEY: Okay. We wanted to wait
25 to hear the comments tonight, if there had 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

any changes.

MR. MENNERICH: I have no questions.

MR. PROFACI: It's fine.

CHAIRMAN EWASUTYN: John?

MR. WARD: No comments.

CHAIRMAN EWASUTYN: Comments from Board Members. Jerry Canfield?

MR. CANFIELD: I have nothing.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: No comments.

CHAIRMAN EWASUTYN: Bryant Cocks?

MR. COCKS: I have no comments. Could you just include the signage for the whole site in the signage chart to go along with the ARB package?

MR. CROSSLEY: Sure. Sure. I guess that leads me to one question, though. If we don't have to go to Orange County, which we thought we were going to have to do with the lot line, would we have to make one more appearance for final approval?

CHAIRMAN EWASUTYN: We got back the response from the County for the referral to the County. So what would then --

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: On the site plan you're talking about?

CHAIRMAN EWASUTYN: We would have to make a SEQRA determination on the site plan and cover what conditions that would require.

MR. HINES: I had no outstanding issues on the site plan either. It was all internal for the site. No additional impervious surfaces, no utilities.

MR. COCKS: I don't think I had any outstanding comments.

MR. DONNELLY: I didn't bring the file but I don't think there was any --

MR. COCKS: I didn't bring my file either.

CHAIRMAN EWASUTYN: Would the Board be comfortable with making a final site plan approval this evening?

MR. GALLI: Yes.

MR. BROWNE: Sure.

MR. MENNERICH: Yes.

CHAIRMAN EWASUTYN: Mike, do you want to make --

MR. DONNELLY: There aren't any sign-

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

off letters required. Are there other agency approvals required at all? I don't believe so. Is there any financial security?

MR. HINES: No.

MR. DONNELLY: Landscaping?

MR. HINES: If there was landscaping there would be -- the site improvements themselves are all on existing impervious surfaces. There's no changes.

CHAIRMAN EWASUTYN: They're not adding any landscaping.

MR. DONNELLY: The only condition becomes the one that says you can't build any fixtures or amenities that are not shown on the site plan.

CHAIRMAN EWASUTYN: And the one Bryant is looking for, the signage chart.

MR. DONNELLY: Right.

CHAIRMAN EWASUTYN: All right. I'll move for a motion from the Board first to declare a negative declaration for the Colandrea site plan.

MR. GALLI: So moved.

MR. MENNERICH: 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. I have a second by Ken Mennerich. Any discussion of the motion?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

I'll move for a motion from the Board to approve the ARB for the Colandrea site plan subject to the condition that Doug Crossley present a complete signage plan for that site and also, based upon the request of Cliff Browne, Planning Board Member, a detailed architectural sheet be completed with that submission.

MR. MENNERICH: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich. I have a second by John Ward.

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

Any discussion of the motion?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself yes. So carried.

Mike, for the record one more time, the conditions --

MR. DONNELLY: For the site plan.

CHAIRMAN EWASUTYN: -- for the site plan.

MR. DONNELLY: We're going to need a comprehensive site plan and a condition that says no fixtures can be constructed on site that are not shown on the site plan. There are no other conditions required.

CHAIRMAN EWASUTYN: Having heard conditions for final approval for the Colandrea site plan presented by our Attorney, Mike

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

Donnelly, I'd move for that motion.

MR. PROFACI: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by
Joe Profaci. I have a second by Frank Galli.
Any discussion of the motion?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a
roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So
carried. Thanks.

MR. CROSSLEY: Thank you very much.

MR. COLANDREA: Thank you, gentlemen.

(Time noted: 7:17 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 Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

DATED: February 22, 2012

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

FIDANZA SITE PLAN
(2011-24)

North Plank Road
Section 80; Block 7; Lot 7
B Zone

----- X

SITE PLAN & ARCHITECTURAL REVIEW

Date: February 2, 2012
Time: 7:17 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
JOSEPH E. PROFACI
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: ANTHONY COPPOLA

----- X

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

1
2 MR. BROWNE: Our next item of
3 business is the Fidanza Site Plan, project
4 number 2011-24. This is a site plan and ARB
5 being presented by AJ Coppola.

6 MR. COPPOLA: Thank you, Mr.
7 Chairman. My name is AJ Coppola, I'm the
8 project architect. This is for the Fidanza
9 Site Plan on North Plank Road. Just to
10 remind everybody, we were here I think in
11 October . This project was previously
12 approved about four years ago. Now, based on
13 what we presented in October, it's a
14 different configuration for the building. We
15 had left the same circular parking loop,
16 removed the drive-through, and the building
17 square footage went up.

18 Basically since then we've made some
19 changes to the site plan. I'll address the
20 site plan first and then we can talk about
21 the architectural, ARB, last. On the site
22 plan we basically made some corrections to
23 SP-1, to SP-2, which was the landscaping
24 schedule. The three sheets in the middle,
25 SP-3, 4 and 5, stayed the same.

1
2 The biggest change is we submitted
3 new engineering drawings from Doce Associates
4 which corrected the grading for the new
5 footprint, corrected -- updated the force
6 main. There's a force main in the sewage,
7 which I'll address in a second. It's up the
8 street. They increased the size of the pump.
9 Their sewage flow increased. So those
10 drawings were all new in the submission.
11 Basically everything else was the same.

12 So the site plan essentially, since
13 the Board has seen it last, I think it's
14 almost identical to the way it was before.

15 Just some other things that we
16 added. Signage notes have been added. That
17 was one of Bryant's comments last time. We
18 added signage notes, a break down for that on
19 the architectural drawings, with sizes of
20 the sign -- the letters for that. We have
21 two letters of correspondence that we need to
22 get back. One is from DOT. I met with her
23 on another project and I submitted this to
24 her. This entrance -- I'm saying the DOT
25 engineer. The entrance is the same as it was

1
2 four years ago. We have a letter of approval
3 from Zibbie four years ago. She told me
4 verbally it's fine. We need to get that in
5 writing to you. I submitted the four year
6 old letter but we'll submit a new letter from
7 her. We haven't gotten it yet.

8 The other letter that's outstanding
9 is from the DEC. Bryant had asked for just
10 some information on endangered species to go
11 into the long form EAF. I wrote them a
12 letter. I still need that letter back from
13 them.

14 On the sewage, there's two -- kind
15 of a two-part process. Number one, last
16 night at the Town Board meeting we were
17 approved for outside user status. Then the
18 second part of the process, as I understand
19 it, now everything has to be bundled. I
20 think the Town Board resolution goes to the
21 City of Newburgh, the City of Newburgh has to
22 vote on it, and I think that's all done. So
23 we're in the middle of that.

24 CHAIRMAN EWASUTYN: Did you have this
25 approval at one time?

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. COPPOLA: It was all approved.

CHAIRMAN EWASUTYN: What happened?

That's what we were talking about during the work session.

MR. COPPOLA: Jim Osborne told me, maybe Jerry knows, the outside user status lasts three years I think he told me.

MR. HINES: If you don't finalize it. I believe there's a sunset in that.

MR. COPPOLA: Our sewage flow increased. It increased a lot. So we would have had to go back to Newburgh anyway. I didn't know about the outside user status.

MR. HINES: I'm assuming because it wasn't executed.

MR. COPPOLA: Okay. Maybe that was it.

MR. HINES: Once it's signed you don't lose your outside user status. You'd have to take the building down or something if that lapsed.

MR. COPPOLA: Okay. I wasn't really sure about that.

MR. HINES: Because of the slight change -- it's only .1 gallons per day per square

1
2 foot. The sewage went up but not that much. The
3 pump station was redesigned based on the flows.
4 I think it's a procedural matter. You need to
5 send a letter to Jim Osborne, Jim Osborne
6 coordinates with the City and you get that back
7 as approved.

8 MR. COPPOLA: Right. It was previously
9 approved but -- I mean I have no reason to
10 believe it wouldn't be approved, but we don't
11 have the documentation.

12 MR. CANFIELD: I have a question on
13 that. Were there fees associated with that
14 outside user?

15 CHAIRMAN EWASUTYN: That's what I was
16 thinking.

17 MR. COPPOLA: I didn't hear you.

18 MR. CANFIELD: Are there fees
19 associated with that?

20 MR. COPPOLA: I guess so.

21 CHAIRMAN EWASUTYN: And the fees were
22 never paid so it wasn't executed.

23 MR. HINES: I believe that's why it
24 lapsed. The agreement, if not executed it would
25 lapse.

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. COPPOLA: That's basically it on the site plan. Do you want me to go into the building, architectural review?

CHAIRMAN EWASUTYN: If you don't mind, let's turn to our Consultants and the Planning Board Members as far as any questions or comments on the site plan. Pat Hines, Drainage Consultant?

MR. HINES: The only change required is the Town has adopted a new stormwater ordinance that requires execution of a long-term maintenance agreement prior to final. And then the only outstanding technical issue is the sign off from the City of Newburgh. Those two items need to be addressed.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

MR. COCKS: AJ touched upon most of my comments. In regards to the signage chart, right now the freestanding sign shown on SP-4 and the tenant signs are shown on A-1. Since they're in two different spots, can you just put them in the chart together how you want them?

MR. COPPOLA: Sure.

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. COCKS: That's it.

CHAIRMAN EWASUTYN: Jerry Canfield,
Code Compliance?

MR. CANFIELD: Just one question with
respect to the signage. What you proposed, are
those the tenants --

MR. COPPOLA: No.

MR. CANFIELD: -- that you have?

MR. COPPOLA: No.

MR. CANFIELD: Because it's very close.
That's my point, Anthony. The total square
footage of the signage is very close, and you
have it figured that close.

MR. COPPOLA: Yeah. I'm not quite sure
how to address that. Probably -- I'm using
twelve-inch high letters, so that's one
dimension, and then the width. You're right, I'm
exactly on. So the way I have it now, they would
be limited to that lineal footage on the three.
I mean if he had -- he might have possibly two,
but I think we're okay with it. I mean I think
it's workable. It is a good point.

MR. CANFIELD: It currently complies.
Again, you've assured me you're aware of it. If

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

you go over, then you're subject to a variance.
But I think more importantly is we're looking at
the twelve-inch box letters? Regardless of what
the tenant will be, it will be the twelve-inch
box letters?

MR. COPPOLA: Correct.

MR. CANFIELD: Okay.

CHAIRMAN EWASUTYN: Frank Galli,
Planning Board Member?

MR. GALLI: No additional comments.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: No. I'm good.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No. I have no
questions.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: No.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: No comments.

CHAIRMAN EWASUTYN: Okay. So I believe
tonight you're looking for ARB approval on the
building itself?

MR. COPPOLA: Yes. So on the building
itself, we had brought a rendering -- at least a

1
2 black and white rendering last time. That's the
3 same. I've basically chosen all the materials
4 now so there should be a colored rendering in
5 everybody's package. Just to go over that
6 briefly, we're using a cultured stone base. I
7 have that sample here. It's a ledge stone on the
8 bottom and for the four columns. Those columns
9 will wrap around the corners. It's not just
10 going to be on the front. It will return the
11 ledge stone underneath on the side -- on both
12 side elevations. So that's the bottom. This is
13 a twelve-foot high wall so there's going to be a
14 lot of glass in terms of the storefront. It's
15 very simple. It's just all bronze aluminum
16 glass. Storefront glass. We'll do a wall mount
17 projection awning to cover the entrance, and that
18 will be in an accent color just as we're showing
19 it here. And then the signage as we talked
20 about. And then just basically a two-tone system
21 for the stucco or stow which I also have samples
22 for, but one is a darker, kind of a parchment,
23 and the other is a lighter version of that. And
24 I did not note on the plans but we'll certainly
25 put it on there that these -- the air handling

1 units will probably be on the roof. That's the
2 simplest way to do these. So we may bring these
3 parapets up so that the air handling units --
4 rooftop units are screened. I'll correct the
5 drawings and we'll make a note of that. That's
6 basically it. The storefront is exactly as you
7 see it here. The back and most of the sides are
8 all stucco, and basically all the ornamentation
9 is in the front.
10

11 CHAIRMAN EWASUTYN: Questions from
12 Board Members. Frank Galli?

13 MR. GALLI: No additional.

14 CHAIRMAN EWASUTYN: Cliff Browne?

15 MR. BROWNE: If you bring the parapet
16 up, what part would you be extending that we
17 would see on the drawing?

18 MR. COPPOLA: Probably the middle stays
19 the same, and we'd like the two bands here I
20 think a little bit bigger.

21 MR. BROWNE: Obviously you keep the
22 portion the same.

23 MR. COPPOLA: Yes. The head of the
24 window doesn't change. That will go higher. I
25 have no doubt it's going to be fine but -- it's

1
2 kind of like I've got to figure out the slope of
3 the roof and the whole thing just to figure that
4 out. It's relatively flat around there. I think
5 if I bring it up just high enough so it covers
6 the top of an air handling unit, just horizontal.
7 I'm only thinking I may have to make an
8 adjustment of less than eighteen inches, if I do.

9 CHAIRMAN EWASUTYN: Frank Galli?

10 MR. GALLI: I just thought of something
11 while he was asking that question. In the back
12 where there's neighbors' houses, are you going to
13 screen them from that way, too? I know you're
14 not going to bring up the building.

15 MR. COPPOLA: We have a huge
16 landscaping --

17 MR. GALLI: It's not the top of the
18 building. Just the units. Can you put something
19 up?

20 MR. COPPOLA: There's no parapet there.
21 That's a gutter. I can put a board --

22 MR. GALLI: Something to screen.

23 MR. COPPOLA: Yes. So they're not
24 looking at those units. Yes.

25 MR. BROWNE: How many signs do you have

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

on the windows?

MR. COPPOLA: That's a good question.

MR. CANFIELD: None. None.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: The awning material is steel or --

MR. COPPOLA: No. It will be a fabric. Like a Sunbrella I think is what they call it. It will be fabric.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: All these items with respect to the roof infrastructure and the raising of the parapets are all things you're telling us right now. How is that enforceable and that we know that's going to happen?

MR. COPPOLA: When we -- we're going to give you this drawing as part of the record. So I'm going to add that to that is what I'm going to tell you. You'll have it in black and white. I know I didn't do it, and I know it's always a concern of the Board.

MR. PROFACI: So that condition and the board and baton in the back?

MR. COPPOLA: Yeah. Screening.

1
2 MR. PROFACI: Screening will also be on
3 there.

4 MR. DONNELLY: We're not going to be
5 able to grant site plan tonight because they
6 don't have their flow acceptance letter. We'll
7 be able to verify that AJ made those changes.

8 MR. CANFIELD: If I may, the screening
9 that we're speaking of, that will be part of
10 Anthony's architectural drawings, which is
11 basically what the building permit is issued
12 upon. So they go hand and foot. Yes, it is
13 enforceable.

14 MR. PROFACI: Thank you.

15 CHAIRMAN EWASUTYN: John Ward?

16 MR. WARD: My comments were covered.
17 Thank you.

18 CHAIRMAN EWASUTYN: All right. So for
19 now I'll move to grant ARB approval for the
20 Fidanza Site Plan presented by AJ Coppola,
21 subject to the conditions as far as notes being
22 placed on the ARB map and also for the drawings
23 to reflect the protection of the air handlers
24 along North Plank Road and also the rear yard.

25 MR. GALLI: So moved.

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. PROFACI: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by Joe Profaci. Any discussion of the motion?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself, yes. So carried.

MR. COPPOLA: So just a question. I need the approval from the City of Newburgh?

MR. DONNELLY: Yeah. Our agreement with the City prohibits us from issuing any final approvals for a project until that letter is in hand.

MR. COPPOLA: Back from the City of Newburgh?

MR. DONNELLY: Yeah.

MR. COPPOLA: Okay. So once I get

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

that, we'll come back.

MR. DONNELLY: Yes.

MR. COPPOLA: Okay. Thank you.

CHAIRMAN EWASUTYN: When you resubmit for final site plan approval, if you want to submit one sheet listing those notes and the drawings that reflect what we talked about today.

MR. COPPOLA: I probably won't resubmit the entire set again.

CHAIRMAN EWASUTYN: That's what I'm saying. It would be appropriate to do it that way.

MR. COPPOLA: Okay.

CHAIRMAN EWASUTYN: Cost effective also.

MR. COPPOLA: Okay. Thank you. That's good to know.

(Time noted: 7:34 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 Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

DATED: February 22, 2012

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

FOAM & WASH
(2012-02)

175 North Plank Road
Section 76; Block 4; Lot 5
B Zone

----- X

CONCEPTUAL SITE PLAN

Date: February 2, 2012
Time: 7:34 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
JOSEPH E. PROFACI
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: JAY DIESING

----- 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: Our last normal agenda item is Foam & Wash, project number 2012-02. That is a conceptual site plan being presented by Jay Diesing.

MR. DIESING: Good evening. My name is Jay Diesing, as was just mentioned. I'm with Mauri Associates Architects. We're working with TGS Associates, and Gary Bayright, who owns and operates the existing Foam & Wash facility over on North Plank Road.

If you're not familiar with the site, you probably are, but it's on the south side of North Plank and it's next to the Job Lot store. It's about a one-acre parcel right on the -- functioning on the property now as a Mobil fueling station, a car wash, a doggy wash and a convenient store.

The proposal by TGS Associates is to remove the fueling station and the convenience store and expand or upgrade the car wash and the dog wash facilities.

What we're looking at now is the area where the convenience store is located, we would

1
2 add a second car wash bay. The canopy that's out
3 now with the fueling station would be removed and
4 we're proposing a small building that would house
5 two doggy wash bays, and also that would be a
6 sales point for car wash lanes, as they enter the
7 site.

8 Currently there's two large curb cuts
9 out on North Plank Road. We're proposing to
10 close the westerly curb cut and convert the
11 easterly curb cut to be both an entrance and exit
12 for the site. That allows us to do a couple of
13 things. First we would be able to utilize the
14 area where the westerly curb cut is and put in a
15 nice landscaped island, and we're showing a
16 stonewall with a planter out there now. It helps
17 to create a better traffic flow on the site.
18 We're suggesting a one-way traffic flow.

19 Customers would enter at the one curb cut and use
20 the site facilities, and then one way out at the
21 same curb cut back onto North Plank.

22 Once the canopy comes down in the
23 middle of the site, it really gives us an
24 opportunity to upgrade the facade of the existing
25 building. We have a real sematic design drawing

1 on the page now. So we're going -- we're
2 suggesting to -- we're proposing to remove some
3 of the metal panels that are on the roof now and
4 upgrade. The existing split face concrete block
5 that's on the building would remain. We added a
6 lot of new glass windows into the car wash bays.
7 And then we're also indicating some decorative
8 framework for some signs.
9

10 When we looked at our bulk zoning
11 regulations for the parcel, we're in the B
12 district and we're meeting all the regulations
13 and the -- all the bulk regulations that are set
14 forth in the Zoning Code. And actually, with the
15 closing of the curb cut and the adding of several
16 landscape islands on the site, we're actually
17 decreasing our lot surface coverage.

18 We are basically at a point where it's
19 a conceptual review. We wanted to get with the
20 Planning Board and talk to you folks and see if
21 you had any input. We had a couple comment
22 letters I received today from your planning
23 consultant and your engineering consultant. It
24 didn't seem like there were any earth shattering
25 items there, just little details that needed to

1
2 be worked out. We submitted a full package for
3 review. We're here tonight to kind of discuss
4 the project and find out how you feel about it.

5 CHAIRMAN EWASUTYN: Comments from Board
6 Members. Frank Galli?

7 MR. GALLI: Just a couple. When you
8 pull into the car wash site, when you come up
9 from the pay booth, I know now you can drive up
10 and pay closer.

11 MR. DIESING: Yup. There will be two
12 pay booths. One would be for the one car wash
13 bay, and then there will be a second booth up
14 closer to the new car wash bay here. So these
15 two that are here would be set up to actually
16 control traffic. Even if there's a car in each
17 one, it will only allow one car at a time into
18 the cue.

19 MR. GALLI: If you pulled in and
20 decided you didn't want to wait that long for a
21 car wash, how would you get out?

22 MR. DIESING: If you're at the booth
23 they have to let you out. Once you get through,
24 you can escape this way.

25 MR. BAYRIGHT: This will be a straight

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

drive --

CHAIRMAN EWASUTYN: For the record,
would you give your name please?

MR. BAYRIGHT: Gary Bayright. I'm
sorry.

The left most lane is a pass through
which would bring them to this. If you pull up
here and you were the second car back and you
didn't want to go through, you could pull through
here. If there was nobody in the handicap spot,
you have a drive out.

MR. GALLI: Okay. The second question.
why would you take down a convenience store and
gas station to open a car wash?

MR. DIESING: Gary said there's no
money in gas.

MR. BAYRIGHT: We feel with the gas you
have to have one station and you have to run it
yourself or you have to have a hundred stations.
We have two and we don't run them ourselves.
Being Mobil dealers and then Quick Chek coming,
they just pretty much devoured the market.

MR. GALLI: The convenient store is the
same way?

1
2 MR. BAYRIGHT: Yeah. Without a gas
3 station, the convenience store isn't worth it.
4 We're not convenience store people. We just feel
5 this is the time to make a change.

6 CHAIRMAN EWASUTYN: Thank you. That's
7 what we were saying. It's important that people
8 like yourself speak at the meeting to educate us
9 and have a sense of why changes are occurring.
10 There's logic to it, there's reason to it, and in
11 order for a Planning Board to be effective we
12 need to know -- we need to know what we don't
13 know. We kind of sort of guessed that maybe it
14 could be Quick Chek as one of the possibilities.
15 Thank you.

16 Any other questions, Frank?

17 MR. GALLI: That's it.

18 CHAIRMAN EWASUTYN: Cliff Browne?

19 MR. BROWNE: On average -- you've been
20 in business for awhile. On average, when cars
21 are coming out, they're being spit out at about
22 what, every two minutes, three minutes?

23 MR. BAYRIGHT: Yeah. Depending on the
24 day and time. Every minute or two, three.

25 MR. BROWNE: Okay. So hopefully on a

1 nice busy day they're spitting out like that.
2 What's the average time that the folks take when
3 they come out to wipe down the cars and vacuum
4 and all that kind of stuff they do?
5

6 MR. BAYRIGHT: Being self service, they
7 can spend as much time as they want. They can
8 drive right out or stay there for ten minutes to
9 a half an hour. We don't dry off cars. We don't
10 do any hand detailing. On a busy day people
11 usually just leave. We've actually almost
12 tripled the area for that, the detailing area, by
13 eliminating the gas station.

14 One thing we didn't talk about was
15 about 500 cars less a day driving in and out,
16 which is good for everybody but me.

17 MR. BROWNE: So from what you're
18 describing, it sounds like what you're saying,
19 you're believing that you will have probably less
20 with folks coming out and that congestion?

21 MR. BAYRIGHT: When they come out now
22 there's gas here, so people are just continually
23 coming out here this way. The only people that
24 will come out here would be dog wash people and
25 the people vacuuming, which is, you know,

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

minuscule compared to what it is now.

MR. BROWNE: Thank you.

MR. MENNERICH: On the existing car wash do you have any troubles in the winter with icing at the exits from the car wash?

MR. BAYRIGHT: Not really. The dryers dry most of it. There is some water that comes out but it's never been a problem.

MR. DIESING: You salt at the end of the day.

MR. BAYRIGHT: There's salt. There's heat. This is really -- this is probably the furthest one from the road that we own, which is nice.

MR. MENNERICH: That's all.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: I don't have any questions.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: My question was how much signage you have. I'll let -- too much? I'm asking.

MR. COCKS: They'll have to detail that on the architectural drawings and site plan.

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

There isn't a lot of frontage on this site, so there's a possibility they will need a sign variance.

MR. BAYRIGHT: We noticed our frontage is the smallest size, which reduces the signage a lot.

MR. DIESING: We'll certainly do a sign calculation. We anticipate detailing that a little bit further. If we have to we'll either modify our signs. We may have to approach the Zoning Board.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: I didn't submit any written comments. Just I'm interested, how do you propose to either remove or properly abandon the existing tanks in the ground? Which do you choose to do?

MR. BAYRIGHT: We plan on -- there's three tanks in the ground now. We plan on removing at least one or two of them and having one of them to use for reclaimed water. All through the -- someone that knows how to do it.

1
2 MR. CANFIELD: Okay. And then also the
3 new structure probably will be subject to the
4 Sprinkler Ordinance, the Town of Newburgh
5 Sprinkler Ordinance, even though it is a car wash
6 which is essentially non occupied.

7 MR. DIESING: There will be lots of
8 sprinklers.

9 MR. CANFIELD: There's a car wash in
10 Fishkill that just recently burned up with all
11 that water.

12 MR. BAYRIGHT: They'll put sprinklers
13 in that one now.

14 MR. CANFIELD: That's all I have.

15 MR. BAYRIGHT: We're putting sprinklers
16 in. A couple years ago I would have fought you
17 on that.

18 MR. GALLI: How do you burn up a car
19 wash?

20 CHAIRMAN EWASUTYN: I heard it was a
21 light fixture.

22 MR. BAYRIGHT: The fluorescent light.
23 We have it on video. The ballast literally blew
24 up and the car wash, since it was a lot of
25 plastic, it melted the plastic and went in 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

trusses. That was it. I have a couple pictures.

CHAIRMAN EWASUTYN: Pat Hines, Drainage
Consultant?

MR. HINES: On the concept plan we
don't have any. We're just looking for the
future submissions to meet the requirements for a
site plan. Looking for existing conditions,
proposed conditions, how you're going to repave
the lot. That kind of information. You got my
comments so you can address those.

CHAIRMAN EWASUTYN: Bryant Cocks,
Planning Consultant?

MR. COCKS: I had the same comment as
Pat had, the existing conditions on site, the
survey sheet. There are no variances that are
required now except for possibly the sign
variance. A new location map. Just it's not
very clear, it's too small. And then
landscaping and lighting plans will be reviewed
at a later time.

There was just -- I see the vacuums are
all on there. I didn't know what that small box
was near the dumpster.

MR. BAYRIGHT: That's a vacuum also.

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. DIESING: We'll label them all.

MR. COCKS: This needs to be sent to Orange County Planning and DOT, and ARB materials and colors will be needed at a later date. We discussed the signage plan.

CHAIRMAN EWASUTYN: I'll move for a motion from the Board to grant conceptual approval for the Foam & Wash, to circulate to the Orange County Planning Department and also to the DOT.

Correct, Bryant?

MR. COCKS: Yes.

CHAIRMAN EWASUTYN: We then would be declaring our intent for lead agency, Mike?

MR. DONNELLY: Yes, you can do that.

CHAIRMAN EWASUTYN: We'll declare our intent for lead agency. Jay, you could contact Bryant Ward -- Bryant Cocks, excuse me. Bryant will explain to you what he needs, how many copies to circulate. You also could speak to Bryant in reference to your resubmission and how you could assist us in posting all that electronically, and what Bryant will need for that for the next meeting.

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

On the EAF you noted that the -- the disposal of waste or carting will be to Dutchess County. I think that was a typo.

MR. DIESING: It probably was. We'll correct that.

CHAIRMAN EWASUTYN: It's boilerplate that you do.

Any additional comments?

(No response.)

CHAIRMAN EWASUTYN: Thank you.

MR. PROFACI: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Joe Profaci, a second by John Ward. Any discussion of the motion?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Nice meeting you.

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. BAYRIGHT: Thank you very much.

(Time noted: 7:46 p.m.)

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

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

DATED: February 22, 2012

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

LONGVIEW FARMS
(2006-39)

Request For An Extension of Preliminary Approval

----- X

BOARD BUSINESS

Date: February 2, 2012
Time: 7:46 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
JOSEPH E. PROFACI
JOHN A. WARD

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

----- X

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

1
2 MR. BROWNE: We have two Board
3 Business items to discuss. The first is
4 Longview Farms, project number 2006-39. The
5 applicant is requesting a retroactive
6 extension of final subdivision approval which
7 will run from December 14, 2011 to June 14,
8 2012.

9 CHAIRMAN EWASUTYN: I'll move for that
10 motion.

11 MR. DONNELLY: Just note, I did check.
12 What was granted was preliminary approval, so it
13 is not a final.

14 CHAIRMAN EWASUTYN: Okay. I'll move
15 for a motion to grant an extension of the
16 preliminary approval. Correct, Mike?

17 MR. DONNELLY: Yes.

18 MR. PROFACI: So moved.

19 MR. MENNERICH: Second.

20 CHAIRMAN EWASUTYN: I have a motion by
21 Joe Profaci, a second by Ken Mennerich. Any
22 discussion of the motion?

23 MR. BROWNE: We should make a definite
24 statement that it is not a final subdivision
25 approval but it is in fact a preliminary, --

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: Okay.

MR. BROWNE: -- so there's no misunderstanding later.

CHAIRMAN EWASUTYN: I have a motion by Joe Profaci. I have a second by Ken Mennerich. I have discussion by Cliff Browne. Let it be noted that this extension is for preliminary approval and not for final approval.

MR. PROFACI: I will amend my motion.

CHAIRMAN EWASUTYN: Let the record show the motion was amended to reflect the comments brought up by Cliff Browne.

That being the case, I'll move for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself, yes. So carried.

MR. BROWNE: Just as a note also, the letter requesting that was in fact for preliminary approval, not a final.

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

(Time noted: 7:48 p.m.)

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

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

DATED: February 22, 2012

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

RUSSELL & LEE SITE PLAN
(2011-27)

Request for Referral to the Zoning Board of Appeals

----- X

BOARD BUSINESS

Date: February 2, 2012
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
JOSEPH E. PROFACI
JOHN A. WARD

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

----- X

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

MR. BROWNE: The last item of Board

1
2 Business is Russell & Lee Site Plan, project
3 number 2011-27. The applicant is requesting to
4 be referred to the ZBA for multiple variances,
5 the number of parking spaces, front yard setback,
6 side yard setback on buildings 1 and 3, both side
7 yard setback and a rear yard setback. The
8 applicant will also be going for a use variance
9 for the existing single-family home, but that
10 action will be from the Building Department's
11 denial. The Planning Board can not refer this --
12 refer use variances to the ZBA.

13 CHAIRMAN EWASUTYN: At this point I'll
14 turn to Mike Donnelly, Planning Board Attorney,
15 who will be preparing a letter to the ZBA and
16 also to elaborate somewhat on the 278 action that
17 the applicant is -- needs satisfaction from the
18 ZBA.

19 MR. DONNELLY: Years ago you always had
20 to be turned down by the building inspector to
21 apply for either an area variance or a use
22 variance. About ten or so years ago the
23 legislature thought it made sense that if when an
24 applicant appeared before the Planning Board for
25 either a subdivision or site plan review, when it

1
2 became apparent that area variances were needed,
3 dimensional variances, that the applicant could
4 go directly to the Zoning Board on a referral
5 from the Planning Board. There was no similar
6 amendment to allow a use variance transfer or
7 report out from the Planning Board. Therefore,
8 for the use variance appeal the applicant will
9 need to get an opinion letter or denial letter
10 from the building department and separately apply
11 for the use variance.

12 As to the area variance, at your
13 direction I will send a letter to the Zoning
14 Board. I will include all of the variances
15 listed on the agenda here and the applicant can
16 separately pursue that.

17 CHAIRMAN EWASUTYN: Any questions from
18 Board Members or Consultants?

19 MR. BROWNE: With that letter, also
20 leave an understanding with him that he needs
21 to --

22 MR. DONNELLY: I'll mention he'll be
23 separately applying for a use variance.

24 MR. BROWNE: Thank you.

25 CHAIRMAN EWASUTYN: I would move to

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

approve that motion subject to Mike Donnelly preparing a letter outlining the necessary variances and the extent at which we're referring him to the ZBA, and the other use variance that may be required under a separate umbrella.

MR. WARD: So moved.

MR. PROFACI: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward. I have a second by Frank Galli.

MR. PROFACI: No.

CHAIRMAN EWASUTYN: Excuse me. Joe Profaci. Excuse me. Any discussion of the motion?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself, yes. So carried.

Thank you.

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

I'll move for a motion to close the
Planning Board meeting of the 2nd of February.

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by
Frank Galli and second by Ken Mennerich. I'll
ask for a roll call vote starting with Frank
Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.7.

(Time noted: 7:50 p.m.)

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

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

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

DATED: February 22, 2012

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

RUSSELL & LEE SITE PLAN
(2011-27)

Request for Referral to the Zoning Board of Appeals

----- X

BOARD BUSINESS

Date: February 2, 2012
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
JOSEPH E. PROFACI
JOHN A. WARD

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

----- X

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

MR. BROWNE: The last item of Board

1
2 Business is Russell & Lee Site Plan, project
3 number 2011-27. The applicant is requesting to
4 be referred to the ZBA for multiple variances,
5 the number of parking spaces, front yard setback,
6 side yard setback on buildings 1 and 3, both side
7 yard setback and a rear yard setback. The
8 applicant will also be going for a use variance
9 for the existing single-family home, but that
10 action will be from the Building Department's
11 denial. The Planning Board can not refer this --
12 refer use variances to the ZBA.

13 CHAIRMAN EWASUTYN: At this point I'll
14 turn to Mike Donnelly, Planning Board Attorney,
15 who will be preparing a letter to the ZBA and
16 also to elaborate somewhat on the 278 action that
17 the applicant is -- needs satisfaction from the
18 ZBA.

19 MR. DONNELLY: Years ago you always had
20 to be turned down by the building inspector to
21 apply for either an area variance or a use
22 variance. About ten or so years ago the
23 legislature thought it made sense that if when an
24 applicant appeared before the Planning Board for
25 either a subdivision or site plan review, when it

1
2 became apparent that area variances were needed,
3 dimensional variances, that the applicant could
4 go directly to the Zoning Board on a referral
5 from the Planning Board. There was no similar
6 amendment to allow a use variance transfer or
7 report out from the Planning Board. Therefore,
8 for the use variance appeal the applicant will
9 need to get an opinion letter or denial letter
10 from the building department and separately apply
11 for the use variance.

12 As to the area variance, at your
13 direction I will send a letter to the Zoning
14 Board. I will include all of the variances
15 listed on the agenda here and the applicant can
16 separately pursue that.

17 CHAIRMAN EWASUTYN: Any questions from
18 Board Members or Consultants?

19 MR. BROWNE: With that letter, also
20 leave an understanding with him that he needs
21 to --

22 MR. DONNELLY: I'll mention he'll be
23 separately applying for a use variance.

24 MR. BROWNE: Thank you.

25 CHAIRMAN EWASUTYN: I would move to

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

approve that motion subject to Mike Donnelly preparing a letter outlining the necessary variances and the extent at which we're referring him to the ZBA, and the other use variance that may be required under a separate umbrella.

MR. WARD: So moved.

MR. PROFACI: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward. I have a second by Frank Galli.

MR. PROFACI: No.

CHAIRMAN EWASUTYN: Excuse me. Joe Profaci. Excuse me. Any discussion of the motion?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself, yes. So carried.

Thank you.

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

I'll move for a motion to close the
Planning Board meeting of the 2nd of February.

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by
Frank Galli and second by Ken Mennerich. I'll
ask for a roll call vote starting with Frank
Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.7.

(Time noted: 7:50 p.m.)

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

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

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

DATED: February 22, 2012