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

----- X

In the Matter of

BJ'S WHOLESALE CLUB - NEWBURGH
(2019-07)

NYS Route 17K & Auto Park Place
Section 97; Block 2; Lots 44, 45 & 46.2
IB Zone

----- X

AMENDED SITE PLAN
CHANGE OF ACCESS

Date: February 6, 2020
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
CLIFFORD C. BROWNE
STEPHANIE DeLUCA
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
KAREN ARENT
GERALD CANFIELD
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: LARRY WOLINSKY, JUSTIN
DATES

----- X

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

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CHAIRMAN EWASUTYN: Good evening, ladies and gentlemen. We'd like to welcome you to the Town of Newburgh Planning Board meeting of the 6th of February. This evening we have five items of business. There's no Board business.

We'll start by calling the meeting to order with a roll call vote, please.

MS. DeLUCA: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. BROWNE: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

MR. CORDISCO: Dominic Cordisco, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

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

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

MS. ARENT: Karen Arent, Landscape Architectural Consultant.

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MR. WERSTED: Ken Wersted, Creighton,
Manning Engineering, Traffic Consultant.

CHAIRMAN EWASUTYN: At this point we'll
have John Ward lead the meeting.

MR. WARD: Please stand to say the
Pledge.

(Pledge of Allegiance.)

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

CHAIRMAN EWASUTYN: The first item of
business is BJ's Wholesale Club. It's an amended
site plan with a change in access. It's located
on Route 17K and Auto Park Place in an IB Zone.
It's being represented by Larry Wolinsky.

MR. WOLINSKY: Yes.

CHAIRMAN EWASUTYN: Thank you.

MR. WOLINSKY: Good evening, Mr.
Chairman, Members of the Board, Consultants. We
were here last month, as you're well aware.

The access -- Justin, just point as I
go along here.

The principal access into the facility
was originally proposed as a lighted
intersection. We knew, and the Board was aware,

1 there was a possibility that DOT would not permit
2 that. That is what came to be after consultation
3 with DOT. We had already reviewed with the Board
4 an eventuality if that would occur what that
5 would look like. When we got direction from DOT,
6 we came back and we requested to amend the site
7 plan to remove the signalized intersection.
8 There will be restricted turning movements at
9 that location. There will be use of both Unity
10 Place and Auto Park Place for the lighted
11 intersections getting access into the project.
12

13 There was a procedural hurdle to
14 overcome last meeting, which was the referral of
15 the plan to the County for General Municipal Law
16 review since the plan had changed. I believe
17 they have either responded back with a Local
18 determination or have not responded back.

19 CHAIRMAN EWASUTYN: They have not
20 responded back.

21 MR. WOLINSKY: They have not responded
22 back. Okay. So that was delivered on the 3rd --
23 hand delivered by McGoey, Hauser & Edsall on the
24 3rd of January. We're beyond the thirty-day
25 period. According to the statute, it's deemed

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approved by the County.

So any questions, we're here to respond.

CHAIRMAN EWASUTYN: Justin, would you like to make the presentation?

MR. DATES: I think Larry covered what our major change was to the plan.

CHAIRMAN EWASUTYN: At this point we'll turn the meeting over to our consultants. We'll start with Ken Wersted.

MR. WERSTED: We attended the work session and reviewed the last site plan that was submitted by the applicant. We had noted that they're still following up with Transit Orange regarding a bus stop and/or a pad for a stop. We just note that that falls within DOT's jurisdiction. It's all within the right-of-way, so that will be covered under that process.

All of our other previous comments regarding signing and striping have all been addressed.

CHAIRMAN EWASUTYN: Karen, you reviewed the landscape bond estimate?

MS. ARENT: Yes. I submitted it to the

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Town Board. Luckily there was a Town Board member here that realized it wasn't on the agenda for Monday and he put it on the agenda.

CHAIRMAN EWASUTYN: So Monday night's agenda, Pat, will contain the landscape bond estimate and --

MR. HINES: The stormwater bond estimate and the approval of the stormwater facilities maintenance agreement as well. They're all on the agenda for Monday night. Those were conditions that were recited in the original approval, specific conditions that the applicant has been working on. The majority of those have been completed.

We received copies of the Health Department approval, the bonding that we just spoke about. The DOT has a concept approval letter in. The majority of those comments have been done.

They'll have to follow up with posting of the actual security prior to the maps being signed.

CHAIRMAN EWASUTYN: And you drafted a revised negative declaration?

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2 MR. HINES: We did. We took a look at
3 the changes in the project and the original
4 negative declaration that was issued. We
5 modified the negative declaration that was
6 prepared previously to identify the changes in
7 the traffic patterns that result from the right
8 in/right out main access, and just identified the
9 left turns being at the two other intersections.
10 I think it's -- there might be two Auto Park
11 Drive intersections, whether one is Unity Place
12 or Auto Park Drive. Left turns will be permitted
13 at the signalized intersection to the west as
14 well as the unsignalized intersection to the
15 east.

16 MR. WOLINSKY: Right.

17 MR. HINES: That's been addressed in
18 the neg dec. We changed the project description
19 in some areas to address that as well.

20 With that, I think it's in a form that
21 the Board could adopt.

22 We did review the Part 2 extensively
23 during the original approval. We went through
24 each of those items. I don't believe there's a
25 need to do that again tonight based on the scope

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of the changes that we had.

CHAIRMAN EWASUTYN: To stay focused on the conversation, would someone make a motion to adopt the revised negative declaration?

MR. DOMINICK: I'll make the motion.

MR. WARD: Second.

CHAIRMAN EWASUTYN: Motion by Dave Dominick. Second by John Ward. May I please have a roll call vote.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Pat, continue on.

MR. HINES: We looked at the changes to the intersection. There are some minor changes to the drainage infrastructure. It's really de minimus in nature. It makes no change to the stormwater management on the site.

We did take a look at the cost estimates that were prepared. The information is still consistent, so we don't

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have any outstanding comments on the technical portions of the site.

CHAIRMAN EWASUTYN: At this point in time also the applicant will return for a signage approval. That's not on the table.

MR. HINES: Correct. That's addressed in the resolution. The signage package will have to be reviewed as a special use for the electronic signs under the new sign ordinance as part of the site plan review.

CHAIRMAN EWASUTYN: Thank you.

Jerry Canfield, Code Compliance?

MR. CANFIELD: Nothing additional.

CHAIRMAN EWASUTYN: At this time we'll turn the meeting over to Planning Board Attorney Dominic Cordisco.

MR. CORDISCO: Thank you, Mr. Chairman. Given the status of the -- the procedural status of the application, I have prepared a resolution of approval which I could summarize if you wish.

CHAIRMAN EWASUTYN: Please.

MR. CORDISCO: So the nature of the application is that GDPBJ, LLC received previously conditional site plan approval on

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September 19, 2019 for the construction of a new BJ's Wholesale Club retail establishment. Previously approved plans include signalized access to New York State Route 17K. The plans were revised to address the requirements of the New York State Department of Transportation that eliminated the signalized access to Route 17K and required the use of signalized Unity Place or Auto Park Place access points for the left-hand turning movements into and out of the site. This alternative site access layout was previously identified and evaluated during the initial site plan review process, but the previously approved site plan did not include the current site access as the final approved design. Accordingly, the applicant has applied for amended site plan approval to incorporate the current site access design to conform the site plan with the requirements of the New York State Department of Transportation. Since the Board had previously adopted a resolution that laid out all of the conditions that were applicable to this project, and the only thing that is changing is the site access and the de minimus changes, I have

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prepared a resolution that incorporates by reference all the prior conditions that were contained in the September 2019 approval.

CHAIRMAN EWASUTYN: Questions from the applicant or the applicant's representative?

MR. WOLINSKY: No. I believe that summary accurately depicts the situation. I did have a chance to look at a draft version. We have no comments or objections to what's in it.

CHAIRMAN EWASUTYN: Open discussion for Board Members.

MS. DeLUCA: No.

MR. MENNERICH: No.

MR. BROWNE: No.

CHAIRMAN EWASUTYN: Would someone make a motion to approve the amended site plan for BJ's Wholesale Club subject to the conditions that were presented by Dominic Cordisco, Planning Board Attorney?

MR. WARD: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward. I know Stephanie actually was participating in that. John Ward and Dave

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Dominick. Can I have a roll call vote.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. HINES: John, that approval was for a shopping center and a mixed use. Just to clarify the uses on the site.

CHAIRMAN EWASUTYN: Okay. Should we rescind the motion?

MR. HINES: I think you want to mention it.

MR. CORDISCO: I'll make the revisions to the actual resolution that's prepared for your signature.

CHAIRMAN EWASUTYN: Thank you.

Anything else?

MR. GODDARD: Can I just thank you, John, and the Board Members, and Consultants, for helping us make what I think will be a great project for the Town. I appreciate it.

CHAIRMAN EWASUTYN: Thank you.

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(Time noted: 7:14 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 18th day of February 2020.

Michelle Conero

MICHELLE CONERO

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

----- X

In the Matter of

DARRIGO SOLAR
(2019-24)

86 Lakeside Road
Section 86; Block 1; Lot 96
R-1 Zone

----- X

SOLAR FARM - SITE PLAN

Date: February 6, 2020
Time: 7:15 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
CLIFFORD C. BROWNE
STEPHANIE DeLUCA
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
KAREN ARENT
GERALD CANFIELD
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: JEFFREY LEASE, MICHAEL
MORGANTE

----- X

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

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CHAIRMAN EWASUTYN: The second item this evening is Darrigo Solar. It's a solar farm and site plan located on Lakeside Road in an R-1 Zone. I have here the representative being Jeffrey Lease.

MR. LEASE: I'm going to let Mike Morgante lead off in terms of the plans and the responses to the consultant letters that have gone between the two meetings.

CHAIRMAN EWASUTYN: Mike, please.

MR. MORGANTE: Good evening. So last we were here we received a comment letter from McGoey, Hauser & Edsall's office. We went through and addressed, I think, a majority of those comments on the plans. At least we attempted to.

Since that time I think some of the focus that was discussed that night was not only landscaping on the property, potentially some of the interconnecting poles on Monarch Drive, which I believe Mr. Lease has walked the site since then with Karen and I believe the Town Board members.

We had also received some comments from

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Karen's office prior to that. We tried to address those comments on the plans, and since we have received some additional ones. We haven't had a chance to address those on these plans yet, but I think we've taken a good step in the right direction overall to replace the landscaping and screening of the project.

I really have nothing more to add other than the fact that we did receive a no-taking letter from the DEC as it relates to the Indiana Bat on the site. That portion has been completed with the DEC in terms of their review.

We have submitted the archeological study to the New York State Historic Preservation Office. I have been in contact with Mr. Phillip Curasio from their office. There was nothing that arose from the archeological study that would warrant any more additional work. I do believe they'll be issuing a no affect finding letter to us shortly. The problem is they have to coordinate with all the other interested agencies.

We need to essentially find out what's going on with the FAA submittal that was recently

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-- I guess it was submitted a month or two ago. We did find out today that they did not receive that documentation. If it's okay with the Board and its consultant, we are going to follow up with them tomorrow and make sure the documents are actually forwarded to that office. We'll work to coordinate with them to see what their response is to us. Once they issue us a contact person name, and I guess what they call some type of an ID number, for lack of a better way of describing it, and I provide that to SHPO, I think they'll be issuing their no affect finding letter so they can coordinate with all the outside agencies.

I think that pretty much summarizes where we were from the last meeting to this meeting.

I think at this point what I'll probably do is get Mr. Lease to contribute more as it relates to the landscaping issues that I think were discussed during the various site visits. I will solicit feedback from the Board and its Consultant if there's anything additional that we should be considering tonight.

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CHAIRMAN EWASUTYN: Thank you.

MR. LEASE: So I don't have the letter that I submitted in front of me right now regarding the first site visit that we did on the property, but since then we've had -- no. The letter had to do with Jimmy Presutti, Karen and the building inspector. We met on the site and there were some specific recommendations.

From least important to most important, we showed and submitted some drawings for some gate details along Lakeside Road and Meadow and Monarch. I think Meadow and Monarch is going to be the chief gate for lawn mowing and access. The construction looks like it will probably occur on Lakeside Road and come up that driveway.

So as I mentioned one time, I think construction is probably going to be limited to about 45 days. There will be a gate on Lakeside Road just to dress it up. It won't really be an ongoing major entry point.

Additionally, the access for the power to come off the grid is going to come to an existing pole, by Central Hudson's design, at the corner of Meadow and Monarch. There was some

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discussion as to whether we could move those poles out of the 50-foot strip of property that is aligned with Meadow and Monarch. Originally the shutoff poles, some of the tubs and the reducers were in that 50-foot space. We needed to get a fire truck down that 50-foot driveway as well. It was starting to get a little crowded. I first went to EnterSolar and then to Central Hudson to ask if we could move those poles back. We can with some limitations. So all of the tubs and all of the important shutoffs and metering will be on the main body of the property, and we can submit that the next time.

Karen, with respect to -- there was a comment in the most recent letter if we could have no poles within that 50-foot strip. I need one. Central Hudson says I can't go more than 140 feet before I provide a pole. I will need one pole there. We'll pull those poles, which you got a photograph of, you know, into the property and passed the bumper so they won't be seen. Central Hudson will need gates, and keys, and locks in order to get to their various things.

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The second thing was could we increase the buffer along the north side of the panels. It looks like initially we can. Jimmy Presutti said listen, if shadows are what you're so concerned about and you want to keep a 50-foot area open between the end of the treeline and the beginning of the solar panels, would the north side be encumbered if we brought the treeline forward. I think we can do that. I'm asking Central Hudson. It looks like -- there was a concern about whether either the construction or the maintenance vehicles could fit within the 25-foot space and all of that. It hasn't been done. In other words, what Karen pointed to -- let me turn this -- is increasing the amount of trees right along here so that they're closer to the solar array, giving a little bit more buffer.

The two areas where you could really see the most number of panels from homes were right here and right along here. Those were the key areas. So Karen, rightly, and Jimmy said let's try to increase that.

The third comment had to do with this little driveway right over here, which is at the

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very corner of Patton Road. The request was to pull it in. This is to get service and fire trucks in. Because this compromises the buffer along this one side, the suggestion was maybe to move the buffer up and then move the driveway over, which I think is great.

Know that even though this is kind of a black and white and green drawing, there are more trees on this property than what's being shown here. I mean there's whole tree cobs in this area over here. This whole part of the property is treed as well. That's why I kind of liked my goofy cartoon drawings somewhat better, because these drawings are the engineering drawings but sometimes they don't give you the complete feel as to the green, and the grass area, and the pavement. So there's some more green area over here.

Importantly, Karen and Jim -- Jim said mainly listen, can we take this hillside, which you're not putting any panels on because of the slope, and begin to tree it, not with 60 foot, you know, trees that you're taking down but something -- some shrubbery or some lower things

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along there so it would still be landscaped, and retain the soil and it would -- it would provide a little bit of a visual break between the two fields. The answer to that is, I think, yes. We can and will do that and show that in the next site plan.

Karen made comments just recently as to what that landscape material can be, and I think that's all in the right way.

The whole reason for removing trees on that hillside was because of the shade on the panels. The panels have a really hard time with just a little bit of shade because these panels that are roughly 3 by 5, if one part is cool and one part is hot, they crack. That's one of the major reasons they don't work. So they're a little temperamental. They don't work if they get too hot. That's why you don't see a lot of solar panels in Arizona. When they get too hot they become less efficient.

Am I remembering everything? I think so.

We walked the property. I submitted some suggestions as to what we could do in terms

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of cleaning up the balance of the property as well as an outline for all the different types of uses on the property, of which there would be four, the existing supply yard, the farm, the related farm vehicles and the solar panels. As I said before, everything is just going to remain on one single 60-acre parcel.

CHAIRMAN EWASUTYN: Can we start now -- it's a good point for you, you brought it to us. Can we start talking about the existing uses on the property?

MR. LEASE: Yes.

CHAIRMAN EWASUTYN: Can we also talk about the second ZBA resolution -- was it the second -- and try and tie this all into a current discussion?

MR. LEASE: Okay.

CHAIRMAN EWASUTYN: Thank you. Who would like to start?

MR. CANFIELD: I can start. As you are aware of, Jeff, the plan that was approved by the ZBA dated June 16th -- June 11th, excuse me, 2018 is somewhat different and smaller than this one.

MR. LEASE: I have a copy of it here.

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DARRIGO SOLAR

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MR. CANFIELD: So do we. We reviewed it in the work session.

MR. LEASE: Okay.

MR. CANFIELD: We also looked at the decision and resolution. It is my opinion, and also I believe Counsel will chime in as well in agreement, that we feel that you need to go back to the ZBA and reaffirm this site plan use variance. The language in the ZBA decision and resolution speaks about setbacks and what they approved. The setbacks on this map before us now, which is a little larger, affects setbacks. They're somewhat different than what was originally approved. In that respect --

MR. LEASE: How so? The setbacks are all 100 feet.

MR. CANFIELD: The linear distance of --

MR. HINES: The footprints are larger.

MR. LEASE: The footprint of the solar panel array itself is larger. Yes, it's slightly larger.

CHAIRMAN EWASUTYN: Jeff, why don't we have dialogue. We'll complete one conversation

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DARRIGO SOLAR

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and then you can question. If we get -- we could lose track of what we're trying to present if everyone is talking.

MR. LEASE: Okay.

MR. CANFIELD: So with that, we feel that it's larger, obviously, and there are greater setbacks to be addressed.

MR. LEASE: Okay.

MR. CANFIELD: It's somewhat different. The second issue regarding the use is now that you have presented what the applicant's intentions are to do with the existing, there also presents some use issues. As you may be aware, it's an R-2 Zone, residential. What was there is existing nonconforming.

MR. LEASE: Mm'hm'.

MR. CANFIELD: When you present a site plan such as this with a change of use, you lose that existing nonconforming protection.

MR. LEASE: Okay.

MR. CANFIELD: So any additional nonconformities must be addressed and/or a variance sought.

MR. LEASE: Okay.

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MR. CANFIELD: In an R-2 your Ag exemption permits the farming.

MR. LEASE: Right.

MR. CANFIELD: However, the use of the building supply company is not permitted in an R-2, and that must be addressed.

MR. LEASE: Okay.

MR. CANFIELD: In addition, the use of the Terror Dome, I believe it's called, is an assembly occupancy, and that must be addressed as well.

MR. LEASE: Okay.

MR. CANFIELD: So I believe that the action before the Board tonight may be to refer this back to the ZBA for those variances.

MR. LEASE: Okay. I have a question.

CHAIRMAN EWASUTYN: Go ahead.

MR. LEASE: Would it be easier -- I don't want to go around it, but would it be easier if we subdivided the property and separated the two uses? I don't want to be -- I don't want to be smart about this, but I've got to go into the variance board to prove something that was grandfathered in. I'm pretty confident

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about what the four points of a variance are for a use variance. I'm not sure that I can show those four points on an existing grandfathered use, what they're using there. In order to maintain that, wouldn't it be easier if I just left the grandfathered section of the 20-acre remainder farm and subdivided the 40 acres for the solar?

MR. CANFIELD: I believe in that case you're still altering what is existing nonconforming, and it would still present the same issues.

MR. LEASE: I don't have an answer to that because I don't know.

MR. CORDISCO: To expand on that, the existing uses are prior nonconforming uses. If you intensify their uses, which you potentially could be doing by having the smaller lot because it would be subdivided, it may be that -- I can't tell you how to proceed before the ZBA, but you might want to consider asking for an interpretation or considering how the use variance for the solar farm comports with these other uses which are prior nonconforming but also

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are intended to continue to exist, if that is the case.

MR. LEASE: Right.

MR. CORDISCO: Now that that's been clarified, what is before us is not addressed in the Zoning Board's decision which we just received a copy of.

MR. LEASE: Right, right. So I'm not exactly clear as to how to proceed. You want me -- let me just restate so that I can understand it. You want me to go back for a review of the solar farm array, its footprint and its setbacks, as well as, should I say variance request or an interpretation for the existing grandfathered uses?

MR. CORDISCO: It would be either/or. The appropriate next step would be for this Board to actually refer you back to the Zoning Board so that you could appear before them --

MR. LEASE: Right.

MR. CORDISCO: -- for that clarification.

The issue regarding the plans themselves is that the Zoning Board's decision,

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which was received by the Town on January 14th of 2020, references in particular, in two key places, that it's the June 2018 plan. June or July.

MR. LEASE: June. I looked at it myself this evening.

MR. CORDISCO: And then in the decision -- the conditions of the decision are that the ZBA determines that the setbacks and the bulk area dimensions are as shown on that plan.

MR. LEASE: Okay.

MR. CORDISCO: The difficulty is that that plan is not -- does not comport exactly with that plan.

MR. LEASE: Okay.

MR. CORDISCO: It does say that those are going to be the controlling setback and bulk area requirements subject to any appropriate landscaping and screening materials that may be approved by the Planning Board in the site plan review process.

MR. LEASE: I looked at that very thing this evening.

So may I say something?

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CHAIRMAN EWASUTYN: By all means.

MR. LEASE: Okay. Let me just -- I want to put a fine point on what it is that we're talking about. And yes, I got it, but I want to show everybody what we're talking about.

I did happen to bring the June plan. These are at two different scales. I'll just put it down right here. This was the June 2018 plan. It shows, at a different size, a solar array here, which represents this one or similar to, and a solar array here. The difference being is that this solar array does not extend as far down. This portion is here on this plan but it's not on this one. There's a small section right here which is this section right here. So what is at issue here is none of this, none of this, none of this. It's this section right here and this section right here. The reason for that is mainly when we did the original plan we didn't have the panels and the capacity completely sized. This is a -- a 4 megawatt system is not exactly a certain number of panels. I didn't know this. It has to do with the amount of power that's generated out of a particular type of

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panel, the type of panel, the latitude in which you are. It varies in size. A 4 megawatt, 5 megawatt system varies depending on where you are, and what different conditions you have, and what kind of panels you have.

So I'm fine going back to the variance board. I'm just worried about my clearing permit. I'm waiting for the -- the FAA number got goofed up somehow. We'll resubmit. I heard from somebody that we might even be able to get an FAA number by tomorrow or even Monday. I can move archeological along pretty quickly. We're going to miss the March 31st clearing date if I've got to go before the variance board or the clearing is somehow tied to that.

CHAIRMAN EWASUTYN: Can we talk about SEQRA determinations?

MR. CORDISCO: In order to grant a clearing and grading permit you would require a public hearing, and you would also require a SEQRA determination as well.

MR. LEASE: Right.

MR. CORDISCO: You would need, as a practical matter, a negative declaration prior to

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the issuance of a clearing and grading permit.

MR. LEASE: Right.

MR. CORDISCO: The Board is not in a position at this time, without the information from the FAA as well as the State Historic Preservation Office, to grant that.

MR. LEASE: Right.

MR. CORDISCO: So it's a bit premature to ask today, on February 2nd -- February 6th, rather, when we would be in a position to be able to do that without that information.

MR. LEASE: No. My concern wasn't so much -- I'm fairly confident about the FAA numbers and those documents coming in within the next couple of weeks. The variance board is what I was concerned with. Will the variance board review hold back the clearing permit?

CHAIRMAN EWASUTYN: I think what you're saying is that you feel certain that you'll get the reviews back in the next couple of weeks that you don't have.

MR. LEASE: Yes.

CHAIRMAN EWASUTYN: Mr. Cordisco will explain to you what is needed under SEQRA to

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declare a negative declaration.

MR. CORDISCO: So we need to have that information in front of us to know that we're not having -- the project is not causing a significant adverse impact associated with those fairly significant issues. It's beneficial that you were able to get a response from the New York State Department of Environmental Conservation regarding the potential habitat issues, --

MR. LEASE: Right.

MR. CORDISCO: -- but the FAA, given the location of Stewart Airport and flight safety, is a significant issue --

MR. LEASE: Right.

MR. CORDISCO: -- that has to be addressed. We're just not in a position to do that.

To answer, I think, your question and the concern how does this tie together with the Zoning Board, is that potentially it does relate to the Zoning Board because this Board has to make a SEQRA determination based on the information that it has in front of it. The decision that you'd gotten from the Zoning Board

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now is potentially open, and should be reopened as a result of the expansion of the areas that you identified on the plan, --

MR. LEASE: Right.

MR. CORDISCO: -- as well as the existence of multiple uses on the site --

MR. LEASE: Okay.

MR. CORDISCO: -- which was not taken up before the ZBA unfortunately, or at least not encompassed as part of their decision.

MR. LEASE: Right.

MR. CORDISCO: That goes back to the clearing and grading permit as well. If the Zoning Board maintains jurisdiction over this because of these additional factors and the zoning noncompliance which prevents this Board from acting, and if the Zoning Board was to consider your application and there were adjustments, or if they granted conditional approval that doesn't match the current version of your plan, --

MR. LEASE: Right.

MR. CORDISCO: -- then the clearing and grading permit has to be tied to the Zoning

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Board's decision. If you're looking to clear that version of the plan but that's not what the Zoning Board ultimately authorizes --

MR. LEASE: Got it. All right. So again, not to be cute but I'm so focused on March 31st. What if -- I don't know about the use on the farm. What if we amended the plan and just lobbed off -- I don't know how this is going to work with EnterSolar -- this section and this section, so it looks like that? I will go in to the Zoning Board afterwards, I'll continue to go, but the plan that I'm going to submit to you is this. I'll go in to the Zoning Board and say hey, I want a determination on this and I'll roll through on that?

MR. CORDISCO: It addresses one of the two open items.

MR. LEASE: Only one, right. I can't resolve the second one, but I think -- I think with respect to the second one -- the second one -- I'm not sure. I think I can arrange the second one on an interpretation or we can begin to do something separate from that one. It doesn't get me out of there but at least I don't

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have to go through an entire review process on the solar farm, which was really difficult. It was really difficult. I'd rather just amend it so that it's smaller and then deal with the farm issue separately. I don't quite know how to -- I kind of -- I'm trying to come up with a solution here that allows you to act appropriately but then keeps us on some kind of a timeline.

MR. CORDISCO: Mr. Lease, I appreciate the circumstances and path forward that you need to take. My advice is to this Board. At this point this Board is not in a position to act further on the clearing and grading permit.

MR. LEASE: I understand.

MR. CORDISCO: There are additional things that need to occur before they're in a position to do so.

MR. LEASE: Right. But again with respect to FAA, just let me say I did contact -- the FAA is actually two separate things, one which you brought up, which was through the letter that was shared to me by Mike which was an instruction of notification to the FAA. I spoke to Washington D.C. Once we get that number, that

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FAA ID number, they're fairly certain there will be no obstruction.

With respect to glare and glint which was brought down to Jamaica and we're waiting for their number on it, we feel within the next week we should be able to get something from them as well. I think that paperwork will happen pretty quickly.

But then the variance, I don't quite know what to do.

CHAIRMAN EWASUTYN: Your recommendation to the Board? Let me hold it.

Pat, do you have anything to add?

MR. HINES: I saw what you showed us with the increase in footprint.

Also, the area between the two solar arrays is significantly smaller in the proposed array than in the June of 2018 array.

MR. LEASE: Okay.

MR. MORGANTE: The separation distance?

MR. LEASE: The separation distance between the two.

MR. HINES: I just wanted to clarify that as well.

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I think the Board has several other options that were discussed at work session. We have the glare issue, we have the visual issue. Your glare consultant identified a visual issue off of Route 84 that needs to be addressed, along with the landscaping issue.

The Board is looking at -- I heard you describe the northern buffer, but I think the Board is more concerned with, I'll say easterly side buffer along the Amber Fields subdivision, which we'll talk about.

We have the State Historic Preservation issue to weigh in on. I'm just waiting for the Federal agency.

The variance, I believe, specifies a 4 megawatt solar array. We're looking at a 5 megawatt solar array now. That language would also need to be adjusted during the variance issue.

We also have a DEC response to our lead agency. I know you took care of the bat issue. In that lead agency response there was the remediation division regarding the installation of the solar panels over the previous waste

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remediated site. We need to have something from that group as well as part of the Board's SEQRA determination process.

MR. LEASE: Okay. Yes, we haven't provided that yet. Okay.

CHAIRMAN EWASUTYN: I'm going to refer back to Dominic Cordisco as to his advice to the Planning Board, if you don't mind.

MR. LEASE: Okay.

MR. CORDISCO: I think to expedite matters within the procedural status that we've been discussing, my recommendation to the Board is that you refer this matter back to the Zoning Board of Appeals for a clarification or adjustment to their existing use variance, as well as addressing either an interpretation regarding the multiple uses or the possible consideration of a use variance to allow multiple uses to occur on the same site.

CHAIRMAN EWASUTYN: And then when we refer to the ZBA we'll also be presenting the original or the now shown site plan?

MR. CORDISCO: We have what's in front of us. I would suggest that we show that. If

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the applicant wishes to make adjustments,
that's --

MR. LEASE: No. I was just trying to --
yeah, I'll show the new one. I'm fine with that.
Yeah. I don't see how -- I was just saying that
to see if we could save some time and figure out
if the use variance for the farm would go faster
if we didn't have both decisions before them. It
doesn't seem like it's going to make a
difference. It doesn't seem like we're going to
make the March 31st clearing date. That's the
thing.

CHAIRMAN EWASUTYN: Mike, do you have
anything to add or any comments?

MR. MORGANTE: Not at this time, no.

MR. LEASE: If the applicant were
willing to do a clearing permit knowing that the
project may not go forward, would that be
permitted? Would they -- if the applicant was
willing to take the risk in terms of the decision
of the variance of the Planning Board?

MR. CANFIELD: That's a determination
to be made by the Board.

MR. HINES: We can't segment the SEQRA

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review.

MR. LEASE: So clearing is part of the
SEQRA review?

MR. HINES: Any approval this Board
does.

MR. CORDISCO: Because the action
itself is considered a combination of the various
different approvals that you need in order to
build what you're proposing to build.

MR. LEASE: Sure.

MR. CORDISCO: If there was no proposal
to build anything on the site but you wanted to
clear and grade, that's looked at slightly
differently. We can't close our eyes to the fact
that there is ultimately a goal.

MR. LEASE: A goal. I got it. I just
heard it was done before in different areas. But
okay. Okay.

MR. HINES: Clearing and grading
permits have been done before when there is no
project proposal before the Board and/or SEQRA
has been closed out while other issues on the
site plan are being addressed. Those were done
after the SEQRA review and a SEQRA determination

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was prepared --

MR. LEASE: Right.

MR. HINES: -- while the applicants were pursuing other outside permits or such. In this case you won't have the SEQRA done before the project --

MR. LEASE: Right.

MR. HINES: -- until we resolve these outstanding environmental issues.

MR. LEASE: Okay. One last question. Will the SEQRA process be unable to be closed out pending on the variance determination or can I -- if the FAA and the archeological are completed, can the SEQRA process be closed for the Planning Board?

MR. CORDISCO: The difficulty is in the nature of the use variance. Solar arrays are not allowed in the R-2 Zone.

MR. LEASE: Right.

MR. CORDISCO: The bulk requirements were set and established by the ZBA in its decision. So that's the issue that we're wrestling with. The Board can't make determinations based on setbacks and bulk

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requirements that appear to be in flux.

MR. LEASE: Okay. I got it. I'm clear. Thank you.

CHAIRMAN EWASUTYN: Would someone make a motion to have Dominic Cordisco prepare a letter for the Zoning Board of Appeals?

MR. DOMINICK: I'll make a motion.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: I have a motion by Dave Dominick. I have a second by Cliff Browne. Can I have a roll call vote.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. WARD: John, can I say something?

MR. CORDISCO: I think Mr. Ward has an additional technical comment or commentary.

CHAIRMAN EWASUTYN: Yes.

MR. WARD: Like I said the last time, I think there should be a natural tree buffer of 100 feet along Amber Fields. I said it the last

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time. It's important. It's very important.

MR. LEASE: Mr. Ward, can we walk the property?

MR. WARD: No. I'm not going there.

MR. LEASE: Okay. All right. Everyone that's walked the property has said whoa. I mean this is -- there is an existing 50-foot buffer that you can see without leaves, and it seems more than sufficient. We're screening something that's maximum, at the highest point, 12 feet tall. Many of the houses sit lower than the project. It's 50 feet away from the treeline. It's a 50-foot buffer. The panels are only 12 feet high that you're screening. Most of the houses -- only a handful of houses on Meadow Avenue are actually higher than the solar arrays themselves. Normally I would agree, but in this particular case, if you had seen and walked the property, it's a perfect location. It's so hidden.

MR. WARD: Karen, you walked the property?

MS. ARENT: I did walk the property. I agree with Mr. Lease that in certain areas the

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residential, you don't see it. There are areas where you do see it and --

MR. WARD: How about along Amber Fields?

MS. ARENT: Amber Fields, in the area down below there you will have some views in.

MR. LEASE: Right.

MS. ARENT: The area up north, it's not as visible.

CHAIRMAN EWASUTYN: You have it in green.

MR. LEASE: Yes. There are two or three houses down here which are somewhat at the same elevation right there.

MR. MORGANTE: It sounds as if you just added additional screening in these areas, you'll create the same buffer you have along the entire property.

MS. ARENT: The Board is concerned about the adding of screening because it will take forever for it to grow. They would prefer, in the areas that screening is needed, for you to keep as much of the existing vegetation, 100 feet if -- they would like that because then there's

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-- nobody has to worry about a guarantee that the plants are going to grow, they're already there. That was the thinking. Many times screening is put in and nobody takes care of it, it doesn't grow and it dies.

MR. LEASE: Right.

MS. ARENT: They would prefer to keep the existing vegetation thick wherever necessary for screening.

MR. LEASE: Okay.

MS. ARENT: They would also prefer --

MR. LEASE: So is that along the entire Amber Fields line or just down at the bottom where those three or four houses are?

MS. ARENT: We haven't discussed that.

MR. WARD: I want the whole. I said it before and I'm saying it again. The whole strip where the trees are.

MR. LEASE: Okay.

MS. ARENT: I guess it's this whole area here, and also Meadow Hill. It's not going to be difficult to get 100 feet. These residences have big views into the site.

MR. LEASE: You want me to increase the

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treeline to 100 feet along the north end of the property as well?

MS. ARENT: Yes. The Board does. Wherever there's views into the property from surrounding neighbors is where they want to keep the 100-foot buffer, because then there's no worries that it will survive because it's already there.

MR. LEASE: Okay.

MR. DOMINICK: Karen, also additional on 84.

MS. ARENT: Yes. That's also a condition of the FAA. You need tall screening. That's already -- that's been in my comments, that screening is necessary along 84.

MR. LEASE: Sure.

MS. ARENT: They care more about screening of the existing uses.

MR. LEASE: The existing homesteads along the property?

MS. ARENT: The existing landscaping --

MR. HINES: What you call the Terror Dome.

MR. LEASE: Okay. Right. Along 84.

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MS. ARENT: Yes.

MR. HINES: The Board is looking at this as a site plan. It's the entire use of the site. Your current project is the solar array but it's a mixed use site.

At work session the Board did identify concerns of what the existing site looks like. It's not a very visually pleasing site as you're driving down 84 looking into the site for what you're calling the Terror Dome.

MR. LEASE: We've shown landscaping in there.

MS. ARENT: So that that area could be screened. Another option is to clean that area up, but I don't know how that --

MR. LEASE: We made a beginning proposal to the --

MR. MORGANTE: Can I see the area you're talking about to make sure I get it right in the plans?

MS. ARENT: This whole area they would like screened from view from 84.

MR. LEASE: Are you asking for 100-foot buffer there as well?

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MS. ARENT: No.

MR. LEASE: So the 100-foot buffer --
treed buffer here?

MR. MORGANTE: If I might add --

MR. LEASE: We almost have it right
here. It's just this one side, the east side of
the project.

MR. MORGANTE: If we end up with
100-foot buffers on the east side and the north
side, it's not going to look the same as what was
approved by the ZBA. In quantity it will
probably be the same as what was approved by the
ZBA. If you understand where I'm going with
that.

MR. LEASE: We're going to have to
shift the whole array.

MR. MORGANTE: By default it's going to
shrink the project down from what was originally
approved from a footprint standpoint.

MR. DOMINICK: Just to reiterate, I've
said from your initial appearance about the site
and how it appears on 84, especially the Thunder
Dome. It's not a new topic.

MR. LEASE: No, it's not. I'm

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completely clear about it. I'm completely clear about that. There's no issue with that. There's no issue with that.

Just the re-appearance before the variance board for the aligned site plan, which I really have no problem with. The existing grandfathered uses on the site. Okay . I've just got to think about how I go about that.

MR. CORDISCO: This Board is bound by the terms of the Zoning Board's decision.

MR. LEASE: I got that. Yeah, for sure. I'm clear. All right.

MR. HINES: The Board also identified at work session -- I want to get as much of this out there -- that you're proposing monoculture landscaping. It's all White Pines proposed.

MR. LEASE: Yeah, yeah, yeah.

MR. HINES: We think you should take a look at that, maybe bring a landscape architect onboard to work with Karen to have something that's really going to work there.

MR. LEASE: That was just a first -- got it. Thank you. Okay.

(Time noted: 7:54 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 18th day of February 2020.

Michelle Conero

MICHELLE CONERO

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

----- X

In the Matter of

READY COFFEE
(2019-26)

Gardnertown Road
Section 76; Block 4; Lot 3
B Zone

----- X

AMENDED SITE PLAN

Date: February 6, 2020
Time: 7:55 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
CLIFFORD C. BROWNE
STEPHANIE DeLUCA
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
KAREN ARENT
GERALD CANFIELD
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: MICHAEL BERTA

----- X

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PMB #276
56 North Plank Road, Suite 1
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(845)541-4163

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CHAIRMAN EWASUTYN: The third item this evening is Ready Coffee. It's an amended site plan located on Gardentown Road, the northwest corner, in a B Zone. It's being represented by Lothrop Associates

MR. BERTA: Good evening. My name is Michael Berta, I'm an associate with Lothrop Associates. I'm happy to be back before the Planning Board to present our project to you again.

Just to recap what we're doing here, the existing shopping center is at 59 North Plank Road. It contains the former Rite Aid and Big Lots, plus a couple other plazas. It's bordered by Route 32, Gardnertown Road, and so it's a unique piece of property.

What we're proposing to do is a single-story drive-thru coffee shop. It's a 550 square foot building. We are putting it in an area of the parking lot that is very seldomly used.

We're increasing part of what -- when we talk about parking, we're actually going to be taking away some of the existing blacktop and actually creating green space that currently is

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asphalt. There's a benefit to that.

Now, when we were here last time we took some of the comments from the consultants. We took the building and we slid it further in away from Gardnertown Road so that we maintain the 60-foot setback. Now this building is 68 feet from Route 32 and 61 feet from Gardnertown.

We've taken a look at -- we've updated the parking slightly. It's the same count. Even though when we slid the building over we lost a couple spots when we rearranged, we may wind up with the same. If you remember, on the original one we had two handicap spots over here. We updated that to only one. The reason why the parking count remained the same is that we removed some of the additional handicap spots we were proposing. By doing that we picked up the lost spot by the striping. That's how we were able to maintain the same number.

Some of the other comments is you'll notice on this one we're planning on only re-striping our area. The rest of it is proposed striping. What can happen in the parking lot, down the road when the owner goes to re-stripe it

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and there's a plan in place that he will follow,
this way we will maintain that number.

Some of the other comments were we
identified all the existing nonconformities and
we added them into a table here.

The only one that we were going to ask
the Board tonight about will be the menu boards
on the building because those will be additional
signage. Those are not represented here. That's
just a question we will have for the Board and/or
the consultants.

We tried to address all the other -- as
many comments as we could.

We did provide a parking study. I
believe it was gone through and some additional
comments were sent yesterday as well by the
parking consultants.

Any questions?

CHAIRMAN EWASUTYN: We'll open the
meeting to Ken Wersted with Creighton, Manning
Engineers.

MR. WERSTED: Thank you. Many of our
comments from the previous submission have all
been addressed.

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They had noted at the time in December that a traffic study and a parking study was ongoing. That's been submitted. Largely our current comments are reflective of those studies.

They did go to Poughkeepsie and look at the location there. They counted the parking. They looked at the trip generation generated. When they took that information and applied it to the Newburgh location, they found that the existing facility is generating, I would say on average about 80 trips in the morning peak hour and on the Saturday peak hour. Those are the busiest times. The weekday midday and the weekday p.m. peak hours are much lower and they're not going to be very critical times.

When they went through and did their traffic study, though, they compared this land use to the nearest ITE comparable one which is a doughnut/coffee shop. That comparison found that a coffee/doughnut shop generates quite a bit more than this would. To be conservative they analyzed the a.m. peak hour as a coffee/doughnut shop. Many of the results are conservative in that respect.

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The only time period that was different where ITE was lower was a Saturday. They used the information from the Poughkeepsie location on Saturday and applied it to here.

They had noted that many of the customers that go to the existing facility are already driving by the site. As they were doing their counts they were interviewing the customers and found that most of them, nearly 75 percent, were already driving by somewhere. The majority of the traffic is already out on the road driving past the site. They depart the main road, go in and use the facility and return.

The cueing on the Poughkeepsie site basically varied from four to eight vehicles. The wait times varied also from as short as fifteen seconds up to five minutes. The average was around a minute -- I'll say seventy seconds or so to a minute and twenty seconds.

The location in Poughkeepsie had much higher traffic volumes out on Route 9. It was nearly 40,000 cars driving by. This being a convenience type of land use, you're not going to drive all the way out to Poughkeepsie, all the

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way down to, I think this is technically in Wappingers. You're not going to drive down to get coffee and go back. A lot of the business is going to be driven by how many cars go by the site.

I will note that the traffic study did look at how much traffic was out on Route 32, which was roughly just under 14,000. Gidney Avenue also has quite a bit of traffic. I want to say that's around 11,000. In combination with that, it does bump that up a little bit more. It's still probably close to half of what's happening on Route 9.

In any case, the cueing here at this location is estimated to be, I think, roughly five spaces in the drive-thru. The drive-thru I think is just about long enough to accommodate that.

There is a crosswalk that goes from the parking lot over to the building, which ideally someone is not parked in or not stopped in. The tail end of the fifth vehicle may be hanging out just a little bit.

MR. BERTA: If we shift the building

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over about six feet, we'll be able to get that full fifth car in. That will still keep us within the setback.

MR. WERSTED: Great.

There is some circulation going on with the site. We had noted and attached a little diagram to our comment letter. Right now as the site is laid out, on the parking lot side there is a northbound and a southbound drive aisle. It parallels with the northbound drive-thru. Essentially that area in itself is three lanes wide. On the west side of the building we've got a few parking spaces. We also have a north and southbound drive aisle to service those three spaces.

In our diagram we think it would be a little bit more efficient if the building was rotated 180 degrees because the drive-thru would be separate and the parking -- the three parking spaces in front of the building would be joined with the parking aisle that's already there. That in turn may have some effects on the setback. The architecture of the building may have the front of the building now facing the

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woods to the south. So there are some cons to that as well.

MR. BERTA: If I may. As you noted a few minutes ago, most of the people that frequent this are just driving by. With putting the building in order to maintain -- to get the cueing that you're looking for, we have to put the building to the back of the site. Part of that is that we're going to lose the visual effect of people just driving by. They will never see the property. Again, it's just going back to the traffic studies, going back to your comment that they're just driving by. It's a visual thing. They see it, they pull in, they get it and go. By putting the building there; yes, it may help the cueing. Now we still have the cars coming through the parking lot and going around. Yes, we'll have a little bit better cueing, maybe a little bit better flow. The detriment to the building and the business I think will far outweigh the cueing. I know Jed had --

MR. BONNEM: If I could make another comment.

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CHAIRMAN EWASUTYN: For the record,
your name please?

MR. BONNEM: Jed Bonnem, Ready Coffee.

So the plan we've submitted has a
bypass lane. In other words, if someone is in
that cue, they can exit the cue. We found that
people do use the bypass lane at our existing
facility. If someone is in line and they receive
an emergency call, their child has been injured
or for some reason need to exit the cue, which we
see frequently to be honest, the issue with the
revised plan is that there's no bypass. We feel
it's important to have that bypass. Our
customers use that bypass. It's, in a sense, a
safety feature of the plan.

MR. WERSTED: My comments weren't you
should rotate the building. It's really more of
here's what it would look like.

The first thing that pops in my mind in
looking at the traffic is you've got a northbound
-- a southbound lane and a northbound lane and
they're all next to each other. The only
division through there is like a stamped brick
kind of division.

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Looking at some of the other comments. The supporting documents weren't provided but those were sent over by your traffic consultant. I'll take a look at those and just verify that the results are what's in the study.

The parking utilization study of the existing plaza did find that it's 60 to 80 percent empty, particularly that side because that is the least used side of the building. We would note that the Rite Aid is obviously empty, so there is vacant space on that end. Once it's filled there will be some higher occupancy to that end.

There was a comment back from the attorney regarding the sidewalk. We would disagree that it's a sidewalk to nowhere. Right now the sidewalk in front of the McDonald's connects Gardnertown Road up to the Citgo station, and it pretty much stops there. The sidewalk in this area would continue from Gidney Avenue -- I'm sorry, Gardnertown Road --

MR. BERTA: You're talking that area right there?

MR. WERSTED: Correct. It would

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basically end at the next driveway. We have looked at other land uses in the Town. The Mavis Tire on Route 300 would be an example where we connect it from one property -- one property corner to the other. Certainly that sidewalk goes to the edge of the mall and then just kind of ends there. There's a number of examples of that through the Town.

MR. BERTA: Just a couple questions, if I may. Being where we would have to put the sidewalk, it will not be on our property, it would be in the State right-of-way.

MR. WERSTED: Correct.

MR. BERTA: A couple concerns that the owner has brought up, just to kind of get thoughts. He's worried about safety, people walking there. He's worried about maintenance. He's worried about any liability that may be coming there. The fact he's building something on the State right-of-way, he's building something not on his property, he's worried who is going to own it. So there's, I think, a lot of other things because of that. Given where the property line and parking lot ends, it would be

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almost impossible to try to get any of it on ours because there is a little bit of a slope there as well. It would have to go out very close to the edge of the roadway.

MR. WERSTED: Those were some issues we were facing with McDonald's as well. I think the preference is to either have it on your property or not on your property and not necessarily straddle the line.

MR. BERTA: We have no choice.

MR. WERSTED: When we were looking at the McDonald's, I believe they did move that out to get it more on the State right-of-way. I think DOT will look favorably on that. Obviously before us tonight was the BJ's. They are putting in a sidewalk from essentially the corner of Unity Place, across their frontage to the end of their frontage. Similar, McDonald's is right there next to this. You can see that there's a landscaped wall. I don't know if it's stone or not.

MR. BERTA: It's a very nice wall.

MR. WERSTED: Yes. I think they did a really nice job. This would obviously be a

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continuation of that to the next driveway. We're not asking to bring that all the way down to the next plaza.

MR. BERTA: Again, there were just some concerns. The owners are not --

MR. BONNEM: I think the way to say it is that we are not opposed in principle to the sidewalk. We want to understand the details of how it would be done.

Does the Town or the State own -- this is a question from the landlord. Does the State or the Town -- do we transfer ownership of that sidewalk to the State or the Town or what -- who owns and maintains it?

MR. HINES: I can tell you it is not the Town.

MR. BONNEM: What's that?

MR. HINES: It is not the Town.

MR. BERTA: It would definitely be the State.

MR. WERSTED: Those are conversations we can have with DOT.

MR. BONNEM: We're not opposed in principle to this. We just want to get the

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details.

CHAIRMAN EWASUTYN: What happens in the design guidelines -- the design guidelines were completed in 2007. They represent fourteen hamlets in the Town. Where your site plan is being proposed is one of those hamlets. It calls out for pedestrian walkways. It's a tool that we have to work with.

Pat Hines.

MR. HINES: We had identified the variances needed on the existing site. I do note that you did move the building but the bulk table has not been adjusted. Jerry and I have had the opportunity to take a look at that.

They'll need variances for pre-existing nonconforming uses. I have them identified. Number 1 and number 2 in my comment letter are no longer needed because of relocating the building, but the bulk table would need to be modified to eliminate those. They had to do with North Plank Road and Gardnertown Road which changed when you moved the building. The bulk table didn't change. The ones that are required are my number 3 and number 4. Minimum side yard, 7 feet is

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provided where 60 feet -- these are on Grimm Road -- is required. A minimum side yard of 9 feet is provided where 15 feet is required. A maximum impervious surface coverage on the entire site, 211,409 square feet is permitted where 234,427 is proposed. The Town of Newburgh code requires 301 parking spots based on your calculation. Because all of these uses appear in the code with the required number of parking, the 301 is required and you have 247. A variance for the difference between those two.

MR. BERTA: 274.

MR. HINES: 274. What did I say?

MR. BERTA: 247.

MR. HINES: Transposed. 274 spaces.

That will also require a variance. So the Board would need to refer you for those variances that are identified.

MR. BERTA: What about the sign, the menu board, the freestanding and the one mounted to the building, in addition to the coffee signs?

MR. HINES: I don't have a calculation of the entire signage on the site. I think that's a question -- if you can give us the size

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of those signs and the existing signage, we can give you the answer to that. Right now I don't believe we have the information needed.

MR. BERTA: Okay.

MR. CANFIELD: If I may. That's one thing I was going to add. With future submissions you should present a total signage package which would include the whole site. The Planning Board has to review that. What you've submitted and the elevations are not dimensioned and all of that. Future submissions need to address that.

MR. BERTA: We have the sign submittal from the Poughkeepsie location which will be very similar. We can get something for you. That's not a problem.

MR. HINES: We're not in a position to know whether or not you need a variance on that tonight.

MR. BERTA: Not a problem.

CHAIRMAN EWASUTYN: Comments from Board Members. John Ward?

MR. WARD: I'm going to emphasize about the sidewalk. The State pushes for pedestrian

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safety right now, and that's very important. I understand you're for it. The landlord, or whoever it is, should consider that no matter what it is. He's concerned about people, liability and all this. It's a matter of safety. Thank you.

MR. BERTA: Not a problem. Thank you.

MR. DOMINICK: I echo what John said.

In fact, in your initial appearance I brought that subject up. You have major supermarkets -- two major supermarkets, a fitness center, multiple restaurants. They all generate pedestrian traffic. Pedestrian safety is important. Especially your business is going to generate --

MR. BONNEM: We're not opposed to the sidewalk. We just wanted to understand.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: I just picked up on one of the last comments you made, the signage being similar. We don't want similar. We want exactly what's going to be here.

MR. BERTA: What's on here.

Absolutely. No, no. When I said similar I meant

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to the other location. My apology. What we're depicting here is actually what will be there.

MR. BROWNE: Thank you.

MR. MENNERICH: Just regarding the possibility for a variance on signage. Often times when projects go through the process and get approved, and then afterwards they go to the ZBA. You have that option.

MR. BERTA: I understand. Since we're going, if we could get it all done at once.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: No further comments.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: I noticed when I did a site visit there are several kinds of storage units on the property. Are they part of this project?

MR. BONNEM: At the North Plank Road location?

MR. DOMINICK: There are several storage units, those portable boxes. Are they part of this project?

MR. BONNEM: No. We have nothing on that site.

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MR. CANFIELD: Dave, they were part of Rite Aid.

MR. DOMINICK: Thank you.

CHAIRMAN EWASUTYN: In Jennifer VanTuyl's note, and we'll actually summarize the variances, Jennifer would like for us to grant a conceptual approval tonight so they can move forward with further detail of the plans.

If the Board is in agreement, would someone make a motion to grant conceptual approval of Ready Coffee?

MR. WARD: So moved.

MR. DOMINICK: Second.

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

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

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variances?

MR. HINES: I have them identified from my items 3 and 4 in my comment letter. They're under number 1, but those identified as 3 and 4 are the required variances with the exception of the signage. I can't answer that right now. We don't have that number.

MR. BERTA: That's understandable.

CHAIRMAN EWASUTYN: Will we be preparing a referral letter to the ZBA based upon Pat Hines' review comments? Will we wait to hear back from the applicant as far as signage?

MR. CORDISCO: My recommendation, Mr. Chairman, would be to prepare the referral letter now to the ZBA and indicate that there may also be a variance required for signage depending on their overall signage plan, how it's calculated and submitted to the building inspector.

CHAIRMAN EWASUTYN: Okay.

MR. CORDISCO: I think that's acceptable.

MR. HINES: Yes. As Ken mentioned, the Board has done that before for numerous projects that either don't know their tenant or don't know

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their signage needs.

CHAIRMAN EWASUTYN: For the understanding of all, Pat Hines, Jerry Canfield and Domenic Cordisco will work together to come up with a referral to the ZBA that Domenic Cordisco will write.

MR. CORDISCO: Yes, sir.

MR. BERTA: Thank you. Also Jennifer asked about SEQRA. Is it too soon?

CHAIRMAN EWASUTYN: It's too soon for that.

MR. BERTA: I thought it was but she had it in there. Thank you very much.

CHAIRMAN EWASUTYN: Do you want to make a motion?

MR. MENNERICH: I'll make a motion that we refer it to the ZBA.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich for a referral to the ZBA. I have a second by Cliff Browne. I'll ask for a roll call vote starting with Stephanie.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

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READY COFFEE

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MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Anything else?

MR. BERTA: We're good. Will we have the letter in time to be able to get on the end of the month's agenda for the ZBA?

MR. CORDISCO: I'll be working on it this weekend.

MR. BERTA: I didn't mean to make you work the weekend.

MR. CORDISCO: I can't do it tomorrow but I can do it over the weekend.

MR. BERTA: Thank you very much.

Mr. Hines, we had left a message. If you could send me the detail for the double stripe.

MR. HINES: I will.

MR. BERTA: I believe you have mine and Patrick's e-mail.

MR. HINES: I do.

MR. BERTA: Thank you. I appreciate it.

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(Time noted: 8:20 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 18th day of February 2020.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

DONNELLY - LESLIE ROAD SUBDIVISION
(2020-01)

67 Leslie Road
Section 26; Block 6; Lot 25
R-2 Zone

----- X

INITIAL APPEARANCE
THREE-LOT SUBDIVISION

Date: February 6, 2020
Time: 8:20 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
CLIFFORD C. BROWNE
STEPHANIE DeLUCA
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: MICHAEL LYNCH

----- X

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CHAIRMAN EWASUTYN: The fourth item of business this evening is Donnelly - Leslie Road Subdivision. It's an initial appearance for a three-lot subdivision located on 67 Leslie Road in an R-2 Zone. It's being represented by Engineering Properties.

MR. LYNCH: Good evening. My name is Michael Lynch representing Engineering & Surveying Properties for the applicant, Mr. Donnelly, for this three-lot subdivision located on Leslie Road.

We have an existing lot with an existing dwelling. We're proposing a three-lot subdivision, so we'll be proposing two additional lots.

The existing home has access off of Leslie Road. Our proposed lot 2 will also have access off of Leslie Road with sufficient sight distance as shown on the plan. The third lot will have access off of a common drive that's existing with access off of Leslie Road. It traverses the proposed lot 1 and provides access to two lots to the rear of the existing Donnelly lot. We will need Town Board approval to add a

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third driveway to the common access drive.

This project is located in the R-2 Zone.

We are providing septic systems for sewer but the water service will come through the municipal system.

CHAIRMAN EWASUTYN: Pat Hines.

MR. HINES: Our first comment has to do with contacting the highway superintendent for the proposed driveway locations. As the applicant's representative mentioned, there is a proposal to extend an additional house onto a private common driveway that serves two residences. The third would need Town Board approval. I note that recently they're going through one of those. They're going to want comments from the jurisdictional emergency services as well when you go to them. This Board won't be able to approve this prior to the Town Board approving three lots on a common driveway.

The existing and/or proposed access and maintenance agreement should be submitted to Domenic Cordisco for review.

Easements for utilities are required as

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the water lines are crossing several of the lots. Those will need to be provided.

There are some comments on the septic system design. There's an Elgin unit detail but no Elgin is identified --

MR. LYNCH: Can I point that out? We actually did propose an Elgin system. I think a lot of these comments could be cleared up. The proposed lot 3 has an Elgin system. Right underneath the adjacent Dillon property information there's a callout for four laterals at 40 linear feet of Elgin mass.

MR. HINES: I think there are still some comments on that. We can go through those. I don't think that lineal footage adds up as well.

With that, I think the septic design table should have the lot numbers so we can coordinate. That will help as we're going through that and have to back into which lots were which.

The water service details and tap details should be provided. We'll need comments from the water department. The water services

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are rather long. There may be a need to upsize the size of the pipes serving the houses due to the length of those. We're going to ask you to coordinate with the water department.

Standard Town of Newburgh water and sewer notes are needed.

The bulk table, as you said, should be revised so the bulk table identifies that you do have Town water. The lot size, where it says lot area, it should say with Town water. Just clear that up.

Lot surface coverage is identified in feet and should be a percentage in that bulk table.

MR. LYNCH: I think that was a typo.

MR. HINES: The other one has to do with the septic comment you just mentioned.

We're going to need a survey map for the subdivision.

The other comment has to do with the septic system. We can work through that. It's an Elgin unit, I believe, based on the --

MR. LYNCH: I saw your comment. We were just saying that that's what's required. We

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are providing 160 feet, which is in excess of that requirement.

MR. HINES: I think it requires 148, actually.

MR. LYNCH: I did the calculations just by hand before I came to the meeting. I came up with 146.6.

MR. HINES: I took it off the chart, the Elgin design chart. We'll work those issues out. They're technical issues.

I think more importantly is to get to the Town Board for your three lots on a common driveway, that takes some time, and getting those easements in. We can work out the details with the septic systems.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. CANFIELD: Just one thing. I think equally as important, though, is the water department's input. The lot size allowable is predicated on water being provided. Like Pat had mentioned, there's plus or minus 300 feet.

You're proposing three-quarter inch copper. I don't know if the water department is going to be okay with that. I think you need to

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2 report to the Board that your water proposal
3 supply to the building is substantial and it's
4 approved so that we can say yes, the 17.5 square
5 footage on the lot size is permissible. If it
6 doesn't for some reason, if you can't get Town
7 water back there and you have to put in wells,
8 the lot size jumps up to 40,000 square feet which
9 is a total reconfiguration. I think it is
10 equally as important.

11 CHAIRMAN EWASUTYN: John Ward?

12 MR. WARD: No comment.

13 CHAIRMAN EWASUTYN: Dave Dominick?

14 MR. DOMINICK: No comment.

15 MR. BROWNE: Nothing.

16 CHAIRMAN EWASUTYN: Mike, I see the
17 sight distance referenced. It looks like it's
18 looking west at 550 feet or 500 feet.

19 MR. LYNCH: Yes.

20 CHAIRMAN EWASUTYN: When you're coming
21 out of the driveway and you're looking east, and
22 that's where I had visited the site, what is the
23 sight distance there?

24 MR. LYNCH: That is 264 feet.

25 CHAIRMAN EWASUTYN: The requirements

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for a Town road?

MR. LYNCH: It's a 30 mile-an-hour road
and ASTO requires 200.

CHAIRMAN EWASUTYN: Okay. That's close
there.

I guess at what point in time will we
look for some kind of driveway detail as far as
how it's going to be finished?

MR. CANFIELD: I think Pat's comment
was the highway department super weigh in.

CHAIRMAN EWASUTYN: Thank you.

MR. HINES: There is a driveway cross
section on the plan. Sheet 2 on the right side
there by the revision date.

CHAIRMAN EWASUTYN: Okay. You're
right.

MR. MENNERICH: On the location map
where it shows the site, could you put Leslie
Road on that?

MR. LYNCH: The text on there. Yes.

MR. MENNERICH: Thanks.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: Nothing.

CHAIRMAN EWASUTYN: Pat, would you

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agree that we could grant conceptual approval for the three-lot subdivision for Donnelly on Leslie Road, and then we have to refer to the Town Board?

MR. HINES: I would just say contingent on proving out the water service to that rear lot.

CHAIRMAN EWASUTYN: It has to be referred to the Town Board for three lots on a common driveway.

MR. HINES: Usually the applicant pursues that. I don't know that we refer that.

CHAIRMAN EWASUTYN: Domenic, would you like to add anything?

MR. CORDISCO: The procedural requirements for this are dependent on the fact that it involves the extension of Town water services. It would be classified as a major subdivision even though it's only for three lots. The process would entail, at some point when the Board is ready and are technically satisfied with everything, they could get sketch plan approval and then would proceed onto preliminary plat at that time.

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MR. HINES: It's a major subdivision
for the Town, not the County.

MR. CORDISCO: Correct.

CHAIRMAN EWASUTYN: Right. Okay.
We're okay for now for conceptual approval?

MR. CORDISCO: Yes.

CHAIRMAN EWASUTYN: Anything else?

MR. LYNCH: No, sir.

CHAIRMAN EWASUTYN: Thank you.

MR. LYNCH: Thank you.

(Time noted: 8:30 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 18th day of February 2020.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

YOUNG SUBDIVISION
(2020-02)

50 Millhouse Road
Section 8; Block 1; Lot 52.2
AR Zone

----- X

INITIAL APPEARANCE
FOUR-LOT SUBDIVISION

Date: February 6, 2020
Time: 8:30 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
CLIFFORD C. BROWNE
STEPHANIE DeLUCA
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: MICHAEL LYNCH

----- X

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

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CHAIRMAN EWASUTYN: The fifth and last item of business this evening is the Young Subdivision located on 50 Millhouse Road. It's an initial appearance for a four-lot subdivision in the AR Zone. Again it's being represented by Mike Lynch of Engineering & Surveying Properties.

MR. LYNCH: What we have here is a four-lot subdivision. We'll be subdividing two existing lots.

The one caveat to this project is we do have a Town line running right through the middle of the property. That's the large dashed line. That separates the Town of Newburgh from the Town of Marlborough. It also indicates a County line.

I'll get into the project specifics but I will just start off by saying we have also submitted an application for a subdivision to the Town of Marlborough. We're planning to appear in front of their Board on the 18th of February.

What we have here is two existing single-family homes on lot 2 and lot 3 on the proposed map. We have a proposed four-bedroom dwelling on proposed lot 1. That lot is entirely in the Town of Marlborough.

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The improvements that are proposed for this project all are being located in the Town of Marlborough. There are changes to lot lines that are in the Town Newburgh.

We did receive some comments from the engineer in regard to lot 4 which is -- we have it labeled as not a building lot at this time. We understand that that's not possible. We will be proposing a house, a septic and well on that lot. We plan to keep that in the Town of Marlborough as well.

I'll send it back to the Board.

CHAIRMAN EWASUTYN: Pat, I can't say that I clearly comprehend the site here. I was very impressed by the residential dwellings on Millhouse Road. It's a nice neighborhood, nice homes. Quite nice. I haven't been out that way in years, since Mildred Starron.

Pat, do you want to take us along?

MR. HINES: Fortunately for the applicant, I know the guy that will review this in Marlborough, too. That's should streamline it a little bit.

My major concern initially was the lot

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in the Town of Newburgh that said not for building purposes. We can't create lots less than 5 acres not for building purposes. It is a subdivision that needs to be shown to be buildable, so that will need to be addressed.

All the driveways are in the Town of Marlborough. We're asking the Town of Marlborough highway superintendent weigh in on those locations.

It looks like this is also a lot line change.

MR. LYNCH: That's correct. The existing house that's in the Town of Newburgh.

MR. HINES: What about the Young lot that you're not showing as part of this subdivision. Is it gaining land at this point?

MR. LYNCH: No. That's going to remain as is. There are no changes proposed.

MR. HINES: The reason I ask that is there's what looks like a lot line running roughly parallel to the Town line in that lot.

MR. LYNCH: I understand. That's not a part of this proposal. We can remove that. I believe that just --

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MR. HINES: Let's clarify that.

MR. LYNCH: We'll remove it. That's not part of this application.

MR. HINES: That's why I asked that question.

Just for Domenic, I often have concerns about these because these lots will be issued separate tax lot numbers in each of the Towns/ Counties. Along with that I believe comes separate tax bills. There are issues with paying of tax bills on some and creating those issues. I don't know if there are notes that are created that they need to join them together. They can become very comminuted when one of the two tax bills on a lot is not paid for residential small lots like this. It's very different when they're large lots. I don't know how we resolve that.

MR. CORDISCO: The challenge is to create a connection in the chain of title so that there are deeds that get filed in Orange County and deeds that get filed in Ulster County that cross reference each other so that anyone looking, and looking in the future to purchase one of the lots that straddles that boundary,

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that they are having -- well, they're in both jurisdictions.

MR. HINES: So that will need to be accomplished as we move forward.

I had suggested a note saying not independent building lots at this time so someone doesn't seek to get a building permit in one or the other municipality on those tax lots. We can label those, unlike the label we have on lot 4.

The building envelop on lot 3, it has an existing house on it. It should only be shown where the lot has lot width.

MR. LYNCH: I was a little confused. Can you repeat that?

MR. HINES: The building envelop right now extends to a triangle to the front yard setback.

MR. LYNCH: Correct.

MR. HINES: It can only be where the lot has the 150 foot minimum lot width. That just needs to be cut short. It's kind of a mute point because the lot has a house on it already.

The site is identified in the EAF as an archeologically sensitive area, probably due to

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the Gomez Millhouse. We're going to need --
you're going to need to submit this to Office of
Parks, Recreation to get a sign off on the
cultural resources aspect of that.

It was interesting it also was
identified as a Bald Eagle habitat, which we'll
need that addressed through the DEC as well.

I'll see you on the 18th.

MR. LYNCH: Thank you.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. CANFIELD: I have nothing
additional.

CHAIRMAN EWASUTYN: Board Members.
John Ward?

MR. WARD: No.

MR. DOMINICK: No.

MR. BROWNE: No.

MR. CORDISCO: Just incidentally, in
connection with the Bald Eagle habitat, I believe
that the Eagle habitat is actually on the cliffs
that are owned by Tilcon, or previously owned by
Tilcon, on property that is --

MR. HINES: The old quarry?

MR. CORDISCO: Correct. Correct.

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That's been identified previously as Bald Eagle habitat. Bear that in mind and just provide that as additional information in coordinating with DEC.

As Mr. Hines had mentioned, the identification for the culturally sensitive area is likely to be the Gomez Millhouse. As a result of that, what that does is it triggers that this is now a Type 1 action. In addition to being a Type 1 action, the procedural requirements for that is it actually requires a long form EAF. I don't know if they submitted a long form.

CHAIRMAN EWASUTYN: They did not.

MR. LYNCH: A short form I believe.

MR. CORDISCO: The long form should be submitted. Also, it requires the coordinated review, which means one of the agencies involved will have to declare their intent to be lead agency and have to be confirmed as lead agency in order for SEQRA to move forward.

MR. LYNCH: If I may. That was another issue I wanted to address with the Board tonight. Is that something that this Board has interest in or do we want to wait until we present it to the

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Town of Marlborough? We did notice that one of these agencies will have to declare lead agency. We want to hear your thoughts on that.

CHAIRMAN EWASUTYN: I think Pat -- along with yourself, Pat Hines, what were your suggestions as far as being lead agency since you're reviewing both projects?

MR. HINES: I would feel more comfortable if we presented it to the other Board as well, get their feelings, see if one has more interest than the other. There's two houses proposed in each municipality. I would've said if there's more than one in the other, I would draw that.

MR. CANFIELD: There's more in the Town of Marlborough.

MR. HINES: There's two here and two here.

MR. CANFIELD: More area.

MR. HINES: More area in the Town of Marlborough, certainly.

MR. CORDISCO: On that point, there's not a real significant delay to the applicant to allow that process to play out, because even if

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you were to declare your intent to be lead agency on this particular project, you would have to circulate notice and the EAF, which in this case has to be the long form EAF, which we don't have. It's not something that they could do tonight anyway.

MR. LYNCH: Understood.

CHAIRMAN EWASUTYN: We'll need copies of that EAF for the Board Members with the application, along with our consultants.

MR. LYNCH: Yes, sir.

CHAIRMAN EWASUTYN: So then the action before us this evening?

MR. HINES: Nothing. Just an initial appearance.

CHAIRMAN EWASUTYN: Just for reference, the Tilcon property is north of this?

MR. HINES: Yes.

MR. CANFIELD: Northeast.

MR. HINES: Northeast off of Quarry Road. It's at the Marlborough line. There's an old bridge.

CHAIRMAN EWASUTYN: Okay.

MR. CORDISCO: It straddles actually

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both towns. It does evolve memories from my DEC days.

MR. MENNERICH: Was the bridge on Millhouse Road replaced by the towns?

MR. LYNCH: That I'm not sure. I can get that answer for you if you'd like.

MR. CANFIELD: It's open.

MR. HINES: As well as the one in the Town of Marlborough was out for some time. That also was replaced.

CHAIRMAN EWASUTYN: Thank you.

MR. LYNCH: Thank you.

CHAIRMAN EWASUTYN: I'll move for a motion to close the Planning Board meeting of the 6th of February.

MR. MENNERICH: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: Motion by Ken Mennerich. Second by Stephanie DeLuca. Roll call vote starting with Stephanie.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

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MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 8:41 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 18th day of February 2020.

Michelle Conero

MICHELLE CONERO