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

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In the Matter of

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

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

----- X

ARCHITECTURAL REVIEW/SIGNAGE

Date: March 5, 2020  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: ANDREW FETHERSTON

----- X

MICHELLE L. CONERO  
3 Francis Street  
Newburgh, New York 12550  
(845)541-4163

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CHAIRMAN EWASUTYN: Good evening, ladies and gentlemen. I'd like to welcome you to the Town of Newburgh Planning Board meeting of the 5th of March. This evening we have six items of business on the agenda and one Board business item.

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

MR. GALLI: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. BROWNE: Present.

MR. DOMINICK: Present.

MR. CORDISCO: Dominic Cordisco, Planning Board Counsel.

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield, Code Compliance Supervisor.

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

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

MR. GALLI: Everyone stand, please.

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(Pledge of Allegiance.)

MR. GALLI: Silence your phones or turn them off.

CHAIRMAN EWASUTYN: The first item of business we have this evening is BJ's Wholesale Club - Newburgh. It's located on New York State Route 17K and Auto Park Place. It's in an IB Zone. It's here for ARB approval of signage. It's being represented by Maser Consulting.

MR. FETHERSTON: Mr. Chairman, what's your preference? Should I show you each of the signs, their location and what they look like? What's your preference to go around this?

CHAIRMAN EWASUTYN: I think, first of all, what you submitted was a great tool of information to have. Can we work from what you submitted to us?

MR. FETHERSTON: Absolutely.

CHAIRMAN EWASUTYN: Is the Board okay with that? We have that. It's bright, it's colorful.

MR. FETHERSTON: I'm starting on page 4 of 24. I was going to start on the west side of the building and then proceed around in a

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clockwise fashion, do the building first and then the other signage after.

So on page 4 of 24, 1-A and 1-B are the large BJ's sign, and then the sign for Wholesale Club beneath it.

Sign 3-A is down on the southwest corner. That's indicating where the location of the tire sales and propane sales are.

I'm going to go around the north side of the building facing Route 17K. Sign number 4 indicates the location for the pick-up area.

Sign 2-A is a slightly smaller version of what's over at sign 1-A, the BJ's logo.

I'm going to skip page 6 because that's optional signs.

I'm going to go right to 7 of 24. That's sign 2-B. That's at the lower -- on the southeastern corner.

I'm going to switch to page 8. 3-B is right here, over the tire center. It also indicates the propane sales.

On page 9 there's a series of signage for the gas canopy, the gas filling pumps. On the column that holds up that canopy there's some

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signage. I can go through some of those.

On page 11 there's a blowup, and the sizes are indicated for sign 1-A. That's the main sign over the front entrance of the building.

MR. GALLI: That's on the building itself?

MR. FETHERSTON: That's on the building, yes. That's on that elevated portion. Beneath it, on page 12 is Wholesale Club, the dimensions for that.

All of these signs on the building are all internally illuminated with LEDs.

CHAIRMAN EWASUTYN: Thank you.

MR. FETHERSTON: On page 13, signs 2-A and 2-B, this corner and that corner, again slightly downsized versions of what's at 1-A over the main entrance.

On page 15, that's the size and specifications for the signage at number 4. That's over the pick-up area.

We're going over to the canopy now, the gas canopy on page 17 of 24. That's 5-A, B, C and D. It's on the four sides of the canopy. A,

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B, C and D. That's it for the illuminated signs that are on structures.

There are a couple of other signage indicating -- some other signage indicating where the diesel pumps are, et cetera. Those are stickers.

The clearance sign. Clearance 14 feet is a reflective sign but not illuminated. It's just informational.

I'm going to go to the main sign on the front. That's on page 20 of 24, sign number 8. It's out by the front entrance. Again, LED illuminated. That will have the prices for the fuel.

Beneath that there's a temporary sign shown on 21 of 24. We haven't indicated where that will be located on the site, but we can talk about that.

MR. GALLI: Jerry, temporary signs, are they part of the sign package before the CO is issued?

MR. CANFIELD: Not really. What do you mean by temporary?

MR. FETHERSTON: Opening soon.

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MR. CANFIELD: Isn't that out there already?

MR. DOMINICK: It's on the fence.

MR. CANFIELD: There's something on the fence.

MR. FETHERSTON: Okay. All right.

Then on page 22 of 24, that's our sign number 10 indicating the direction of the flow traffic to get into the facility and also into the bank.

The last sign is on page 23 of 24. That's at this location. Number 11. That's the Barton Chevrolet sign with the adjacent bank beneath it.

CHAIRMAN EWASUTYN: That's a sign that is called out for a special use permit? Is it this one?

MR. CANFIELD: Message board.

MR. FETHERSTON: It's just that one. That's the one I believe needs to be -- we would be asking for a public hearing when we get to that. That's it.

CHAIRMAN EWASUTYN: Does any one of the Board Members have any questions?

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MR. GALLI: The B-3 signs all look nice and everything like that. Jerry answered the one question.

These two on page 22 of 24, where are they going to be located again? If you can turn it around so I can see it.

MR. FETHERSTON: Number 10. One arrow is pointing -- giving the direction if you're traveling south.

MR. GALLI: The one near the Chase Bank?

MR. FETHERSTON: That's here.

MR. GALLI: Where is it going to be on the property?

MR. FETHERSTON: That's the location of the sign.

MR. GALLI: And then the other one is going to be up near the other bank?

MR. FETHERSTON: These are the two sides. This is if you're traveling north and this is if you're traveling south. That's it.

MR. GALLI: So it's one sign?

MR. FETHERSTON: Correct.

MR. GALLI: Okay. I thought it was two



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signs. My mistake.

MR. HINES: Sign 8 is similar to that.

MR. FETHERSTON: Sign 8 is similar.

MR. HINES: It's at the 17K entrance.

MR. FETHERSTON: That's correct.

MR. GALLI: The electronic sign -- the Barton sign, that's an electronic sign but it's not a constant flashing?

MR. FETHERSTON: No.

MR. GALLI: It's a sign similar to, I'll use the Mansion out on 9W?

MR. FETHERSTON: The description I have is it's a zoning compliant electronic sign.

MR. HINES: You have a section of code in there that identifies these, Section 185-14. It controls how often they can change the display. There's a certain number of seconds it has to stay on. Jerry may be able to speak to that. In your sign ordinance for these signs, there is a regulation on the illumination of them and how often they can change.

MR. GODDARD: That's specifically what we're intending.

CHAIRMAN EWASUTYN: Just for the

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record, can we have your name please?

MR. GODDARD: Adrian Goddard.

MR. GALLI: That's the one like on 9W,  
Jerry?

MR. HINES: Yes. Similar. This one is  
much larger.

MR. DOMINICK: This will have a  
revolving message? Every couple minutes it will  
change from sale to zero percent finance or --

MR. CANFIELD: As Pat said, there's a  
section of the sign ordinance that is specific in  
detail as to the illumination, how bright it can  
be, how often it can change, the color  
combination. All of that is in that section of  
the code. It's quite extensive.

At some point, either at this level or  
prior to them receiving building permits, they  
will have to display compliance with that section  
of the code.

MR. GALLI: Jerry, with these signs  
being the signs of the future, how come it's a  
special use permit?

MR. HINES: That's the way the  
ordinance is written.

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MR. CANFIELD: It's the way the ordinance is written. I can only guess what their intentions, they meaning the Town Board, when they adopted this.

MR. GALLI: Our sign ordinance is fairly new.

MR. CANFIELD: Perhaps it's to give the Planning Board the option -- excuse me, the opportunity, and the public because a public hearing is required, to make comment as to these types of signs in their areas.

This particular sign, of course as everyone's knows, is in an IB Zone.

MR. GALLI: I was just curious as to why. You answered my question.

MR. BROWNE: Another question on the sign. Just information. The brightness, is that something -- with the electronic LED signs, is that dimmed for the nighttime or is it the same brightness day and night?

MR. HINES: It has a maximum.

MR. CANFIELD: It has a maximum. Not to exceed.

MR. BROWNE: So it doesn't change at

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night? It doesn't dim at night so it's not going to blind you at night?

MR. CANFIELD: Correct.

MR. BARTON: No.

CHAIRMAN EWASUTYN: For the record, your name?

MR. BARTON: Ron Barton.

The sign changes in intensity.

MR. BROWNE: Yours does?

MR. BARTON: So when the sun is out during the day it's brighter than at night, and then it dims at night so that it's not blinding.

MR. HINES: Your ordinance has a maximum.

MR. BROWNE: The ordinance doesn't say that has to happen but they're doing it.

MR. CANFIELD: It can't exceed the maximum at any part of the day.

MR. BROWNE: We should change that, too.

MR. CORDISCO: It has a day and night maximum.

CHAIRMAN EWASUTYN: Let Cliff finish and we'll go to Dominic.

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MR. BROWNE: With the LED lights being bright so you can see everything in the daytime, at night they're kind of blinding. They're really, really bright.

MR. GALLI: Most of those signs dim when you travel.

MR. BROWNE: I was asking if the ordinance in the code, if that's a requirement. Apparently it's not a requirement of the code but it's being done that way anyway.

CHAIRMAN EWASUTYN: Dominic.

MR. CORDISCO: There is a provision in the sign regulations regarding brightness that addresses specifically this issue. What it says is that no electronic sign shall be illuminated to a degree of brightness greater than necessary for adequate visibility or a maximum of 300 nits between sunrise and sunset, and then 5,000 nits during daylight hours, or the minimum standards set by the Federal Highway Administration, whichever is more restrictive. So there is a nighttime restriction with 300 nits, and there is a 5,000 nit restriction during the day.

MR. BROWNE: Thank you.

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MR. CORDISCO: Nit is a form of brightness. You see it often times with cell phones. They tell you how many nits your screen is.

On the other issue, if I may, just to expand on a question earlier as to how often messages could be displayed. It's no more than every half an hour. So the message that's up there has to be up there for a continuous period of a half an hour. If it's zero percent financing or if it's -- whatever it is, it has to be displayed for a minimum of a half an hour. It has to be a quick transition of no longer than four seconds to the next message, and that message then also has to be up for a half an hour. It doesn't involve any kind of balancing or spinning or any other kind of video effects in order to make sure that it's not distracting to drivers that are passing by.

MR. DOMINICK: Thank you.

MR. CORDISCO: Sure.

MR. CANFIELD: Very good.

MR. MENNERICH: The sign you're actually changing is the middle strip; correct?

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MR. BARTON: Correct.

CHAIRMAN EWASUTYN: Jerry Canfield,  
Code Compliance, do you have anything to add at  
this point?

MR. CANFIELD: Pat and I have discussed  
this extensively. We both looked at it. We  
looked at it for compliance. The sign package  
that was detailed and submitted, which I must say  
is a very thorough and comprehensive package, it  
is compliant with the zoning ordinance with the  
exception of the letters and numbers that are on  
the canopy of the gas station. That doesn't  
comply, through no error of the design  
professional. The zoning code mistakenly has  
missed putting that portion in the code. Gas  
station canopies are not listed anywhere. We've  
had previous applications that we've sent to the  
Zoning Board for them to address that.

One other issue, which is probably the  
biggest issue, and Pat will of course cover his  
comments, but we were discussing the signage  
package is right on point and does comply. With  
that, not only signage size and all of that but  
the location of the signage. The setbacks that

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2 are predicated by the new code, especially the  
3 message board, per the signage package is  
4 correct, however it does not correspond with the  
5 site plan. The site plan that we were looking  
6 at, the latest was 12/19/19, those generic  
7 locations perhaps are not matching the signage.  
8 You may want to re-examine that because if you  
9 scale it, in some cases they may be into a  
10 parking space. You just need to look at that.

11 MR. GODDARD: I heard about the issue.  
12 We didn't actually know the size of the --

13 MR. CANFIELD: Adrian, maybe you should  
14 talk to the Board.

15 MR. GODDARD: Sorry.

16 CHAIRMAN EWASUTYN: That's fine.

17 MR. GODDARD: We didn't know the size  
18 of the signs or the design of the signs when we  
19 got the site plan approved. When the design was  
20 completed, we moved the signs so they would be  
21 compliant. We moved them further back from the  
22 road, for example. I think that's the case in  
23 all three instances, isn't it? We set them back  
24 a little bit further from the road so they were  
25 compliant.



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CHAIRMAN EWASUTYN: The setbacks you're referring to; correct? Is that what you were referring to?

MR. CANFIELD: Right. Exactly.  
Exactly.

CHAIRMAN EWASUTYN: All right.

MR. GODDARD: That's what happened. I need to be able to proceed with the plan that was approved and -- you know, I don't know whether the fix -- I don't know what the fix is. Maybe we could figure it out at a workshop. I don't know if it's amended site plan after the fact. We can't wait, obviously.

MR. HINES: That's what we're here now for.

MR. CANFIELD: Exactly. The site plan needs to match the signage package. The setbacks that are required need to be depicted on the site plan that is proposed to be signed.

MR. GODDARD: Okay. We can change that. What I'm concerned about is a delay. Can we --

MR. HINES: I think what we're looking for is a revised plan for Andrew's -- the first

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page should depict what you're going to put there. I think during this process we can address it. We're here for the signage now.

MR. FETHERSTON: I could bring -- just so I understand, I could bring over so many plans. Maybe just if I could use your office and just pull out the old and replace the new? I hate to print -- I don't want to print all new sets.

MR. HINES: I wouldn't imagine you'd have to print all new sets. I think as part of the sign package we'll have a site plan to reflect the signs on this package as part of the sign review, I think is the most efficient way to handle that.

MR. GODDARD: Swap out the pages basically?

MR. HINES: Give us one updated page of Andrew's site plan with the signs that conform to this sign package the Board is looking at.

MR. GALLI: Basically page 1.

MR. CANFIELD: I think it's page 3.

MR. HINES: Whichever page. So this sign package the Board is looking at is

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coordinated with the plan.

MR. FETHERSTON: It's probably the layout plan. Okay.

CHAIRMAN EWASUTYN: The mylar which would be signed as far as the approved site plan, that mylar sheet would have to be changed to --

MR. HINES: Or superceded by this application and that plan.

CHAIRMAN EWASUTYN: What makes more sense?

MR. HINES: It's probably easier to append the one page and this to that approved plan.

MR. FETHERSTON: I'll do a new mylar. That's fine.

MR. GODDARD: I'm concerned, obviously, about a construction schedule. I don't want to get I can't begin until I have the signed mylars. I'm happy to take care of that.

MR. HINES: Don't build the sign before you get approval and you'll be fine.

MR. GODDARD: I won't. You think he's going to let me.

CHAIRMAN EWASUTYN: Let's discuss that

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so I have a better understanding of where we are at this point in the process.

The bonds were presented to Mark Taylor?

MR. GODDARD: Yes. He has -- there were some changes. We went back and forth a couple of times.

CHAIRMAN EWASUTYN: They were presented today?

MR. GODDARD: He has them in his hand.

CHAIRMAN EWASUTYN: They're the final bonds based upon the changes that were made?

MR. GODDARD: That's correct.

CHAIRMAN EWASUTYN: Jerry, what happens now that Mark has the final bonds? Does that become a Board business item? A Town Board business item?

MR. CANFIELD: No. The Town Board has already approved the dollar amount, so there's no need for them to go back to the Board to approve the form of security. In this case they've elected to use a bond, so it's up to the Town attorney to accept the form -- true to form the language of the bond. If that's done, Mark

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Taylor can just send a memo.

MR. HINES: He usually sends me a letter saying that those conditions regarding the bonds are complete. I believe the only outstanding item in the conditional final approval was Mark's signoff on those, as well as there's a requirement to post the two inspection fees for stormwater and landscaping. So those two \$4,000 checks need to get delivered, and then I think the conditions of approval have been satisfied at that point. Mark Taylor's office will send me a memo, and Jerry. He carbon copies you too, of course. We'll get a letter from his office saying the bonds are acceptable as to form.

CHAIRMAN EWASUTYN: So the set of mylars that I have in the office, they're complete or there has to be a pulling and changing of one or two sheets?

MR. FETHERSTON: There would have to be a change of at least one or two sheets to show the sign in the new location. It was in the former location prior to knowing the size of the signs. That's correct.

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MR. HINES: That's not what we just said. If that works. I believe we're going to approve those original plans. During the approval process of this sign package, the ARB, we're going to amend one of the sheets to show these.

MR. GODDARD: So you're suggesting that subject to the conditions being completed, the mylars get signed and then the plan gets --

MR. HINES: That's what I'm suggesting. As long as the Board is okay with that.

MR. FETHERSTON: Sign what you have and we'll give you an amended plan just for the sign --

MR. HINES: As part of the sign package with those minor revisions of the locations for the signs.

CHAIRMAN EWASUTYN: So one more time for my benefit. If the Board is in agreement, I sign the mylar that I currently have in the office?

MR. HINES: You're waiting for a memo from me that says the following conditions, and there were twelve or fifteen conditions, are

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done. Typically you and I get together on that and authorize that signing.

CHAIRMAN EWASUTYN: And then at a later date, Dominic, they'll submit the revised sheets to reflect the changes that were discussed?

MR. HINES: Along with the sign package.

MR. CORDISCO: Correct. Which presumably would be part of this Board's ARB approval. And a site plan amendment to that as well, just in connection with those sheets. That makes sense because they're not looking to construct the signs at this time. You're looking to do the site work rather than the signs.

MR. GODDARD: I'm looking to get Jerry to review a full set of architectural which I know is sort of hanging around somewhere. I don't think it's supposed to -- I mean I don't think you're allowed to start reviewing until the mylars are released. Is that right? Is that the formula?

MR. CANFIELD: Review of?

MR. GODDARD: BJ's architectural.

CHAIRMAN EWASUTYN: Speak louder.

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MR. GODDARD: BJ's architectural.

MR. CANFIELD: The architectural plans.

We've already started that process.

MR. GODDARD: I know you have. They can't get a permit until mylars are released?

MR. CANFIELD: I can't issue a permit until the site plan is signed.

MR. GODDARD: Right.

CHAIRMAN EWASUTYN: So then between now and tomorrow or Monday, Jerry Canfield's office will have to be receiving two checks for inspection fees.

MR. HINES: Yes.

MR. CANFIELD: Correct.

MR. GODDARD: You'll have them tomorrow.

CHAIRMAN EWASUTYN: And then you and I will talk at a later date. I know I will be needing a small replenishment in the escrow account.

MR. GODDARD: That's no problem.

CHAIRMAN EWASUTYN: I paid some bills, I know what the balance is. Okay. That's fine.

So the action before us tonight, Pat



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Hines, is?

MR. HINES: You need a referral to the Orange County Planning Department because it's a special use along the State highway. A public hearing is to be scheduled. I think those are the two actions that you can take tonight.

CHAIRMAN EWASUTYN: The first meeting in April is what date?

MR. GALLI: April 2nd.

CHAIRMAN EWASUTYN: So the timeframe is fine for that. The County may or may not be, but that will be up to you to pursue the County.

MR. HINES: I'll have my office hand deliver them tomorrow to have that clock start. Hopefully they'll respond before April 2nd.

MR. FETHERSTON: We'll pursue the County.

MR. GODDARD: We'll pursue the County.

CHAIRMAN EWASUTYN: Let's take one matter first.

MR. HINES: We need to discuss about the sign canopy and the ZBA. Are we withdrawing -- taking the signage off the canopy for now?

MR. GODDARD: Yes, we're taking the

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signs off the canopy.

CHAIRMAN EWASUTYN: Are you okay with that?

MR. GODDARD: Yes.

MR. CANFIELD: We're fine with that.

MR. GODDARD: We'll ask for a referral to the ZBA when the time comes. I just don't want to delay this process because of that. It's not a problem.

CHAIRMAN EWASUTYN: Is there a motion that we should be making tonight to reference the fact that the canopy shown on the ARB signage plan, at this point in time we're not approving any signage on that?

MR. HINES: Correct.

MR. CANFIELD: A suggestion. You may want to put it as a condition of approval.

CHAIRMAN EWASUTYN: Dominic, do you want to give us the verbiage for that?

MR. CORDISCO: When the time comes the Board has a decision in front of it, and we would include that language that nothing -- no signage on the canopy would be approved as part of that, and that the applicant will be free to apply in

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the future for signage on the canopy. In that case, unless there's been a subsequent change in the zoning code, it would require referral to the Zoning Board of Appeals.

CHAIRMAN EWASUTYN: Most likely that will all be covered at the meeting of April 2nd when we have the public hearing.

MR. CORDISCO: That's correct. The only procedural items for you to consider tonight is the referral to the County Planning Department, which you covered, as well as scheduling a public hearing.

CHAIRMAN EWASUTYN: Can I have a motion from the Board to --

MR. GALLI: I just have one question. The signage on the canopy we're talking about is just on BJ's gas?

MR. HINES: That's correct.

MR. FETHERSTON: Yes.

MR. HINES: Four times.

MR. GALLI: The clearance is like a sticker?

MR. FETHERSTON: That's a reflective sticker, not illuminated.

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MR. GALLI: On the canopy?

MR. FETHERSTON: It is on the canopy.  
The clearance sign as well. We would for go all  
the signs on the canopy.

MR. CANFIELD: They're not going to  
include it now.

MR. GALLI: I'm asking which ones  
because there's a difference. One says BJ's gas,  
the other one says clearance 14 feet. If the  
clearance 14 feet is on there, it has to come  
off.

MR. HINES: We're not addressing any  
signage on the canopy.

MR. GALLI: That's what I wanted to be  
clear on.

MR. CANFIELD: Hopefully at some point,  
before the canopy is constructed and they are  
occupied, they receive that variance.

MR. GODDARD: We'll be back promptly.  
The 14 feet clearance probably should be on  
there.

CHAIRMAN EWASUTYN: Are we clear on all  
matters?

MR. MENNERICH: Yes.

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MR. GALLI: Yes.

CHAIRMAN EWASUTYN: Then I'll ask for someone to make a motion to hold a public hearing on BJ's Wholesale Club, the ARB signage package.

MR. GALLI: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: We have a motion by Frank Galli.

MR. MENNERICH: Is there a date?

CHAIRMAN EWASUTYN: April 2nd.

I have a motion by Frank Galli. I have a second by Dave Dominick. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Aye.

And that motion would also include circulating to the Orange County Planning Department.

I think that covers just about everything.

MR. FETHERSTON: Thank you.

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MR. GODDARD: Thank you.  
(Time noted: 7:27 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 March 2020.

*Michelle Conero*

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MICHELLE CONERO

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

----- X  
In the Matter of

ALL TRANSPORTATION  
(2019-12)

349 South Plank Road  
Section 47; Block 1; Lot 96  
B Zone

----- X

CHANGE OF USE/SITE PLAN

Date: March 5, 2020  
Time: 7:28 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JONATHAN CELLA

----- X

MICHELLE L. CONERO  
3 Francis Street  
Newburgh, New York 12550  
(845)541-4163

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CHAIRMAN EWASUTYN: The second item of business is All Transportation. It's a change of use/site plan located at 349 South Plank Road. It's in a B Zone. It's being represented by Jonathan Cella.

MR. CELLA: Good evening. We're here for hopefully a conditional final approval for the proposed site plan at 349 South Plank Road. It's located in the B Zoning District.

There's a proposed personal service use which will be a personal ground transportation business. We've been here several times. The proposal is to have vehicles parked at the site which will be driven to destinations to pick up clients and deliver them wherever they need to go.

The building is 1,900 square feet. We have the proposed covered area in the back which will be wood framed for storage of vehicles so that they can be easily cleaned of snow and such.

We received several variances from the Zoning Board of Appeals for existing conditions of the front yard and the side yard setbacks, and also for the proposed canopy.



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We're just waiting for DOT approval.  
We submitted plans and we're coordinating that  
with them now.

The most recent plans we submitted, we  
had some additional landscaping and we have the  
proposed rock wall, the decorative stonewall  
along South Plank Road, some proposed trees  
around the dumpster and the dumpster enclosure.

CHAIRMAN EWASUTYN: Karen has approved  
the amended landscape plan.

Ken Wersted had one comment on the  
striping. Pat.

MR. HINES: It doesn't depict the  
double striping required by the Town. There  
needs to be a detail.

MR. CELLA: The detail has the double  
striping. I think his comment was stating that he  
wanted the double striping to be shown on the  
site plan itself.

MR. HINES: Right. It should be  
labeled.

MR. CELLA: That we can put a leader on  
there. I think it would get too confusing to  
show actually two stripes on the site plan.

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MR. HINES: The scale of 4 inches  
apart, I don't know if that's --

MR. CELLA: It's not going to work.  
I've never done that. The detail I think meets  
your standard on sheet 3.

MR. HINES: On sheet 2.

MR. CELLA: I'm sorry. Sheet 2 is the  
striping detail. Right here.

MR. HINES: Possibly a note just  
referring to that.

MR. CELLA: See details?

MR. HINES: See details so that it is  
double striped.

MR. CELLA: That can be included with  
the package that we submit once approved by the  
DOT.

CHAIRMAN EWASUTYN: Jerry Canfield, do  
you have any comments at this point?

MR. CANFIELD: Nothing.

CHAIRMAN EWASUTYN: Pat, we have kind  
of an okay from Ken Wersted, from KALA and from  
yourself.

MR. HINES: We just talked about the  
DOT.

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We submitted the plans to Orange County Planning on January 24th. We have not heard back. That's timed out.

The site is served by existing municipal water and sewer with no anticipated increase in flow.

There is no stormwater but there will be the need for a landscape security for the stonewall and the plantings.

We're recommending a negative declaration. It's a change of use before the Board.

The canopy in the back has received the ZBA approvals.

Any approvals would be subject to a DOT approval for the driveway in substantially the same location as it's proposed. It's really an improvement to the site. Currently the whole frontage is open. This will be a defined 24-foot wide DOT access drive now. The driveway and stonewall across the front will prevent that wide open access that's currently existing.

MR. CELLA: The site will be paved and stabilized.

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CHAIRMAN EWASUTYN: Questions from  
Board Members?

MR. GALLI: No additional.

MR. MENNERICH: No.

MR. BROWNE: It looks good.

MR. DOMINICK: No.

CHAIRMAN EWASUTYN: Before I poll the  
Board Members, first to declare a negative  
declaration and then we'll get into the  
conditions of approval, if that's all right with  
you.

MR. CORDISCO: Certainly.

CHAIRMAN EWASUTYN: Having heard from  
Pat Hines, our consultant, as far as the site  
plan matters, Karen from KALA Landscape  
Architects is approving and signing off. Ken  
Wersted of Creighton, Manning has approved and  
signed off on the change of use site plan. Would  
someone make a motion to declare a negative  
declaration for All Transportation?

MR. MENNERICH: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by  
Ken Mennerich and a second by Frank Galli. I'll

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ask for a roll call vote starting with Frank  
Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Aye.

At this point we'll turn to Planning  
Board Attorney Dominic Cordisco to give us  
conditions of approval for All Transportation.

MR. CORDISCO: Thank you, Mr. Chairman.

This is a site plan approval. Apart  
from your general conditions which are contained  
in every written resolution, you would have  
additional conditions specific to this project,  
which would be the posting of the landscape  
security and inspection fee as well as securing  
approval from the New York State Department of  
Transportation.

In this case would it be a highway work  
permit or would it be just approval of the  
design?

MR. HINES: It's a highway work permit.

MR. CORDISCO: I will add that

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condition to the written resolution.

CHAIRMAN EWASUTYN: Having heard the conditions of approval for All Transportation presented by Planning Board Attorney Dominic Cordisco, would someone make a motion?

MR. DOMINICK: I'll make the motion.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: Motion by Dave Dominick. I have a second by Cliff Browne. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Aye.

Very good.

MR. CELLA: Thank you very much.

Do I estimate the landscaping cost or do you guys provide the bond?

CHAIRMAN EWASUTYN: You'll present something to Karen and Karen will approve it. It will have to go to the Town Board for the Town Board to act on it.

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MR. CELLA: Okay.

CHAIRMAN EWASUTYN: Any inspection fee money, Karen will set that amount. A check would go to Jerry Canfield for the inspection fee.

MR. CELLA: No problem. Thank you very much.

(Time noted: 7:35 p.m.)

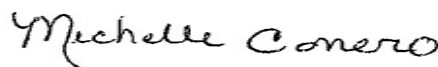
C E R T I F I C A T I O N

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 March 2020.



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MICHELLE CONERO

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

----- X  
In the Matter of

CPC OF THE WMM - USA, INC.  
(2020-03)

5208 Route 9W  
Section 24; Block 2; Lot 22.12  
B Zone

----- X

INITIAL APPEARANCE  
CHANGE OF USE/SITE PLAN

Date: March 5, 2020  
Time: 7:35 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JOSEPH MINUTA

----- X

MICHELLE L. CONERO  
3 Francis Street  
Newburgh, New York 12550  
(845)541-4163



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CPC OF THE WMM - USA, INC.

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CHAIRMAN EWASUTYN: Our third item of business this evening is CPC of the WMM - USA, Inc. It's located on Route 9W in a B Zone. It's an initial appearance for a change of use for a site plan. It's being represented by Joe Minuta of Minuta Architecture.

MR. MINUTA: Good evening. I'm Joseph Minuta with Minuta Architecture here to represent the project. I have with us this evening the owners of the property, Pastor Olga Cabrera and Faniel Perez. They are with us, they came up from New York City just for this event.

With respect to the property, I believe the narrative explains sort of the history of the property. What we're trying to do at this time is to utilize it as a place of worship.

The site obviously exists in many ways. The intent here is to realize the building to its maximum extent possible based on parking.

I did receive the comments. Please tell me how you would like me to illustrate the rest of the project. Would you like to go through the comments?

CHAIRMAN EWASUTYN: How ever you're

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most comfortable.

MR. MINUTA: Very well. Thank you. So the property was purchased a couple years ago. At this time there was -- there's been some history here. There was a dispute over the property line in the corner here which used to have parking. That property line was settled, I believe it was around 2002 after -- I have to refer to my sheet here. 2003. 6 of 2003. So that essentially eliminates some parking from the lot itself.

That being said, there was an existing parking plan put together for the prior showing the spaces and the configurations. What I've done with this plan is essentially changed that parking to reflect what we could put down as a maximum within the regulations for the size of the spaces, back up, et cetera. The intent here is to pave the entire parking lot. So brand new overlay on the entire parking lot, clean the place up, re-stripe it.

Back in 2002 there was a requirement of two handicap stalls up top which was to serve the handicap ramp which serviced a second floor.

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That ramp, or bridge as it would be, was installed. It appears that the asphalt area that was up here has sort of deteriorated, so that area would be brought into compliance.

Essentially that's the project. I did receive the comments and I'd be happy to go through them.

Referring to Mr. Hines' comments; yes, we're aware of the 31-foot setback on the front yard. Obviously this is an existing nonconformity. I don't know if due to its nonconforming status, whether it stays as is or if we need a referral to Zoning.

I would have the same comment for part B of that with regard to the maximum coverage, whereas the coverage is 57,804 maximum and this property has 59,536. Those are two nonconformities.

On part C we calculated the required parking based on the area of the building and the occupancy thereof. We came up with 183 spaces would be required for the entire building, whereas we're proposing 102. So for that we would either request a zoning variance for the

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remaining spaces or a limitation of the occupancy in the building so that the number of vehicles would be appropriate.

MR. HINES: The change of use triggers the lack of grandfathered protection for the zoning in the Town of Newburgh. Each of those requirements would need variances because they lose their protection.

I just note that as Jerry and I were talking, the front yard setback was shown as 50. It's actually 60 required on a State highway. When you get that referral we'll need to reflect that 35.1 feet is existing where 60 is required, not 50.

Because the Town of Newburgh has a parking calculation for this use, that would also need a variance. If there wasn't a parking calculation for this use, we can often defer to the ITE manuals. Because we have that, that also needs a referral to the ZBA.

MR. MINUTA: Thank you.

With respect to limiting the parking or limiting the number of occupants based on the amount of parking we have, sort of an inverse if

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you will, is that something that is acceptable for us to pursue?

MR. HINES: I don't believe so. The parking calculations are based on the building. It also becomes a very difficult enforcement issue.

MR. MINUTA: Okay. Very well.

Item 3, water and sanitary sewer. This property is served by a well and it's got a 62-gallon holding tank which stays full. That has been historically the use of this building since it was a catering hall back in the 1950s.

It's also served by, I believe, a 3,000 gallon sanitary disposal tank that was recently pumped by Spagnoli. We have documentation and that information. That tank was also installed and permitted by the Town in 1984. It's a 3,000 gallon septic tank that was installed. So it does not currently have public water or sewer. Everything is handled on site.

MR. HINES: We'll need documentation that all that is adequate for the change of use based on the occupancy and the hydraulic loading anticipated from the facility. It doesn't have

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-- it only has a holding tank?

MR. MINUTA: That's my understanding.

We have a 62-gallon holding tank.

MR. HINES: That's for the water?

MR. MINUTA: That's for the water.

MR. HINES: For the septic there is no septic system, there's only a tank?

MR. MINUTA: No. There's a tank and whatever else is there. I mean it was done in the 1950s. It was actually redone in 1984 through permitting through the Town.

MR. HINES: So we should show whatever that information shows as the initial basis for this. Permanent holding tanks are not permitted long term by DEC code. Hopefully there is a septic system associated with that.

MR. MINUTA: No, no, no. The 62 gallons is for the water in the holding tank. The septic tank is 3,000 gallons, and that is distributed out through I understand --

MR. HINES: Whatever information you have on that should be depicted on the plans.

MR. MINUTA: Will do.

Item number 4, the intention here is

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CPC OF THE WMM - USA, INC.

47

that the parking lot will be cleaned up hopefully with a top coat and -- an inch-and-a-half top coat.

MR. HINES: There's some pretty rough spots there that are going to need a little more than that. If you could take a look at that. We'll need details on that and appropriate notes depicting areas to be paved. There probably needs to be some remediation because if just an inch-and-a-half top coat goes on portions of that --

MR. MINUTA: Fair enough. We'll provide a standard section.

MR. HINES: We have a similar comment with the rear driveway.

MR. MINUTA: Yes. Agreed.

MR. HINES: I don't think you're getting a car up there.

MR. MINUTA: Yes.

So with regard to item number 6, the intention here is -- the property has its curbing, has its landscaping, existing lighting. The intention here is simply to do overlay and restrict the lot. I hope that addresses item

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number 6. I don't know if there are any comments on that.

Item number 7, the guidelines. Again we're simply doing the design guidelines. We're only doing asphalt overlay and striping.

MR. HINES: Going back to that comment. Typically the Board takes these opportunities for change of use in this corridor to try to make these sites more presentable. The design guidelines restrict parking in the front yard setback, but they do -- this Board typically grants waivers for other landscape features or such that will help screen the parking in some manner.

I don't know if the Board has been to the site, but the landscaping --

MR. MINUTA: It's minimal.

MR. HINES: Minimal is the word I was looking for. The Board may wish to take a look at the site and request some additional landscaping. I don't know if Karen is going to take a look at this. There's not a lot of landscaping.

CHAIRMAN EWASUTYN: The Town code does



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call out for I think one tree for every eight parking spaces. You may want to look at that code. It's, in many cases, to break up the visual impact along the corridor. I think that's true of the bank that's on the corner of Chestnut Lane. That's --

MR. GALLI: M&T.

CHAIRMAN EWASUTYN: -- M&T. That is also the case of Quickchek a little further north of this. They put in an stonewall along the front of the property to offset the impact of the vehicles. You may want to look at that. Generally they're about 2 to 2.5 feet in height. We want to see how you can work something like that in to the site plan itself.

MR. MINUTA: If I remember correctly, that's a screening of the grills and so forth.

CHAIRMAN EWASUTYN: Back to the design guidelines. It's to mitigate driving down the road and seeing a sea of cars and bumpers.

MR. GALLI: It dresses up the parking lot, the area in the front.

MR. MINUTA: Understood.

I do have a question. With regard to

1  
2 the trees, I'm happy to provide the number of  
3 trees as would be required for this as long as  
4 the site permits. What I mean by that is that  
5 since this entire area here seems to be the  
6 underground sanitary disposal system, placing  
7 trees in that area obviously would harm that  
8 system. If we were to utilize the same number of  
9 trees and offset them to other portions of the  
10 site, is that something that the Board would  
11 accommodate?

12 MR. HINES: We have done that before.  
13 It's really the number of trees. It doesn't say  
14 -- it does say the parking needs to be broken up.  
15 We have in some site plans where it worked better  
16 to position the trees on the site. Karen usually  
17 does that review for the Board.

18 CHAIRMAN EWASUTYN: It's kind of like  
19 having a restoration area, as we discussed  
20 earlier today.

21 MR. HINES: Yes.

22 MR. MINUTA: Very well. Thank you so  
23 much for that.

24 The no parking area on this portion of  
25 the site, what I did with this plan was really to

1  
2 create a more formal area of the parking within  
3 the regulations. It's just wider at this  
4 location. So the preference at this point, after  
5 speaking with the client, was simply to keep that  
6 parking where it was rather than rip this up,  
7 reclamation, curbing and so forth. So we'd  
8 continue this wide throat here which also allows  
9 the passage of vehicle. There's more width.

10 MR. HINES: My thoughts and the intent  
11 of my comment was to remove that and vegetate it  
12 which may eliminate the need for the lot surface  
13 coverage variance. You might be in a bit of a  
14 catch 22 there. It was also an opportunity to  
15 provide some landscaping there. It may look more  
16 uniform if that area could be reclaimed into a  
17 landscaped area. Maybe a location for a couple  
18 more trees to be located and have the drive  
19 aisles consistent with the 24 feet.

20 MR. MINUTA: I appreciate the  
21 thoughtfulness of the comment. I will go through  
22 that with my client after the meeting so we can  
23 figure out what they want to do.

24 Mr. Wersted's comments regarding  
25 internal traffic flow. Please help me

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understand. Some of the one-way parking areas are restricted aisles?

MR. HINES: You've got 12 and 14 -- 12 foot aisles. Where you had the property dispute, there's some one-way areas there.

MR. MINUTA: That's a one-way area with a 12-foot clear access passage.

MR. HINES: I just brought that to Ken's attention. He'll comment on that in the future.

MR. MINUTA: Very well.

Obviously we acknowledge it has to go to County Planning.

MR. HINES: The only other thing, we skipped comment number 2 in our discussion which had to do with the DOT. This is on DOT's frontage. The Board will have to coordinate with DOT. I don't know what they'll ask for. I know they typically don't like multiple access points. As part of our SEQRA review here we'll submit to DOT as well and get their input.

MR. MINUTA: Completely understood.

CHAIRMAN EWASUTYN: The total size of the building, both the upstairs and downstairs,

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is what?

MR. MINUTA: The total size of the building?

CHAIRMAN EWASUTYN: Yes.

MR. MINUTA: I need to get back to you on that. I don't have that total square footage at this time.

CHAIRMAN EWASUTYN: Pat, if the building -- or Dominic. If the building is in fact under 4,000 square feet --

MR. HINES: It's bigger than that.

CHAIRMAN EWASUTYN: That was my question.

Will there be new signage applied to this building?

MR. MINUTA: There's no intention of signage at this time. If we did that we'd come back for a sign package at a future date.

CHAIRMAN EWASUTYN: You should probably show some crosswalks for pedestrians going to the building for safety.

Jerry, do you have anything to add at this point?

MR. CANFIELD: One thing. Back to

1  
2 Pat's comments. We talked about the potable  
3 water. Pat also mentioned the fire flow water.  
4 With respect to that, Joe, the class of  
5 occupancy, the assembly that this is going to be  
6 qualified or classified as, it's going to require  
7 a sprinkler system. I know there's no municipal  
8 water serving the building currently. I also  
9 know that this building did receive a State  
10 variance back in 2002 or '03, back when it was a  
11 mixed use occupancy.

12 MR. MINUTA: Correct. It received it  
13 for an assembly occupancy.

14 MR. CANFIELD: Retail on the first  
15 floor and assembly on the second.

16 MR. MINUTA: Correct.

17 MR. CANFIELD: You either have a choice  
18 of one of two things. You can revisit the State  
19 to reaffirm that variance that they granted or  
20 provide a system for the building.

21 MR. MINUTA: Understood. Unfortunately  
22 there's no municipal water at this site that we  
23 know of.

24 MR. CANFIELD: There's municipal water  
25 up in the back on Albany Post Road. I don't know

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the accessibility to this building.

MR. MINUTA: I did meet with the water department on that.

MR. CANFIELD: The closest on 9W is Carter Avenue.

MR. MINUTA: We have about 14 -- 14 foot or more of drop in elevation here. So even if we were to gain access to Carter Avenue, getting through there and getting it down, it's all through rock. That might be a bit of a challenge. I do understand where you're going with that.

MR. HINES: I ran it through the tax records before I made that comment. It's in the water district. Interesting.

MR. MINUTA: I met with the water department and they said there's no water there, it's back here.

If you'd like, I would like to address Mr. Wersted's comments.

CHAIRMAN EWASUTYN: Whose comments?

MR. MINUTA: Mr. Wersted. His first comment was regarding it being -- is there any proposed change in operations. I'm not clear on

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that. I guess my answer is no, there's no change in operation of the lot.

With regard to item number 2, site proposed to expand former striped parking lot of 102 spaces. How many vehicles use it currently during typical services. Since there have been some services there, it's been counted. The maximum cars on a regular service were 75 cars. Twice a year, the second Saturday -- the second Saturday of the month only twice a year they have a special congregation at which there will be 102 cars there. So again, that's on the weekend and it's only two times a year.

Item number 3 regarding the buses, I was mistaken in that. Buses are not brought here. Vans are. There are 17 passenger vans. So that of course takes into account some of the additional people and parking spaces.

CHAIRMAN EWASUTYN: When the vans come, I assume they park in a given area, and then when the service is over they take them away?

MR. MINUTA: That would be accurate.

CHAIRMAN EWASUTYN: I think on the site plan you should show oversized parking for the



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vans.

MR. MINUTA: Okay.

MR. HINES: That could also assist your presentation to the ZBA.

MR. MINUTA: The count. Thank you.

CHAIRMAN EWASUTYN: Less than.

MR. MINUTA: With respect to item number 4, there doesn't appear to be any clear defined separation with the adjacent property to the north, Family Deli. Will that owner mind congregants entering the property and utilizing the curb cut. It's assumed that this has existed since 1950 with no known complaints. I don't know if the building department has received complaints on that all through the years. We don't know of any. We're good neighbors. I believe it just kind of works.

Item 5, how will the two handicap parking spaces behind the building -- how useful will the two handicap spaces behind the building be. They're specifically done based on the last site plan that was approved for that specific use. That's the usefulness.

MR. HINES: There's also a second floor

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assembly space. That's what they're serving?

MR. MINUTA: Yes. Les Durango in the rear. It appears to be a three-family home. It assume that several of the drivers of the residence park in the parking lot of the subject site. Will this continue to be allowed and/or should any agreements be put in place. In response, we have no knowledge or no known information that that assumption is true. The applicant/owner does not plan to chase them away if they do so. That's coming from my client.

That pretty much sums up the comments.

CHAIRMAN EWASUTYN: So then the action before us this evening would be to discuss the variances that are needed. Again, we may not be able to define the parking variances now that they may be losing one or two stalls for the buses.

MR. HINES: I think we know the maximum number. If they present their case to the ZBA and they address that number accordingly. They need 183, so they need variance relief anyway. As they're going through their ZBA process they can come up with that number I would assume.

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MR. CORDISCO: I assume you should give this some thought. They may be losing additional spaces. They're proposing 102. I think, Chairman, the concern is they may be going down from 102.

CHAIRMAN EWASUTYN: That's my point.

MR. GALLI: John, I just have some comments. A couple comments.

CHAIRMAN EWASUTYN: Go ahead.

MR. GALLI: Do any of the services take place at night?

MR. MINUTA: Yes.

MR. GALLI: You say there's ample lighting in the parking lot?

MR. MINUTA: Yes. It's existed that way forever.

MR. GALLI: That's back then. The lighting has changed a lot since back then. I would like to see what kind of lighting is in the parking lot. If he comes in with a site plan and all of a sudden we decide there's not enough lighting, we have to go back again. I'd like to address that now. If there's going to be 102 spots and they have night services, you're

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changing the parking around, are light poles in the way now? Are they out near the road? I don't know where they are located.

My second question is, I drove by the building numerous times. Are there going to be upgrades to the exterior of the building, the way it looks? Right now it doesn't look the greatest.

MR. PEREZ: There's going to be some painting and cleaning up.

CHAIRMAN EWASUTYN: Time out. As I said earlier this evening, when Adrian Goddard was talking and then Ron Barton spoke, as a matter of record, there's a court stenographer who is keeping records, so we need to have your name as a matter of record. If you don't mind, please.

MR. PEREZ: My name is Faniel Perez.

Yes. We are going to be fixing when it comes to the exterior. Our point is to preserve the building as much as we can because, as we know, it's an old historic building and we want to preserve it that way.

MR. MENNERICH: Are you going to be

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changing the interior structure of the building?

MR. PEREZ: No.

MR. MINUTA: Let me address that. The interior, the upstairs will remain an assembly. The downstairs will become an assembly. We're sort of going to what was an assembly to then retail and back to assembly on the lower level. It's all done through the congregation. The upstairs will have fixed seating. Downstairs is open. Also it will have sort of an eating area as well for the congregation, and additional restrooms. It will entail all of the project.

MR. DOMINICK: This is the former pet shop?

MR. MINUTA: The former pet shop. What was the original?

MR. MENNERICH: Rhoda Arms.

MR. MINUTA: Rhoda Arms. Thank you. Rhoda Arms catering hall is what it was originally built as, and then they added the second story to that later on.

MR. DOMINICK: Like you just said, at the retail portion of that building you will have to do some renovations.

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MR. MINUTA: Yes. It was a big open space before. It's still a big open space.

MR. DOMINICK: As Pat was saying and John before, all of the projects that have come before us in the past five, six years, we emphasize outdoor settings, the landscaping. When you come back, take that into consideration. Like John said, a 2-foot high stonewall, something to soften that area. That is near a traffic signal so cars are going to be cued up next to it and sitting there. We really want to clean up that entire 9W corridor, which is what we've been doing with all of these projects. I emphasize taking the landscaping into consideration.

MR. MINUTA: As Frank mentioned, also the lighting. I appreciate that. I'm very familiar with that. One of the first projects out there many years ago I was involved with. I know exactly what you're looking for.

MR. DOMINICK: Even the bus company did a very nice job when they did their changes a couple years back.

MR. MINUTA: Thank you.

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CHAIRMAN EWASUTYN: That's just on the other side. Dave is right. The Valero gas station, if you take a look at that wall. You're correct.

MR. MINUTA: May I address two items? Parking, I don't believe we will lose any. If we're going to have a large van, it will simply be an extension of which we have enough space.

CHAIRMAN EWASUTYN: I think what we want to not do now is what we seem to be doing systematically, saying yes, no, yes, no, yes, no. I think we're at a point in time where you've heard our comments. We do have -- I don't mean to cut you short.

MR. MINUTA: That's fine.

CHAIRMAN EWASUTYN: We have to refer you to the Zoning Board of Appeals. You will eventually come back with an amended site plan which will show lighting, which will show more details of where you're parking the vans, and then we can further the discussion that we're having this evening.

As an example, and I wish you all the best, there's a church on the corner of Route 52,

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for conversation. What's that?

MR. DOMINICK: Old South Plank Road.

CHAIRMAN EWASUTYN: Old South Plank Road. It was approved for another type of use. I believe it's rented, it wasn't sold. The new people came in with a church and they said this is it and we would have -- my memory is shot as everybody knows -- 75 people, 80 people would congregate there once or twice a week. We have adequate parking and the site will work. They've been very successful. What does that mean now? They have buses that transport people from that site, maybe a quarter mile up the road, or people park a quarter mile up the road and buses transport them to this site that I'm discussing. So there's always that balance of we're going to stay as it is or we're going to hope to -- I think in the case of most congregations, they're looking to increase their membership. So in my experience, it's not as casual as status quo.

Let's go back to the variances and kind of move forward. What's left that's before us this evening?

MR. CORDISCO: You have identified, as



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Mr. Hines had suggested, three variances, one for the front yard setback. 35 feet is what is being proposed.

MR. HINES: 35 feet is existing where 60 is required.

MR. CORDISCO: Correct. And for lot coverage, 57,804 -- there was a reason I went to law school -- is the maximum. 59,563 square feet is what exists. For parking, as noted, 102 spaces are proposed but 183 are required.

CHAIRMAN EWASUTYN: Thank you. So Dominic Cordisco will prepare a letter. That will be forwarded on to the ZBA.

Pat, are we at a point in time where there will be an informational mailing that will go out?

MR. HINES: Yes. We will work with the applicant's representative within ten days of tonight's meeting. A letter must be sent to everyone within 500 feet. We will provide that letter and the addresses to you and then you do the mailing.

MR. MINUTA: Of course. Thank you.

MR. HINES: It's first class mail,

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dropped off here. The Town actually physically mails them.

MR. MINUTA: Thank you.

CHAIRMAN EWASUTYN: Are we at a point that we could declare our intent for lead agency?

MR. HINES: If they are heading to the ZBA, we may want to wait for that.

CHAIRMAN EWASUTYN: Then we could hold off circulating to the Orange County Planning Department?

MR. HINES: As well as DOT.

CHAIRMAN EWASUTYN: Any other questions or comments from Board Members?

MR. GALLI: No additional.

MR. MINUTA: Thank you.

(Time noted: 8:07 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 March 2020.

*Michelle Conero*

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MICHELLE CONERO

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

----- X  
In the Matter of

HEALEY KIA  
(2019-25)

Route 17K  
Section 95; Block 1; Lot 54.2  
IB Zone

----- X

AMENDED SITE PLAN

Date: March 5, 2020  
Time: 8:08 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: MARK DAY

----- X

MICHELLE L. CONERO  
3 Francis Street  
Newburgh, New York 12550  
(845)541-4163

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HEALEY KIA

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CHAIRMAN EWASUTYN: Our fourth item of business this evening is Healey Kia. It's located at New York State Route 17K in an IB Zone. It's an amended site plan. It's being represented by MA Day Engineering.

MR. DAY: Good evening. As you mentioned, we're here to represent Healey Kia.

They're asking for a parking area in the rear of the existing facility to accommodate overflow storage.

We've addressed Mr. Hines' comments from previous Board meetings.

We've provided fencing.

We reached out to the FAA for the approval of the proposed lighting.

We've amended the stormwater SWPPP to include the language that Mr. Hines asked us to address.

Basically that's pretty much it in a nutshell.

CHAIRMAN EWASUTYN: Pat Hines.

MR. HINES: Cost estimates for the stormwater management erosion and sediment control would need to be submitted.

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HEALEY KIA

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Cost estimates for landscaping are required.

I have a comment regarding the public hearing. I think, John, you had told me we waived that previously.

CHAIRMAN EWASUTYN: Right. The minutes show that.

MR. HINES: Anita was going to send us the FAA. I didn't see those.

CHAIRMAN EWASUTYN: Anita said she had 15 out of the 16 or 16 out of 17 and what should I do. I said we would make that, most likely, a condition of final approval, that Pat Hines would receive the total of what was required or what we're waiting for.

MR. DAY: We reached out to them today to find out. There's only one. We really -- no answer. As you know, they're all the same height, they're all in the same area. We're not sure what the holdup was.

MR. HINES: We reviewed the stormwater management report. It is consistent with the Town of Newburgh's policy requiring additional water quality volume to be treated as the project

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is in the watershed.

The gate was added to the lot that we asked for.

The grading on the site has been modified to make the parking lot a little steeper, which reduced the height of the retaining wall.

There were some threatened or endangered species. We received a report from Ecological Solutions, Mike Nowicki, addressing those issues that showed up in the long form EAF identifying that there is no habitat for the species that were identified.

What I didn't have, but we talked earlier, there needs to be a cross use agreement because this is an accessory use not accessory to anything but it's tied to the adjoining lot. We did it with Toyota and we did it with the Orange County Choppers building. The uses need to be tied together so they are independent. If one use ceases, the other one will also cease. There needs to be those legal documents. We talked about it when it was first here. Those will need to be resolved prior to the final approval, but

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HEALEY KIA

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that can be a condition, I believe, as well.

MR. CANFIELD: That's because they chose not to consolidate the lots.

MR. HINES: Correct. I believe there were mortgage issues. They're in common ownership but separate mortgages or something. That didn't allow that. We have done that in the past with similar car dealerships and parking lots. It was only done when those agreements linked them and they weren't separate uses.

CHAIRMAN EWASUTYN: Jerry Canfield, anything?

MR. CANFIELD: Nothing additional.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: Nothing additional.

MR. MENNERICH: Nothing.

MR. BROWNE: No.

MR. DOMINICK: No.

CHAIRMAN EWASUTYN: Pat, your recommendation to the Board as far as the SEQRA determination?

MR. HINES: With the information we received from Mike Nowicki's office, the



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HEALEY KIA

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stormwater plan being modified as we requested,  
we would recommend a negative declaration.

CHAIRMAN EWASUTYN: Would someone make  
a motion to declare a negative declaration on  
Healey Kia?

MR. BROWNE: So moved.

CHAIRMAN EWASUTYN: Motion by Cliff  
Browne. Do I have a second?

MR. GALLI: Second.

CHAIRMAN EWASUTYN: Was that Frank  
Galli?

MR. GALLI: Yes.

CHAIRMAN EWASUTYN: I have a second by  
Frank Galli. Can I have a roll call vote,  
please, starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Aye. Motion  
carried.

At this point we'll turn to Planning  
Board Attorney Dominic Cordisco to give us  
conditions of approval for the final resolution.

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MR. CORDISCO: In addition to your general conditions for an amended site plan approval, you would have specific conditions, including the cost estimates for the stormwater management and erosion and sediment control as well as cost estimates for the landscaping improvements for the amended area. You would also require that the approval -- letter of no impact, rather, from the FAA would be received as well. That I believe would be it.

MR. HINES: The legal agreement.

MR. CORDISCO: You're absolutely correct. In connection with that, it would typically be a declaration of restriction that would be recorded in the chain title for both lots indicating if in the future one of the lots was to be transferred into separate ownership, that it would not have any independent approval for use as shown on the site plan.

My recommendation would be they would add a note as well to the site plan so that the Town's files are consistent with that as well, in case someone is looking at the site plan here rather than just looking at the chain of title.

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HEALEY KIA

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CHAIRMAN EWASUTYN: Are we saying you would like to have a copy of that for your file, Jerry?

MR. CANFIELD: We will once it's -- if the note is added on the plan, we get a copy once it's stamped.

CHAIRMAN EWASUTYN: Any additional questions or comments from the Board Members?

MR. GALLI: No.

MR. MENNERICH: No.

CHAIRMAN EWASUTYN: Having heard the conditions of approval presented by Planning Board Attorney Dominic Cordisco, would someone move for a motion to approve the amended site plan?

MR. DOMINICK: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I'll pick Dave Dominick made the motion. Ken Mennerich seconded the motion. May I please have a roll call vote.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

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HEALEY KIA

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CHAIRMAN EWASUTYN: Aye. Motion  
carried. Thank you.

MR. DAY: I've got one question. Is it  
possible to cut the trees that -- before the  
deadline? Obviously everyone knows it's the end  
of the month. Can they start just cutting trees  
on the site?

CHAIRMAN EWASUTYN: Not until the bond  
is in place.

MR. DAY: I was just supposed to ask.  
If anybody asks, I asked.

CHAIRMAN EWASUTYN: If the bond is in  
place they can cut the trees?

MR. CANFIELD: If you sign the site  
plan they can cut the trees.

CHAIRMAN EWASUTYN: In order for me to  
sign the site plan the bond has to be in place.

If they were to put up a cash bond --  
is the owner in the position to come up with a  
cash bond?

MR. DAY: I will ask.

MR. CANFIELD: The cash would eliminate  
the process of the bond being reviewed and  
approved and all of that.

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HEALEY KIA

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MR. DAY: I will ask.

MR. CANFIELD: Your cost estimates still need to be approved by the Town Board, so you're cutting it very close. Being March 5th, by the time you get your cost estimates in and they get placed on a Town Board agenda.

MR. HINES: Jerry, you need stamped site plans.

MR. CANFIELD: Yes.

MR. HINES: All of those conditions of approval would have to be --

CHAIRMAN EWASUTYN: Expedited rather quickly.

MR. CANFIELD: Right.

MR. CORDISCO: The deadline is March 31st.

MR. DAY: Thank you very much.

(Time noted: 8:16 p.m.)

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IN WITNESS WHEREOF, I have hereunto  
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*Michelle Conero*

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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

THREE-LOT SUBDIVISION

Date: March 5, 2020  
Time: 8:16 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ

----- X

MICHELLE L. CONERO  
3 Francis Street  
Newburgh, New York 12550  
(845)541-4163

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CHAIRMAN EWASUTYN: Our last item of business this evening is the Donnelly - Leslie Road Subdivision. It's a three-lot subdivision located on Leslie Road in an R-2 Zone. It's being represented by Ross Winglovitz of Engineering & Surveying Properties.

MR. WINGLOVITZ: Good evening. I'm here with Lou Donnelly, the applicant. We were here before you last month for this three-lot subdivision.

This is Lou's current residence. There's one lot proposed adjacent to his property. His existing house is on the right and a second lot is proposed off the common driveway to the rear that's currently serving two houses. This would be the third house off of that common driveway.

We have a number of revisions for this submission per Mr. Hines' comments. We'd be glad to discuss any comments you have this evening with the Board.

CHAIRMAN EWASUTYN: I know we received a sign-off letter from the highway department. They did go out there and look at it. Did you



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get that?

MR. HINES: I did. What we really need for this project to proceed is a sign off from the Town Board for three houses on a common driveway.

MR. WINGLOVITZ: Yup.

MR. HINES: That's one of the steps in the process that needs to get accomplished here, which is my first comment. You need to go to the Town Board to get that. Two houses on a common driveway are allowed. Three are allowed with Town Board approval. They have a process for doing that. They often loop in the jurisdictional emergency services to weigh in on that.

The applicants have provided the existing access and maintenance agreement and stated that it needs to be updated. Those will need to be sent to Dominic for review.

There's cross utilities on the site, so utility easements will need to be provided, both on the plans and for Dominic to review.

MR. WINGLOVITZ: There's a water line that will be servicing the rear lot. There is an

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existing electric power line. I think Orange & Rockland has an easement. I think that's their line.

MR. HINES: Central Hudson.

MR. WINGLOVITZ: We'll either verify that's theirs and they have an easement to it. It services both houses in the back. My assumption is they own it up to the last pole. There's a transformer on that. We'll verify that through the deed or we'll provide it.

MR. HINES: The septic system has been revised per our previous comments.

We will need a stamped plan by the surveyor prior to signing it. I'm okay with it riding right now until it's done so we don't have multiple plans out there.

A public hearing is required. That could probably be done simultaneously while they're going to the Town Board.

CHAIRMAN EWASUTYN: That was my question. Thank you.

MR. WINGLOVITZ: That's what we were going to ask. If the Board feels comfortable, if they could set the hearing subject to us

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returning from the Town Board with an amended agreement. If we don't, obviously it's a different plan.

CHAIRMAN EWASUTYN: Keeping that thought in mind, we would then also be making a SEQRA determination this evening?

MR. HINES: Yes. I'm okay with a SEQRA determination. They addressed our previous technical comments and there are more procedural issues that we're involved with now.

CHAIRMAN EWASUTYN: Jerry, do you have anything to add?

MR. CANFIELD: Nothing additional.

CHAIRMAN EWASUTYN: Dominic Cordisco?

MR. CORDISCO: Nothing at this time.

CHAIRMAN EWASUTYN: Board Members?

(No response.)

CHAIRMAN EWASUTYN: The date that we were discussing earlier in the evening for the public hearing?

MR. HINES: April 2nd.

CHAIRMAN EWASUTYN: Thank you. There will be two parts to this motion, one that we declare a negative declaration for the Donnelly -

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Leslie Road Subdivision, and the other part is that we set April 2nd for a public hearing. Would someone make that motion?

MR. GALLI: So moved.

MR. DOMINICK: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Aye.

Ross, you know the procedure. Your office will work with Pat Hines and notify Charlene Black.

MR. WINGLOVITZ: We will do that. Thank you very much.

(Time noted: 8:20 p.m.)

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

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*Michelle Conero*

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MICHELLE CONERO

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

----- X  
In the Matter of

LANDS OF ZAZON  
(2004-29)

Fostertown Road  
Section 20; Block 1; Lots 24  
R-2 Zone

----- X

ELEVEN-LOT SUBDIVISION  
REQUEST FOR EXTENSION UPDATE

Date: March 5, 2020  
Time: 8:20 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

----- X

MICHELLE L. CONERO  
3 Francis Street  
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CHAIRMAN EWASUTYN: Lands of Zazon.

Let the record show that the applicant wasn't prepared to submit some of the conditions required for tonight's meeting, so it will not be listened to.

(Time noted: 8:20 p.m.)

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

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MICHELLE CONERO

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

----- X  
In the Matter of

CORTLAND COMMONS  
(2017-11)

Request for a Six-Month Extension of Approval  
from March 5, 2020 until September 5, 2020

----- X

BOARD BUSINESS

Date: March 5, 2020  
Time: 8:21 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

----- X

MICHELLE L. CONERO  
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CHAIRMAN EWASUTYN: The last item of business we have is Cortland Commons. They're requesting a six-month, 180-day extension, effective March 5th to the 20th of September.

Are there any questions or comments on that?

MR. MENNERICH: Did you say the 5th of September?

CHAIRMAN EWASUTYN: The 5th of March. The extension will be from the 5th of March to the 5th of September. You're right, the dates don't go. It would be the 5th of March 2020 to September 5, 2020.

MR. HINES: That was the time you granted the last one, '19. This will be their final extension that they're permitted under their previous approvals.

CHAIRMAN EWASUTYN: Michelle, you'll note that as far as the minutes, that this is their final extension.

Would someone move for a motion to grant the final extension for Cortland Commons dated the 5th of March 2020 through September 5, 2020?

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MR. MENNERICH: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich. I have a second by Frank Galli. May I please have a roll call vote.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Aye. Motion carried.

Would someone make a motion to --

MR. BROWNE: One comment. With the comments on the gas canopy, the lack of code that allows signage on that, would it be appropriate to request the Town Board to address that issue?

CHAIRMAN EWASUTYN: I think, Jerry Canfield, your office is working with the Town Board in reference to a few text changes to say that it was --

MR. CANFIELD: Yes. There are several issues in the zoning code that need to be updated, one of them being the signage. There are other issues in perhaps some of the solar

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laws that are going to be re-examined. In other areas of the zoning code there's ambiguous language that needs to be cleared up.

CHAIRMAN EWASUTYN: I think there isn't something in the new code that allows or doesn't allow for signage for churches.

MR. CANFIELD: Correct. That's not there either.

MR. BROWNE: Thank you.

CHAIRMAN EWASUTYN: You're welcome.

MR. CANFIELD: Actually, Councilman Presutti is the one that will be leading the charge on that, so to speak.

CHAIRMAN EWASUTYN: Would someone like to be the point person for updates on John Ward?

Dave, would you want to be the point person on that? Is that all right with everyone? It makes it easier to follow I think.

That being said, anything else?

(No response.)

CHAIRMAN EWASUTYN: Again, our next meeting won't be until the 2nd of April.

I guess that's really it.

MR. GALLI: I'll make a motion we close

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the meeting of March 5th.

CHAIRMAN EWASUTYN: Is there a second?

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: A second by Ken  
Mennerich. I'll ask for a roll call vote.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 8:25 p.m.)

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