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MEETING HELD REMOTELY VIA ZOOM

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 & 27.32
IB Zone

----- X

PUBLIC HEARING CLOSED
RECEIPT OF COMMENTS

Date: May 7, 2020
Time: 7:00 p.m.

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: ANDREW FETHERSTON

----- X

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CHAIRMAN EWASUTYN: I'd like to welcome everyone to the Town of Newburgh Planning Board meeting of the 7th of May 2020. This evening we have seven agenda items and one Board business item.

We'll start the meeting out with a roll call vote starting with Frank Galli.

MR. GALLI: Present.

Stephanie is muted.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MR. GALLI: She's muted, John.

MR. CORDISCO: She's here but muted.

There are a number of people joining. If you would just give me a moment.

MR. GALLI: She's unmuted.

MR. CORDISCO: She's muted on her end.

MS. DeLUCA: I'm present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

CHAIRMAN EWASUTYN: With us this evening we have our consultants and attorney. If they would introduce themselves.

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MR. CORDISCO: Thank you, Mr. Chairman.
Dominic Cordisco of Drake, Loeb, Planning Board
Attorney.

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

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

CHAIRMAN EWASUTYN: Michelle?

MS. CONERO: Michelle Conero,
Stenographer.

CHAIRMAN EWASUTYN: At this point in
the meeting we'll turn the meeting over to Pat
Hines.

MR. HINES: If everyone would like to
join me in the Pledge of Allegiance to the flag.

CHAIRMAN EWASUTYN: Thank you.

(Pledge of Allegiance.)

CHAIRMAN EWASUTYN: At this point we'll
turn to Planning Board Attorney, Dominic
Cordisco, to discuss to the public our meeting
and the purpose of why we're holding the meeting
this way. Dominic.

MR. CORDISCO: Yes. Thank you, Mr.
Chairman. This is the Planning Board's May 7th

1 meeting. This is a regularly scheduled meeting
2 of the Planning Board which is being held
3 consistent with the Governor's Executive Orders
4 which have allowed for public meetings to
5 continue during the pandemic. As a result, this
6 meeting is being held via video conference as
7 well as teleconference. There is a transcript of
8 the meeting that is being prepared by the Board's
9 Stenographer, Michelle Conero. She's here and
10 present and is recording everything tonight, so
11 if people would speak plainly as well as one at a
12 time. We're doing our best to host this meeting
13 so that we can have an orderly presentation. The
14 transcript of this meeting will be posted on the
15 Town's website as well as a recording of this
16 meeting as well so that anyone wishing to review
17 it after the fact may do so.

18
19 CHAIRMAN EWASUTYN: Thank you, Dominic.

20 The first item of business this evening
21 is BJ's Wholesale Club - Newburgh. We had a
22 public hearing on it on the 16th of April. We
23 had kept the public hearing open, I believe until
24 -- the transcripts I believe were posted on the
25 23rd or 24th of this month -- excuse me, of

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2 April. The public then had ten days to either
3 write in or e-mail in their comments. We have
4 not received written comments or e-mail comments.

5 The property is located at Route 17K
6 and Auto Park Place. It's in an IB Zone. I
7 believe it's being represented by Maser
8 Consulting.

9 MR. FETHERSTON: Good evening, John.
10 Andrew Fetherston.

11 CHAIRMAN EWASUTYN: Good evening.

12 MR. FETHERSTON: How would you like to
13 proceed, John? We showed the plans previously.
14 We showed the sign previously. How can I help
15 the Board?

16 CHAIRMAN EWASUTYN: Pat Hines, can you
17 answer that for us?

18 MR. HINES: Sure. The project -- as
19 the Chairman stated, the project was before the
20 Board at the last meeting for a public hearing on
21 a special use permit for the electronic sign in
22 accordance with the Town's relatively new sign
23 ordinance. In addition, it was before the Board
24 for ARB review of the signage on the entire site
25 with the exception of the proposed signage on the

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2 gasoline canopy which may be subject to further
3 review by the ZBA based on a determination by the
4 Building Department. So the site plan has a
5 valid approval and it was before us for signage
6 and ARB.

7 On the screen right now that everyone
8 can see is the electronic sign, which was subject
9 to the special use permit, depicting the proposed
10 dimensions. The Barton Chevrolet portion along
11 the top, and the BJ's and the Salisbury Bank
12 along the bottom are static portions of the sign.
13 The center portion of that sign which currently
14 says "Memorial Day All Day Sale" is the
15 electronic LED. This sign must comply with the
16 Town's sign ordinance that has certain
17 limitations on the sign regarding how often the
18 sign can change, regarding lighting intensity for
19 daylight hours and nighttime hours. Any
20 approvals of this sign should reflect the
21 conditions of the Town's sign ordinance regarding
22 the use and operation of electronic signs.
23 At the last meeting, or the last two meetings
24 this has been before us we reviewed signage
25 throughout the site. I think the Board is aware

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of that.

In addition, as we're speaking here, either now or at the end of the meeting I'd like to discuss with the Board a potential field change regarding the stormwater management facility.

CHAIRMAN EWASUTYN: Thank you.

Andrew, are you in agreement with Pat's comments?

MR. FETHERSTON: Yes. One hundred percent. Yes.

CHAIRMAN EWASUTYN: Dominic Cordisco, can you speak to the Board as far as the negative declaration? Would we be reconfirming our negative declaration from the 16th of April? What's your advice?

MR. CORDISCO: My advice would be to confirm the negative declaration that was previously adopted. The public hearing has been held and there has been no public comment. But nonetheless, prior to taking action the Board could affirm it's negative declaration.

MR. HINES: For the record, I just wanted to also state that this was circulated to

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the Orange County Planning Department and we received back a Local determination letter.

CHAIRMAN EWASUTYN: Thank you.

Before we turn to our Attorney, Dominic Cordisco, to give us conditions of approval, any questions or comments from our Consultants or Board Members?

MR. WARD: No comment.

MR. GALLI: No comment.

MR. DOMINICK: No comment.

MR. MENNERICH: No comment.

MR. BROWNE: No comment.

MS. DeLUCA: No comment.

CHAIRMAN EWASUTYN: So then I think the first motion would be to listen to Dominic Cordisco, Planning Board Attorney, to give us conditions for final approval. Once we've acted on that, then we'll discuss the field change.

Dominic, please.

MR. CORDISCO: Thank you, Mr. Chairman. The conditions of this approval, which, for the record, would be a site plan amendment as well as a special permit and ARB amendment for the signage for this property. The conditions would

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2 be all of those prior conditions that were
3 contained in the prior approvals for this project
4 including the prior amendment. If you recall,
5 the project received one amendment already in
6 relation to the road access into the site
7 but it would also include, for this
8 particular approval, compliance with all of
9 the zoning requirements regarding the
10 electronic sign. All other standard
11 conditions would also apply.

12 CHAIRMAN EWASUTYN: Should we first act
13 on confirming the negative declaration and then
14 adopt the conditions of approval that you
15 suggested?

16 MR. CORDISCO: Yes, sir. That would be
17 cleanest and would also be contained in the
18 transcript as well. So there will be a clear
19 record of that.

20 CHAIRMAN EWASUTYN: Okay. Would
21 someone make a motion to adopt and confirm our
22 negative declaration that was made on the 16th of
23 April 2020?

24 MR. WARD: So moved.

25 MR. DOMINICK: Second.

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CHAIRMAN EWASUTYN: Moved by John Ward.

Second by Dave Dominick?

MR. DOMINICK: Yes.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Motion married.

At this point we'll open up to discussion. Pat Hines, you wanted to speak with us on the matter of a minor field change?

MR. HINES: Sure. This project has an under parking lot storage, an underground storage for a stormwater management facility. The applicant's engineer has done some additional soil testing. You can see there, as Ken is drawing up, those items in the center of the

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screen depict the stormwater management facility in two parts right now. They've done some soil testing on the site and found that there's some better infiltration rates in the soils basically in the center between those two proposed units and then more toward the west where Ken is indicating now. So the applicants have provided my office with a detail revising the stormwater management plan to move those units together and kind of place them under the parking lot where Ken is indicating now, roughly. The size and volumes remain the same based on a new proprietary product that they're proposing which is a Cultec unit. You won't know it in the field. It will be under the parking lot still. It was a change that I figured while we were meeting tonight we would take the opportunity to advise the Board on. We would recommend that it be considered a field change with no additional approvals with the caveat that an as built, which is required of the stormwater, show the revised location at the closeout of the project.

CHAIRMAN EWASUTYN: Comments from Board

Members?

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MR. WARD: No comment.

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Would someone make a motion to approve the field change presented by Pat Hines for BJ's Wholesale Club?

MS. DeLUCA: So moved.

CHAIRMAN EWASUTYN: Thank you.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: There was a motion by Stephanie DeLuca, a second by Cliff Browne. We'll have a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Thank you. Motion carried.

Thank you, Andrew.

MR. FETHERSTON: Thank you, Mr. Chairman.

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MR. GALLI: Do we have to approve the project?

CHAIRMAN EWASUTYN: Do we have to approve the project. Dominic?

MR. CORDISCO: The Board already took action on that.

MR. GALLI: Okay. I know we did the negative dec and the change.

CHAIRMAN EWASUTYN: All right. We'll move for a motion -- you're correct -- to approve the amended site plan for BJ's Wholesale Club subject to the conditions that were presented by Planning Board Attorney, Dominic Cordisco. Would someone make that motion?

MR. WARD: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: That was John Ward. Who was the second?

MR. GALLI: Frank Galli.

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

MR. GALLI: Aye.

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MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Motion carried.

Thank you, Frank.

MR. CORDISCO: Thank you, Frank.

(Time noted: 7:15 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 12th day of May 2020.

Michelle Conero

MICHELLE CONERO

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MEETING HELD REMOTELY VIA ZOOM

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

PUBLIC HEARING CLOSED
RECEIPT OF COMMENTS

Date: May 7, 2020
Time: 7:15 p.m.

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ

----- X

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CHAIRMAN EWASUTYN: The second item this evening is the Donnelly - Leslie Road Subdivision. That also was before the Planning Board on the 16th of April. The transcripts were posted on or about the 23rd, 24th of April. We have not received any e-mails or written letters as far as public comment.

The Donnelly - Leslie Road Subdivision is located on 67 Leslie Road in an R-2 Zone. It's being represented by Engineering Properties.

Pat Hines, do you want to speak to us on that?

MR. HINES: This is a three-lot subdivision proposed. One of the lots contains an existing single-family house.

As you stated, we had a public hearing on it and did not receive any additional public comment.

One of the lots is going to share a driveway which currently serves two other residential parcels. That lot -- that driveway will need approval from the Town Board for three lots on a common driveway. In addition, the access and maintenance agreements for those three

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lots sharing that driveway will need to be reviewed by Dominic Cordisco's office for approval.

There's a need for some utility easements. The site is served by proposed Town water, so there will be water lines to each of the new residences, and they'll have their own independent septic systems. The existing house is proposed to have a new septic system as well due to the separation distances and conditions that the applicant's representative has identified in the field. Those easements for the water as well as some power lines that are crossing the site need to be on the plans and approved.

The subdivision will need a stamped plan by the applicant's surveyor.

We did hear, after the last meeting, from the town highway superintendent regarding the location of the driveways.

So the project is in a state right now, we believe, for conditional approval based on those conditions and payment of the recreation fees, would be the conditions.

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CHAIRMAN EWASUTYN: Ross Winglovitz, I believe you represent the project.

MR. WINGLOVITZ: Good evening. For the record, Ross Winglovitz with Engineering & Surveying Properties. I'm here on behalf of Lou Donnelly, the landowner.

We were in front of the Board at the last meeting. As Pat said, the public hearing was held and closed. There was no comment and we've received no comments since then.

One of the items on Pat's list was the three-driveway issue with the Town Board. We have applied to the Town Board as well as looped in the fire department. So we're just waiting to get on the agenda for that.

Other than that, everything else is pretty ministerial.

CHAIRMAN EWASUTYN: Just for matter of record, the local fire department in that area is which fire department?

MR. WINGLOVITZ: Cronomer Valley?

MR. HINES: I think it's Middlehope.

MR. WINGLOVITZ: Middlehope. Yup.

CHAIRMAN EWASUTYN: Thank you.

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Comments from Board Members?

MR. GALLI: No additional.

MS. DeLUCA: No, nothing.

MR. WARD: No additional.

MR. BROWNE: Nothing more.

CHAIRMAN EWASUTYN: No comments.

Planning Board Attorney, Dominic Cordisco, will -- I'm asking you, we should adopt the negative declaration that was granted on the 16th of April?

MR. CORDISCO: Yes. So the record is clear, my recommendation would be for the Board to affirm its prior negative declaration.

CHAIRMAN EWASUTYN: Okay. Can you give us conditions for approval for the subdivision?

MR. CORDISCO: Certainly. Before I do so, I do have a question to ask regarding the Board's practice in connection with the size of this subdivision and given it's status, as to whether or not you grant preliminary or both preliminary and conditional final approval at this time? Sometimes preliminary approval is beneficial if there's going to be anticipated changes before a project comes back for final

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approval, but I can't anticipate any that are here. So that said, wanting to understand the Board's practice, my recommendation would be that you grant both preliminary and conditional final approval for the project.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: That is typical for smaller subdivisions such as this, we often skip the preliminary and go right to final. I think it's semantics. We could call it preliminary and conditional final and that may clean it up. Typically when we grant preliminary it's when they have outside agency approvals that they need to go seek.

CHAIRMAN EWASUTYN: Dominic, can we make part of the approval that the access and maintenance agreement, that we receive a copy of that so the Building Department could have that in their files?

MR. CORDISCO: That's correct. My language that will be in the conditional approval would include not only the requirement to prepare it and that it be reviewed by the Town, but that the Town would also receive a recorded copy so

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that it would have that in its records.

CHAIRMAN EWASUTYN: Thank you.

MR. CORDISCO: With that said, the conditions that I would urge you to consider and adopt as part of your conditional approval would include the road maintenance agreement for the shared drive, the Town Board approval for having three lots on the private drive, the utility easements being prepared beforehand as noted by Pat Hines, as well as payment of the rec fees, and all standard conditions of approval.

MR. HINES: Dominic, normally those resolutions would just have a sign off from my office as a check.

MR. CORDISCO: Understood.

CHAIRMAN EWASUTYN: Okay. Then we'll first start by adopting the negative declaration that was granted on the 16th of April 2020. Would someone make that motion?

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: Frank Galli. Who was the second person?

MR. MENNERICH: Ken Mennerich.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Motion carried.

And then, Dominic Cordisco, I have a motion to approve the preliminary and final conditional approval that was discussed by our Planning Board Attorney, Dominic Cordisco. Would someone make for that motion?

MR. WARD: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: Motion by John Ward, second by Stephanie DeLuca. We'll start with a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

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MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Very good. Thank
you, Ross.

MR. WINGLOVITZ: Thank you.

(Time noted: 7:23 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 12th day of May 2020.

Michelle Conero

MICHELLE CONERO

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MEETING HELD REMOTELY VIA ZOOM

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

----- X
In the Matter of

O'BRIEN SUBDIVISION
(2020-05)

21 Greenshire Way
Section 11; Block 1; Lot 92.42
R-1 Zone

----- X

INITIAL APPEARANCE
TWO-LOT SUBDIVISION

Date: May 7, 2020
Time: 7:23 p.m.

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ

----- X

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CHAIRMAN EWASUTYN: The third item of business this evening is the O'Brien Subdivision. It's an initial appearance for a two-lot subdivision located on 21 Greenshire Way in an R-1 Zone. Again it's being represented by Engineering & Surveying Properties

MR. WINGLOVITZ: Good evening. For the record, Ross Winglovitz with Engineering & Surveying Properties here on behalf of John O'Brien, the applicant, for a two-lot subdivision of his property on Greenshire Way.

John is the owner of this property. It's a little over 10 acres. It was originally on a private road. Back in the early 2000s, 2002, the Town took the road and converted it into a Town road, and John now has sufficient frontage on a public street to allow further subdivision of the property.

The rear of the lot is State wetlands. One of Pat's first comments indicates about having the wetlands located. We have contacted the DEC. They're currently not going out to do delineations at this point. Before we come back

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we would make sure that that is done because it would be fruitless without it.

The two lots are roughly equal in size. One is a little over 4 acres. One is a little over 5 acres.

The existing house is serviced from Greenshire Way with an existing driveway. The septic is on the south side of the house. There is a well on the north side of the house that is within the old private right-of-way. That's the existing well.

We have had to do a lot of title work to this point just to establish that John actually had frontage on the public street because there was a sliver along Greenshire Way that was actually owned by the abutting lot to the south. We did confirm that, so this does reflect the latest survey. We have asked the title company to do some further research to determine if those pieces of the old cul-de-sac were ever actually dedicated back to the abutting property owners. So we're waiting information back on that. In the event that they have not been, that is a pre-existing condition, we would

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ask that the Board allow the well to stay there. We would show an alternative well location on the property that would conform so if at such point there was a problem and he could not use the well, he'd have already a predesigned location for a replacement well, someplace where Ken has the cursor. So that would meet the -- conform to the separation requirements and also be on the property. I would hate to have to redrill the well at this point, but I would leave that to the Board's discretion.

To the south is where the new well, septic and home is proposed. We've pulled the house up to the flat area. There will be a walkout condition. So you'll have at grade in the front, and based on elevation it will be at grade in the rear.

I think that's about it.

CHAIRMAN EWASUTYN: Thank you, Ross.

Pat Hines.

MR. HINES: Our first comment, as Ross had stated, is the wetland boundary location is critical to the subdivision if it moves very far. Because it's a DEC wetland, it has a 100-foot

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regulated adjacent area. We'll need that shown once the DEC is out delineating those again. The DEC does the delineation and the applicant's representative will survey that along with the 100-foot buffer.

My second comment discusses the well, which we talked about. If in fact the well is not on the property, I would recommend that the applicant work with the Town Board to either get that property transferred, if it hasn't been, and/or get some form of license agreement from the Town to allow that to remain. The alternative would be to put the new well in now. I don't believe this Board can approve a subdivision with a well not being on the property. I think there are some alternatives that could work out. Our comment is that some additional title work, as Ross mentioned, should be done. The Town Board may be in a position now to relinquish that property to the adjoiners if it wasn't done.

We're requesting a note be added to the plans regarding the stakeout of the house, well and septic on the proposed lot, lot 2. Each

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2 of those items are at the minimum required
3 setback. As I mentioned at work session, wells
4 have to be 15 feet off a property line, septic
5 systems have to be a minimum of 10 feet off, and
6 the house is shown at the front yard setback.
7 We're requesting the standard note that a survey
8 be provided to the Building Department and those
9 items be staked out in the field prior to
10 construction to eliminate any potential issues
11 there.

12 I'm suggesting that the Board issue
13 the applicant a waiver regarding topography
14 anywhere from the wetland boundary out into the
15 wetlands as, by definition, it's probably
16 relatively flat and there's no issue with -- no
17 construction in those wetland areas.

18 MR. WINGLOVITZ: I think that is
19 actually -- there is topography on there, it's
20 just that it is so flat it's not shown. I could
21 probably add a couple spot elevations or get the
22 waiver. Whatever works easiest.

23 MR. HINES: I think we're okay if it's
24 just flat.

25 The highway superintendent's comment on

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the new driveway should be received.

Ross is aware, the surveyor stamp needs to be on the final survey plan.

We're suggesting that the house elevation, finished floor elevation and the lowest sewer elevation when the septic designs are done be provided. Because of the proximity of the septic system to the grade of the house, there could be some issues with people not being able to put plumbing in the basement and such, or if the plumbing is too low the septic system may end up too deep. We're suggesting that those two items be added.

The property line issue with the well and the DEC wetland boundary are the two significant issues that will need to be worked on before it comes back.

CHAIRMAN EWASUTYN: Okay. Dominic Cordisco, Planning Board Attorney.

MR. HINES: While we're waiting for Dominic to come on, one of the items Dominic had suggested was we do a lead agency circulation since the DEC may be an involved agency due to the wetland delineation. We could take that

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action tonight as notice of intent for lead agency, and we'll circulate to the DEC and probably the Town Board in case there is an action regarding the property line.

MR. CORDISCO: I was actually saying that but didn't realize that I had muted myself when the dog was barking, so I apologize for that, and then I never -- I committed the foopah of not unmuting myself when he was done barking. I apologize for that.

Yes, my recommendation is that you circulate for lead agency at this time.

CHAIRMAN EWASUTYN: Questions or comments from Board Members?

MR. WARD: No comment.

MR. MENNERICH: No comment.

CHAIRMAN EWASUTYN: Okay. Then we'll make this a two-part motion. One to declare ourselves for lead agency -- intent for lead agency, and the second part of the motion is to waive the need for the topo for the entire property, which is required by code.

MR. DOMINICK: I'll make the motion, John.

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MR. WARD: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Thank you, Ross.

MR. WINGLOVITZ: Thank you. We'll get the delineation done, get some soils testing, and try to resolve that well issue and be back with the resubmission. Thank you.

CHAIRMAN EWASUTYN: Ross, while I have your attention, --

MR. WINGLOVITZ: Yup.

CHAIRMAN EWASUTYN: -- and this might be a good time to stop for a moment. Jay Samuelson, who is a principal with Engineering Properties, he and I were discussing today the resubmission of the Young Subdivision which is up

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in the northern quadrant of the Town of Newburgh. Pat Hines will let us know. It's going before the Marlborough Planning Board, if the Marlborough Planning Board does declare a negative declaration, and that will be before our meeting of the 21st of May, then we would make it an agenda item.

In the course of speaking with Jay, and I was rather confused on this topic, no one is picking up maps. Jay had said John, I prepared twelve maps, and I said to him at this point we're doing everything online so I haven't been requesting maps, because there's a cost to generating maps. So while I have everyone here, is there anyone who has an interest and will they pick up the maps? In that case -- I'd rather make it a standard and not have this conversation from this point on.

I'll speak with Frank Galli. Frank, are you interested?

We can coordinate where and how to pick up the maps.

First and foremost; Frank, are you interested in receiving maps?

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MR. GALLI: Yes.

CHAIRMAN EWASUTYN: Okay. Stephanie DeLuca?

MS. DeLUCA: Yes.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Yes.

CHAIRMAN EWASUTYN: John Ewasutyn, yes.

MR. BROWNE: Cliff Browne, yes.

MR. DOMINICK: Yes.

MR. WARD: And me, yes.

CHAIRMAN EWASUTYN: All right. So Ross, if you would extend my apologies to Jay Samuelson. Counting the amount of Members that spoke in favor, which I believe, including myself, would be seven, we would want a copy for Jerry Canfield, we would want a copy for Councilman Manley.

Pat, I don't think there's a necessity at this point for Jim Osborne to receive a copy. Is there anyone you want to add to this list, which is now I believe approaching nine people?

MR. HINES: I think that's the list. I did take the opportunity to e-mail the

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Consultants the application we received today.

CHAIRMAN EWASUTYN: Okay. So make it ten because I need one for the Planning Board file.

So one more time Ross, let Jay know that I apologize, we'll take ten paper sets.

MR. WINGLOVITZ: Very good.

MR. BROWNE: While we're on that subject, just let us know the protocol for what you want to do for how we should be picking them up, when and where and all that.

CHAIRMAN EWASUTYN: We'll talk about that. You know, whether it be the Monday -- I guess I have to hear from everyone. Not that -- it's not my decision to make. I'll do what's necessary. As an example, there's a picnic table on the rear side of the Building Department. Providing it's not raining, I'll try and make it my business to have it on that table, whether it's the Friday before the actual meeting or for the Monday or Tuesday. But I'll wait over the course of the next couple of days to hear back from everyone.

MR. GALLI: John, I picked mine up in

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the box out front.

CHAIRMAN EWASUTYN: That's a good idea.
We can commingle it with the drop box.

MR. GALLI: Yes. I picked it up from
the drop box. I just called ahead and asked them
if I had anything in my box and they said yes.
She said we'll put it outside in the drop box for
you. I said okay, fine.

CHAIRMAN EWASUTYN: If Jerry Canfield
is fine with that, then I'll run it by Jerry.
Then we'll depend upon his staff to receive the
call and make the drop in the drop box. We'll go
from there.

MR. WINGLOVITZ: Electronic copies,
John. When we drop off papers do you want us to
-- when we get back and confirm they were dropped
off, do you want us then to send you and the
consultants an electronic copy?

CHAIRMAN EWASUTYN: Dominic Cordisco?
Pat Hines?

MR. HINES: Yes. That's very useful
for me.

MR. CORDISCO: Correct.

MR. HINES: I actually worked that out

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with Jay already because he's sending me my Marlborough copies that way.

CHAIRMAN EWASUTYN: I think it was a good mistake I made today. It gave me the opportunity to correct my temperament, which always happens. This has been sort of a quiet matter that hasn't been discussed. We have to talk about the real world that we're living in today.

Thank you, all.

MR. WINGLOVITZ: Thank you.

(Time noted: 7:37 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 12th day of May 2020.

Michelle Conero

MICHELLE CONERO

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IN WITNESS WHEREOF, I have hereunto
set my hand this ^ day day of ^ Month 2020.



MICHELLE CONERO

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MEETING HELD REMOTELY VIA ZOOM

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

----- X
In the Matter of

GASLAND
(2019-16)

5200 Route 9W
Section 43; Block 5; Lot 1
B & R-3 Zones

----- X

TWO-LOT SUBDIVISION & SITE PLAN

Date: May 7, 2020
Time: 7:37 p.m.

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: CHRISTOPHER LAPINE

----- X

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

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CHAIRMAN EWASUTYN: Our fourth item of business this evening is Gasland. It's a two-lot subdivision and site plan located on Route 9W. It's in a B and R-3 Zone. It's represented by Chazen Engineering. I think Chris Lapine is the engineer for this. We'll open the meeting up now.

MR. LAPINE: Good evening, Chairman, Members of the Board. Thank you. We were last before you in August of 2019 to discuss the proposed subdivision which involves the creation of a 1.08 acre lot to have a convenience store and six pump islands for a proposed fueling station and convenience store.

The property, to most Members of the Board they're familiar with, is where Pat's Towing operation is currently working out of. In addition to the towing operation, the site currently has diesel operations on site and they have a residential home, residential apartments, a barn and shed.

The proposal that's before you has been refined based upon a number of comments we received at the last Planning Board meeting. The

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applicant has had a full boundary survey of the parcel conducted so that we can better define the extent of the zoning variances being contemplated for the proposed subdivision.

We also took this opportunity to take another look at the orientation of the building and the pumps in terms of improving its circulation. We reoriented the building which was previously parallel but to the west of the existing auto body shop and now has been shifted north, perpendicular to the property line.

There's a number of comments provided from Members of the Planning Board's consultant team to better enhance the plan that's before you. We took those into consideration in terms of our plans. What's now being reflected is we've shown sidewalks along the frontage of the site, adjacent to 9W. We've placed street trees and other vegetation along the frontage. We better defined the zoning boundary line between the R-3 and the B District in the rear of the property. At the direction of the Planning Board we incorporated more screening around the parking adjacent to the Pat's Towing facility.

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Furthermore, at the request of Mr. Canfield and Mr. Hines we developed individual bulk tables for each structure that's on the plan set. We considered minimum lot size for 20,000 square foot fueling facilities and its road frontage on one road. We looked at minimum lot size of 30,000 square feet for repair facilities as it has frontage on two roads. We looked at minimum driveway widths of 25 feet at entrances and egress. 10 foot setbacks for driveways and property lines. 15 foot setbacks from property lines to underground fuel tanks. 15 foot setbacks from pump islands to street lines. 1,000 foot separation distances between vehicle service stations on a lot where there's an existing motor vehicle service station or other establishment dispensing gasoline. We also updated our bulk tables for the 10-foot setback between parked vehicles and property lines, and that more minimum lot size of 30,000 square feet for repair facilities. Based on the four bulk tables provided, we've identified on our plans the need for this project having a need for three variances. Variance 1 would be for lots 1 and 2,

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the separation distance which is required of 1,000 feet. The existing facility is less than 900 feet.

We also identified on lot 2 the accessory building closer to the principal side yard where 50 is required and 10.8 feet is provided.

A building maximum height of 15 feet where an existing two-story building exists.

So as I said, the revised bulk table defines these and identifies these specific variances on our concept plan.

There was a lot of concern about the existing operations that are taking place and clarifications for the future use of the property. Pat's Towing has discussed their opportunity to kind of decrease the operations that are taking place at the facility. Along with our submittal that we made to you, we also included a two-page letter from Pat's Towing detailing what they envision for their future operations. With us this evening are representatives of Pat's Towing who would like the opportunity to share with you what their

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future operations would consist of.

CHAIRMAN EWASUTYN: Thank you.

MR. CORDISCO: So I can unmute the relative -- the right people; could you tell me, Chris, who I should be unmuting that's here?

MR. LAPINE: It should be John Macioce.

UNIDENTIFIED SPEAKER: I think he dialed in.

MR. CORDISCO: I do have one person here that had dialed in. I'll unmute them now.

CHAIRMAN EWASUTYN: Dominic, for the record, I'm in my vehicle now. My battery is running low on my phone. I hope to charge it while we're active.

MR. CORDISCO: We're in a brave new world here. We saw we were actually conducting the meeting and being on the move at the same time.

So the people that have dialed in to this meeting are now unmuted on my end. Chris Lapine was mentioning that they may want to speak to the Board. Now is the opportunity.

MR. MACIOCE: We were just planning on reducing the size of our property, our vehicle

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storage. You know, we just really bought the place to maintain the fleet of our trucks. You know, we don't need to have as many cars that's there now as, you know, we're going to after Gasland gets in. You know, we're going to reduce it all the way down to probably ten cars or so. You know, cars and trucks. You know, like I said, we want to use it to maintain our own fleet is really, you know, what we're looking to do.

MR. HINES: This is Pat Hines, the Planning Board's representative. We're looking to define that, and maybe you and Chris can work out some notes on the plans that would be enforceable by the Code Enforcement Office to identify the number of vehicles that you'll have -- the number of your vehicles and the number of impounded/towed vehicles on the site. If that could be defined.

Chris, if you could work with your client to define that with notes in the future, that would be very helpful to the Board and ultimately the Building Department should any enforcement be required.

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MR. CORDISCO: If you could identify yourself, because we are creating a transcript of this meeting as well. So we don't have your full name.

MR. MACIOCE: This is John Macioce.

CHAIRMAN EWASUTYN: Can you spell that, please, for the Stenographer?

MR. MACIOCE: Yup. M-A-C-I-O-C-E.

CHAIRMAN EWASUTYN: Thank you.

Now that we discussed the matter of storage and how Pat's Towing, i.e. John, will be managing the property, and we'll get an outline from that, we'll step back into Pat Hines and site plan issues.

MR. HINES: Sure. Our first comment is in the bulk table. The front yards from Route 9W are 60 feet. In accordance with Section 185-15(4)(b) -- Chris, I know you have the comment -- the building structures as they're located meet it but it's just cleaning up the bulk table.

We've identified the same variances as Chris Lapine has. Lot 1 and 2 for distance to motor vehicle service stations, and the factor

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here is the existing Stewart's site. I also believe that lot 1 and 2 may need variances from each other. As you go to the ZBA I think you should include that and discuss that with them as they're both, by definition, motor vehicle repair sites. So you're going there anyway, so let's make sure that they don't need relief, and, if they do, to grant that.

The accessory building closer to the street than the principal building, the 15-foot side yard setback and the maximum height. We'll need to indicate the height of the accessory apartment/garage building so that we can define the variance that you're seeking from the 15-foot maximum to what the building height actually is. Those are the variances that will be required.

You've schematically shown a septic on lot 1 but there are no septic depicted on lot 2 for any of the structures. Those will need to be shown. Realizing these are concept plans right now.

The Pat's Towing lot does not depict any curbing. Based on our previous conversations, I see that you've added pavement.

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Typically the Planning Board does require curbing. I know DOT will require curbing coming in off their roadway at a minimum. So we need you to take a look at that in the future.

Water service to all the structures should be depicted. The Town code has a more stringent fire sprinkler ordinance than the State code. The proposed structure as well as possibly the existing structure may have to be sprinklered. We'll defer to Jerry Canfield's office on that. I know the proposed structure definitely will. You'll have to take a look at that when you size your water lines coming down into the site.

Ken Wersted is going to touch on the DOT aspects of the access drive. I don't think the current layout meets the commercial standards. I'll defer to Ken on that.

This will have to go to Orange County Planning but we'll wait until we have further detail, topo, grading, drainage and such to have a complete application to refer to them.

We noted in the environmental assessment form that the two species of protected

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bats came up on that form, so any tree cutting -- I don't know there's a lot of trees on the site but we may have to identify them and there may be the tree clearing restriction required if there are trees to be cleared.

There will need to be a note on the plans requiring demolition permits for any of the structures to be removed on the site.

A stormwater pollution prevention plan in compliance with DEC and Town of Newburgh regulations. The Town of Newburgh regulations are more stringent than the DEC, so a stormwater pollution prevention plan will be required, and the site will be addressed as a hot spot based on both of the uses. That will have to be addressed in the stormwater pollution prevention plan.

We're also looking for the history of the site. When your applicants were here previously we discussed this a bit, but any history of previous spills, leaking underground storage tanks, and the use and removal of the existing petroleum tanks should be addressed for the Board as part of their lead agency and SEQRA review of the project. The EAF did identify

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spills. They don't give you the information where but they may be on this site based on your client's previous representations that they buy petroleum impacted sites and remediate them, which they disclosed at the last meeting. So we'll need that information.

Our last comment just has to do with additional review once we get further into the design and back from the ZBA. When it comes back from the ZBA we will be able to do our lead agency coordination, but we would normally wait until ZBA renders their decision.

That's all we have.

MR. LAPINE: Pat, would the phase 1 that was conducted for the property address item 11 of the history of the site?

MR. HINES: It may. I think for the Planning Board -- I don't know if the Planning Board is going to evaluate the whole phase 1. I don't know that it was submitted to us yet. Was it?

MR. LAPINE: It wasn't. I had that discussion with the owners of Pat's Towing.

MR. HINES: Typically a phase 1 would

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identify that. Like an EDR search will show you all the historic spills on there. If you have that information, that would be great.

UNIDENTIFIED SPEAKER: Chris, and a phase 2.

MR. LAPINE: And a phase 2 they have.

MR. HINES: Okay. So you may have that information. We're just looking for it for the Board's records. It may be that you submit the entire document if you feel comfortable doing that.

MR. WERSTED: I'll jump in next. I don't know if John dropped off. I see him there now. I'm sure he'll segway into the traffic comments.

We took a look at the site, your change in orientation. We sent out our comment letters.

As Pat had picked up, the curb radius, namely on the north side of each of the driveways, is very tight there. Obviously it doesn't match the southern sides of that. So DOT will definitely want to take a look at that as the work will be in their right-of-way. The driveways now are three driveways going down to

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two, so we think they'll look favorable on that.

A sidewalk is provided across the frontage, consistent with some other recent projects that we've had through that corridor. I think that's in line with that. We would suggest also that the sidewalk from the front of the building just be connected out to the main sidewalk running north and south through there.

There are underground fuel storage tanks shown on the east side of the canopy. We presume a gas truck will park, you know, kind of in this direction, discharge, refuel or refill those tanks and then circulate out through. We'd like to see that just demonstrated. It does look like it's going to be adequate, as is the garbage dumpster retrieval.

We had looked at the site selling diesel gasoline and questioned whether there might be any big trucks. However, there's a number of gas stations along the corridor which are smaller. They're not necessarily designed for the tractor trailer style. There is a Valero to the north that has a specific truck fueling canopy and position to accommodate those vehicles

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that may continue to use those locations.

Down on the southern end of the property there's a large gravel area here. It hasn't shown whether it's going to be removed or not, so we would just ask that that area be depicted. Obviously a tree is being planted here, so I'm assuming that that area will be removed.

There is a cross connection between the towing business and the Gasland convenience store area. There's a sliding gate right through there. We were interested in what activity would take place there, what is that access going to be used for, et cetera.

The FEIS had talked about -- or the FEAF had talked about this impound area next to the garage. We had asked if there's enough area to pull cars in and out. If they're going to be trailered cars, do you have enough room to maneuver the tow truck and load and unload those.

Moving on to the traffic side of things. We agreed with Chazen's assessment of the number of trips that would be generated from the facility. In the a.m. -- in the a.m. and p.m. peak hours I think it's varying anywhere

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from about 145 or 150 trips up to about 170 trips. A significant percentage, roughly 50 to 60 percent, of that traffic will come from vehicles already driving by on Route 9W. So they may be going home from work and they need gas or something convenient to purchase and they'll pull in and make those purchases and continue on their way. Of those numbers, not all of that traffic is going to be new traffic, you know, to the area, but a certain percentage will be.

With that in mind, there is going to be some difficulty pulling in and out of the site just because of the nature of Route 9W through there. There's some pretty heavy volumes going north and southbound. The predominant flow in the morning is southbound, in the afternoon/evening it's northbound. In particular I think left turns coming out of the site are going to have trouble, or more delay if you will, to complete that turn. So I fully expect that the movement there will operate at level of service F during those peaks.

The other issue to consider, particularly for DOT, is going to be access, and

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particularly the southbound left-turn movement, you know, into the site. There's a pretty heavy volume going in that direction. It's about 930 cars an hour in the morning. In the afternoon it's about 855 -- 885 cars going in the southbound direction. So any vehicles that are southbound waiting to turn left are really going to clog up that southbound flow and either push people -- southbound cars over onto the shoulder to make a turn in or they'll basically just sit there and wait. So if we use this truck as the example, a vehicle waiting here to make the left turn, there's not a lot of shoulder on that side, so it could be hazardous for vehicles to do that. We think that a left-turn warrant should be looked at here, and if DOT agrees, the applicant should look into whether a left-turn lane should be provided here.

The last thing is we had a comment about the utility easement in the back of the property and whether there could be like a trail access or something from Albany Post Road for any residents up here who wanted to come down to the convenience store. I don't think we heard an

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answer on that last year. I mean it's been ten months or so since we last saw the application.

That was the extent of our comments.

MR. LAPINE: Ken, if I may comment on a few of those.

MR. WERSTED: Sure.

MR. LAPINE: We certainly plan on engaging with the DOT, but we believe it's premature for us to do so without knowing that this project has legs. Legs equal variances from the ZBA. So we certainly appreciate your input, and they are all comments that we're going to take a look at.

With regard to the sliding gate between the two properties, what we did that for was in the event -- if Pat's Towing ever had to use their large tow truck, we wanted to be able to give them the opportunity to pull forward into our property. We took a look at those turning movements. They needed -- at the point of where we show on our plans, where we show the 48 feet between their building and the pavement, they needed approximately about another 30 feet. We have that 26.5 feet here between the island and

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then another 3 feet out. That would provide them the opportunity just to stick their nose into our property and back out. That was the extent of that. The frequency of the use is only in the event they had a large tow truck. It's a ten-minute inconvenience. Based on the area that they would occupy, it wouldn't impact traffic on our site or pedestrian circulation.

MR. WERSTED: Does there need to be any type of cross access easement or anything like that? That might be a comment for Dominic.

MR. LAPINE: There very well may be.

MR. WERSTED: I agree with you. Better to go and check those zoning issues first before you, you know, get DOT up to speed.

MR. HINES: Just a comment on that gate. I would put a note on there that the gate is normally closed, just to keep it from becoming a cross through.

MR. LAPINE: And with regard to the utility easement and pedestrian access, there's a couple of concerns that have been raised by both applicants. One being the steepness of the terrain. As it goes from Old Post Road to the

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west, it's not meant as a traversable path. It apparently is. Some of these cars that may be impounded here, there's a security concern about giving an open access for pedestrians to walk within ten feet of the building.

MR. WERSTED: I appreciate that. Thank you.

CHAIRMAN EWASUTYN: Comments from Board Members?

MR. GALLI: None at this time, John.

MS. DeLUCA: I'm good. None at this time.

MR. MENNERICH: I don't have any questions at this point.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: No. I think we have to wait on those variances and see what happens there, and then go from that point.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: No additional questions.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: No additional.

CHAIRMAN EWASUTYN: All right. Would someone take the time, Dominic Cordisco, to

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discuss the variances needed and the referral letter that will be sent to the ZBA?

MR. CORDISCO: Thank you, Mr. Chairman. By my count there are four variances that need to be referred to the ZBA for their consideration. The one -- the first is -- two, actually, are related to the distance to other dispensing stations or automotive facilities. There's the one that's been identified for the 900 feet to the nearest Stewart's on 9W. But in addition to that, as noted by the Board and during the work session, was that the creation of the subdivision, which we'll put on two separate lots, Pat's Towing and the Gasland facility, that would also require either an interpretation from the Zoning Board that that does not require a variance for the 1,000 foot separation distance, or, if it does require a variance, that they apply for that as well, because it will be on two separate lots and two separate uses. Identified by Chris Lapine as well, you have the side yard setback for the accessory structure, 15 feet is required but there's only 10.8 feet provided, as well as the variance for the height of that

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structure which is a 15-foot maximum height.

CHAIRMAN EWASUTYN: Thank you.

So would someone make a motion to have Dominic Cordisco prepare a referral letter to the ZBA for Gasland Petroleum?

MR. WARD: So moved.

MR. GALLI: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Motion carried.

John, I can't pronounce your last name, I apologize. The owner. The Planning Board appreciates you finding the time to discuss your plans and the intent of the use of the property. Thank you.

(Time noted: 8:05 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 12th day of May 2020.



MICHELLE CONERO

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MEETING HELD REMOTELY VIA ZOOM

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

----- X
In the Matter of

THE RIDGE F/K/A THE LOOP/MARKETPLACE
(2017-01)

Route 300 & Route 52
Multiple Sections, Blocks & Lots
IB & R-3 Zones

----- X

PROJECT STATUS UPDATE

Date: May 7, 2020
Time: 8:05 p.m.

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: JOHN CAPPELLO,
GREG DAY, MARK GRATZ

----- X

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

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CHAIRMAN EWASUTYN: The next item on the agenda this evening is The Ridge, F/K/A The Loop/The Marketplace. It's located on -- it's a project status update. It's located on Route 300 and Route 52. It's in an IB and R-3 Zone. I believe it's being represented by John Cappello.

John.

MR. CAPPELLO: Good evening, everyone. Also I would mention I believe I have on the call with me Greg Day representing the applicant and our project engineer, Mark Gratz.

Really what we're here tonight is to request that the Board reapprove this development that was approved originally back in 2007. It has gone through several iterations, and most recently approved as amended in 2017 for approximately 700,000 square feet of retail use. It was, you know, thoroughly reviewed, went through a full environmental impact statement review, a findings statement. That findings statement was revised, and the last consistency determination, as part of your application package, was issued in 2017. The 2017 approval was good for two years and you were required to

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pull a building permit within two years with a one-year extension. We did the two years. We got the one-year extension. The applicant did pull demolition permits and did some work to demolish three homes and kind of reconfigure the cul-de-sac on Brookside Avenue, did some clear -- some fairly substantial clearing and grading work to install a couple stormwater basins as you can see on the property, and, you know, started grading in the access road.

They've also posted bonds. Approximately a little over 2 million dollars -- 2.6 million in performance bonds with the Town, and another bond of \$900,000 with the New York State DOT to secure the improvements that need to be made.

As you can see, it's a substantial development. And we live in a very volatile time. So the applicant is actively marketing this site, but in order to do so we believe the best action is to ask that the Board reapprove it to start the timeframe again to comfortably give the applicant time to, you know, continue to market, to develop this. It may well have to be

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modified, which means the applicant would come before the Board, you know, again, but it would keep all the work that has been done which is still valid. There hasn't been a lot of development around that area. It would keep it valid and keep the options open to hopefully pull a nice ratable and job creator in this area, because I believe we all know that it is going to be vital, when we come out of this pandemic, to have job opportunities and some ratables for our communities. So, you know, you have before you all the documents. We put in everything that is required for an application.

I know it was discussed earlier. We've asked the Town Board to consider waiving the application fees, but that's something that the Town Board would have to consider, and we will make sure that's addressed before the next Planning Board meeting.

Really what we're asking the Board here to consider tonight is to allow this to be referred to the County Planning Department since this is technically, even though nothing at all has changed, a new application. So they would

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have thirty days to review it. We would hopefully get that out quickly and make sure even if thirty days has passed before the Board's next meeting, to do what we can to make sure the County gets their comments in.

We would ask, since there are absolutely no changes, that the Board would consider waiving the public hearing on this and, you know, allow this to move forward.

As I said, I have the project engineer, Mark Gratz, here today, as well as Greg Day if the Board has any further questions.

CHAIRMAN EWASUTYN: Why don't we open the meeting up to Greg Day. I think the Board itself may not have any engineering questions. Let's hear from one of the principals of The Ridge.

Mr. Day, are you available?

MR. DAY: Hello, everyone. Also accompanying me this evening is Anton Melchionda. Just to clarify, I'm an officer of Waterstone and Anton is in fact a principal of Waterstone.

As John mentioned, I mean this has been -- we've owned the site for over three years.

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We've been actively pursuing a development program that is, as we like to say, sustainable economically. And, you know, to some extent I think we were fortunate in hindsight not to proceed with a 700,000 square foot retail development but, you know, we are actively pursuing a high density, you know, development program. Prior to the COVID crisis, you know, we were in active discussions for an entertainment use. We had performed both an economic impact and feasibility study that really kind of validated that that could be a viable program here, leveraging off of Leogoland opening up and some of the other tourist attractions. Again, you know, we're in a new world right now so, you know, we have to react to market demands.

Having said that, you know, having our permits in place is critical. That gives us credibility that we can in fact proceed, you know, with a development program and not start from scratch. As John indicated, you know, what we end up doing will most likely necessitate us coming back to the Planning Board, which we've always envisioned. To date we want to not only

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keep intact the approvals we have. You know, I think that's going to be absolutely vital for us to continue to market the property and attract it, you know, to credible users.

CHAIRMAN EWASUTYN: Thank you, Mr. Day.

At this point I'd like to open it up for discussion, questions, comments from Board Members.

MR. BROWNE: Mr. Day, this is Cliff Browne, Board Member. I appreciate you discussing what you just did.

I had a question about what the intent was for going forward or trying to redo, or renew, or whatever the project as it seemed to be pretty dead for quite a long time, not realizing the activity you've been undertaking to market the property. Thank you for the explanation.

CHAIRMAN EWASUTYN: Thank you.

Other Members of the Board?

MR. GALLI: All good, John.

MR. WARD: I'm good, too. Thank you.

MR. DOMINICK: Nothing additional,
John.

MR. MENNERICH: I have no questions.

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MS. DeLUCA: No additional, John.

Thank you.

CHAIRMAN EWASUTYN: Okay. Let's hear from Dominic Cordisco at this point. Dominic, what's our foundation? What's our grounds? Are we in a position to make a motion to refer this to the Orange County Planning Department as John suggested?

MR. CORDISCO: Yes. My suggestion would be to follow all the procedures that you would typically follow. What you have in front of you is an application for a new approval which is based entirely on the plans that were previously approved in 2017. Unfortunately all the available extensions have been granted and the applicant wishes to maintain their approval so that they can continue to market and develop the property in accordance with the plans that were previously approved. The only way to do that, now that all the extensions have been previously granted, would be for this mechanism, which you have in front of you, which is for the Board to consider a new approval. As such, a new approval requires certain procedural steps. The

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referral to the County Planning Department is a jurisdictional step, meaning that it is required for certain applications, which this is one of those types of applications that must be referred to the County Planning Department. And so it would be in error to simply move on the re-approval without making a new referral, even though the referral itself should note that this was a previously approved plan and that no changes are proposed. But nonetheless, it should still be made to the County Planning Department. And that in addition, the Board, as noted by Pat Hines, has the discretion as to whether or not to hold a public hearing on site plans. So the Board could decide tonight whether or not you wish to hold a public hearing on this new approval for the previously approved set of plans.

CHAIRMAN EWASUTYN: We'll approach the matter of fees. John, you're going to be moving forward and speaking to the Town Board or applying to the Town Board as far as fees?

MR. CAPPELLO: Yes. Yes, we will --

CHAIRMAN EWASUTYN: For the benefit of

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the Planning Board Members who some may be and others may not be familiar with what the fees would be for a project such as this?

MR. CAPPELLO: I frankly would have to look. I don't know if Greg recalls what they were before.

CHAIRMAN EWASUTYN: Let me turn to Pat Hines.

Pat, a ballpark shot at that?

MR. HINES: For 800,000 square foot -- 700,000 -- they're substantial based on the Town code. John, I don't recall what they are either. They would be in the hundreds of thousands of dollars.

CHAIRMAN EWASUTYN: They could be closer to maybe \$130,000, \$160,000 in application fees, not to take into consideration the escrow fees that would go along with it.

Okay. So let me start by polling the Board Members to see if they want to have a public hearing on this. I'll start with Frank Galli.

MR. GALLI: Well John, considering that we had a public hearing in 2017 and the public --

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no one in the public spoke up or showed up, the plan hasn't changed as of yet, so I would hold it probably for the future. When they do come back and make some changes, hold a public hearing then instead of holding one now and hearing the same stuff that's been going on for the last three or four years and just, you know, prolong it as it goes. I'm not in favor of holding a public hearing right now.

CHAIRMAN EWASUTYN: Okay. Stephanie DeLuca?

MS.. DeLUCA: I would have to agree with Frank in that regard. So yeah, I don't see the need for it right now.

CHAIRMAN EWASUTYN: Thank you.

MR. MENNERICH: I also agree with what Frank said and the reasons for not having a public hearing at this time.

CHAIRMAN EWASUTYN: Thank you, Ken Mennerich.

And I'll follow the suggestion by Frank Galli and move to waive the public hearing.

Cliff Browne?

MR. BROWNE: Yes, I agree too. At this

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point it seems to be more of a technical nature of what we need to do for this particular issue. It's almost guaranteed they'll be back. I'm sure there will be a hearing involved in the next iteration.

CHAIRMAN EWASUTYN: Thank you.

Dave Dominick?

MR. DOMINICK: Yeah, I'm in agreement with the fellow Board Members. At this time I believe, John, it is too premature to have a public hearing. It wouldn't be complete or concise. Maybe it's something to look at in the future.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I agree not to have a public hearing.

CHAIRMAN EWASUTYN: Okay. So then the action before us this evening is to have John's office, or someone from John's office work with Pat Hines to distribute these plans to the Orange County Planning Department. Today is our meeting of the 7th of May.

Pat, would it be reasonable -- well, the 7th of May. June 4th is not within the

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thirty-day timeframe, so where do we stand as far as rescheduling this?

MR. HINES: It either has to be thirty days out or the County would have to respond. I don't know what their response time is at this time. They have issued a policy that they want hard copies and electronic copies of all things submitted, so I could work with Mark Gratz' office to get some hard copies shipped out. I may suggest that I send him the forms electronically and he can e-mail -- FedEx directly to the County the hard copies and simultaneously send me electronic copies that I can forward. So between Mark Gratz' office and my office we can get them there as soon as possible. The applicant may want to be able to contact the County to see if they can't get it -- a response back within the thirty days. We could calendar it for the June meeting at this point with the caveat that we need to hear back from the County prior to that.

MR. CAPPELLO: I would respectfully request if the Board could do that. We will take the responsibility of making sure Mark

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coordinates with Pat to get it out quickly and reach out to the County to do whatever we can to make sure there's a response in by the 4th. If it turns out by the afternoon of the 4th that it's not there, I think the Board can then just hold the entire discussion over to its next meeting.

CHAIRMAN EWASUTYN: Okay. All right. So then the Board will work with that in mind. When we're nearing the point that we are preparing our agenda for the 4th of June, we will list this as being one of the agenda items. If you aren't successful, then we'll read into the records the reason why we won't be entertaining it for the meeting of the 4th.

Is everyone in agreement with that?

MR. GALLI: Yes

MS. DeLUCA: Yes.

MR. MENNERICH: Yes.

MR. BROWNE: Yes.

MR. DOMINICK: Yes.

MR. WARD: Yes.

CHAIRMAN EWASUTYN: Dominic, do you want to add anything at this point?

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MR. CORDISCO: Yes. Thank you, Mr. Chairman. I would add that as the applicant has acknowledged, it is the Town Board's purview to decide whether or not to waive the application fees here. If they could resolve that prior to the June 4th meeting. That would also be an open item. If it's not resolved, then the applicant would be in a position where they would be required to pay the fee in order to obtain new approval.

CHAIRMAN EWASUTYN: Okay. Is everyone clear on the action we're discussing to grant a new approval? Does everyone understand that?

MR. GALLI: Yes.

MS. DeLUCA: Yes.

MR. MENNERICH: Yes.

MR. BROWNE: Yes.

MR. DOMINICK: Yes.

MR. WARD: Yes.

CHAIRMAN EWASUTYN: All right, good. All right then. That being said, there's a lot of hard work and a lot of pushing. As Ross Winglovitz recently said, you know, the DEC won't come out to flag wetlands. I can't speak for the

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County as to how active they are as far as responding to matters like this.

The ball is in your court, John.

MR. CAPPELLO: I can be a nudge.

CHAIRMAN EWASUTYN: I'm so happy to hear that.

MR. CAPPELLO: I have a lot of time on my hands to make calls.

CHAIRMAN EWASUTYN: Let's not talk about that, really. That's the frightening thing about today.

All right. I thank you all for your time.

MR. CAPPELLO: Thank you very much.

(Time noted: 8:23 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 12th day of May 2020.



MICHELLE CONERO

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MEETING HELD REMOTELY VIA ZOOM

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

----- X
In the Matter of

READY COFFEE
(2019-26)

North Plank Road
Section 76; Block 4; Lot 3
B Zone

----- X

AMENDED SITE PLAN

Date: May 7, 2020
Time: 8:23 p.m.

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: MICHAEL BERTA

----- X

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

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CHAIRMAN EWASUTYN: The next item is Ready Coffee. It's located in a B Zoning District. It's being represented by Lothrop Associates. We'll have you discuss with us -- you did appear before the ZBA. The ZBA did grant an approval. We'll move forward from that point.

MR. BERTA: Good evening, Mr. Chairman and Members of the Board. How are you tonight?

CHAIRMAN EWASUTYN: Good, thank you.

MR. BERTA: So yes. As you said, we did appear in front of the Zoning Board and we were granted our variances.

CHAIRMAN EWASUTYN: Just for the record, introduce yourself.

MR. BERTA: I'm sorry. My apology. My name is Michael Berta, I'm an associate with Lothrop Associates.

CHAIRMAN EWASUTYN: Michelle, do you need a spelling of that name?

MR. CORDISCO: Michelle is unmuted.

CHAIRMAN EWASUTYN: Thank you. Michael, with you this evening you have?

MR. BERTA: I have Pat Brunetti from my office as well, and Dan Koehler, the project

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READY COFFEE

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engineer.

CHAIRMAN EWASUTYN: Thank you. So you received the review comments from Pat Hines. You received the review comments from Ken Wersted.

MR. BERTA: Yes.

CHAIRMAN EWASUTYN: Let's walk through those comments. We'll first start with Pat Hines.

Pat Hines.

MR. HINES: Our first comment was just requesting the Zoning Board of Appeals approval. When you get that, if you could submit that to the Board for their use.

DOT's approval for the sidewalk will need to be addressed. With that I believe we're going to have to circulate our notice of intent for lead agency as DOT is an involved agency in this.

I have a comment for Ken on the crosswalk that I know he'll touch on.

County referral of this plan is required. I believe the plans are in good enough shape now to send them to the County. We can coordinate that submission with Lothrop's office.

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I just noted for the Board, pedestrian scale lighting has been proposed throughout the site, which is eight-foot high light poles and bollard type lighting. So very low scale lighting is proposed. There are a couple of large light poles in the existing parking lot that are to remain that will kind of compete with that pedestrian scale, but the site itself has that pedestrian scale lighting that the Board looks for on these smaller sites.

Additional detail of the drainage is required. We had some comments on the drainage. I did speak to the engineer that's working on the drainage today and we went over some of the changes that he's identified in the field based on the comments, and they will be updating the drainage scheme on the site. It kind of flows in a little different direction now that they've done some additional surveying. We'll be looking for those revised plans.

I did talk with the Planning Board at work session regarding the paving limits. It's more for the Board's aesthetics, whether they want to strike a line across the paving rather

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than cutting across various parking lots. Ken is highlighting where I'm at right now. It's just to kind of delineate the whole site in more of a square geometry than the geometry proposed. I'll leave that to the Board.

I wanted to confirm that the entire parking lot for the whole facility was going to be re-striped. I'm not sure if that's the case but I think we talked about that earlier.

MR. BERTA: If I may.

MR. HINES: Sure.

MR. BERTA: Our intention -- as we discussed at the last Board meeting is that our intention is only to re-stripe the area that we're working in. The striping that was shown was just to show what the -- for parking count only.

MR. HINES: Count.

MR. BERTA: Like I said, as we discussed at the last Board meeting, our intention is only to re-stripe our area.

MR. HINES: Okay. That's the only comments we have right now. County Planning, lead agency circulation.

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MR. BERTA: Just a question on the County Planning. I believe the Zoning Board already circulated it to them. I know we had to wait a meeting because they hadn't heard back any comments from the County. I know we had to wait.

MR. CORDISCO: Mr. Chairman, I can respond to that. Unfortunately the Zoning Board refers what is in front of the Zoning Board at that time, which is the plan set for the area variances. That was the only thing that would be under consideration by the County Planning Department.

MR. BERTA: Okay.

MR. CORDISCO: Each has to make its own separate referral.

MR. BERTA: That's not a problem. Just thought I would ask.

CHAIRMAN EWASUTYN: Good question. Ken Wersted, can you summarize your review?

MR. WERSTED: Thank you, John. So we looked at the recent plans provided. I did forget to send you guys a copy of -- I marked up some details on the actual plans. I'll follow up

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after this meeting with those. I did send over my written comments.

We had a few comments in particular about the curb ramp, the crosswalk location and how it flares out here. There's some details and maybe a different curb ramp might be appropriate here given the distance between the curb line and the actual backside of the sidewalk. So those details are in my letter.

The applicant is proposing a four-and-a-half foot sidewalk connecting from Gardnertown Road over to the Big Lots main driveway. We had asked for that in previous meetings and they are providing that. We did meet -- or I guess have a conference call with DOT back in February, I believe, where we discussed that sidewalk. The existing utility pole here in the middle of that presents some challenges. The applicant is seeking that the contractor work with the utility owner to see if that guide wire can be relocated. If it can not be, then I would suggest that the sidewalk just kind of meander around that. It might take a few jigs and jogs through there but there may be a

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route that can be satisfied with that.

One item the Planning Board did ask about was the sidewalk over by McDonald's. I didn't have a chance to look that up as our workshop meeting pressed on to the end here, but I will take a look at that while others are talking.

I had some comments about the landscaping. I'm by no means a landscape architect, but hopefully Karen Arent, when she has a moment to look into those. I think some of them might be growing a little bit tall for sight distance issues. If there is a car attempting to pull out, you know, here, they will have to be looking through some of this landscaping. If it grows too tall it will impact that sight distance.

Further, this Crimson Maple here, there are some signs proposed, a stop sign. It may just be more useful to relocate that or pick a different variety, just so the stop sign isn't being overgrown and blocked, you know, by that tree.

There were also -- we had a number of

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comments on some of the details. We believe that this stop sign here and this return only sign can be combined. That will just reduce some of the signs that you have out there by just combining them into a single sign location.

There are some details on some of the sidewalk information here. There's some references to Connecticut. Those will have to get updated for New York.

We talked about the sign in.

Generally the only other thing we had was the stop bar. As the new crosswalk is put in, it will come straight across here. There won't be a little flare out. As a stop bar is installed, that should be four feet behind or in advance of the crosswalk, just so cars aren't stopping right in that area.

That was the extent of our comments on the project.

CHAIRMAN EWASUTYN: Okay. At this point, comments from Board Members?

MR. GALLI: Just a question on the striping. The owner of the property or the mall, whatever they call that place there, did you

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approach them to stripe the rest of it and clean it up?

MR. BERTA: They're not willing to re-stripe it at this point. They're just not willing to at this point. They're missing tenants out of there. Given the economic climate right now, the additional money is not in their budget to redo it.

MR. GALLI: Okay.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: I guess, Ken, maybe if you could go back to where the pavement is where they had that ramp. I guess I was just thinking, was that particular part -- yeah, that. Was that more for handicap? Is that the reason for that type of -- yeah, okay. I'm reading it now. Sorry.

MR. BERTA: Well if I may. One of the reasons why we had located that drop curb over there is we were -- we thought it was a little bit better for safety reasons. Somebody walking down the sidewalk, we thought being it would take up the entire corner, it might be a tripping hazard. That's one reason why we had located it

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READY COFFEE

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down and flared it. We have no problem moving it back. We can rework the sidewalk to avoid any hazards. That's not a problem.

MR. WERSTED: Thank you. Included in my letter is a different layout, you know, for a sidewalk. I referenced some DOT detail sheets. Obviously we have different corridors all over the place, so we need a lot of different options. That may be another option for that area.

MR. BERTA: That will work well in front of the building. For the three spaces in front, that will work fine there. The corner, we'll have to work something out so that -- it's a safety issue. That's all. We'll work something out.

MR. WERSTED: We just don't want the crosswalk to, you know, kind of flare out at the end. So if we can come up with a curb ramp kind of in that area, --

MR. BERTA: Yeah.

MR. WERSTED: -- it will be fine. It's a detail that we can work out. No issue there.

MR. BERTA: Yeah, no problem. That's an easy one.

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CHAIRMAN EWASUTYN: Anything else,
Stephanie?

MS. DeLUCA: No. That's it. Thank you.

CHAIRMAN EWASUTYN: Dominic, I'll
interrupt you. Can you also connect me on my 674
number? I have a feeling my battery is going to
run out.

MR. CORDISCO: I'll send you the link
to that number.

CHAIRMAN EWASUTYN: Now we're back to
Ken Mennerich.

MR. MENNERICH: I have a -- I'm
interested in what the applicant's response would
be to what Pat Hines presented earlier about
squaring off the parking area.

MR. BERTA: Dan, would you mind
answering that question?

MR. KOEHLER: I have no problem
answering that. It's all about the way we're
grading the new portion of the pavement on the
site and creating reasonable slopes to come back
down towards the catch basin in the middle, and
then run down along the right-hand side of the
drive aisle down to the catch basin system. In

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essence, the parking lot itself right now, it looks to me like it was very recently resealed. When we do a cut -- I just lost the screen. When we do a cut like this with those angles on it, we'll be able to put a bituminous sealer between them, and our pavement will be dark black at the time of laying that new pavement. I don't think you're going to see any kind of -- it's not going to be an aesthetic type of issue at that point. There will be no grade changes in those triangular pieces if we were just to do a saw cut straight up and down. So it would be removing pavement just to put it back in exactly the same elevation and slope that it's at. I'd rather not put the materials into that.

MR. MENNERICH: Okay. Thank you for that explanation.

MR. KOEHLER: Sure.

CHAIRMAN EWASUTYN: Okay. Cliff Browne?

MR. BROWNE: My thinking was on the same line Ken was asking. I'd like to hear Pat's comments on that response.

MR. HINES: I guess it's the condition

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READY COFFEE

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of the existing pavement. If it's fairly new it may not look as bad as the transition that was mentioned.

Ken, you had a screen shot up there before that I think showed the condition of the pavement from the street scape. It was strictly aesthetics. My thought was kind of cutting across those parking spaces.

CHAIRMAN EWASUTYN: Can I make a suggestion? Why don't the Board Members find the time, go out in the field, take a look at it, and when the applicant comes back before us, after a referral to the Orange County Planning Department, we can voice our opinion based upon a field inspection. Can we do that? I think rather than going back and forth with photos, we'll step up and go out there.

Dave Dominick, questions or comments?

MR. DOMINICK: I was also going to comment on the asphalt but I'll move passed that.

I just want to thank Michael and Dan there for taking into consideration that sidewalk and executing that. I think that's going to dress up that area.

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And also taking into consideration Ken's comments about putting that jog in there, especially where that guide wire is, if you have to.

MR. BERTA: That's no problem. We're going to reach out to who owns those guide wires to see what we can do. If we can't move them, then we'll work around it.

CHAIRMAN EWASUTYN: Thank you.
John Ward?

MR. WARD: My question is about squaring it off. I understand about cutting the pavement and trying to get the water and everything else. How about if after you cut it and just seal it like a straight line even though you're able to slope it down? Make it square with sealer. Do you know what I'm saying, the triangle there?

MR. KOEHLER: I guess if the Planning Board Members go out there and they feel that it's not much of an issue, then obviously we wouldn't need to do something like that. If the Planning Board feels that it is an issue, I'd rather seal it than remove it and repave it.

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MR. WARD: Yeah. What I'm saying to you is -- you're talking about cutting it and putting new pavement in. What I'm saying to you is the two little triangles up towards 32 and in the parking lot, just fill it in with sealer. Make it look black, a square.

MR. KOEHLER: What I basically just said was that if the Planning Board doesn't feel that it's a problem, then we'll do what the plan says now. If the Planning Board goes out there and feels that there will be an issue aesthetically, I would much prefer to do a sealer like you're saying as opposed to cutting it and then replacing it with pavement.

MR. WARD: Right. I'm not saying replace pavement.

And at the same time, I'm the one that mentioned McDonald's sidewalk. I'd like to see the sidewalk the same width, which I think is 5' than 4'6", because the width of people walking with strollers or whatever. Handicap. Whatever it is. You can have two people going down the sidewalk. Whatever the width of the McDonald's should coordinate with your sidewalk.

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MR. WERSTED: You're correct, John.

The McDonald's sidewalk, I was able to look that up, it is 5 feet going past the restaurant.

MR. WARD: Okay, Dan?

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

(No response.)

CHAIRMAN EWASUTYN: Okay. Then the action that we have before us this evening is to declare our intent for lead agency and circulate to the Orange County Planning Department. Would someone move for that motion?

MR. GALLI: I'll move.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by, Cliff Browne was that?

MR. DOMINICK: That was Dave, John.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

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CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Motion carried.

Pat, you'll work with Michael as far as circulating to the Orange County Planning Department?

MR. HINES: Yes, we will.

The other thing just to consider, John, I don't know if you want to talk about it now, is a public hearing. I know they had one at the ZBA.

CHAIRMAN EWASUTYN: All right.

MR. HINES: We haven't made a SEQRA determination yet. I'm just wondering if the Board wants to have a public hearing on this location.

CHAIRMAN EWASUTYN: I'll poll the Board Members. Frank Galli?

MR. GALLI: I don't know what the turnout was at the ZBA. I haven't read the minutes yet. I don't know if there was any comment, or people commented at all, or showed up.

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CHAIRMAN EWASUTYN: Michael, can you answer that?

MR. BERTA: Yeah. My memory is there was nobody there that showed up.

MR. WERSTED: I concur with that. I listened on that.

MR. CORDISCO: That's correct. Both Ken and I were attending.

MR. GALLI: No one was there, Dominic?

MR. CORDISCO: No one was there. Of course this was two weeks ago during the pandemic and it was a Zoom meeting similar to this.

MR. BERTA: No. Our first meeting was prior to all of that, the public hearing. We had to wait for the second meeting when that happened only because they didn't get the circulation back in time from the County. Our meeting was less than thirty days after the circulation to them.

MR. CORDISCO: Understood.

MR. GALLI: Due to the fact that they had a public hearing that was open to the public at the time before the pandemic and there were no questions or comments, I feel I'll waive the public hearing at this time.

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CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: I would agree also.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I agree also to waive
it.

CHAIRMAN EWASUTYN: I move to waive the
public hearing.

Cliff Browne?

MR. BROWNE: I agree.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: I agree.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I agree.

CHAIRMAN EWASUTYN: Thank you. Let the
record show that the Planning Board waived the
public hearing on Ready Coffee.

Pat, thanks for your input on that.

(Time noted: 8:45 p.m.)

MR. BERTA: Excuse me, Mr. Chairman.
Mr. Chairman, if I may. I know that Dominic
had asked about the lead agency I thought.

CHAIRMAN EWASUTYN: I think we moved
for a motion to declare our intent for lead
agency and circulate to the Orange County

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READY COFFEE

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Planning Department.

MR. BERTA: My apology. I missed that.

MR. CORDISCO: It was done as one
motion.

MR. BERTA: Great. Thank you so much.
Thank you, everybody.

CHAIRMAN EWASUTYN: Thank you,
Michael.

(Time noted: 8:46 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 12th day of May 2020.

Michelle Conero

MICHELLE CONERO

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MEETING HELD REMOTELY VIA ZOOM

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

----- X

In the Matter of

MADAN SUBDIVISION
(2020-06)

Orchard Drive
Section 1; Block 1; Lot 132
AR Zone

----- X

INITIAL APPEARANCE
THREE-LOT SUBDIVISION

Date: May 7, 2020
Time: 8:45 p.m.

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: LAWRENCE MARSHALL

----- X

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CHAIRMAN EWASUTYN: The next item of business this evening is the Madan Subdivision. It's an initial appearance for a three-lot subdivision located on Orchard Drive in an AR Zone.

MR. BERTA: Excuse me, Mr. Chairman. Mr. Chairman, if I may. I know that Dominic had asked about the lead agency I thought.

CHAIRMAN EWASUTYN: I think we moved for a motion to declare our intent for lead agency and circulate to the Orange County Planning Department.

MR. BERTA: My apology. I missed that.

MR. CORDISCO: It was done as one motion.

MR. BERTA: Great. Thank you so much. Thank you, everybody.

CHAIRMAN EWASUTYN: Thank you, Michael. So the seventh item of business this evening is the Madan Subdivision. It's an initial appearance for a three-lot subdivision located on Orchard Drive in an AR Zone. I believe it's being represented by Zach Peters. Is that correct?

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MR. MARSHALL: Actually Larry Marshall.

CHAIRMAN EWASUTYN: Are you a licensed professional?

MR. MARSHALL: Last I checked. Good to see you, John.

CHAIRMAN EWASUTYN: It's been so long.

MR. MARSHALL: It has been.

CHAIRMAN EWASUTYN: Nice to see you again.

MR. MARSHALL: Same to you guys.

CHAIRMAN EWASUTYN: Okay, Larry. Do you want to bring us along on the Madan Subdivision, please?

MR. MARSHALL: Sure. This is a proposed three-lot subdivision of a 6.448 acre parcel located in the AR Zoning District. The parcel is located at the -- on the easterly side of Orchard Drive, basically at the County and Town line between Ulster County and the Town of Plattekill, and obviously Orange County and the Town of Newburgh.

This is a re-subdivision of the Northeast Construction subdivision that was completed back in 2002. The existing parcel, as

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I said, is 6.44 acres. All of the parcel is located in the AR Zoning District.

What we propose is to subdivide two parcels off of the front of the lot, leaving all the existing improvements on lot 1. So we propose that lot 1 will be 3.542 acres, lot 2 would be 1.445 acres, and lot 3, 1.461 acres.

Access would be obviously from Orchard Drive with two new entrances. The entrance for lot 1 would remain. We have basically lined those entrances up to be across the street from two existing entrances serving properties across the street from Orchard Drive.

As there is no municipal services in this area, we will have private wells and septic systems for these two new parcels.

The one unique part -- factor in this is that the existing electric line for lot 1 actually runs through proposed lot 2. We do propose that electric and utility lines to be rerouted for a portion of the way. Rather than pick them up off of -- try to bring them in in a different area, what we do propose is just rerouting them, basically along the common

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property line between lots 2 and 3, and providing a utility easement in favor of lot 1 over lot 3.

That pretty much summarizes it.

CHAIRMAN EWASUTYN: Thank you. It's a nice piece of property, Larry. I went out there and did an inspection. You're right, the definition for entering into Ulster County, that sign is right there at the end of the property.

Pat Hines, do you want to take us through the subdivision?

MR. HINES: Sure. As Larry had mentioned, the utility line servicing the existing house, they're proposing a ten-foot wide easement. I just thought that that might be a little narrow for any future maintenance. So take a look at that. We'll leave it up to you. Ten feet to get a machine and work in there might be a little tight.

Sight distance measurements identify that clearing is required for adequate sight distance. We like that area shown on the plans. If it's within the proposed Town or the existing Town right-of-way, you may need a clearing easement. I don't know how much clearing is

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needed. It depends on clearing. On one lot to get sight distance on the other, an easement may be required so that you don't let it grow up and block people's sight distance.

MR. MARSHALL: Sure.

MR. HINES: I'm going to skip down. It kind of begs for a common driveway shared entrance, this layout. I don't know your feelings on that. Or if they could be combined at least at the property line and kind of share and split off. We're probably going to get that comment back from the County as well for sharing the driveways. I know it's a marketing issue.

MR. MARSHALL: We can talk to the applicant. I know in the past that we've kind of teamed up the two driveways, like right next to each other. This doesn't work that way because there's a utility pole right in the center of the two.

MR. HINES: I see that now.

MR. MARSHALL: We can talk to the applicant about bringing one of the driveways to the other one, and then we'll get back to you.

MR. HINES: Okay. Standard notes

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requiring as-built for the septic. We can provide those. I think you may have them, though.

The highway superintendent's comment on the driveway should be received. That's where we have consideration of the driveways.

The EAF identifies it being in the Shawangunk Mountains Scenic Byway. I don't know what the ramifications are. A visual assessment. I know the Chairman looked at it and didn't feel there would be any impact to the Shawangunk Ridge. He did mention that as it showed up on the EAF.

MR. MARSHALL: If I can respond to that. I don't mean to interrupt you. I'm sorry.

MR. HINES: That's good.

MR. MARSHALL: The EAF asks if it's within five miles of any corridor. It is within one-and-a-half miles of a roadway that's identified in that scenic byway corridor. Orchard Drive is not actually in the scenic byway, but because of the nature of the question as it being within five miles, so the Board was aware of that. I don't think that it has any

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sort of visual impact as it's not in that scenic byway. I don't think it has any visual --

MR. HINES: And the site is relatively wooded. I think it would be tucked in.

MR. MARSHALL: Yeah. Plus it's not on that side of the -- you know, people driving on Orchard Drive would have to look left to look towards the Shawangunk Ridge. These properties are on the right.

MR. HINES: So if they are looking at that they won't see it is what you're saying.

MR. MARSHALL: Exactly.

MR. HINES: I just wanted to bring it up as part of the Board's SEQRA review.

The project is located at the Town/County line for Plattekill in Ulster, so it will need circulation to Orange County Planning. It also needs to go to the Town of Plattekill. I happen to know the guy that represents the Town of Plattekill now, so I can coordinate that as well. It's me. I will work on that.

That's all we have right now.

CHAIRMAN EWASUTYN: So we're at a point we can circulate to the Orange County Planning

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MADAN SUBDIVISION

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Department?

MR. HINES: Yeah. I think this project has enough detail. The septics are here. There's adequate information. I'll circulate it to the Town of Plattekill as well.

CHAIRMAN EWASUTYN: Before I turn to Board Members; Dominic Cordisco, do you have anything to make mention of?

MR. CORDISCO: Thank you, Chairman. Pat Hines always steals my thunder. I thought I was going to be really smart by saying that it had to go to the Town of Plattekill as well. That's quite all right. I'm glad that we're thinking along the same lines.

The Board could also -- I'm not sure if you would want to circulate for lead agency. There is a County approval, correct me if I'm wrong. Is Orchard Drive a County road?

CHAIRMAN EWASUTYN: County Road 23.

MR. CORDISCO: I would recommend that you circulate for lead agency so that the highway work permit that would be needed from the County DPW could be considered as part of the SEQRA review that you would undertake.

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CHAIRMAN EWASUTYN: Thank you.

Comments from Board Members?

MR. GALLI: No additional.

MS. DeLUCA: No additional.

MR. MENNERICH: None at this time.

MR. BROWNE: Nothing more.

MR. DOMINICK: None at this time.

MR. WARD: No comments.

CHAIRMAN EWASUTYN: Would someone move for a motion to declare our intent for lead agency and also circulate to the Orange County Planning Department and to the Town of Plattekill?

MR. GALLI: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: Frank Galli made a motion. Was that Dave Dominick?

MR. DOMINICK: Yes.

CHAIRMAN EWASUTYN: So we have a motion by Frank Galli, a second by Dave Dominick. May I please have a roll call vote?

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

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CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Motion carried.

Larry, good to see you again.

MR. MARSHALL: Same to you.

Pat, you'll let me know if you need any
copies of the plans or anything?

MR. HINES: I'll coordinate with you.

Yes.

MR. MARSHALL: Thank you so much, guys.

Have a great evening.

(Time noted: 8:55 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 12th day of May 2020.

Michelle Conero

MICHELLE CONERO

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MEETING HELD REMOTELY VIA ZOOM

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

----- X

In the Matter of

Local Law Amending Chapter 185 Entitled Zoning of
the Town Code of the Town of Newburgh to include the
uses of nursery school for preschool children and
daycare center as a permitted use subject to site
plan review in the B Zoning District

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BOARD BUSINESS

Date: May 7, 2020
Time: 8:55 p.m.

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
KENNETH WERSTED

----- X

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

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CHAIRMAN EWASUTYN: The last item we have to discuss is the referral of local law amending Chapter 185 entitled Zoning of the Town Code of the Town of Newburgh to include the uses of nursery school for preschool children and daycare center as a permitted use subject to site plan review in the B Zoning District. We received a letter from Town Attorney, Mark Taylor.

Dominic Cordisco, can you speak to us on this?

MR. CORDISCO: Yes. The Town Board has asked and has referred this proposed zoning amendment to the Planning Board for the Planning Board's report. They are looking to move forward with adoption, or consideration of adoption of the zoning change.

The question before you is whether or not this zoning amendment is consistent with the existing zoning code and the uses that are allowed in that district.

CHAIRMAN EWASUTYN: And how would you advise us?

MR. CORDISCO: My opinion is that it's

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2 a fairly minor zoning amendment that is being
3 proposed to allow the nursery schools within that
4 district, and I would defer any opinion as to
5 whether or not this is appropriate to the Board
6 Members themselves. I think that the fact that
7 the Town Board itself has introduced this as a
8 local law and has determined to move forward and
9 consider it. I'm not aware of any particular
10 significant issues that are raised by this
11 proposed amendment.

12 CHAIRMAN EWASUTYN: Is everyone
13 familiar with the subject property? The
14 location?

15 MR. GALLI: Orange Lake, on the corner?

16 MS. DeLUCA: Yes.

17 MR. MENNERICH: Yes.

18 MR. WARD: Yes.

19 MR. MENNERICH: Dominic, the question I
20 have on it, it's an existing operation that has
21 daycare there. Is it a nonconforming use now?

22 MR. HINES: Yes, it is.

23 CHAIRMAN EWASUTYN: Yes.

24 MR. HINES: It is a nonconforming use
25 now. It got approval from the ZBA to utilize

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only one of the buildings. This came out of the fact that they wanted to use the other building in the past. I believe it was converted for that use prior to getting any building permit. It's been held up for a while.

As far as consistency, the two largest ones, the one we're speaking of and the one on Route 9W, are in the B Zone. You do have these kind of uses in the B Zone and they kind of seem to fit. So I don't think it has any issue. There is some other parts of the law that are good. It requires that they provide drop off off the street. There are a couple other items in the code that make this -- require it to be reviewed during the site plan, kind of pedestrian safety items that were incorporated into the regulation.

CHAIRMAN EWASUTYN: This was initially a Greg Shaw site plan I believe.

MR. HINES: For the conversion of the old firehouse originally. Yeah.

CHAIRMAN EWASUTYN: Right.

MR. CORDISCO: I hope he's doing well.

MR. HINES: There's a picture up there

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right now. The change of this law, while it's not targeted specifically to this property, this property is in the B Zone and is probably the catalyst, but it does allow this use in all the B Zone. There's that small structure to the rear of what's there now, and that was converted into a classroom type use, or proposed to be a classroom type use. It went to the ZBA, I believe, and did not prevail at the ZBA. They went and petitioned the Town Board for a zone change, which is where they're at now, for this specific property. Again, this is a use that's going to be allowed in the entire B Zone based on this ordinance and the conditions included in it.

MR. CORDISCO: That's correct.

MS. DeLUCA: I have a question. Is there an -- is there going to be an increase in enrollment? Does that --

MR. HINES: That would be something you'd look at at site plan. This is just zoning -- a zoning issue.

MS. DeLUCA: Okay.

MR. HINES: Individual site plans would have to come in and get approval, now that they

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would be permitted uses, with the conditions in the law. While we're looking at this one site, it's really not targeting this site. It's targeting all of the B Zone in the Town.

MR. CORDISCO: That's correct.

MS. DeLUCA: Got you. Thank you.

MR. BROWNE: Right now there is another daycare in the B Zone that's not conforming? Is that what I heard?

MR. HINES: The Patty Cake on Route 9W pre-existed that. It would be considered nonconforming now. Under this it would be allowed. That's in the B Zone.

MR. BROWNE: As far as we know there's no other current situation that may want to do a daycare in a B Zone?

MR. HINES: I don't know. It would open that door to that use in the B Zone. I think you have two of the larger ones that I know of that are functioning without any issues that I know of in the B Zone.

MR. BROWNE: Thank you.

CHAIRMAN EWASUTYN: An uneducated guess, from time to time we do receive calls from

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people considering setting up an establishment like this. So I think once it is adopted, there's a possibility we'll see more in the Town.

MR. BROWNE: Okay.

MS. DeLUCA: Okay.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: No questions, John.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: No questions.

CHAIRMAN EWASUTYN: Dominic, you'll prepare a letter to Mark Taylor?

MR. CORDISCO: Yes. I will do that tomorrow.

MR. BROWNE: Do we have to take any action on this, John, or just that we talked about it?

CHAIRMAN EWASUTYN: I think the action would be that our Planning Board Attorney, Dominic Cordisco, would send a letter to the Town Attorney, Mark Taylor, saying at this point in time the matter was discussed at our meeting on the 7th of May and there were no objections or major concerns from Planning Board Members.

MR. BROWNE: Thank you.

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CHAIRMAN EWASUTYN: Does someone want to make a motion to that affect?

MR. WARD: So moved.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward. A second by Cliff Browne?

MR. BROWNE: Yes.

CHAIRMAN EWASUTYN: I'm sorry. I can't always hear. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Would anyone like to stay on Zoom and just talk for another hour?

MR. DOMINICK: How's your battery?

CHAIRMAN EWASUTYN: In more ways than one my battery is running low.

MR. GALLI: Next time I think you ought to go to Dominic's house, hang out there.

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CHAIRMAN EWASUTYN: I can tell you now,
no one wants me at their house. Whenever I make
that suggestion they're all going away somewhere.

Would someone move for a motion to
close the Planning Board meeting of the 7th of
May?

MR. WARD: So moved.

MR. DOMINICK: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

(Time noted: 9:03 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 12th day of May 2020.

Michelle Conero

MICHELLE CONERO