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

----- X

In the Matter of

ROYAL POOLS & SPAS  
(2019-13)

49 Route 17K  
Section 100; Block 5; Lot 1  
IB Zone

----- X

INITIAL APPEARANCE - SITE PLAN

Date: June 6, 2019  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: ROBERT J. DICKOVER, ESQ.  
PATRICK HINES  
GERALD CANFIELD  
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: MARCI WADE

----- X

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

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CHAIRMAN EWASUTYN: Good evening,  
ladies and gentlemen. We'd like to welcome  
you to the Town of Newburgh Planning Board  
meeting of the 6th of June 2019.

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

MR. GALLI: Present.

MS. DeLUCA: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

MR. DICKOVER: Rob Dickover, Counsel to  
the Planning Board, present.

MS. CONERO: Michelle Conero,  
Stenographer.

MR. CANFIELD: Jerry Canfield, Code  
Compliance.

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

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

CHAIRMAN EWASUTYN: I'll have John Ward  
start the meeting.

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MR. WARD: Please stand to say the Pledge.

(Pledge of Allegiance.)

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

CHAIRMAN EWASUTYN: The first item of business this evening is Royal Pools & Spas. It's an initial appearance for a special use permit for a site plan. It's on Route 17K in an IB Zone. Marci Wade from Lewis Sign is representing the applicant. She's in the audience this evening.

At this time we'll turn the meeting over to Marci.

MS. WADE: Thank you for having us. As John said, my name is Marci and I'm representing our client, Royal Pools.

What they would like to ask the Board to be able to do is they currently have a sign that's present on 17K. They would like to put a crushed panel on the top. It's essentially the same size, same logo. It just needs to be freshened up.

Underneath that current sign you'll see

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in our photo there is a basic missing piece. What that was was an old letter board sign where they would post a sale or a message to the public. What they would like to do is update their sign to an electronic message panel which would be visible under their logo sign and just upgrade the technology.

What they're asking for in square footage is about 17.5 feet in square footage.

CHAIRMAN EWASUTYN: Any questions from Board Members?

MR. GALLI: No.

MS. DeLUCA: No.

CHAIRMAN EWASUTYN: At this time we'll turn the meeting over to Jerry Canfield, Code Compliance Officer.

MR. CANFIELD: I believe you're aware of the Town's sign ordinance.

MS. WADE: Correct.

MR. CANFIELD: We've updated our regulations last year. This is a special use permit. I believe Pat will discuss the procedure -- suggest to the Board the procedure to follow. We bring to your attention Section 185(P) that

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deals with this particular type of sign. There's a list of conditions that will be probably addressed at the time of the building permit, should the Board approve this application.

MS. WADE: Okay.

MR. CANFIELD: It talks about the illumination, the duration of the changing of the sign and all of that.

MS. WADE: Yes. And the client is prepared to follow those. We discussed them with the client before obviously coming to the Board. He's aware no flashing. It's not changing. It's going to be basically like a set message. It will be within the hours that it's supposed to be illuminated.

CHAIRMAN EWASUTYN: Pat Hines, we're now discussing a special use permit. Both you and Jerry Canfield are well versed in that. What are the requirements now?

MR. HINES: Because of the illuminated sign the section of the code identifies this as a special use permit before the Planning Board. Special use permits are a form of approval that -- it's not an as-of-right use, it's a use that

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the Board can put certain conditions on. The significance there is that because it is determined to be a special use permit and it's on the State highway, it needs to get referred to County Planning.

MS. WADE: Sure.

MR. HINES: It will need a referral to County Planning. Also a public hearing is required under the Town's special use permit ordinance.

MS. WADE: Sure.

MR. HINES: There are procedural steps, because it is a special use, that have to be followed.

MS. WADE: Generally thirty days for the County?

MR. HINES: The county requires thirty days. Our first meeting in July is July 4th so we're not having a meeting. The first available meeting for a public hearing would be July 18th.

MS. WADE: July 18th?

MR. HINES: July 18th. And we would also do the County Planning circulation, so that that thirty days will have timed out by then.

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MS. WADE: Correct.

CHAIRMAN EWASUTYN: Can you explain for Marci, and the audience, and the Planning Board what will happen next as far as the informational letter, the notice of the public hearing and how that would be coordinated between yourself and Marci?

MR. HINES: I will prepare both the public hearing notice and the informational letter that needs to be mailed to all properties within 500 feet. That has to be mailed. It's regular mail, first class stamped. There's a process. You address them, stuff the envelopes, stamp them and bring them to the Town Hall and they'll do the mailing and give you an affidavit of mailing. There's also a requirement for the public hearing notice, to post the notice at the site. I'll coordinate with your office moving forward to get that all done so it's correct. We do the publishing in the newspaper, the mailings are on you.

MS. WADE: What date are we looking to do that by? That has to be done thirty days prior?

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MR. HINES: Ten days prior. We'll do it sometime in early July.

MS. WADE: Early July.

MR. HINES: We'll make sure that's all done.

MS. WADE: I just don't want to miss the deadline.

MR. HINES: Do you have a card as well? It will help me to coordinate.

MS. WADE: I do, yes.

MR. HINES: That would be the action the Board could take tonight, would be to circulate to County Planning and schedule the public hearing.

CHAIRMAN EWASUTYN: I'll move for a motion to circulate to the Orange County Planning Department and to set Royal Pools & Spas special use permit for a public hearing on the 18th of July.

MR. MENNERICH: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: Motion by Ken Mennerich, second by Dave Dominick. I'll ask for a roll call vote starting with Frank Galli.



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MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Thank you.

MR. DOMINICK: Marci, one quick question. You said it was going to be a static display, not changing?

MS. WADE: Correct.

MR. DOMINICK: Why not have something like you have on the top?

MS. WADE: Basically because it's the ease for the customer's view and for our client as well. It's something that they can program while in the store rather than climb the ladder, move a glass cabinet, adjust all the letters. So we're just really looking to move forward towards the digital age. Their old sign was looking terrible. They just wanted something that looks very clear, very attractive to the customer.

MR. DOMINICK: Changing times, that's for sure.

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MS. WADE: That's right. That's exactly it.

MR. CANFIELD: John, one question. Just curiosity, it may be an inappropriate question, ballpark figure of these signs, range of how much they cost?

MS. WADE: Let me look at this particular one and I can give you a total. So this particular one is about \$8,900. With the installation and labor you're probably looking at about \$2,000 for the time, labor, inspection.

MR. CANFIELD: \$11,000 to \$12,000.

MS. WADE: Yup. So it is a huge investment for the customer.

MR. CANFIELD: Sure.

MS. WADE: They obviously want to make sure they go through all the steps and do it the right way.

CHAIRMAN EWASUTYN: Thank you.

MS. WADE: Thank you all.

(Time noted: 7:06 p.m.)

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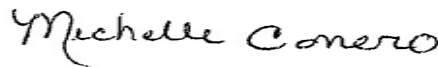
C E R T I F I C A T I O N

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 18th day of June 2019.



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MICHELLE CONERO

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

----- X

In the Matter of

A. DUIE PYLE MAINTENANCE BUILDING  
(2019-09)

1000 Corporate Boulevard  
Section 95; Block 1; Lots 69.1 & 79  
IB Zone

----- X

ARCHITECTURAL REVIEW

Date: June 6, 2019  
Time: 7:06 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: ROBERT J. DICKOVER, ESQ.  
PATRICK HINES  
GERALD CANFIELD  
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: GREG SEIFERT

----- X

MICHELLE L. CONERO  
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A. DUIE PYLE MAINTENANCE BUILDING

CHAIRMAN EWASUTYN: The second item of business this evening is A. Duie Pyle Maintenance Building. It's here tonight for ARB approval. It's located on 1000 Corporate Boulevard, it's in an IB Zone and it's being represented by -- you are, for the record?

MR. SEIFERT: Greg Seifert from Phase Construction.

I'll hold this. It might be easier for everybody to see it if you can see from there.

We were in for site plan approval, it was approved at the last Planning Board meeting. We are back here tonight for Architectural Review Board approval.

This is a pretty straightforward building. It's approximately 8,000 square feet. It's a maintenance building that will be located on the site here to the north of the existing terminal building. It's a precast structure and it will be painted. It has some banding on it.

I'm here to answer any questions you might have.

CHAIRMAN EWASUTYN: Any questions?

MR. WARD: No.

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A. DUIE PYLE MAINTENANCE BUILDING

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CHAIRMAN EWASUTYN: Frank?

MR. GALLI: No.

MR. WARD: Is it all paint or material  
or --

MR. SEIFERT: It is all paint.

MR. WARD: Very good.

CHAIRMAN EWASUTYN: They did fill out  
the ARB form.

MR. WARD: Thank you.

MR. DOMINICK: That's the truck wash?

MR. WARD: It looks good.

CHAIRMAN EWASUTYN: Jerry Canfield, any  
comments?

MR. CANFIELD: Just we have the basic  
form to be filled out.

CHAIRMAN EWASUTYN: That is?

MR. CANFIELD: I've got it. I have  
nothing, no questions.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: We have nothing outstanding  
on this.

CHAIRMAN EWASUTYN: We have a standard  
resolution for ARB. Are you prepared for that?

MR. DICKOVER: I am not.

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CHAIRMAN EWASUTYN: We'll be acting on approval tonight.

MR. DICKOVER: I'll prepare a resolution for presentation to the Chairman subject to an approval from the Members?

CHAIRMAN EWASUTYN: I think you'll coordinate that with Pat Hines. I'll have the Board allow Pat Hines and Rob Dickover to prepare and we'll move forward with the resolution. Tonight we'll move for approval, if the Board so -- I'll poll the Board Members. Do we want to do an ARB approval this evening?

MR. GALLI: Yes.

MS. DeLUCA: Yes.

MR. MENNERICH: Yes.

MR. DOMINICK: Yes.

MR. WARD: Yes.

CHAIRMAN EWASUTYN: I'll move for a motion to grant ARB approval for A. Duie Pyle Maintenance Building subject to Mr. Dickover and Pat Hines working on the formal resolution for approval.

MR. WARD: So moved.

MR. DOMINICK: Second.

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CHAIRMAN EWASUTYN: Motion by John Ward, 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.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried. Thank you.

MR. SEIFERT: Thank you. I have a small housekeeping item I think I had mentioned. I have a couple of checks --

CHAIRMAN EWASUTYN: The escrow check; right?

MR. SEIFERT: Correct. Can I leave those with somebody?

CHAIRMAN EWASUTYN: What's the second check for?

MR. SEIFERT: I think it was the escrow fee for the inspections for the various --

CHAIRMAN EWASUTYN: That goes to Jerry Canfield. That's for your T-288.

MR. CANFIELD: Yes.



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CHAIRMAN EWASUTYN: What we're receiving is for the 286 account which is an escrow deposit. I'll take the \$3,000 check.

MR. SEIFERT: That's that one. And you get the other one?

MR. CANFIELD: Right. Thank you so much.

MR. SEIFERT: Thank you.

CHAIRMAN EWASUTYN: That's standard for the escrow account.

(Time noted: 7:11 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 18th day of June 2019.

*Michelle Conero*

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MICHELLE CONERO

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

----- X  
In the Matter of

LAKESIDE SENIOR HOUSING  
(2019-06)

Lakeside Road  
Section 86; Block 1; Lots 39.22 & 39.23  
IB Zone

----- X

AMENDED SITE PLAN

Date: June 6, 2019  
Time: 7:12 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: ROBERT J. DICKOVER, ESQ.  
PATRICK HINES  
GERALD CANFIELD  
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: JAY DIESING

----- X

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

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2 CHAIRMAN EWASUTYN: The third item of  
3 business this evening is Lakeside Senior Housing.  
4 It's an amended site plan for a members'  
5 club/recreation building. It's represented by  
6 Mauri Architects.

7 MR. DIESING: Good evening. Jay  
8 Diesing, Mauri Architects.

9 This is an amended site plan  
10 application. If you recall, we're adding a  
11 clubhouse building near the entrance of the site  
12 and we're also upgrading the finishes on the side  
13 wall of all the buildings.

14 I met with you here at the March 7th  
15 meeting and there were a few items that we  
16 discussed. We've revised our plans and we also  
17 wrapped up our engineering for the project.

18 One of the items we discussed was  
19 outdoor patio storage and furniture. We have the  
20 site plan of the pool here. We created an  
21 enclosure in the back corner here for seasonal  
22 storage of items and for pool equipment.

23 We had a discussion about the  
24 possibility of an elevator to the second floor of  
25 the clubhouse building. I discussed that with

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the owner and they prefer not to install an elevator. They're going to use the upper space for just administration and staff space, so it won't be for any of the residents. The residents would mainly use the meeting rooms and the facilities downstairs.

We've submitted a detailed landscaping plan around the clubhouse and a lighting plan. That's in your packages tonight.

We've submitted the full SWPPP for review.

Actually, we also just today received the sewer acceptance letter from the City of Newburgh.

I think we're in fairly good shape. That's a brief summary of where we are today.

MR. WARD: Where is the tennis court?

MR. DIESING: The tennis court is a little bit further south of the clubhouse, right over here.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Comments from Board Members?

MR. GALLI: Nothing.

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MS. DeLUCA: No.

MR. MENNERICH: The architectural colors and everything match the housing units; right?

MR. DIESING: Yeah. The clubhouse. This is the clubhouse here you can see and this is the apartment building. I do have the samples. I don't know if you want to see those again.

CHAIRMAN EWASUTYN: Why don't you, just for our understanding.

MR. DIESING: So we have the multi-color vinyl siding for the buildings, I have the simulated shake siding in certain areas and a horizontal siding and a board and batten vertical siding. We have some accent areas of gray metal roof, the dark gray shingles that are on the roof and then a stone veneer that's in accent areas and certain areas of the building.

CHAIRMAN EWASUTYN: Maybe you know. I'm just curious. The club is open from what time of the day until what time of the evening?

MR. DIESING: I don't know the hours for operation. I could find that out and let you

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know.

CHAIRMAN EWASUTYN: Just curiosity.

Any other questions from the Board?

MR. WARD: You did a nice job.

MR. DIESING: Thank you. I appreciate  
it.

MR. DOMINICK: You've come a long way.

MR. DIESING: Thank you.

CHAIRMAN EWASUTYN: I would say that in  
this case we have to make a SEQRA determination.

MR. HINES: Yes. They had a couple  
outstanding issues they had addressed with us.  
The stormwater pollution prevention plan was  
modified and submitted to us. Copies of that  
will need to be put at the site to amend that  
existing plan.

The trees were removed under a separate  
permit from the Building Department in order to  
mitigate the potential impacts to the bats.

County referral was received with a no  
significant impact, Local determination.

Just to note, we did receive the City  
of Newburgh flow acceptance letter today, so  
that's been resolved.

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We have no outstanding comments. We would recommend a negative declaration. The agenda says amended site plan. I think you did ARB as well tonight. We can do both.

CHAIRMAN EWASUTYN: Having heard from Pat Hines, I'll move for a motion for a negative declaration and ARB approval for the Lakeside Senior Housing project.

MR. MENNERICH: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: All in favor?

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried.

And then the same thing, we'll have Mike Donnelly -- excuse me, Rob Dickover and Pat Hines work on the resolution. Okay?

MR. DICKOVER: Yes. No problem.

CHAIRMAN EWASUTYN: Thank you.

MR. DIESING: Do we have any next steps



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or is this an approval?

CHAIRMAN EWASUTYN: You have an approval.

The next steps, Jerry?

MR. CANFIELD: There are no securities to be posted or anything.

MR. HINES: Everything is covered under the existing site plan.

MR. CANFIELD: File for an application.

MR. DIESING: Very good. Thank you very much.

(Time noted: 7:16 p.m.)

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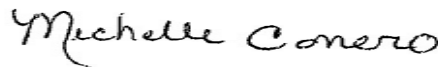
C E R T I F I C A T I O N

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 18th day of June 2019.



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MICHELLE CONERO

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

----- X  
In the Matter of

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

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

----- X

SITE PLAN

Date: June 6, 2019  
Time: 7:16 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: ROBERT J. DICKOVER, ESQ.  
PATRICK HINES  
GERALD CANFIELD  
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: ANDREW FETHERSTON  
LARRY WOLINSKY

----- X

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

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CHAIRMAN EWASUTYN: The fourth item of business this evening is BJ's Wholesale Club in Newburgh. It's a site plan located on New York State Route 17K and Auto Park Place. It's in an IB Zone and it's being represented by Andrew Fetherston of Maser Consulting.

MR. FETHERSTON: Good evening, Mr. Chairman and Members of the Board. Andrew Fetherston, Maser Consulting. I'm here representing GDPBJ for this property which is -- actually four tax lots makes up the project. Here's the existing bank property, the area that you know as the large grassy field in front of the Barton Chevrolet is actually two lots, it has a right-of-way going down, and then the Barton property. This is across the street -- you're all aware I think but just to refresh, this is across the street from the I-87 northbound off ramp onto 17K. This is Auto Park Place, it swings around and then Unity Place continues down to Lake Washington. 17K goes across and the bus facility, the bus depot is directly across

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from just about the middle of the site where it touches 17K. It's located in the IB, Interchange Business District, where shopping centers are a permitted use subject to site plan approval.

The bank lot and the two BJ's lots make up the proposed shopping center use with the auto dealer being considered a separate use under the same plan. I think that's what we talked about with Code Compliance.

The applicant proposes a just under 90,000 square foot BJ's Wholesale Club building on two tax lots.

That right-of-way and this property line that was dividing these two lots, that's going to be extinguished and this will be one continuous lot.

On the south side is the tire shop component of BJ's.

There's also propane sales on an island out in the parking lot.

There's a six-pump setup of fueling. All of these facilities are for the BJ's Club members only.

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We have the loading zone in the back with adequate movement area for trucks, compactor off the back, transformers and the mechanicals. Actually a pair of generators are here also. There's a lot of freezer storage inside of the building. That's all on the back corner.

We're proposing a series of car pads for the Barton Chevrolet facility. We're showing 10 in the front and 2 at the rear. In this rendition which is in front of you, this is different from what we had at the sketch plan. This is the sketch plan that I originally brought to you where we were pinched. We had a very narrow landscape buffer where we're supposed to have a 45 foot landscape buffer. We were seeking relief from that. This width from the edge of pavement on 17K into the site across the property line was about 50 feet at this point, just to give you an idea of the size of everything. We were able to expand it. We moved the building slightly, got the throat of this, of the entrance a little

1 longer. That was helpful for our traffic I  
2 believe coming in, lengthening that over what  
3 we had for the sketch. We went from 50 feet  
4 to 73 feet from the edge of 17K. We were able  
5 to expand that quite a bit. It's going to  
6 give us some more room for landscaping and  
7 try to be little more with the intent of the  
8 landscape area setback.  
9

10 Existing stormwater and the pond.  
11 There's a pond in the rear and we are  
12 expanding that. We were delayed. We were  
13 doing the geo-technical work out on the site  
14 to get the infiltration rates. We were  
15 delayed. We didn't get the data back soon  
16 enough to do a SWPPP that would represent  
17 exactly what was out there. Sometimes we'll  
18 do a SWPPP where I'll have an overly  
19 conservative rate and we'll design around  
20 that. We decided not to do that. We decided  
21 to get the rates. The rates were delayed,  
22 that's why we didn't get a SWPPP in,  
23 otherwise we would have. We're far enough  
24 along that we knew that this is the general  
25 layout of what we're going to have, forebay,

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bio-retention. This is the same volume as the pond that's there to serve the other areas that that's serving. Supplemental to that there will be a subsurface stormwater retention facility in this area.

We have two stormwater hotspots that were also mentioned in Pat Hines' memo for the gas station. We also have the loading dock. We're going to treat them a little differently in accordance with the stormwater manual. The applicant's proposing to tie into a 12-inch water main out on 17K, bring it into the site, loop the site and tie it back into an 8-inch main that's in Auto Park Place. We have some comments on that. We have some details to work through with the engineer's comments. We'll certainly do that.

We did do some water testing. We noticed that when it came back the water testing said a different project, a different location. That was actually an error done by the guys that were doing the testing. They repeated some past note. It was actually our testing . It was good tests so we wanted



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those tests. It was good results. We wanted that and we got it. But of course it's good results where we have this kind of service here.

As far as the sewer -- oh, there's also going to be a water main. We're proposing just to come off of Auto Park Place to serve the kiosk here. There's a kiosk for the attendant at the gas station. He also has a toilet facility and running water. He has water there. We found a spur stub that I think Mr. Barton left when he was doing this work. I think we're going to tie into that spur for the sewer. We're going to see if we can find it. We located it on a map. We're going to try to use it if we can. Also there's sewer of course coming out of the building. The building does have butcher, baker, you know, food processing. So we will have a grease trap on one line for the food service and a sanitary sewer for the toilet facilities. We'll give you the calculations that you mentioned in your report.

We would like to -- I would like to

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come back in a week, Mr. Chairman, with the SWPPP. We're well underway --

CHAIRMAN EWASUTYN: Andrew, Andrew, Andrew, let's not set agendas.

MR. FETHERSTON: Okay.

CHAIRMAN EWASUTYN: You're spending a lot of time now on technical issues

MR. FETHERSTON: Right.

CHAIRMAN EWASUTYN: Those issues that involve you and Pat Hines. I think the Board appreciates listening to water lines, sewer lines but it's not really of great benefit to us. Let's talk about more site plan issues. Let's talk about issues relating to Creighton, Manning. Maybe you could discuss a little with us the drive-up aisle for customer pick-ups and things like that. Again, technical items like water lines and sewer lines are sort of hard to get someone's attention. We spent a lot of time talking about it.

MR. FETHERSTON: Okay.

CHAIRMAN EWASUTYN: I think there's a matter that Larry Wolinsky wants to discuss with Pat Hines and Mr. Dickover as far as a SEQRA

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determination.

MR. FETHERSTON: I'll move it right along.

This is that drive-up entrance. A lot of the facilities now, Wal-Mart, et cetera, will bring your groceries out after you give them the list. BJ's is doing the same thing. That's going to be in this location coming through here and then exiting the site.

CHAIRMAN EWASUTYN: How do they get to that? How many cars can be stacked in there?

MR. FETHERSTON: Not many. There's plenty of parking spaces. Just pull in the parking space and just wait.

CHAIRMAN EWASUTYN: Just wait. Okay.

MR. FETHERSTON: I don't know that I have a lot more. I like talking about water and sewer.

MR. HINES: The traffic signal.

CHAIRMAN EWASUTYN: Any questions right now from the Board Members? Ken.

MR. MENNERICH: The generators, the fuel, does it coming from those propane tanks?

MR. FETHERSTON: No. The propane is

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for sale for barbecues, et cetera. I'm thinking it's going to be natural gas. There's gas all over these roads here. I've got to believe it's going to be natural gas, not diesel. We'll confirm that.

CHAIRMAN EWASUTYN: Simple question. BJ's, the letters stand for?

MR. GODDARD: I don't actually know.

CHAIRMAN EWASUTYN: I can Google it, Larry. That's not fair. I think as a matter of record, I think if someone is representing BJ's, they should be prepared to answer that question. I don't know what BJ's means. Maybe it's in honor of me, Big John.

MR. FETHERSTON: I could tell you how much water was in our water test. I don't know about BJ's. I know you don't like that. I know.

CHAIRMAN EWASUTYN: Unfortunately --

MR. DOMINICK: Andrew, I've got two questions. One is taking off on the propane tanks. I know you had bollards around it. It looks pretty attractive and aesthetically pleasing. Do you find it odd it's taking up 10 parking spots in the middle and not more adjacent

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to the building?

MR. FETHERSTON: I don't know if there's a code issue.

MR. DOMINICK: No code issue.

MR. FETHERSTON: Have it closer to the building? I'd have find out if there's a code against that.

MR. DOMINICK: My question is does it have to be in the middle of the parking lot?

MR. FETHERSTON: Yeah, it kind of does, for the simple reason that we don't have any space around the perimeter. We really don't. I mean we have a lot of landscape. We picked up more landscape buffer here. If you look at the space that's around this, it's minimal.

MR. DOMINICK: It's approximately 10 parking spots. Does the member go in and pay for the propane and then come out?

MR. FETHERSTON: Normally when I do it, I'm a longstanding BJ's member. This is my second --

MR. DOMINICK: And you don't know what it stands for?

MR. FETHERSTON: I didn't bother.

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Normally I'll go into the tire -- I'll leave my tank over by the propane facility. It's normally gated and padlocked. I'll go into the tires, pay for it, show them by BJ's identification card, come out, they'll fill it up, throw it in my car and I'm gone.

MR. DOMINICK: So it's a filling station, not an exchange station?

MR. FETHERSTON: I don't know if they exchange. I've never done it. I'm looking for my BJ's card.

MR. HINES: There are large tanks. I believe they're filling them there. It's not just an exchange.

MR. DOMINICK: The other question, a little more complicated --

MR. FETHERSTON: It doesn't say what the BJ's stands for. There are a number of products inside that do -- Barton & James or something. It's not Bartles & James. That was something separate.

MR. DOMINICK: My other question, moving along, is a little more complicated. It deals with the perimeter around the bank and then

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the parking lot going into the retail establishment part of this project. I think it would be best -- better if you delineated or basically isolated the bank traffic from the parking lot traffic.

MR. FETHERSTON: We were --

MR. DOMINICK: During peak times, holiday times, seasons, maybe if there's excess cueing going on with 17K traffic, people are going to look for the shortest way out of there, the quickest. I see them going through that bank, through the drive-in teller lane, through the pass-through lane there. I think you could block that out to avoid that.

MR. FETHERSTON: We concur. We took to heart Ken's comments. We had to have done ten different renditions, at least, on access to the west, how are we going to go through. Right now we have one way right there. The bank has two way here and here. What we were considering was possibly closing one off, making this a two way. This is an absolutely straight as an arrow run coming out of here right to the center of the building. We were thinking about making this two

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way. I have a sketch that I was going to have my traffic engineer talk with Ken and exchange some information, some other ideas. We were thinking of a left turn in, right turn out and right turn in at this location, no left turn out at that location, to bring more of the cars, instead of going through the bank like you're suggesting, through here right to the traffic signal. If I want to get out of here quick I'm going for the signal. When we did the traffic study we realized very quickly that we were going to meet the warrants there and we did. That's going to be another thing that we'll have to do is talk to DOT and see if they concur.

MR. DOMINICK: 17K or find any of the west entrances to exit out of the property. I just foresee that they're going to go -- it's going to be a problem or a consistent pass through in the drive-in area and through the bank parking lot.

MR. FETHERSTON: We had a number of sketches that Pete had done. Pete Vasillo had done.

MR. DOMINICK: Can you revisit that?



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MR. FETHERSTON: We have to because of  
Ken's --

MR. GODDARD: We will.

MR. DOMINICK: Maybe make the west  
entrance, instead of one, make it in and out.

MR. GODDARD: The one point --

CHAIRMAN EWASUTYN: For the record  
would you state your name?

MR. GODDARD: Adrian Goddard. I  
apologize.

The one point I'd like to make is that  
the bank actually does want some of that traffic.  
They consider it a benefit. I think you're  
right, though. The volume of traffic through the  
drive-through area could be too much. We'll  
address that.

MR. DOMINICK: Thank you.

CHAIRMAN EWASUTYN: What are the hours  
of operation?

MR. FETHERSTON: It starts at 9. We  
really miss the mid -- the weekday --

CHAIRMAN EWASUTYN: And the closing?

MR. FETHERSTON: I think it's like  
10:00, John.

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MR. GALLI: 9:00.

CHAIRMAN EWASUTYN: 9 to 9.

MR. GALLI: I think they are open 9 to 9.

MR. FETHERSTON: I think it's either 9 to 9 or 9 to 10. I'll check. It might be 9:00.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I've got a few issues. I'm ditto'ing on the bank. Close off any access into the bank from the parking lot. It's a separate client. It's for two safety issues, for the clients at the bank. A two-way would be the way to go.

MR. FETHERSTON: Okay. Thank you, John.

MR. WARD: By 17K, I think the traffic studies and everything else, you should have a light. I think you should look into a light because your numbers don't come up with what's in the park and ride with the bus station. Ken knows how many parking spots are in the parking lot for the bus station. I'm there every day. I know exactly how many people go in and out and what it is. If you could look into what that is.

MR. FETHERSTON: John, we met the

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warrants for the traffic signal.

MR. WARD: Okay.

MR. FETHERSTON: We're hoping we get a signal. It benefits. That's DOT.

MR. WARD: I feel like I'm beating a dead horse on this one but the pads, they look good, organized, but I counted out ten in the front and five of them are landscaped.

MR. GODDARD: They'll all be landscaped.

MR. WARD: The reason I'm saying it and I'm putting it on record is if you're going to have -- if you don't have the variance yet and everything else, but what I'm saying is if you go forward and you then park cars there, I don't want -- I want it decorated to show the cars but at the same time I don't want to see one blank one in the middle and all of a sudden you have two cars, you have five cars in one section where there are supposed to be three.

MR. GODDARD: A hundred percent. You're quite right.

MR. WARD: That's that. And then we've been pushing, for safety issues, sidewalks out in

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the front. That's a major issue on 17K. You have more volume of people. Forget the cars. You're talking people that walk there, they walk to Target, all the way along 17K.

MR. DOMINICK: And the bus people.

MR. WARD: And bus people, too.

MR. FETHERSTON: I went back in time on Google Earth and I saw the improvements that were done to the bus station. They brought a sidewalk out to look like the right-of-way and stopped. They were going to, you know, have connections.

MR. WARD: That's not in front of us. What I'm saying is when they did the improvements there they didn't come in front of the Town. We would have pushed for the sidewalk. That was never in front of us. They did it upon themselves for the sidewalk out there. You're at the Board now with this project, so --

MR. FETHERSTON: I'm not making an argument. I'm saying they have a sidewalk to here. If we're going to get a traffic light we could possibly get the people to cross the road. We want to have some more discussion on the traffic. Are we going to have somebody pushing a

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BJ's cart across the road? That would be a huge concern.

CHAIRMAN EWASUTYN: We are debating it back and forth, Andrew. For the benefit of time, there's a lot of conversation that just is repetitive. I'd like to save on time.

Ken Wersted, can you give a summary of how you looked at the traffic? For the benefit of all of us, give us a summary on that, please.

MR. WERSTED: We reviewed the traffic study provided by Maser. We checked a number of the assumptions used and also the conclusions. To paraphrase, we generally found the analysis to be conservative, particularly for the morning peak hour. With BJ's opening at 9, the trip generation that they have is showing roughly 300 trips being generated. I'm assuming that's later in the morning, probably 10 to 11 or 11 to noon. During the morning commuter time it may only be about 45 or 50 cars being generated. There's not going to be a lot of overlap with the morning commute on 17K and the operations of the building.

In addition, when they go into the

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2 afternoon, weekday afternoon, also the Saturday,  
3 we concur with those figures. However, they  
4 treated the gas station as a separate entity.  
5 When I say separate, based on the ITE information  
6 it was a separate public gas station not reserved  
7 to BJ's members. That's a very conservative way  
8 to look at it as some of the ITE data includes  
9 gas stations with the wholesale club information.  
10 It may be that the trip generation for just the  
11 BJ's building accomplishes the -- analyzes the  
12 impact of both uses. We'd like to talk more  
13 about that.

14           There's also a tendency of some drivers  
15 to stop and frequent a business like this on  
16 their way from work to home or home to somewhere,  
17 and those are called pass-by trips. It's not a  
18 trip that will change intersections that are off  
19 site or in the city, it will really just mean  
20 additional traffic coming in and out of the site.  
21 You can take a discount for that which lowers the  
22 impacts at your offsite intersection. I didn't  
23 see that credit taken in there. Those numbers  
24 may help influence whether a traffic signal is  
25 warranted there or not. As we address some of

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those comments we'll revisit the signal.

Certainly DOT holds a big card here. That's their jurisdiction. We really need to find out what their opinion is, how they see the operations of this intersection going.

Right now you've got Unity Place and 17K which operate pretty well today. There is capacity there to drive some of the BJ's traffic to it and take advantage of that signal. So in coordination with the Town and Maser and DOT, we'd like to come to grips with all that.

There are some changes proposed out on 17K and in the striping out at the intersection. Some of that will follow along ultimately with what DOT identifies.

Obviously we've already talked about the connection from the bank to the BJ's parking lot. That's a key issue.

The other site plan items we'll obviously discuss as we move forward.

I think that's generally the major items that I had in my analysis.

CHAIRMAN EWASUTYN: Does the Planning Board have anything to add or question on that?

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MR. GALLI: Not on the traffic part.  
The landscape part.

CHAIRMAN EWASUTYN: Okay. Do you want  
to discuss that now?

MR. GALLI: Andrew, we were discussing  
the actual building itself. We really never saw a  
building. The Board Members were -- we see a  
black box in the middle of the paper and then  
Karen does her landscape review and comes up with  
this, move this, move this, move this, move this,  
send it over to the Board. The Board is looking  
at a black square on the paper. We really don't  
know what it's supposed to look like when we see  
the black box on the paper.

MR. FETHERSTON: I have all the  
architecturals.

MR. GALLI: That's what we're looking  
for, the color of it, maybe what it looks like  
with some trees around it, no trees around it.  
Is it going to be blank, is it going to be bare.  
Maybe you can get something to the Board with  
that.

MR. FETHERSTON: Okay.

CHAIRMAN EWASUTYN: I think as Dave



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Dominick had questioned, it is unusual to have a propane storage area in the center of the parking lot. Apparently it's common. Karen in her review thought it would be good to see that screened.

What we're trying to do, Andrew, is focus on the site plan and to speak specifically about comments that were made and to address those comments.

There was a question about the sidewalk in front being 6-foot wide.

MR. FETHERSTON: Yes.

CHAIRMAN EWASUTYN: Your response was you'll take a look at that under further review.

MR. FETHERSTON: Right.

CHAIRMAN EWASUTYN: You're consistency with putting something off to the next stage and the next stage. When the next stage comes, rather than having a list of seven items, we'd like to bring it down to three. If not, we're not furthering --

MR. FETHERSTON: John, with all due respect, this is my second meeting here, my first meeting with a full set of plans. With all due

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respect. I will look at that with BJ's.

CHAIRMAN EWASUTYN: I said that to the Planning Board Members. That holds true with saying John, can I present the SWPPP at the next meeting. I think what we're looking to do now is to focus and put everything together rather than piecemeal this, piecemeal that, I'll come in with my second concept plan. We're looking to put it all together in a manner that makes sense.

MR. FETHERSTON: I appreciate that.

CHAIRMAN EWASUTYN: Thank you.

MR. HINES: I know Andrew has my technical comments.

My second comment has to do with the sidewalks. I think the Board is generally in favor of sidewalks along the frontage. They've had success with doing that along the Route 300 corridor. I realize there's not a lot of sidewalks on the 17K corridor. We heard that fifteen years ago on the Route 300 corridor, there aren't any there. There are now.

The issue that we need to discuss, and it's more with Mr. Wolinsky and Mr. Goddard and Mr. Dickover, at the work session -- the last

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2 time you were here, during the work session we  
3 discussed you needed ZBA variances and that we  
4 would not be circulating our intent for lead  
5 agency. Subsequent to the work session and  
6 during tonight's work session I went over the  
7 minutes and this Board did declare it's intent  
8 for lead agency. I did not circulate it based on  
9 the work session discussions. We're looking to  
10 discuss whether or not we should rescind that  
11 notice of intent for lead agency and allow you to  
12 continue with the ZBA in an uncoordinated review,  
13 or the opposite is to circulate and wait the  
14 thirty days.

15 MR. WOLINSKY: I think -- I mean I've  
16 been doing this a long time. That's a new one on  
17 me.

18 MR. HINES: I know.

19 MR. WOLINSKY: Just give me one second.  
20 I think that the only way the ZBA can act is if  
21 it's an uncoordinated review. If it never got  
22 circulated, --

23 MR. HINES: It did not.

24 MR. WOLINSKY: -- then I think the ZBA  
25 is free to act. The question I don't know off

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the top of my head is is it your intent then to coordinate after the ZBA --

MR. HINES: Yes.

MR. WOLINSKY: -- possibly acts?

MR. HINES: Yes. Because the DOT --

MR. WOLINSKY: That I can't -- sitting here tonight I can't tell you I know the answer to whether that's possible or not. In other words, where you have a series of agencies one can -- you know, you can do part of the time is uncoordinated and another part of the time is coordinated. What I would request is I be given -- we're not due in front of the ZBA until the 27th.

MR. FETHERSTON: Yes.

MR. WOLINSKY: I just be given -- we may be here, if Andrew can pull it together and John permits it, at the next meeting. So I would like to be given some time to just look at that issue because I don't want to make a procedural error --

MR. HINES: Understood.

MR. WOLINSKY: -- and have a problem. I'll coordinate.

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CHAIRMAN EWASUTYN: I understand. I agree with you. That's what I'm trying to say now. We went from the first meeting to the second meeting. We dropped the ball or misunderstood what our action should be at that first meeting. I think it's very important for all of us that we begin pulling it together.

MR. WOLINSKY: Agreed.

CHAIRMAN EWASUTYN: That's all, Larry.

MR. WOLINSKY: I'll consult with Rob and then come up with, you know, a way forward on that issue.

CHAIRMAN EWASUTYN: Do you understand that, Andrew?

MR. FETHERSTON: Yes, sir.

CHAIRMAN EWASUTYN: Adrian and Andrew also?

MR. GODDARD: Yes.

CHAIRMAN EWASUTYN: I think everyone is aware of what might be a timeframe associated with this, how you'd like to work within the timeframe. The Planning Board has a responsibility of comprehending what it is they're looking at, what it is they're approving.

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MR. GODDARD: I think if Andrew is able to put the information together quickly enough we may not lose time. That will be up to you.

CHAIRMAN EWASUTYN: Again up to me as? I always say, and I say it to anyone when they say can I be on the next agenda, my response to that is when you're ready give us a call and then we can make that decision.

MR. GODDARD: Andrew, I think you're saying you will be ready. Am I correct, Andrew?

MR. FETHERSTON: You're correct.

CHAIRMAN EWASUTYN: He knows the procedure. He can always call and leave a voice message and I'll return the call that evening. Simple as that.

MR. GODDARD: Great.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. CANFIELD: I did not submit any written comments but I do have some. They're mostly technical with respect to the water, the sewer line.

I had a question about gas, natural gas. As I'm understanding, it's going to be there. Those lines need to be put on the paper.

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I'm sure you're aware, Andrew, there is a lot of stuff in the ground here at the site. Conflicts need to be addressed. It's a technical issue. I did speak briefly with Jim Osborne with respect to the water. Echoing Pat's comments, it's suggested that you do sit down with the engineering department and the water department --

MR. FETHERSTON: Sure.

MR. CANFIELD: -- to go over some of the technical items with the water line. A good thing that you are showing is tying into that dead end 12-inch on 17K. That will better facilitate your flow on the site.

MR. FETHERSTON: Right.

MR. CANFIELD: The water test you mentioned, I hope that that's a flow test because that's going to be needed for calculations for the sprinkler system and all that.

MR. FETHERSTON: It was. We'll share that.

MR. CANFIELD: Also at some point in the future, again with the new signage regulations, any site plan of this magnitude,

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we'll need to see a signage plan.

MR. FETHERSTON: We have a full signage package. We have the drawings for ARB. We'll have the SWPPP. We need to talk about renderings and getting renderings done so the Board can better visualize what's there.

Okay. Thank you.

CHAIRMAN EWASUTYN: Who wants to take the responsibility now of summarizing the next steps from here?

Larry, I say that respectfully. I'm not joking.

MR. WOLINSKY: I think Andrew just outlined a number of items to be completed. The only thing I would add to that list is that we'll have our traffic consultant coordinate directly with Ken to get that worked out, the issues of the conservative analysis and the credits, and to what extent at this point in time DOT needs to be brought in.

Other than that, I think it's upon us to get that stuff back to you within your procedural timeframes and see if we're ready to go back on the next agenda with respect to the



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SEQRA coordination issue. I'm going to research whether it's feasible to kind of do a hybrid uncoordinated review and then a subsequent coordinated review. If we can do that and the timeframes work out, we'll probably go in that direction. If not, if we can't do that, it may have to go a full -- as a full uncoordinated review. It's an Unlisted action, it's not a Type 1 action. Being Unlisted we could do that -- the Board can do that. Ultimately it's going to be the Board's decision.

CHAIRMAN EWASUTYN: And then we would rescind our earlier motion; correct?

MR. WOLINSKY: Yes. I don't think you have to do that tonight.

CHAIRMAN EWASUTYN: I understand that. Any further questions or comments?

(No response.)

CHAIRMAN EWASUTYN: Good meeting. We're trying to come to a clear understanding.

MR. FETHERSTON: We'll give you more information, John. We'll hit it.

CHAIRMAN EWASUTYN: Thank you.

(Time noted: 7:53 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 18th day of June 2019.

  
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MICHELLE CONERO

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

----- X  
In the Matter of

182 SOUTH PLANK ROAD  
(2019-08)

182 South Plank Road  
Section 64; Block 2; Lot 8.21  
B Zone

----- X

AMENDED SITE PLAN

Date: June 6, 2019  
Time: 7:53 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: ROBERT J. DICKOVER, ESQ.  
PATRICK HINES  
GERALD CANFIELD  
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: JUSTIN DATES

----- X

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

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CHAIRMAN EWASUTYN: The last item of business we have this evening is 182 South Plank Road. It's an amended site plan located in a B Zone, represented by Justin Dates of Maser Consulting.

Justin, you went before the ZBA to re-approve the variances that were granted?

MR. DATES: That's correct.

CHAIRMAN EWASUTYN: Were you successful?

MR. DATES: Yes. At the April meeting we did get approvals for -- we had two front yard variances we were seeking as well as the lot depth. Because of how narrow this lot is we needed that. Yes, we did get all those variances that we needed.

CHAIRMAN EWASUTYN: Pat Hines, would you bring us along?

MR. HINES: Our first comment notes that they received their variances.

We submitted to Orange County Planning and did not hear back on this one. That has timed out.

Similarly, we submitted to DOT with no

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comments. The access roads are in the exact same location.

The only other action is the Board needs to determine whether it's going to hold a public hearing on this amended site plan.

MR. DATES: We did get a letter back from Orange County Planning.

MR. HINES: You did?

MR. DATES: It was a Local.

MR. DICKOVER: It was dated April 11th.

CHAIRMAN EWASUTYN: There's no need for a SEQRA determination; correct?

MR. HINES: I think at this point we would reaffirm our previous negative declaration.

CHAIRMAN EWASUTYN: I'll move for a motion to reaffirm our previous negative declaration and set July 18th for a public hearing.

MR. GALLI: So moved.

MR. WARD: Second.

MR. DATES: Mr. Chairman, would the Board consider waiving the public hearing?

CHAIRMAN EWASUTYN: There are a lot of comments in the minutes that Jerry Canfield

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referred to at the ZBA meeting to the public and they directed for the Planning Board to respond to those questions and answer those questions. I think for the benefit of the applicant and also for the benefit of the people in the community, it would favor us to have a public hearing.

I'll poll the Board Members to see. I have a motion in place first, it was approved by Frank Galli, it was seconded by John Ward. We have a question. Now I'll poll the Board Members.

Frank, would you like to have a public hearing?

MR. GALLI: Yes.

I have a question for him. At that meeting there was a big concern about the entrances. Did you get that straightened out? When we're here for this public hearing it's going to come up again.

MR. DATES: Understood. What I would like to do is go over a couple of those items that came up.

MR. GALLI: For the public hearing.

MS. DeLUCA: Yes. I would like the

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182 SOUTH PLANK ROAD

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public hearing.

Forgive me but I'm not clear as far as what the use is going to be.

CHAIRMAN EWASUTYN: Stephanie, we'll get back to that. We have a motion, we have a second. We're polling for a public hearing. Let's stay focused.

Ken?

MR. MENNERICH: Yes.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: Yes.

MR. DOMINICK: Yes.

CHAIRMAN EWASUTYN: That's because there are so many conversations.

MR. DOMINICK: I think we owe it to the public.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Yes.

CHAIRMAN EWASUTYN: All right. Stephanie, your question now.

MS. DeLUCA: I was just wondering about the use.

MR. DATES: So the original approval was for an eating and drinking establishment,

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3,000 square feet single story. We're going to an office use for this new project. It's slightly larger, just under 4,000 square feet, and they are doing some slight modifications to the building to get a second story on a portion of it. I mean I would believe that going from an eating and drinking, which could be open seven days a week, have much longer hours, to an office which is Monday through Friday typically, it would have a less intense use for the site.

MS. DeLUCA: What type of offices?

MR. DATES: Mixed offices. One of the tenants will be Farrell Building.

MS. DeLUCA: Okay.

MR. DATES: So they're going to occupy a space. There are other tenant spaces there. All office space.

MS. DeLUCA: Thank you.

MR. DATES: Mr. Galli, the question about the access. So at the Zoning Board public hearing one of the public members, an adjacent property owner here, he misunderstood the previous approval in my opinion. He said the previous approval did not have access to South



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Plank Road and that was not accurate.

MR. GALLI: Did you pull it up, get the minutes and everything? That would prove it.

MR. DATES: I mean the approved signed plans by the Chairman shows the rear access. We haven't changed the access in that respect. We have the 20 space parking lot. Our access is off Route 52. That's ingress and egress to that. We do have a rear entrance or kind of a service entrance, deliveries, garbage pick up, on the back side that is only accessed via South Plank. So it's a limited access driveway. It hasn't changed from the original approval.

MR. GALLI: You might want to bring some kind of proof because I'm sure it's going to come up.

MR. DATES: I'll bring the signed plans. That's fine.

Site access, we talked about the traffic. I mentioned in my opinion I think it's decreasing in use.

Screening. We have a full landscape plan which shows a screener hedge row all along the property line adjacent to the parking.

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So again, we're pulling in facing north. I think screened parking, headlights, things of that nature. We had a pretty intense landscape plan for the project. Stonewalls that we've incorporated flanking the access off of 52 on the western side of the building there.

MR. WARD: How far did you go with the stonewalls?

CHAIRMAN EWASUTYN: It's an approved site plan.

MR. WARD: That's what I meant.

CHAIRMAN EWASUTYN: It's approved, it's stamped, so that's what it is.

You can explain it to him.

MR. DATES: So we have, it's about a 20-foot section on the right-hand side and just under 20 on the left, and then we have again another maybe 15 to 18 foot section adjacent to the building right there.

MR. WARD: Okay.

CHAIRMAN EWASUTYN: Any further questions?

(No response.)

CHAIRMAN EWASUTYN: We have a motion by

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182 SOUTH PLANK ROAD

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Frank Galli, we have a second by John Ward. The motion is to reaffirm our negative declaration and to set July 18th for a public hearing. We'll take that to a full Board approval now starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried. Thank you.

MR. DATES: Thank you.

(Time noted: 8:02 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 18th day of June 2019.

*Michelle Conero*

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MICHELLE CONERO

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

----- X  
In the Matter of

SERVISS TIMBER HARVEST  
(2018-04)

One-Year Extension Request

----- X

BOARD BUSINESS

Date: June 6, 2019  
Time: 8:03 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: ROBERT J. DICKOVER, ESQ.  
PATRICK HINES  
GERALD CANFIELD  
KENNETH WERSTED

----- X

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

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SERVISS TIMBER HARVEST

CHAIRMAN EWASUTYN: We have a Board Business item that Ken Mennerich will discuss with us at this time.

MR. MENNERICH: It's dated May 13, 2019. The letter is addressed to John P. Ewasutyn, Chairman, Planning Board Town of Newburgh, 308 Gardnertown Road, Newburgh, New York 12550, regarding time extension for Serviss Timber Harvest, project 18-04, section, block and lot 14-1-48. Given the inclement weather patterns and working hour limitations, we are asking the Planning Board to grant an extension of time to complete the timber harvest. Cleaning up the trees that were missed or fell due to winds needs to be addressed. The necessary clean up will follow these operations. The harvest should be completed by June 15, 2020. If you have any questions, comments or require additional information, please call. Respectfully,  
Harry Serviss Junior, Hudson Valley Ice Cream, LLC.

CHAIRMAN EWASUTYN: Jerry, for the record, Pat Hines, the code allows for an

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extension?

MR. HINES: One one-year extension.

CHAIRMAN EWASUTYN: Jerry, do you want to speak o that?

MR. CANFIELD: Pat is correct. One year is the term of the permit.

CHAIRMAN EWASUTYN: So this is permitted?

MR. HINES: My office has done several field reviews during the timber harvesting operation. Most recently about a month ago they received some complaints from one neighbor. We went out there. All the harvesting that was done was within the confines of the original approval. They are right now cleaning up tops and utilizing those for firewood. There were trees that were isolated that were missed by the logger. The logger has been out of the site for probably six months now. What he's doing is now small scale clean up of the logging operation. He wants some additional time to do that.

CHAIRMAN EWASUTYN: Any questions from Board Members?

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(No response.)

CHAIRMAN EWASUTYN: Okay. Then I'll  
move for a motion to grant the time extension for  
the Serviss Timber Harvest. Does someone want to  
make that motion?

MR. MENNERICH: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: I have a motion by  
Ken Mennerich, I have a second by Dave Dominick.

MR. DICKOVER: Mr. Chairman, before you  
move that, do you want to put a deadline on the  
extension?

CHAIRMAN EWASUTYN: It has a one-year  
extension.

MR. DICKOVER: Thank you.

CHAIRMAN EWASUTYN: I have a motion by  
Ken Mennerich, 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.

MR. DOMINICK: Aye.

MR. WARD: Aye.



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CHAIRMAN EWASUTYN: Aye.

Motion carried. Thank you.

It was a good meeting. At this point I'll move for a motion to close the June 6th meeting.

MR. GALLI: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: Motion by Frank Galli, second by Stephanie DeLuca. Roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(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 18th day of June 2019.

  
\_\_\_\_\_  
MICHELLE CONERO