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

----- X

In the Matter of

ORANGE BANK TRUST COMPANY
(2019-14)

18 North Plank Road
Section 76; Block 2; Lot 1.2
Comm 1 Zone

----- X

INITIAL APPEARANCE - SPECIAL USE PERMIT

Date: June 20, 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

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 Planning Board meeting of June 20,
2019.

At this point 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,
Present.

MS. CONERO: Michelle Conero,
Stenographer.

MR. CANFIELD: Jerry Canfield, Town of
Newburgh.

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

CHAIRMAN EWASUTYN: At this point we'll
turn the meeting over to Stephanie DeLuca.

(Pledge of Allegiance.)

MS. DeLUCA: I ask that you kindly turn

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off your cell phones or put them on silent.

CHAIRMAN EWASUTYN: We have four items of business this evening and we have three Board Business items.

The first item this evening is Orange Bank Trust Company. It's here for a special use permit. It's located on 18 North Plank Road, it's in a B Zone and it's being represented by Marci Wade who is an agent for Lewis Sign.

MS. WADE: Hi, everyone. My name is Marci, I work at Lewis Sign and I'm here representing Orange Bank & Trust.

Exactly what John was saying, we're looking for a special use permit to add an electronic message panel to Orange Bank & Trust's already existing sign. The work that they're asking us to do is to reface their existing pylon sign with a brushed new panel and add the electronic message panel underneath.

The total of each sign would be 31.3 square feet.

CHAIRMAN EWASUTYN: Thank you.

Jerry Canfield, Pat Hines, do you want to introduce this?

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MR. HINES: The project is here before you tonight for a special use permit under the new, most recently adopted sign ordinance. The electronic messaging center, as these signs are called, they flash. There are standards in the code that allow them to only change, I think it's a maximum of one half hour in between changes. Section 185-14 P identifies all the requirements of the electronic messaging centers.

Because this project is identified as a special use permit and it's on a State highway, referral to the County Planning Department is required.

At work session we had the opportunity to discuss this. Since the same applicant was before us last time, myself and Mr. Dickover have reviewed the public hearing requirements. Section 185-57, application procedures under your site plan, identify that a public hearing may be held. That's the key word, may. We reviewed the special use sections of the code and there is no section of that code that requires or says shall have a public hearing. I think it was the Board's opinion that a public hearing probably

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would not be required for this type of sign on a case-by-case basis, based on the location of the project and the zones in which they're located.

I would suggest that the Board tonight can refer this to Orange County Planning under 239 and then can determine whether or not a public hearing would be held.

Along with that, I think we'll have a discussion at the end of the meeting regarding the previous project as well.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. CANFIELD: Nothing additional.

CHAIRMAN EWASUTYN: Board Members?

MR. GALLI: Nothing additional.

CHAIRMAN EWASUTYN: Mr. Dickover?

MR. DICKOVER: Nothing.

CHAIRMAN EWASUTYN: You made a recommendation that this is a Type 2 action?

MR. DICKOVER: Yes, sir.

CHAIRMAN EWASUTYN: Would you explain that to the Board Members?

MR. DICKOVER: This is a project for non-residential construction or expansion of a structure or facility involving less than 4,000

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square feet of gross floor area and therefore,
pursuant to 6 New York Code Rules & Regulations
Sub C Sub 7, it's a Type 2 action.

CHAIRMAN EWASUTYN: Thank you.

I'll move for a motion from the
Planning Board Members if they want to hold a
public hearing. Frank?

MR. GALLI: No.

MS. DeLUCA: No.

MR. MENNERICH: No.

MR. DOMINICK: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: Let the record show
that the Planning Board waived a public hearing
on the special use permit for Orange Bank &
Trust.

Marci will work with Pat Hines, giving
him the necessary information to circulate to the
Orange County Planning Department.

MS. WADE: Absolutely.

CHAIRMAN EWASUTYN: Anything else?

MS. WADE: No. That's it.

MR. HINES: I'll give you a call
tomorrow and let you know the results of that

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previous discussion.

MS. WADE: Okay.

CHAIRMAN EWASUTYN: For the record we'll move for a motion to send it to the Orange County Planning Department.

MR. GALLI: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: Motion by Frank Galli, 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.

CHAIRMAN EWASUTYN: Aye.

Motion carried.

CHAIRMAN EWASUTYN: I'll talk with you later in the week as far as refunding the check for the public hearing that was set.

MS. WADE: Sure. No problem. Thank you all so much.

(Time noted: 7:05 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 3rd day of July 2019.

Michelle Conero

MICHELLE CONERO

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

----- X

In the Matter of

SERVISS SUBDIVISION
(2019-10)

Easterly side of Union Avenue
Section 34; Block 1; Lot 25.2
R-2 Zone

----- X

SUBDIVISION

Date: June 20, 2019
Time: 7:05 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JAMES A. DILLIN

----- X

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CHAIRMAN EWASUTYN: The second item of business this evening is the Serviss Subdivision. It's located on the eastern side of Union Avenue. It's in an R-2 Zone and it's being represented by James Dillin.

MR. DILLIN: Good evening. I'm Jim Dillin representing Serviss on the subdivision.

We were before the Board I believe two months ago and made a lot of additions and engineering changes to the project.

One of the questions the Board had was -- originally we brought in three separate driveways. What we've done with this plan is combined driveway 2 on lot 2 and driveway 3 on lot 3 to one common entrance and showed that we would be preparing a common driveway easement along lot number 2 so they can share the driveway and only have two accesses. We've also added sight distances.

I believe we have now complete engineering plans which was prepared by Talcott Engineering.

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

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MR. HINES: As Mr. Dillin said, the driveways have been combined per the previous comments. We are going to look for a sign-off letter from the highway superintendent regarding those driveways.

The sight distance has been depicted along with the posted speed limit.

We discussed at the last meeting the water service laterals proposed to serve the lots. The lateral to lot 3 is fairly long. They've upgraded that lateral to one-inch size. We're also going to want to have the water department weigh in on the adequacy of that. They did show on the current plans the upgrading of the water service.

Comment number 3 that we have is regarding the Federal jurisdictional wetland. As it relates to note 7, our previous comment was regarding the separation distances from the subsurface sanitary sewer disposal system that was proposed to an area that's identified as Federal wetlands. In order to address that the applicant's engineer has identified that that portion of the Federal wetlands would be filled

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in to provide separation distances of that. That has two issues on the site. Number one, it's most likely going to cause the project to exceed the one acre of disturbance, requiring a stormwater pollution prevention plan for a residential subdivision less than 25 percent impervious, which is a soil erosion and sediment control plan. It will require a DEC stormwater permit. It would also require at a minimum the pre-construction notice from the Army Corp of Engineers. We would be looking for that pre-construction notice and the filing of that prior to any approvals being granted to be sure the Army Corp finds that wetlands fill acceptable.

We'd also like to see a grading plan as to what that area will look like.

There's a roadway dedication parcel. Information pertaining to that should be submitted to the Planning Board Attorney for review, along with easement documentation for the common driveway serving lots 2 and 3, an access and maintenance agreement acceptable to the Planning Board Attorney.

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I think the plans have sufficient information now for submission to the Orange County Planning Department. The parent parcel is within 500 feet of the New York State Thruway right-of-way. The property has frontage on Union Avenue which is in close proximity to the Thruway which requires the Orange County Planning submission.

I think that's the only action the Board could take tonight. We'll be looking for those additional items to be resolved prior to scheduling a public hearing.

CHAIRMAN EWASUTYN: Jerry, any additional comments?

MR. CANFIELD: Nothing additional.

CHAIRMAN EWASUTYN: Comments from Board Members?

MR. GALLI: We were just concerned about the Federal wetlands delineation and how that was going to transpire. I think like Pat said, the Army Corp is going to be involved in that.

On lot 4 it says not for residential purposes at this point. What does lot 4 consist

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of? What we're seeing is a blank. Are there wetlands in there? Are there woods in there? I know we did a clearing and grading and it was woods and then it was cleared.

MR. DILLIN: Basically it's very, very steep. You can see the topo on this. This is a real high hill here. I don't think it's going to have much residential development, if any. Possibly maybe one house.

MR. GALLI: We'll wait to see what the Army Corp comes back with on that and go from there.

CHAIRMAN EWASUTYN: Would someone make a motion to refer this to the Orange County Planning Department?

MR. GALLI: So moved.

MS. DeLUCA: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

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MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried. Thank you.

MR. DILLIN: Three's one item. I did talk to Talcott Engineering and it's possible that the disturbance may be under an acre. What I'll do is I'll send that to Pat Hines so he can look at it.

MR. HINES: The EAF that was submitted prior to the note stating that the Federal wetlands will be filled identified it at .9 acres. If you can give me a plan depicting the limits of disturbance including the grading plan for the proposed wetlands impacts, then we can check that calculation.

MR. DILLIN: Right. And we'll be getting the Army Corp of Engineers -- we'll be taking care of that.

CHAIRMAN EWASUTYN: Just cc us on any correspondence to and from.

MR. DILLIN: Okay. I will.

MR. MENNERICH: Jim, on your zoning table on the first page, you have a typo under lot 1, 231,000 USD --

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MR. DICKOVER: Before you leave, I'm looking at my predecessor's notes. I don't see a prior designation of the Board as lead agency and SEQRA typing of the project.

CHAIRMAN EWASUTYN: Pat?

MR. HINES: We have not done that yet. We can.

CHAIRMAN EWASUTYN: Keep speaking.

MR. DICKOVER: I think you have a relatively complete application. You have a long form EAF. Perhaps the Board could declare it's intent to be lead agency. The type of project is Unlisted.

Pat, I think probably we have other interested agencies here.

MR. HINES: The Army Corp, they're a Federal agency so they're not involved in the SEQRA process. I don't know of any other outside agencies that are going to approve it other than -- actually, there is none. The highway superintendent is going to give us some comments on it. I think it's an Unlisted action with no other involved agency.

MR. DICKOVER: We could do an

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uncoordinated review.

MR. HINES: Yes.

MR. DICKOVER: That would be the motion.

CHAIRMAN EWASUTYN: To declare our intent for lead agency?

MR. DICKOVER: Yes.

CHAIRMAN EWASUTYN: I'll move for a motion to declare our intent for lead agency.

MR. DOMINICK: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Dave Dominick, a second by Ken Mennerich. I'll ask for a roll call vote.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

So Carried. Thank you.

(Time noted: 7:13 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 1st day of July 2019.

Michelle Conero

MICHELLE CONERO

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

----- X

In the Matter of

POLO CLUB
(2018-12)

Route 300 & Jeanne Drive
Section 39; Block 1; Lots 1 & 2.12
R-3 Zone

----- X

REVISED CONCEPT REVIEW

Date: June 20, 2019
Time: 7:13 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

APPLICANT'S REPRESENTATIVE: JAY SAMUELSON

----- X

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CHAIRMAN EWASUTYN: The next item of business we have this evening is the Polo Club. It's located on Route 300 and Jeanne Drive. It's a revised concept plan. It's in an R-3 Zone and it's being represented by Jay Samuelson.

MR. SAMUELSON: Good evening. Jay Samuelson, Engineering Properties. Since we were here last we've made some slight changes to the layout, so we're back to present the sketch plan again.

One of the big things that happened is we had the wetlands re-delineated and some areas of that did grow. We did some revised density calculations. We actually went from 254 units down to 246 units.

With that change in density we started working with a builder and an architect and started coming up with some different footprints than what we had originally shown. We do show these new photographs on the plan. There will be two types of buildings. They'll both be two stories. One will have garages and one will not. The ones with garages will vary from either 10 units per building or 14 units per building. The

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buildings without garages will each have 24 units in them.

The overall layout of the plan is essentially the same. There is still one main boulevard and entrance with a loop here for the clubhouse, our emergency exit, the small cul-de-sac type area for the buildings back here and a big loop in the back to get back out.

Other than that, not much has changed.

I do have some examples of the 10-unit building with me. I know I have not submitted them. I do have them with me tonight if you'd like to look at them. We will submit them in the future.

CHAIRMAN EWASUTYN: If you have them you can put them up.

MR. SAMUELSON: I have the elevations of the 10-unit buildings with the garages so you can see the front, rear and sides.

We do have the floor plan as well. The building will be pretty much split in the middle with garage units. This garage unit on the end will service an upstairs apartment while the garage will service the downstairs apartment in

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POLO CLUB

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the rear.

There are two units in each of the 10-unit buildings that do not have a garage. There's 8 garages for the 10-unit building.

I think one of the confusions in the plan, and it's probably a note on our part, in the parking we do say garage spaces and we say 276. The garage spaces include the driveway in front of each of the units. That should technically say garage and driveway. I think there was a little bit of confusion on why we had so many garage spaces. We were actually counting the driveway spaces in front as well. We didn't delineate it that way. That's where we come up with that number of 276.

CHAIRMAN EWASUTYN: You are before the Town Board Monday night?

MR. SAMUELSON: We're before the Town Board Monday night to get the senior density designation.

CHAIRMAN EWASUTYN: We'll start with Board Member comments. Frank Galli?

MR. GALLI: Not at this time.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

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MS. DeLUCA: No.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: With the change that you're proposing, you outlined the differences between the old plan and the new plan --

MR. SAMUELSON: Correct.

MR. MENNERICH: -- on this one sheet. There's quite a few things involved that have to be looked at again.

MR. SAMUELSON: Correct.

MR. MENNERICH: Do you feel that there should be a supplemental DEIS on this?

MR. SAMUELSON: I think there's a few things that need to be looked at. We'd like to prepare a consistency document that will analyze the original -- it will list what the original impacts were and what those mitigations were, and then we'll analyze the new plan and compare those impacts and if we have to provide additional mitigation for those certain things. I know a couple of them were water, traffic, stormwater off the top of my head. We'd like to prepare that document.

I think I'd like to have a work session

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with Mr. Hines just to go through that list and finalize what we're going to include in that consistency document so we can start preparing that and get you that information along with more detailed plans so we can further this along and you guys can get a better handle on what's really going on here.

CHAIRMAN EWASUTYN: May I make a suggestion?

MR. SAMUELSON: Absolutely.

CHAIRMAN EWASUTYN: We'll take one step at a time.

MR. SAMUELSON: Yes, sir.

CHAIRMAN EWASUTYN: Monday night you're appearing before the Town Board for a density bonus for the senior housing aspect of it.

MR. SAMUELSON: Correct.

CHAIRMAN EWASUTYN: Let's see what that determination is. In reference to meeting with Pat Hines to go over some of the points that you just raised, that's an action that the Planning Board would move for a motion to set up for a consultants' meeting the last Tuesday of every month, it's noticed as that date. We'll wait to

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POLO CLUB

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hear back from Pat Hines, and Jerry Canfield will be present, as to when to schedule that.

MR. SAMUELSON: Okay.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: No questions.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Where is the senior housing going to be?

MR. SAMUELSON: At this point in time there was also some confusion between our office and the applicant on the consistency statement. The minimum number of senior units is 27. The way this is laid out is there's a 34-unit cluster over here. It was our anticipation that all 34 of these would be seniors. In having the discussion with him, the architecture for these is still being worked out where there will be 27 seniors in this section and the other 7 units will be market rate. It will be 27 senior apartments and not 34. We're trying to get them all together in relatively the same area. There will be 7 market rate apartments intermingled with that.

MR. WARD: I'm going to ditto on Ken.

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POLO CLUB

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Basically with the supplemental EIS, when this was first done in 2006 and everything else, a lot of things changed.

MR. SAMUELSON: Correct.

MR. WARD: I think it should be done no matter how you look at it.

MR. SAMUELSON: I agree, there's a lot of things that need to be looked at.

MR. WARD: I am one to have the gazebo for people standing for buses and everything else by the entrance.

MR. SAMUELSON: At the emergency exit we do have a gazebo.

MR. WARD: It wasn't there before.
Thank you.

CHAIRMAN EWASUTYN: Jerry Canfield, do you have anything to add at this time?

MR. CANFIELD: Not at this point, no.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: The Board at work session had identified some potential impacts regarding the increase in wetlands, water, the change from the original project that had sewage treatment proposed, the addition of the interceptor lines

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that would convey sewage to the City of Newburgh sewage treatment plant. Now there's a proposal for an on-site sewage treatment plant.

I did note in your cover letter that there was some potential discussions or evaluations --

MR. SAMUELSON: We are in discussions, at the Town Board's suggestion, talking to Cintas and trying to come up with something to work together with them. It's still very preliminary in discussions but we're looking to see if we can do something together with them. I know the Town is interested in keeping them and getting them on sewer. We're trying to see what we can work out.

MR. HINES: In work session we also discussed the changes in the drainage requirements from DEC since the DEIS.

The Board is concerned about traffic. Ken Wersted will be evaluating that for the Board.

Just the change in density in general. I think the original project had 138 three-bedroom condominiums. This now has the 246 rentals. There was discussion at work session of

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the potential impacts of those changes, just so you're aware.

MR. SAMUELSON: Okay.

MR. HINES: My first comment has to do with the unit count change from 256 when you were last here to 246.

The garages we discussed. I think you were the developer for Brighton Green originally.

MR. SAMUELSON: Yes.

MR. HINES: We had a discussion at that time regarding the use of garages, and the parking count, and the requirement that the garages be utilized for parking. We're going to look for a mechanism, either in the leases for this, so that the garages are used -- if the garages are used for storage you suddenly lose 240 parking spaces on the site potentially. We're going to look towards -- I think in Brighton Green there was a legal mechanism that required the garages to remain available for parking.

I need a chart on this plan. It actually grows out of some recent projects. It comes from the assessor's office. I need a chart

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showing the density calculation and the bedroom count in each building, how many two-bedroom, how many one-bedroom. We've had some projects where we had to backtrack and figure out how many units were there for the assessor.

The comparison chart I think has a transposition error as well as the senior count is changed, so we'll be looking for that as well.

Compliance with the code of the senior citizens. With the senior projects we look for the sections of the code to be identified. There are requirements specific to the senior uses. If you can add those notes to the plans regarding the unit size and such.

We're looking for the wetland delineation to be provided to the Board.

MR. SAMUELSON: The Army Corp.

MR. HINES: And that's what we have at this point. The Board will be looking forward to hearing about that sewer as it progresses.

I think they are looking for information regarding the changes to the site, some additional supplemental information.

CHAIRMAN EWASUTYN: Anything else?

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MR. SAMUELSON: We'll go Monday night, and then after that I'll reach out to Mr. Canfield and see if we can schedule something if that comes off positive on Monday.

CHAIRMAN EWASUTYN: I never make myself clear. You will be appearing before the Board. If the Board, at that next meeting, or whenever that meeting is, wants to move to set it up for a consultants' meeting, then that action will be taken. That's an action that's taken by the Planning Board, it's not something that you'll coordinate with the professionals.

MR. HINES: The consultants' meetings are for technical details, drainage, water, sewer. These larger details of the further studies and such should be going to the Board prior to the work session.

MR. SAMUELSON: Okay.

CHAIRMAN EWASUTYN: I guess what we're saying is there's additional work that has to be done. Once that seems to be complete, then we would move for that.

MR. SAMUELSON: Okay. Sounds good. Thank you very much.

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(Time noted: 7:24 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 3rd day of July 2019.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

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

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

----- X

AMENDED SITE PLAN

Date: June 20, 2019
Time: 7:24 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

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 last item of business this evening is BJ's Wholesale Club - Newburgh. It's an amended site plan. It's located on New York State Route 17K and Auto Park Place, it's in an IB Zone and it's being represented by Maser Consulting.

MR. FETHERSTON: Good evening. Andrew Fetherston, Maser Consulting.

Mr. Chairman, I'd just like to go through, if I could, just the changes that we've made since our last appearance.

What we did was -- one of the things that was discussed was putting a sidewalk along Route 17K, which we've done. It required some grading over on the western end but we have that accomplished. Handicap ramps on the ends, a crosswalk across our site driveway, and then taking that sidewalk into the site, the same crosswalk right to the front entrance of the store.

One of the things that we changed over the original plan that you had seen last, two weeks ago the plan, we had an entrance, a driveway into the Riverside Bank at this

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location. We decided to close that up and make this one way -- what was a one-way entrance into a two-way drive aisle. When we closed up that bank entrance that was on Unity Place, we opened it back up on our drive aisle thinking that that would be more functional for the entire site.

One thing that we found out in going through this and the history of this site, this used to be or was originally approved as being the northern exit from the bank. It was just that, it was only an exit. It was supposed to be right only. I believe that's what the Board had approved originally. The sign fell down and nobody knew. We're going to put the sign back up and reconfigure that curb there so it is clearly just a right turn exit.

We revised the size of these car pads. We made them 20 foot by 20 foot so you could angle the cars any which way. We're going to elevate them. We gave you a hint of that on the grading plan by putting spot elevations on these. They'll be slightly elevated. Our thought is there's going to be a stonewall in front of each one of those. We're working out the lighting on

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those vehicles. We also want to have some security for those vehicles that are sitting out there, so we're working on that.

We submitted the stormwater pollution prevention plan. In doing so we added additional subsurface drainage at this location. We originally showed it here. We showed some additional in the back here. We had a slow time getting our testing done. We got it done and we designed everything per the testing that we did out in the field.

The Board had a lot of thoughts and comments on the propane islands, so we submitted a photo, what it actually looks like from BJ's. You can take a look and tell us your thoughts on that.

We gave you the architectural elevations that we got from BJ's for all sides of the building.

We also gave you the sign package. My understanding is that the sign package completely meets the new sign law from the Town of Newburgh.

We've revised the traffic report. Pete Vercillo from our traffic group is here to speak

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to that.

The parking count overall is up 4 spaces. That's it. We added some spaces in the front of the bank here on Unity Place, lost some over here. The net was a gain of 4 spaces.

The impervious coverage after we did the entire change, we checked that out. The impervious coverage is completely unchanged. It was the same number. That stayed in our bulk table.

I have with me Justin Dates also from my office, landscape architect, to speak to any of the landscape and lighting comments. And of course Larry Wolinsky is here from Jacobowitz to speak to anything else from the Board.

CHAIRMAN EWASUTYN: May I make a suggestion that Justin, you review your landscape with Karen, the two landscape architects.

As far as going through the traffic, I think it was you, Larry, who suggested that Ken Wersted not be present this evening.

I think originally you thought maybe, Andrew, he should be present.

MR. FETHERSTON: Thought he should be?

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CHAIRMAN EWASUTYN: Yes.

MR. FETHERSTON: Sure, sure. I think he should always be present.

CHAIRMAN EWASUTYN: I thought there were e-mails and eventually he decided not to show. Not having the benefit, I know you received his comments.

MR. FETHERSTON: Sure.

CHAIRMAN EWASUTYN: I say at our next meeting we'll have Ken Wersted here to see how far it's advanced. We don't have our consultant here to advise us on what you're speaking of. Is that all right with you?

MR. WOLINSKY: Yes.

CHAIRMAN EWASUTYN: For the record I would like to have a copy of that updated traffic study. We never received one. I think if the records were ever FOIL'ed we should have a copy.

MR. FETHERSTON: I'll double check that. Yeah.

CHAIRMAN EWASUTYN: I never did. I see on your cc when you circulated that you noted who received what. This traffic study, you noted that Ken Wersted did receive it. Pat Hines

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didn't receive it. Rob Dickover didn't receive it. I think for our records --

MR. FETHERSTON: We'll bring it up tomorrow.

CHAIRMAN EWASUTYN: I think Pat Hines said also you did your City -- you prepared your information for the City flow acceptance letter.

MR. FETHERSTON: We did.

CHAIRMAN EWASUTYN: You sent it on to Pat?

MR. FETHERSTON: Yes.

CHAIRMAN EWASUTYN: For the record the Planning Board should have a copy of that.

MR. FETHERSTON: Okay.

CHAIRMAN EWASUTYN: I think it benefits us all to have the consultant here. I spoke to Karen today, and since she hadn't heard anything back she said it doesn't really pay for me to show. To save money to your behalf I said we'll wait and see how they address your comments.

MR. WOLINSKY: In the interim we'll provide a response to Ken's comments and they can talk. Next time we're all together everybody will be here and hopefully we'll have made

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progress on that end.

CHAIRMAN EWASUTYN: Larry, we left off last time you wanted to look at the SEQRA regulations and you didn't want to comment on that until you had a chance to look at them.

MR. WOLINSKY: Right.

CHAIRMAN EWASUTYN: I think at this point you have spoken with Mr. Dickover, you have spoken with Pat Hines. Can you bring us along on what you're recommending?

MR. WOLINSKY: What we're recommending is that the Board -- because of the issue with the circulation and our need to get through the ZBA, which is an important part of the plan, that the Board rescind the original notice which was never circulated and therefore ineffective, and that when we -- that would at that point place everybody where they actually are now from a legal standpoint which is in an uncoordinated review. We're due to be at the ZBA a week from tonight I believe.

MR. FETHERSTON: Yes.

MR. WOLINSKY: So if the ZBA wanted to go ahead and proceed in an uncoordinated fashion,

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it would be able to do so and close that part of the process out, then it would be at the discretion of the Board to move forward to coordinate again. There are some other involved agencies, like the DOT in particular. The Board could do that at that meeting following the ZBA, assuming the ZBA is active.

CHAIRMAN EWASUTYN: Mr. Dickover, do you agree with that?

MR. DICKOVER: Yes, I do.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: I concur with that. Then the Board can take action in the future.

Again, the plan was to do that uncoordinated to allow the ZBA to act. I think the applicants have a need to get some input from the ZBA and their approvals sooner than later to give them the confidence that this plan can move forward.

CHAIRMAN EWASUTYN: Does anyone remember the date that we declared our intent for lead agency? As we motion to rescind that motion, I'd like to have the date. If we don't have it --

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MR. DICKOVER: It was March 21, 2019.

CHAIRMAN EWASUTYN: Thanks ever so much.

I'll move for a motion to rescind our motion of March 21st to declare our intent for lead agency.

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: Motion by Frank Galli, second by Ken Mennerich. 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.

At this point we'll -- by the way, that was a nice submittal. For myself, I now understand BJ's. I wasn't familiar with it. I now understand that there's an entryway for the retail tire business, you also go there and pay for the propane tanks.

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MR. FETHERSTON: Yes.

CHAIRMAN EWASUTYN: The signage is good. We discussed the signage. I'll let Pat Hines bring that along. That now requires a special use permit because it's -- Pat, would you explain it?

MR. HINES: The Town recently adopted, and I say recently, it was several months ago but we're just getting the new applications in under that, the electronic messaging center is what the Town defines the signs that change based on the computer input, things like your fueling signs and any other of the advertising type signs. They are permitted under the new ordinance however they are identified as a special use which is basically terminology. The Board can provide some additional conditions on those but we do need to make sure any of the public hearings that are advertised in the future do specify that as a site plan --

MR. WOLINSKY: The fact that that is a special use will trigger the need for a public hearing for the application.

MR. HINES: It actually does not. We

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had this discussion earlier on a sign ordinance.

MR. WOLINSKY: Okay.

MR. HINES: A project of this scale, the Board typically does a public hearing anyway. Uniquely we did think that the project that was here first tonight, had a representative at the last meeting, that that was our determination. In reviewing that the special use does not in our ordinance require it. It's still a may --

MR. WOLINSKY: Okay.

MR. HINES: -- require a public hearing. I would have agreed with you two weeks ago.

MR. WOLINSKY: The only reason I say it is because as you know the Town law for any special permit requires a public hearing. I guess when they enacted -- I haven't seen the law. Probably when they enacted the law they issued a municipal home rule law kind of provision that waived the mandatory requirement for it.

MR. FETHERSTON: John, what I'd like to do is what I just did a week ago, I'd like to -- we already have responses set for Pat's comments.

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Pete re-ran numbers for Ken Wersted's stuff today. I would like to resubmit again in a week another set of plans addressing everybody's comments to try and advance as quick as we can. We're right there. I think we're right there.

CHAIRMAN EWASUTYN: Where are we? Help bring me along. We're right there meaning?

MR. FETHERSTON: I don't see many other comments after we've addressed these. There are no significant plan change comments. I'd like to get Karen's stuff, have Justin speak with her. I'm thinking it would be worthwhile.

CHAIRMAN EWASUTYN: Do you want to have the meeting on the 4th of July or the 18th of July?

MR. FETHERSTON: Yeah, the 18th.

CHAIRMAN EWASUTYN: Okay.

MR. HINES: Our next meeting is July 18th.

CHAIRMAN EWASUTYN: He may want to, just for a special use permit, have it on the 4th of July.

MR. WOLINSKY: If you're going to do it we would want the lead agency re-coordinated

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again starting from then. So we'd be here anyway.

CHAIRMAN EWASUTYN: I think that all falls -- we have until the 18th or two weeks before. Justin can speak with Karen, Ken Wersted can speak with your people and we'll be moving it along.

MR. FETHERSTON: Maybe we can talk with DOT also, see what they think about the traffic light.

CHAIRMAN EWASUTYN: The only thing I ask is any correspondence, whether it be pertaining to the City with Jim Osborne, a traffic study, I think for the protection of everyone we should have that in our file.

MR. FETHERSTON: Agreed. Agreed.

CHAIRMAN EWASUTYN: Comments from Board Members?

MR. GALLI: Thanks for getting us the rendering of the building. It's well appreciated. I think the plan is coming along good. The pods are looking good. You've got some work to do but I think we're moving in the right direction.

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MR. FETHERSTON: Great. We'll give you some details on those. We have some sketched up. We'll put them in the next submittal.

MS. DeLUCA: I'm good.

CHAIRMAN EWASUTYN: I guess some of the details as far as the stonewall.

The one thing I couldn't figure out, you had a count on the corals, is it twelve? In going through the plan I only counted ten. It's not significant but I couldn't find --

MR. FETHERSTON: The other two are here.

CHAIRMAN EWASUTYN: Down there. That makes sense. Thank you.

MR. WARD: They're not landscaped?

MR. FETHERSTON: We'll see what we can do there. It may be grass at that location. We'll see what we can do there.

CHAIRMAN EWASUTYN: And then there will be a note -- you have a note on the landscaping, there's a two-year survival that the Town requires. You should put that note under your notes for landscaping.

Dave?

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MR. DOMINICK: Just a couple housekeeping. Andrew, thanks for the suggestion -- taking my suggestion about the in and out on Unity Place. I think that's going to make egress --

MR. FETHERSTON: It's much better.

MR. DOMINICK: -- flow much easier.

I appreciate the propane picture. Much better, clearer picture from the cutouts you gave us.

One question on the signage. Signage number 8 at the main entrance, you had BJ's, BJ's and then the price for BJ's gas. About 50 feet, guesstimate, west of that you have the proposed pylon sign. It is about 20 by 20.

MR. FETHERSTON: We have Barton's pylon sign. The sign which will have the gas and the BJ's, that's at the entrance.

MR. DOMINICK: Which is sign 8 in the sign package, page 17?

MR. FETHERSTON: Yes.

MR. DOMINICK: My question is is it redundant to have two signs within close proximity of each other where you could just have

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one main sign? Like sign 8 be the main sign to house or to properly display all of the businesses in that --

MR. FETHERSTON: We would --

MR. DOMINICK: Similar if you went down the street to Home Depot.

MR. FETHERSTON: We're saying they're two different things, one trying to identify the automobile dealership where that's not your primary entrance. That would be the primary entrance of course for BJ's. We tried to segregate them some. We actually put the Barton sign out where you can get the best view to see Barton's.

MR. DOMINICK: It's kind of center with the building.

MR. FETHERSTON: Yeah. That was the whole reason for it really.

MR. DOMINICK: Okay. Then let's call the Barton sign sign 8 for argument sake. In the middle, the message center, is that going to be an electronic message center or is that static?

MR. GODDARD: It's intended to be an electronic message center. It will meet the 30-

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second requirement.

MR. DOMINICK: I just wanted a clarification.

And then the sidewalks. A huge, huge impact. We have a lot of pedestrians going up and down the corridor of 17K. That's a great improvement. Thank you for doing that.

MR. GODDARD: We're hoping that the sidewalk and crosswalks will facilitate us getting a light there.

CHAIRMAN EWASUTYN: Adrian, just for the record can you give your name please?

MR. GODDARD: Adrian Goddard.

I think it's a big improvement, too.

MR. DOMINICK: You're right. Big improvement with the pedestrian traffic, with the bus station across the street, with the other shopping complex. Try to join everybody to come in. Absolutely.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Andrew, if you could possibly go over what you did in the parking lot, too. The bank and the parking lot.

MR. FETHERSTON: We originally had a

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2 two-way entrance about here, John. That exists
3 today into the bank. This was one way. What we
4 did -- I'm going to draw the curb lines, John.
5 There's an island here, there's another island
6 here. So basically this is now the two-way
7 entrance/exit aisle directly up to BJ's. If you
8 decide you want to go to the safe deposit box or
9 go inside the building, you can make that first
10 left. If you want to do the -- if you want to go
11 to the drive-thru, go right in, or of course
12 right in from that direction. That's what we
13 tried to divi up. So this is no longer there and
14 this one is going to be a right-turn only exit.
15 That's what it was intended to be.

16 MR. HINES: It really eliminated that
17 cut through that we talked about last time where
18 the bank was kind of the main entrance.

19 MR. FETHERSTON: I spoke to Ken this
20 morning. He's still thinking about this. We'll
21 discuss it.

22 CHAIRMAN EWASUTYN: That's why I say --
23 he had mentioned that -- I think it's always good
24 to have presence so we can have open dialogue.

25 MR. FETHERSTON: Right.

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CHAIRMAN EWASUTYN: John, anything else?

MR. WARD: I want to say thank you for pushing the sidewalk. That's a major thing on my end.

With the car displays, you're going forward the right way.

MR. FETHERSTON: Good.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Pat, do you have anything else to add?

MR. HINES: They have my technical comments. Just the treatment of the common property line along, I think it's the Enterprise Rent-A-Car. There's some grading right up to there. There's a fence right now. I don't know if you're replacing that. I see some small retaining walls.

MR. FETHERSTON: We'll look at that. I'll call Mr. Bigg and --

CHAIRMAN EWASUTYN: That fence is in poor condition considering what you're putting up there. It's a difference between day and night.

MR. FETHERSTON: All right. We'll take

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a look.

MR. DOMINICK: It's seen better days.

MR. HINES: With the receipt of the stormwater pollution prevention plan we have and the level of detail on the plans now, I think it is sufficient to send to Orange County Planning, and we can check that box off in the meantime between now and the next meeting.

CHAIRMAN EWASUTYN: Anything else?

MR. HINES: The applicant does have my comments and they are working on addressing them. They're mostly technical in nature.

MR. FETHERSTON: All the prior comments, these plans address those prior comments.

CHAIRMAN EWASUTYN: Then I'll move for a motion to refer this to the Orange County Planning Department.

MR. DOMINICK: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: Motion by Dave Dominick, second by John Ward. Can I have a roll call vote?

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MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. FETHERSTON: Thank you very

much.

MR. WOLINSKY: Thank you.

(Time noted: 7:47 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
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IN WITNESS WHEREOF, I have hereunto
set my hand this 3rd day of July 2019.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

GARDNERTOWN COMMONS
(2016-03)

Scheduling of a Consultants' Work Session

----- X

BOARD BUSINESS

Date: June 20, 2019
Time: 7:47 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

----- 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: We have three items of Board Business, the first item being Gardnertown Commons. We can set that up for a consultants' work session.

Would someone move to set that up?

MR. GALLI: So moved.

MR. WARD: Second.

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

MR. HINES: That will be this Tuesday, the 25th, at 1 p.m.

CHAIRMAN EWASUTYN: Tuesday, the 25th, at 1 p.m.

UNIDENTIFIED SPEAKER: Is that a public hearing? Are you setting a public hearing?

MR. HINES: No.

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CHAIRMAN EWASUTYN: I have a motion by Frank Galli and a second by John Ward. We'll continue on to set Gardnertown Commons for a consultants' work session at 1:00 on Tuesday, the 25th. I'll continue on with the motion starting with Frank Galli one more time.

MR. GALLI: John, just a question. About the buildings, they want to separate and get some on, some off.

CHAIRMAN EWASUTYN: Jerry, do you want to explain that?

MR. CANFIELD: The Gardnertown Commons project you're talking about?

CHAIRMAN EWASUTYN: Gardnertown.

MR. CANFIELD: Okay.

MR. GALLI: I read the report you sent out about how they want to open skid roads and stuff like that.

MR. CANFIELD: They're coming to conclusion and they're anticipating to start looking for certificate of occupancies. They have two buildings, the two closest near the road, buildings 1 and 2, that are the furthest along. They anticipate occupying them first

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sometime in August.

The site plan as it was presented was approved as a whole, not phased. They are now asking for C of Os for those two buildings only. There are some slight modifications to construction entrances and what will be completed, what will not. That's what we're asking, that we have the ability to sit down and do a technical review of what they are submitting.

MR. GALLI: The fire department has a walk-through on Saturday, June 22nd. This Saturday.

MR. CANFIELD: This coming Saturday?

MR. GALLI: Right. I mentioned to them they might be putting a fence up. They have some concerns about the fire part of it, are the hydrants going to be accessible, are they going to be operational and stuff like that. I told the chief to make sure he asks all the questions of the superintendent. If he doesn't get any answers from them, maybe we can get some answers from you and pass it on to him.

MR. CANFIELD: The preliminary

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conversations with the principals and the job superintendents was that now that the buildings are up, all of the buildings are up, whether they're occupiable or not, there are structures that need to have fire protection provided. We conveyed, we meaning my office, conveyed to them that we need to have all the water lines in, the utilities in, the hydrants, and at least subbase on the roads to provide accessibility for fire protection. We also emphasized that introducing occupancy increases the life hazard on the site, so it's imperative that those items will be all set prior to occupancy. In fact, I emphasize the importance of it right now. If there were a fire tomorrow, God forbid, you can get in there and get to it.

MR. GALLI: Maybe I'll come to that meeting on the 25th.

MR. DOMINICK: It's coming along really nice.

MR. CANFIELD: Yes. Yes, they are progressing.

MR. HINES: Along with that, the Meadow Hill project I believe has the issue with the

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number of COs and the senior --

CHAIRMAN EWASUTYN: Let's bring that up now.

MR. HINES: We have some correspondence from the --

MR. GALLI: We didn't vote on the first one yet. I stopped it.

CHAIRMAN EWASUTYN: Thank you.
We have a motion by Frank Galli and a second by John Ward. We had discussion. We agreed that they'll be on for 1:00 on Tuesday, the 25th. Now we'll complete that motion 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.

(Time noted: 7:52 p.m.)

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

----- X
In the Matter of

MEADOW HILL
(1999-33)

Scheduling of a Consultants' Work Session

----- X

BOARD BUSINESS

Date: June 20, 2019
Time: 7:52 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

----- X

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CHAIRMAN EWASUTYN: The next item of business is Meadow Hill, to set that up for a consultants' work session. I would assume -- at what time?

MR. HINES: Typically 1:30. We do half-hour increments.

CHAIRMAN EWASUTYN: Bring us along on that.

MR. HINES: That project has some field changes to discuss. Their main hurdle that they want to discuss with us is that during the approval process the Board conditioned their approval on limiting the number of COs, and I'm shooting from the hip but I believe the number is 108 COs would be issued, and no more than that, until the senior units were constructed. I think they are at or near that number and the senior units are not quite functional yet. They're looking for some relief, possibly changing that 108 number to a different number. I don't know what number that is. I don't know if they told us that yet. So that's the intent of that meeting.

CHAIRMAN EWASUTYN: If I read through his letter, you're correct, 108 C of Os would be

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permitted to be granted. Now since it's a change, if I understand his letter, it states that the number would now change to, 126 is it?

MR. HINES: Yes.

CHAIRMAN EWASUTYN: 126.

MR. HINES: Now, the work session -- my understanding of the work session was for some technical issues. I'm just thinking timing with the fact that there's not a July 4th meeting and your next meeting is July 18th, this change could be addressed at this time. I don't know if we want to consider that or put it off. It may be a non-issue by July 18th is what I'm telling you.

CHAIRMAN EWASUTYN: I think it's good we have discussion on it. Can you do that at the work session?

MR. HINES: Now?

CHAIRMAN EWASUTYN: You want to act on it now?

MR. GALLI: He wants to get a consensus of the Board.

MR. CANFIELD: What Pat is saying is we can discuss it and get the mechanics and nuts and bolts of it worked out, however we don't have the

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authority to make that determination. That's up to you.

CHAIRMAN EWASUTYN: What you're saying is let the Board make that decision this evening?

MR. CANFIELD: Yes, that's what Pat is saying.

CHAIRMAN EWASUTYN: Thank you.

MR. HINES: I think they are at the point now where it's a bit of a crisis for them.

MR. GALLI: They created their own crisis.

MR. HINES: They did.

MR. CANFIELD: It's self-created, yes.

MR. GALLI: I almost said something about this project tonight but it's not far enough along. Stuffing them way in the corner, is that going to be the last one built because it's way in the corner on the end of the project, or is it going to come up again like this one did and all of a sudden now they're going to come back and say we want to get our COs so let's pull the building in without it, let's do this, let's do that. I don't think they're going to walk away from that building personally. I think they

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are into the whole project as a whole by the company. They're a good company. They create their own problem and then they want us to fix it for them. I have an issue with that.

MR. CANFIELD: The reason why it's here also Frank, understand that that was a condition of approval. That was a --

MR. HINES: Resolution.

MR. CANFIELD: It was in the resolution but that was an action that was taken by this Board. This Board -- again, Rob, correct me if I'm wrong. This Board is the only one that can override or change that.

MR. GALLI: Right.

MR. CANFIELD: We don't have the authority to do that.

MR. GALLI: I realize that. That's why Pat told us to discuss it tonight before you go to your workshop. If we say no, we're not switching the buildings around, you have to build it like it was said, the workshop is useless.

CHAIRMAN EWASUTYN: I think what he's saying also is we can set it up for a workshop if we decide on it this evening.

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MR. GALLI: Right. What I'm saying is if we decide we don't want them to do 7 before 8 or 8 before 7 on the buildings, what else is for you to discuss when they come --

MR. CANFIELD: I believe there's other issues.

MR. HINES: There are other issues. There have been field changes that we need to coordinate that we've been doing with them. Minor field changes. We've been approving -- I've been apprising the Board of a lot of those. We want to combine those all together as they're moving closer to completion and get the as-builts.

MR. CANFIELD: It's my understanding with these C of Os, they are this close. Like if there's an approval, then they'll move forward within the next couple weeks.

MR. HINES: As Jerry said, that's not something Jerry and I can decide. If the Board was willing to consider going to 126 with Jerry and I meeting them -- approving that subject to Jerry and I being comfortable at the work session I guess is what I'm trying to suggest. I think if

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MEADOW HILL

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we wait until July 18th, a month from now --

MR. GALLI: It's too long for them.

CHAIRMAN EWASUTYN: Would you be comfortable with it?

MR. GALLI: You can start down that way.

CHAIRMAN EWASUTYN: Would you be comfortable with it?

MR. WARD: Sort of like what Frank says, how can they have 126 when they were supposed to have senior? That's the whole -- explain that to me.

MR. HINES: I think what happened was this was not the original developer. You included it in the resolution. In the history of the project this project was flipped, as many are. You have a different developer here now which is what happened, right or wrong.

MR. WARD: What I'm trying to say is future projects, they can do the same thing and come up with the minutes on this.

MR. GALLI: I think that's what we have to --

MR. HINES: I couldn't sit here and

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tell you where the 108 came from. I think it was a negotiated kind of going back and forth between the Board and --

MR. GALLI: I think it was.

MR. HINES: I remember Gardnertown Commons I think was 44 before the clubhouse was built and you had a smaller number, and it was kind of negotiated then. Is there a logical reason why it was 108, I don't know. It was a number they came up with. It may have sounded like a lot to the applicant's representative at the time.

MR. GALLI: I think moving forward we should check the plan, make sure they move the senior part of it in so it doesn't hold them up. If we make a request of holding to a CO, then I think we ought to hold to it. If we're going to hold it to a CO we need to move the building where it's going to be built, not pushed off to the back where it's not going to be built until the last building.

CHAIRMAN EWASUTYN: That was the nice thing about Polo Club when I finally understood what they were saying. I don't know where we

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MEADOW HILL

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drew the assumption it was in the back. It's still right up front. It's a no brainer.

MR. WARD: That will work.

MR. HINES: The senior components that they're proposing are going to have the garage use as they indicated tonight.

CHAIRMAN EWASUTYN: They would be up front.

MR. HINES: Up front in one of the units with the garages.

CHAIRMAN EWASUTYN: I think --

MR. DICKOVER: May I?

CHAIRMAN EWASUTYN: Let us finish talking and then you can because actually that's how we have dialogue now. It's better that we finish with our dialogue.

Dave?

MR. DOMINICK: I could go either way.

CHAIRMAN EWASUTYN: I'm fine with it because I understand what happens out in the field. I think similar to Gardnertown Commons, it was never considered to be a phased plan. It's not our call but it's all derived about income. I'm in favor.

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MEADOW HILL

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Ken?

MR. MENNERICH: I don't have a strong opinion either way.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: I think it's okay.

MR. GALLI: It's fine.

CHAIRMAN EWASUTYN: So I'll poll the Board -- do you want to say something now?

MR. DICKOVER: No. I'm fine.

CHAIRMAN EWASUTYN: I say that with the public also. If we're following I like to keep the continuity. If you have something to add --

MR. DICKOVER: Just to Pat's comment about the timing of it, it might be too late if we wait until the July 18th date. In their letter making the request they ask you to discuss it on the 20th and then grant an appearance on the 25th.

CHAIRMAN EWASUTYN: Pat is saying this is an action that the Planning Board has to take, they don't have the authority.

MR. DICKOVER: But on the 25th. The applicant themselves asked that the matter be placed on the Board's agenda for the 25th.

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MR. HINES: That was the work session.
Jerry and I can't make that. That's a policy.

MR. DICKOVER: Okay.

MR. CANFIELD: Rob is right. What the
e-mail reads is that's what they're requesting,
the 25th we make that decision.

MR. HINES: I don't have the ability to
do that on the 25th. That's what I'm trying to
say. That's not my authority.

CHAIRMAN EWASUTYN: It's a miswritten
e-mail. What he was looking to do was to discuss
this at the work session on the 25th. They don't
have the authority to grant that on the 25th. By
the time we get around to the 18th, it's going to
be too late.

MR. HINES: A typical field change
Jerry and I would do is changing a catch basin or
moving a sanitary sewer line. This is a large
policy Board decision.

CHAIRMAN EWASUTYN: I'll poll the Board
Members starting with John.

MR. WARD: I'm fine with it. In the
future we have to keep an eye on things.

MR. DOMINICK: The same.

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CHAIRMAN EWASUTYN: I'm okay.

MR. MENNERICH: The same as the rest.

CHAIRMAN EWASUTYN: You don't want to move on it, that's fine.

MS. DeLUCA: No.

CHAIRMAN EWASUTYN: Frank?

MR. GALLI: I'm okay.

CHAIRMAN EWASUTYN: Let the record show the Planning Board is going to allow the developer to move forward with building number 7, and when building number 7 is complete the Building Department will be allowed to issue no more than or greater number than the original number which was 108 COs. The Building Department could issue as many as 126 COs.

Correct, Jerry?

MR. CANFIELD: Yes.

CHAIRMAN EWASUTYN: We would still move to set this up for a consultants' work session at 1:30 on the 25th to put together all the revisions on the final map.

MR. HINES: Yes.

CHAIRMAN EWASUTYN: Okay.

(Time noted: 8:03 p.m.)

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

----- X
In the Matter of

LONGVIEW FARM/SUMMER KIM CORP.
(2006-39)

Request for a Six-Month Extension
From April 17, 2019 to October 16, 2019

----- X

BOARD BUSINESS

Date: June 20, 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

----- X

MICHELLE L. CONERO
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CHAIRMAN EWASUTYN: The last item of business, I'll have Ken Mennerich read that.

MR. MENNERICH: The letter is from T.M. DePuy Engineering dated May 31, 2019 to Honorable John Ewasutyn, Town of Newburgh Planning Board, 308 Gardnertown Road, Newburgh, New York 12550, regarding the Longview Farms/Summer Kim Corporation, Section 1 and 2, Section 20; Block 1, Lots 1 and 3.35, Town of Newburgh Town job number 2006-039. Dear Mr. Chairman, on behalf of Summer Kim Corporation and Kyra Corporation we wish to request to be placed on the next Planning Board agenda for another extension on the referenced project. We were delayed in preparing phasing plans due to the parcels associated with the original Palmerone/Taylor Way subdivision as it relates to the connection of Summer Drive. If you have any questions, please do not hesitate to contact us. Thank you. Very truly yours, Thomas M. DePuy, PE.

CHAIRMAN EWASUTYN: Pat, we would be looking to grant a 3-month extension; correct?

MR. HINES: He's looking for actually a 6-month extension. What happened here was back

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2 in January he applied for a 6-month extension to
3 this Board and this Board granted a 90-day
4 extension. He was not aware of that. Basically
5 we're going to be giving him a 6-month extension,
6 retroactive to April 17th, to October 16th of
7 this year, which is pretty much -- he's going to
8 get two 90-day extensions.

9 MR. DOMINICK: How could he not be
10 aware of that?

11 MR. HINES: He wasn't at the meeting.
12 It was a Board Business item.

13 CHAIRMAN EWASUTYN: I think what
14 happens too, Stephanie, everyone takes it for
15 granted. That's what I think Mike Donnelly had
16 said at that meeting, let's just do it for 90
17 days now.

18 I think also at that meeting Tom DePuy,
19 or it was kind of understood he would have
20 everything in place by then. In reality they
21 just take it for granted so they never read
22 anything. That's not what was granted.

23 MR. HINES: They requested at that
24 meeting 180 days and it wasn't until they said oh
25 boy and read the minutes and said no. So in

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2 speaking to them I said put in for it. This
3 Board has retroactively done that in the past.
4 It would be the same. This project has a 2006
5 job number as well. They're very close. Tom
6 DePuy, he's pretty much a partner in this now
7 because he needs to complete it. It's got legal
8 issues with the roadways tangled up with
9 Palmerone's Way and they have two separate
10 attorneys they tell me are nearing completion of
11 that.

12 MR. DOMINICK: That's my point. It's a
13 2006 job. Here they failed to follow through
14 with their request, just taking things for
15 granted. They made the mistake, now we have to
16 fix it. I don't know. I'm kind of --

17 CHAIRMAN EWASUTYN: I think what's
18 being discussed also, and I agree with you, as
19 Pat said Tom DePuy is a partner in this.

20 MR. HINES: By default.

21 CHAIRMAN EWASUTYN: The engineers in
22 many cases have time, money and they've never
23 gotten paid. So is that our difficulty? No.
24 What they're looking to do is come out with
25 something after all their time and effort. That

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happened with the one which is now called the Woodlands which was originally Drury Heights. That went on and on and on to the point that the developer went bankrupt. The engineering company was out of Rockland County, --

MR. HINES: Brooker.

CHAIRMAN EWASUTYN: -- Brooker Engineering. It's not our problem. They had hundreds of thousands of dollars in engineering fees that they never got paid for. They wound up being part and parcel owner of this property.

MR. WARD: That's moving slow.

CHAIRMAN EWASUTYN: Real slow. Real slow. I even question if it's ever going to get off the ground.

So the dates then are from when?

MR. HINES: It would be from April 17th retroactive until October 16th of this year.

CHAIRMAN EWASUTYN: Would someone make a motion to grant that extension?

MR. WARD: So moved.

CHAIRMAN EWASUTYN: Thank you. I have a motion by John Ward. Is there a second?

MR. GALLI: Second.

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LONGVIEW FARM/SUMMER KIM CORP.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Oppose.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

That's it.

(Time noted: 8:08 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 3rd day of July 2019.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

ROYAL POOLS & SPAS
(2019-13)

Rescinding of the Public Hearing Requirement

----- X

BOARD BUSINESS

Date: June 20, 2019
Time: 8:08 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- 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: We had one more,
that's to rescind the public hearing requirement
for the Royal Pool sign.

MR. GALLI: So moved.

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

MR. WARD: Second.

CHAIRMAN EWASUTYN: Second by John
Ward. 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.

The last motion is to move for a motion
to close the Planning Board meeting of the 20th
of June 2019.

MR. GALLI: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: Motion by Frank
Galli, second by Stephanie DeLuca. 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.

(Time noted: 8:10 p.m.)

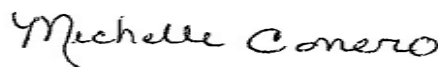
C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary Public
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IN WITNESS WHEREOF, I have hereunto
set my hand this 3rd day of July 2019.



MICHELLE CONERO