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

- - - - - X
In the Matter of

McDONALD'S
(2017-14)

1403 NYS Route 300
Section 60; Block 3; Lot 41.21
IB Zone

- - - - - X

AMENDED SITE PLAN

Date: October 19, 2017
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: ALAN ROSCOE

- - - - - X

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

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McDONALD'S

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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 19th of October 2017.

At this time 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. BROWNE: Present.

MR. DOMINICK: Present.

MR. DONNELLY: Michael Donnelly,
Planning Board Attorney, present.

MS. CONERO: Michelle Conero,
Stenographer.

MR. CANFIELD: Jerry Canfield, Code
Compliance Supervisor.

CHAIRMAN EWASUTYN: At this point in
the meeting we'll turn it over to Cliff Browne.

MR. BROWNE: Please rise for the Pledge
to the flag.

(Pledge of Allegiance.)

MR. BROWNE: Would you please turn your

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McDONALD'S

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cell phones on vibrate or on off.

CHAIRMAN EWASUTYN: The first item of business this evening is an amended site plan. It's for the McDonald's located on Route 300 in an IB Zone. It's being represented by Alan Roscoe.

MR. ROSCOE: Good evening, folks. We're here again. We had discussed at our last meeting we had some landscape issues to address and we had to wait for the thirty-day review period for the County to lapse. So we're coming back before you.

We had submitted updated drawings that showed landscaping. Mr. Hines had a comment about double striping the parking lot lines. We've added that to our drawings and submitted that.

A subsequent review from Mr. Hines and a discussion with John on the landscaping, we realized we missed an area next to the building on the north side. I have updated drawings with me this evening, if it please the Board.

There's a flowering tree on the north side of the building that's right up against the

1 building wall, and obviously it's in the way of
2 the remodel. We've proposed to remove that and
3 augment that with some shrub plantings in place
4 of that. I went out to the site yesterday and
5 made a count of all the shrubs in the different
6 areas and made sure that we had enough
7 landscaping to cover, or exceed, or augment the
8 number and the species that are there. So there
9 will be an improvement in all the landscaped
10 areas.
11

12 I would hope that you can accept this
13 plan and adopt it if you were to choose to make a
14 decision tonight.

15 CHAIRMAN EWASUTYN: We did receive
16 earlier this week the comment from the Orange
17 County Planning Department. That was left for a
18 Local recommendation.

19 That being said, any questions or
20 comments from Planning Board Members at this
21 time?

22 MR. GALLI: No additional.

23 MR. MENNERICH: Where did you end up on
24 the pruning of the larger trees?

25 MR. ROSCOE: By the time we looked at

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McDONALD'S

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what we could save, it just wasn't worth it. You know, we are going to cut down -- we're going to take down everything and replace it.

MR. MENNERICH: Okay.

MR. ROSCOE: That's what it amounts to. I don't like to fix something that ain't broken but, you know, we're going to leave the site looking like it should and we're going to use substantial species as the Chair recommended. The shrubs should be substantial at three-foot height. So we're going to make sure that the money is well spent for the site.

MR. DOMINICK: Do you have to cut all the trees down or remove all the trees, the existing trees?

MR. ROSCOE: Yes.

MR. DOMINICK: Because the plans, at least my copy, says existing trees to remain.

MR. ROSCOE: I have the additional new ones with me that go a little bit further than what you have. Like I said, once I realized we had missed this area, you know, there really wasn't a lot worth saving. By the time we pruned it, or tried to save it, or removed select

1 plantings we might damage the root structures.
2 We're just going to start from scratch.

3 CHAIRMAN EWASUTYN: Alan, do you still
4 propose to start work this season?

5 MR. ROSCOE: We would like to, yes.

6 MR. DOMINICK: Alan, with all the work
7 you're doing outside in the parking lot,
8 re-striping, allocation of handicap spots,
9 et cetera, any thought of doing seal coating
10 over the existing asphalt?

11 MR. ROSCOE: It probably makes sense to
12 do that.

13 MR. DOMINICK: Right.

14 MR. ROSCOE: There's still a
15 possibility we may come in at a later date to do
16 something more with the drive-through. I would
17 argue against repaving because we may come back
18 and do that. At least for now we should do some
19 seal coating. If that would be a condition, we'd
20 be fine with that.

21 MR. DOMINICK: I think with all the
22 work you're doing. In fact, at the last meeting
23 you said we're not going to spend the money that
24 we are on the site and not make it look good.
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Seal coating would make sense.

MR. ROSCOE: I expected you to have that as a condition.

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

MR. CANFIELD: No. You pretty much covered Pat's comments as well.

CHAIRMAN EWASUTYN: Mike Donnelly, would you give us conditions, please?

MR. DONNELLY: Sure. The resolution will be both site plan and ARB. I note that the ARB approval was granted on April 20, 2017. We do have the Local determination letter from the Orange County Planning Department and we will recite that within the resolution.

In terms of conditions, we'll need a sign-off letter from Pat Hines certifying that the items he raised in his memo of October 4, 2017 have been satisfactorily addressed. We'll also include a report from him that a note has been added to the plans requiring seal coating of the driveway. Demolition permits will be needed from Jerry's office before any construction can begin I think. Right?

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McDONALD'S

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MR. CANFIELD: No.

MR. DONNELLY: I thought I saw that in the report. No?

MR. CANFIELD: No.

MR. DONNELLY: We'll take that one out. We're not approving the signs, they're going to be approved by the Code Compliance Department. We have our standard Architectural Review Board approval condition. There will be a requirement of a landscape security and inspection fee. The inspection fee will be in the amount of \$2,000. We will also need a stormwater improvement security and inspection fee. The applicant will be required to execute a stormwater control facility maintenance agreement. That is a standard form that the Town uses. Finally our standard condition which provides that nothing that is not shown on the approved site plan may be constructed without amended approval from the Board.

CHAIRMAN EWASUTYN: I'll move for a motion that we -- from someone that we grant final site plan and ARB approval.

MR. GALLI: So moved.

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MR. DOMINICK: Second.

MR. GALLI: We already did ARB.

CHAIRMAN EWASUTYN: He said that. We have a motion by Frank Galli. We have 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. BROWNE: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Aye.

Spend a little bit of time when you can with Pat as far as the bonds and the securities, the form. That seems to tie projects up. Mark Taylor is busy but you may want to talk with Mark Taylor about the format they look for because the plans can't be signed until all of those instruments are in place.

MR. DONNELLY: Mark Taylor is the Town Attorney. I'm the Planning Board Attorney.

CHAIRMAN EWASUTYN: Thank you.

MR. ROSCOE: Thank you, folks.

(Time noted: 7:07 p.m.)

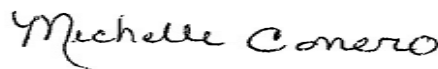
C E R T I F I C A T I O N

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
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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 November 2017.



MICHELLE CONERO

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

- - - - - X

In the Matter of

WPA ACQUISITION
(2017-24)

54 Jeanne Drive
Section 34; Block 2; Lots 100 & 101
IB Zone

- - - - - X

LOT LINE CHANGE

Date: October 19, 2017
Time: 7:08 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: PAUL GEKAKIS
JOSEPH BERGER

- - - - - X

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WPA ACQUISITION

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CHAIRMAN EWASUTYN: The second item of business this evening is the initial appearance for a lot line change by WPA Acquisition. It's located on Jeanne Drive in an IB Zone. It's being represented by Paul Berger.

MR. DOMINICK: There was somebody in the hallway. Do you want me to get them?

CHAIRMAN EWASUTYN: Sure.

(Pause in the proceedings.)

MR. GEKAKIS: Good evening.

CHAIRMAN EWASUTYN: For the record my name is John. For the record your name is?

MR. GEKAKIS: Paul Gekakis.

CHAIRMAN EWASUTYN: Thank you. We're all acquainted now. That might be the easiest part of the meeting.

We're going to have Mike Donnelly summarize. It may not be what you want to hear but he's going to talk to you about the lot line change.

MR. DONNELLY: The first issue is you applied for a lot line change but by definition a lot line change -- it says in the definitional

1 section lot line changes shall not create
2 nonconforming lots or make existing lots more
3 nonconforming. The transfer of ownership you
4 propose makes tax map lot 100 more nonconforming
5 for front yard setback because a portion of what
6 was previously identified as a temporary
7 cul-de-sac is proposed for transfer. The setback
8 is now less than the 50 foot front yard setback,
9 therefore you'll need to convert this to a
10 subdivision application and then apply for a
11 variance.
12

13 MR. BERGER: Okay. Unless we can
14 provide the 50 feet.

15 MR. DONNELLY: If there's a way to
16 reconfigure it and not make either of the lots
17 more nonconforming, then you could qualify for a
18 lot line change. That would be something you'd
19 have to do and see if you can make that work.

20 The Board's curiosity is what is the
21 objective, what's the purpose of transferring the
22 piece of property?

23 MR. BERGER: I'll have to rely on my
24 client.

25 MR. GEKAKIS: Because lot number 3

1 should go for sale and the liability of the road
2 shouldn't go with it. So it would be the lot --
3 the property would be independent of the road.

4 MR. DONNELLY: Okay.

5 MR. BERGER: It makes it easier for us
6 to dedicate the road.

7 MR. DONNELLY: I thought that might be
8 what it was.

9 MR. GEKAKIS: The goal is to dedicate.
10 When you transfer ownership of 25 feet to a third
11 party, then we move into the process of
12 dedication. As an attorney you're well aware how
13 difficult that starts making it. So we're trying
14 to take the proper steps. Step one is subdivide
15 or lot line, step two is proper dedication of the
16 road to the Town.

17 MR. DONNELLY: That objective makes
18 sense.

19 MR. GEKAKIS: So there's an objective
20 we're trying to work through. That's the goal
21 here. We're going to try to see if we can get
22 that 50 foot.

23 MR. DONNELLY: We should see, I assume
24 it exists, the private roadway easement and
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WPA ACQUISITION

15

maintenance agreement that affords access to all the various parcels. We want to make sure those rights are being preserved and not affected. We should see what you have and then decide if it needs to be modified.

MR. GALLI: Did you get a copy of Pat's comments?

MR. BERGER: Yes, I got them.

CHAIRMAN EWASUTYN: You're Paul Berger?

MR. BERGER: I'm Joe Berger.

MR. GEKAKIS: Would you want to address that modification as far as the setbacks go tonight?

CHAIRMAN EWASUTYN: We need to see revised maps.

MR. BERGER: We understand what you need. We'll work on that.

MR. DONNELLY: The lot surface coverage was missing. You've seen Pat's memo.

CHAIRMAN EWASUTYN: Do you want to take a copy of Pat's memo with you one more time?

MR. BERGER: A copy of the engineer's --

CHAIRMAN EWASUTYN: Pat Hines.

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WPA ACQUISITION

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MR. BERGER: I have a copy. It's the
same comments. I have a copy of those.

I think that's it. We'll bring you a
revised map.

CHAIRMAN EWASUTYN: You'll call like we
do in the past. When you have them we'll set up
a time and drop them off and we'll go from there.

Be well. See you soon.

MR. BERGER: Okay.

(Time noted: 7:13 p.m.)

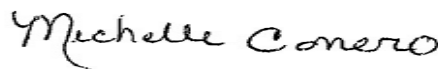
C E R T I F I C A T I O N

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

That hereinbefore set forth is a
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I further certify that I am not
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IN WITNESS WHEREOF, I have hereunto
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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

DOMINOS PIZZA
(2017-25)

88 North Plank Road
Section 77; Block 27; Lot 2.1
B Zone

- - - - - X

AMENDED SITE PLAN

Date: October 19, 2017
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
CLIFFORD C. BROWNE
STEPHANIE DELUCA
KENNETH MENNERICH
DAVID DOMINICK

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

- - - - - X

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DOMINOS PIZZA

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MR. BROWN: This is the Shop Rite plaza on North Plank Road, Route 32.

CHAIRMAN EWASUTYN: My name is John. Your name, sir?

MR. BROWN: Charles Brown.

CHAIRMAN EWASUTYN: Thank you.

MR. BROWN: This is an existing 1,700 square foot outbuilding at the Shop Rite plaza. It was a bank. It's been vacant for some period of time. The proposal is the put a Dominos Pizza in there.

Pat did answer a lot of my questions. I didn't know whether he was going to require us to go for a variance on the existing building, whether it's affected by this application. According to his memo here it is. I'll go through those variances. Hopefully the Board can authorize us to go to the Zoning Board and request those.

Pat asked about these fourteen spaces here. They're in the State right-of-way. We did talk to Siby Zachariah. She is willing to grant us an occupancy and use permit for those spaces. We just did something similar for ABC Supply down

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on Marine Drive.

I can list the variances here if the Board wants to hear that.

MR. DONNELLY: I think there was a question as to lot surface coverage. Do you have that calculated?

MR. BROWN: I do. It's 99.6. We are under on the building coverage but we're over on the lot surface coverage.

I did check the awning. It's more than 10 percent of the front yard, so that would require us to go for the awning itself, which is 27.26 feet.

MR. DONNELLY: That's for the Route 32 side?

MR. BROWN: Yes, that's correct.

MR. DONNELLY: We have 42.2 on Chestnut where 50 is required.

MR. BROWN: 60 is required on Chestnut. For the plaza they require 60 on all streets.

MR. DONNELLY: Chestnut and Stanley are 50?

MR. BROWN: 60.

MR. DONNELLY: They're all 60?

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MR. BROWN: Yes. All front yard setbacks for the DA Shopping Center are 60 feet.

MR. DONNELLY: Okay. And lot surface coverage is 100 percent?

MR. BROWN: Yeah. Rounded off is 100 percent.

MR. DONNELLY: We talked at work session. We thought we might need to have Charlie come back to do that calculation. Since it was pretty easy to do we can refer those. With your authorization I can prepare a letter to the Zoning Board.

CHAIRMAN EWASUTYN: Please do that.
Is the Board in agreement?

MR. GALLI: Yes.

MS. DeLUCA: Yes.

MR. MENNERICH: Yes.

MR. BROWNE: Yes.

MR. DOMINICK: Yes.

MR. BROWN: Thank you. Any questions?

CHAIRMAN EWASUTYN: Not at this point.
There was some work already started in the building?

MR. BROWN: Not that I know of. Thank

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DOMINOS PIZZA

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you.

(Time noted: 7:17 p.m.)

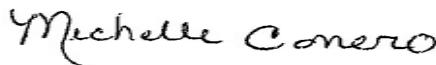
C E R T I F I C A T I O N

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MICHELLE CONERO

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

- - - - - X

In the Matter of

POLO CLUB
(2006-09)

Request for a Six-Month Extension
October 19, 2017 to April 19, 2018

- - - - - X

BOARD BUSINESS

Date: October 19, 2017
Time: 7:17 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: DAVID WEINBERG

- - - - - X

MICHELLE L. CONERO
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CHAIRMAN EWASUTYN: We have one item of Board Business. I'll have Ken Mennerich read the letter.

David, do you want to come forward and speak time wise as to what your letter was stating and then we'll move to approve that?

MR. WEINBERG: My name is David Weinberg. I'm asking for a six-month extension for the Polo Club application. We're still trying to move this project forward. I have been discussing it with people. I have a potential partner on that deal. I just set up an appointment with the supervisor to talk about the sewer issue that I still need to resolve.

So I'm asking for a six-month extension to the existing approvals.

CHAIRMAN EWASUTYN: Do you remember the dates, David, that --

MR. DONNELLY: I think they're on the agenda here. From October 19, 2017 to April 19, 2018.

CHAIRMAN EWASUTYN: All right.

MR. DONNELLY: The current approval is good through the end of October. The request is

timely.

CHAIRMAN EWASUTYN: Would someone like to make a motion to grant the extension for six months for the Polo Club, from October 19, 2017 through April 19, 2018?

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: Motion by Frank Galli. Second by Ken Mennerich. Roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried.

MR. WEINBERG: Thank you.

CHAIRMAN EWASUTYN: At this point I'll move for a motion to close the Planning Board meeting of the 19th of October.

MR. GALLI: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: Motion by Frank

(Time noted: 7:19 p.m.)

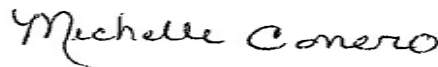
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