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

----- X

In the Matter of

NPA GAS STATION
(2017-03)

NYS Route 747 Boulevard
Section 89; Block 1; Lots 80.2 & 80.1
IB Zone

----- X

SITE PLAN

Date: December 19, 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: PATRICK HINES
GERALD CANFIELD
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: KENNETH LYTLE

----- X

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

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NPA GAS STATION

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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 December.

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.

MS. CONERO: Michelle Conero,
Stenographer.

MR. CANFIELD: Jerry Canfield, Town of
Newburgh.

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

MR. WERSTED: Kenneth Wersted with
Creighton, Manning Engineering, Traffic
Consultant.

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

MR. GALLI: Please stand for the

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NPA GAS STATION

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Pledge.

(Pledge of Allegiance.)

MR. GALLI: Please turn off or silence
your cell phones.

CHAIRMAN EWASUTYN: We have two items
of business this evening. Our first item is NPA
Gas Station. It's located on New York State
Route 747 in an IB Zone. It's a site plan. It's
being managed by Zen Design. Ken Lytle is the
representative.

MR. LYTLE: Good evening. Since our
last visit we've been over to the Board of
Health. In doing the final field testing with
the Board of Health, we ended up coming up with a
better location on the additional piece of
property. Actually on the north end of the
property we conducted a field test with them.
They're doing their final review of the plans at
this point right now. In doing so we were able
to remove the septic from the eastern edge of the
property, allowing us to adjust the parking and
layout, and actually adding a couple more spaces
for us.

We proposed a pond on the west side.

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Again, it discharges into the easement we have going across from the east to the west.

I also have a few comments. One regarding actually the entrance steepness. One of the comments was to lower the building. We have no problem lowering that. That will solve a couple of issues.

There was a question on the drainage ponds and elevations. There are typos on there. We'll address those.

MR. GALLI: Ken, I have a quick comment. Since the last time this was before us we've had some new Board Members and we don't have a narrative. Maybe you can bring them up to speed on it so we're all on the same page.

MR. LYTLE: Absolutely. No problem.

This is an existing parcel of property located on 747 Boulevard just north of the 84 intersection. We're proposing a 2,800 square foot gas station at that location. It's really the last entrance before you get on 84 on the northeast corner. There are two parcels involved in this. It's actually one parcel and we go across some DEP property. The aqueduct is on the

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NPA GAS STATION

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eastern side of the property.

There's an existing driveway entrance that was constructed by the DOT when the 84 interchange was constructed. The agreement with the owner was to construct that so it would be suitable for tractor trailers to enter and turn to get into his property which they constructed up to the southernmost property line. From there we took it and came up with an acceptable plan.

The building location, we meet all the setbacks. We needed to go for a variance before the Zoning Board. We did that and we received the variance for the front yet setback which we needed.

We proposed actually a well and an individual septic.

Again, the gas station, we're not sure which gas company might be interested. That's up in the air.

That's what we're proposing at this point.

MR. GALLI: Is a convenience store also involved? A combination?

MR. LYTLE: There will be no cooking or

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NPA GAS STATION

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anything like that. There could possibly be.
We're just proposing a gas station but each one
is different.

MR. GALLI: Thank you.

CHAIRMAN EWASUTYN: Are you finished
with the presentation?

MR. LYTLE: Yes.

CHAIRMAN EWASUTYN: Additional comments
from Board Members?

MR. WARD: Not right now.

MR. DOMINICK: Ken, on the dumpster,
you have a product of cedar fencing. Can you
look at getting something more durable than cedar
for that area?

MR. LYTLE: Absolutely.

MR. DOMINICK: Especially when you have
garbage trucks pulling in the way they do. That
site is going to get damaged pretty quick.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Ken, you mentioned
lowering the elevation. How much?

MR. LYTLE: I figured if we lowered it
two to four feet, something like that, we could
regrade the backyard and get rid of that steep

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NPA GAS STATION

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slope on the entrance. That would save us from doing grading across the DEP property. The rest of it is, I think, 6 or 7 percent across the parking lot.

MR. MENNERICH: Okay. Actually where the gas dispensers are, that will be sloped under there?

MR. LYTLE: Actually underground where they are going to be it's level so it rises to them. It would be a little different based on where each one is individually located. The DEP wanted to turn the direction so it wouldn't be directed at the aqueduct. We have to run them lengthwise. We're not sure actually which gas station is going to do it and what they're going to do. It's up in the air still.

MR. HINES: I think Ken's comment is right now the grading shows a grade across the canopies. There's probably 2 foot of elevation difference between the south side and the north side of the canopy. I think that grading needs to be taken a look at so it's level there.

MR. LYTLE: Okay.

CHAIRMAN EWASUTYN: Additional

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questions or comments?

(No response.)

CHAIRMAN EWASUTYN: At this point we'll refer to Ken Wersted with Creighton, Manning Engineers to review the truck circulation on the property.

MR. WERSTED: When we first looked at the plans the truck template looked a little small. I think it's a WB-40 but I think the actual trucks might be larger than that, somewhere between a WB-50 and a WB-60. If you can take a look at that, it might impact how you circulate around the canopy.

Then also when I laid the template down on the driveway entrance to 747 it seemed like the truck might off track quite a bit there. If you can look at the templates traveling northbound and making kind of a U-turn in.

Then also if you're coming out and turning left or right out, I just want to make sure if a truck is pulling out it's not blocking the entrance so that people can't get in.

MR. LYTTLE: Right. The whole entrance up to the southernmost property was constructed

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NPA GAS STATION

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by the DOT specifically in the contract to handle tractor trailers. We can look at that.

MR. WERSTED: It may physically handle them but I just want to make sure that a tractor trailer isn't driving across the lawn to make a U-turn and that kind of thing.

MR. LYTLE: Okay.

MR. WERSTED: If you could locate where the underground tanks are, where that fuel delivery truck will kind of stop and do it's offloading.

The driveway is largely existing. We did note that it seems like there's a little bit of a low spot at the culvert area. If you go out there right now, there's an ice patch about two, three feet wide. I think water is getting down to there and it's just freezing.

You had mentioned the slopes obviously coming into the parking lot area. If you lower the building you'll address that.

We had a couple of sidewalk comments around the building there.

The number of parking spaces, Pat and I had differences in how many are on there, whether

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you count one of them or not.

There's a detail of the pylon sign. There's no dimensions to it and the site plan doesn't say where the pylon sign would go.

MR. LYTLE: We'll come up with a position for that and put that on there.

MR. WERSTED: The three-car garage out at the entrance --

MR. LYTLE: That's planned to be removed upon approval of this.

MR. WERSTED: Thank you. The traffic generated by this we think will be anywhere from 200 to 250 trips in the peak hours. A lot of that will be from traffic that's just driving by the site. That does mean there's going to be a constant kind of in and out of the site. We're not aware of any operational issues down in that area. There are some significant gaps in traffic on 747 with the timing of the lights, however people coming northbound off the hill do carry quite a bit of speed to hit those green lights. As you continue further in this process we think a traffic study is warranted. DOT will certainly want to review that.

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I just want to highlight there may be a need for a northbound right-turn lane to get customers out of the through traffic to decelerate and pull into the site.

Coming southbound the roadway itself starts to widen. You may need to revise that a little bit to provide a left-turn lane to get into the site.

Lastly, we took a look at the code and we think 185-28 might be applicable. It states that a driveway width should be 25 feet for motor vehicle service stations. I tried to clarify or look through the code to clarify if this is a motor vehicle service station because they talked about repairing cars but also dispensing gasoline. I found an area that cited convenience store which referred me back to that section. I'll defer to Jerry. He's more familiar with the code. That may be something to look at.

I think for the most part that is it for us.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance, do you want to pick up where Ken Wersted just left off?

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MR. CANFIELD: Absolutely. Ken is correct, 185-28 is the applicable code for this occupancy and the use.

Just one of the things, while we're talking about codes, Pat's comments also had a question about the status of the ZBA variance. A variance was granted in 2018. You may want to review it. There are conditions of that approval, one of them being that the ZBA had requested periodic updates with the Planning Board process. That was back in 2018. Typically a variance is good for six months. In this case, because the project is before the Planning Board as well, the six months doesn't start until you receive Planning Board approval. However, the ZBA did condition periodic updates. You may want to look at that.

MR. LYTLE: I'll check. Thank you.

MR. CANFIELD: That's it.

CHAIRMAN EWASUTYN: Pat Hines with McGoey, Hauser.

MR. HINES: We just touched on my first comment. If you could provide the Board with a copy of that ZBA variance. I don't have a copy

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NPA GAS STATION

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for my files.

The Health Department review, you said that's moving along. There's no detail of the pump station.

MR. LYTTLE: That was added at the end. They had the detail on the newer sheet.

MR. HINES: We'll need that. We'll need the Health Department approval of that septic system prior to any approvals.

It does have to go to DOT as part of our SEQRA review.

We will be looking for lighting and landscaping details.

This will have to go to County Planning. They'll be looking for those details as well.

We need the surveyor of record on the survey plan. I don't know that that's identified, where that survey came from.

I have a question. We're going to need, for the Planning Board's attorney, the easement referred to on the front sheet, that it's an access easement across the DEP property. It looks like you're proposing utilities now

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crossing that as well.

MR. LYTLE: My understanding is it's ingress/egress utilities across that whole property. It's the dashed line on the right side.

MR. HINES: We'll need a copy of that.

MR. LYTLE: I believe we submitted it to Mike. I'll submit new copies.

CHAIRMAN EWASUTYN: We'll have a new attorney as of the 2nd of January.

MR. LYTLE: Okay.

MR. HINES: I was just reading the notes on the front sheet regarding the survey. It didn't say utilities anywhere.

We will coordinate with DEP under the SEQRA process as well because they are an involved agency.

MR. LYTLE: Yup.

MR. HINES: Plans for the septic system need to be provided.

The driveway access, we do have concerns with the grades and the trucks accessing the site. There are some pretty steep grades there. If you can revise the grading based on

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the comments that you received, that will be helpful for the access.

You said that the building can't shift to the east any more. Is that --

MR. LYTLE: No.

MR. HINES: You said something about DEP wanting something to be in a certain orientation?

MR. GALLI: The tanks.

MR. LYTLE: The tanks themselves. The underground tanks they want to actually run parallel to the aqueduct.

MR. HINES: You'll show that on a future submission?

MR. LYTLE: Yeah.

MR. HINES: We're looking for curb elevations. You have a snow storage area there that says no curb in this area. You need to show detailed spot elevations on how those curbs are going to work.

We talked about the parking calculations.

I have numerous comments on the drainage report which we won't go over in detail

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NPA GAS STATION

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here. You can take a look at it. I know you have them.

The Planning Board does have architectural review authority, so for future submissions they will want to see renderings of the building.

There are numerous involved and interested agencies here, so the Board may wish to circulate it's notice of intent for lead agency at this point.

That's probably the only action we can take tonight.

CHAIRMAN EWASUTYN: Stephanie DeLuca, you have a question?

MS. DeLUCA: Yes, I did. Thank you.

I wanted to ask you, does the DEP have any concerns regarding the proximity of gas tanks close to the aqueduct?

MR. LYTLE: We have a letter. I'll get a copy to the Board so you have it. We have to be 10 feet off the property line. The direction of them was running parallel to the aqueduct.

The only question they had was drilling the well, to set up the rig so it wouldn't affect

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NPA GAS STATION

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the aqueduct.

MS. DeLUCA: Thank you.

CHAIRMAN EWASUTYN: We were discussing at the work session the way to minimize the repeat of the site plan, looking for further detail or complete detail. We were thinking that we would set this up for a consultants' work session on the 28th of January.

Is that the right day, Pat?

MR. HINES: Yes. The fourth Tuesday would be the 28th of January.

CHAIRMAN EWASUTYN: We'll also need an escrow deposit prior to.

MR. LYTLE: I got the e-mail.

CHAIRMAN EWASUTYN: I think we'll have to adjust that, speak to me, because of the consultants' work session.

We also feel that at the work session the principals of the company should be present to have a greater understanding of -- Ken Wersted can speak on that -- what might be improvements along 747, the cost of those improvements, to give the project a hard look.

MR. LYTLE: Okay.

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NPA GAS STATION

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CHAIRMAN EWASUTYN: That would be part of it.

We'll make it a two-part motion. I'll move for a motion from the Planning Board to set NPA Gas Station up for a consultants' meeting on the 28th of January.

MR. DOMINICK: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: Motion by Dave Dominick. 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.

Our second motion is to declare our intent for lead agency. We'll be sending it to the Department of Transportation, the DEP and DEC. Correct, Pat?

MR. HINES: Yes.

CHAIRMAN EWASUTYN: Would someone move for that motion?

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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.

We'll talk in the next couple days.

MR. LYTLE: That will be fine. Thank
you.

MR. HINES: That will be at 1:00, that
work session. You're the first one on it.

(Time noted: 7:17 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 2nd day of January 2020.



MICHELLE CONERO

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

----- X
In the Matter of

READY COFFEE
(2019-26)

Northwest Corner of Property by Gardnertown Road
Section 76; Block 4; Lot 3
B Zone

----- X

INITIAL APPEARANCE
AMENDED SITE PLAN

Date: December 19, 2019
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
STEPHANIE DeLUCA
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: PATRICK HINES
GERALD CANFIELD
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: MICHAEL BERTA
JED BONNEM

----- X

MICHELLE L. CONERO
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CHAIRMAN EWASUTYN: The second item of business this evening is Ready Coffee, an initial appearance for an amended site plan. It's located on the northwest corner of the property by Gardnertown Road. It's in a B Zone. It's being represented by --

MR. BERTA: Michael Berta. I'm an associate with Lothrop Associates.

CHAIRMAN EWASUTYN: Do you have a business card?

MR. BERTA: I certainly do.

CHAIRMAN EWASUTYN: Would you give that to the Stenographer, please?

MR. BERTA: I have with me Mr. Jeff Bonnem, he's one of the principals with Ready Coffee. He's going to give a brief narrative on what the company is, what the company does, the business, so you can get a good understanding of what they do. If you don't mind, I'd like to turn it over to Mr. Bonnem.

CHAIRMAN EWASUTYN: Do you have a business card?

MR. BONNEM: I don't have one on me but I can send it. It's Jed Bonnem, J-E-D

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READY COFFEE

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B-O-N-N-E-M.

As Mike said, I'm Jed Bonnem with Ready Coffee. Thanks for this opportunity for us to present this plan before the Board tonight.

We're a new -- we're probably a new concept to many people here, so I thought I'd have an overview of the company so you get a better feel for who we are and what we're proposing.

I'm going to do three things. First, give a quick overview of the company; secondly, give a quick overview of our project proposal which is at the Big Lots mall on North Plank Road; and then I'm going to turn it back over to Mike and he can go through the plan in detail.

Ready Coffee is a local craft coffee company and we serve the on-the-go market. We are locally owned and operated. We're not a franchise. We're based here locally. We roast our coffee daily at our roasting facility here in the Hudson Valley. We currently operate a retail site very much like the one that you'll hear about tonight, and that site is on Route 9 in Poughkeepsie. It's been a huge hit with the

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community. I don't know if any of you have been there but it's -- I think it's become a really wonderful amenity in that community, and I think it's really loved by the people there. We invite you to go and visit any time you want. You don't need a tour, you're welcome to go and see it and see how our company operates.

So just very quickly, we serve our customers at a purpose-built drive-through and walk-up facility much like the one we're proposing for this location in Newburgh. Our coffee drinks are made using the same high-quality ingredients and methods as you'd find at top urban coffee shops, however we use a proprietary system to get customers on their way quickly. We can get more into it but we think it's a very innovative way of serving the public really great coffee. Don't take our word for it. Look at what our customers are saying about us. This is all public. You can go on Google, or Facebook, or Yelp. I'll just pick out some of them very quickly. "Really, really good coffee." "I'm absolutely blown away by this place." "Best place ever!" "We've gone every single day since

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they opened." "I seriously love this place." "My new favorite coffee spot." "Love this place" with nine Os. People get carried away on social media I think. I just wanted to show you some of the reception we've had in that community. It's our intention to bring the same exceptional menu, the same exceptional service to the Newburgh community.

Let me just talk very briefly about the location that we are proposing. We're proposing to build a 500 square foot Ready Coffee facility in a newly landscaped island in the Big Lots mall on North Plank Road. In your packet you'll find a picture of what the site looks like today. It's essentially an empty expanse of asphalt. Our proposed development repurposes this vacant and neglected part of the shopping center and creates a beautiful and vibrant amenity for the community in the same way that we've done -- if you've been to our location in Poughkeepsie, you'll see a very similar story, an empty expanse of -- it's a parking lot that was built twenty years ago. That section of the parking lot was no longer being used, and today it is energetic,

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it's vibrant. The whole mall is really benefiting from this. We're proposing the same thing here.

One final slide. This is just sort of a rendering of what we're proposing here. This is it. We brought a materials board. We're not at that stage yet. These are the materials we're proposing to use at the site.

MR. BERTA: Good evening, and again thank you. To follow up on what Jed said, the existing plaza, North Plank Road, Big Lots. As you can see by the aerial -- this is a Google Map image, I believe it was flown in 2016. You can see that there's -- other than the truck here, there are two other cars there. This part of the lot is minimally used.

What we're doing is -- I know some of the comments -- I can address some of the comments from the consultants that we got already. What we're doing is we're using the far end of it to try to minimize the amount of parking we're going to need to remove in order to put this in. As Jed said, part of what we're doing is adding grass and green space. We're

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removing some of the impervious surface and putting a little bit of grass in, trying to make that corner of Gardnertown a little bit more -- give it a little green, a little grass, get rid of some of the blacktop that's there.

We had proposed to close down the entrance that's right there. Our thinking was, A, it was too close to 32 and it was a little bit of a hazard in our mind. That's one reason we closed it down. We are proposing a sidewalk for anybody that may be adventurous enough to try to walk on 32 to come up.

As for the parking, we've eliminated -- based on our proposal we've eliminated around 30 spots to put the building in, and the parking and the drive-through.

What we're proposing is when you come in, we have our building here, we have a small seating area here, and then we have three spaces here. Forgive me, there was only supposed to be one handicap there and not the two. It will be two general purpose and one handicap spot.

Our building is 16 by 30 in size. It's roughly a 550 square foot building. It's self-

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contained.

The HVAC units will be on the roof, they'll be screened.

The materials are earth materials so it's not going to be a metal clad building. It will fit in well.

The dumpster enclosure that we have, as you can see by the way we've had it angled, we're trying to make it user friendly for the garbage company to come in and take it out. It is a masonry structure and it's done in two ways so that the employees can come in the back, the back side of it, easily get rid of it so they don't have to open the gates all the time. The only time the gates will be open is when the trucks are coming and going.

As for our drive-through lane, we have a -- it's enough to stack six cars at a time. We are finalizing it now. At the next meeting we'll present it. The next submission.

The customers sit roughly about a minute. To get from placing their order at the drive-up sign to getting their coffee, it's roughly about a minute. They're in and out.

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READY COFFEE

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It's very fast. It's efficient, as Mr. Bonnem said. They get the customers in and out. The six cars, we can do that.

On the side we created a two-lane access instead of a single lane to keep the traffic -- any traffic around here flowing.

One of the other reasons why we had put the building where we did is to minimize any disruption with the rest of the parking lot. Our thought is that they come in off 32, come down the main drive aisle, come down, come out and right back out and create a loop. Any of the walk-ups that want to use parking here or they park here, they can come out to Gardnertown. That's why we have this exit here. We tried to minimize the amount of disruption, and also thinking safety for anybody that may be walking through the lot. We tried to keep everything away.

With that, any questions, comments?

CHAIRMAN EWASUTYN: Frank, any questions?

MR. GALLI: No food is served at all? It's just coffee?

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READY COFFEE

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MR. BERTA: There is food but it's not prepared.

MR. BONNEM: It's grab and go.

MR. BERTA: It's grab and go. There's no heating. It's take-and-go pastries.

MR. GALLI: That's the only one I had right now, John.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: I guess I was only curious about how many are employed there?

MR. BERTA: I believe there's three a shift. There's more than three. It's three at any given time.

MR. BONNEM: Yeah. So it differs throughout the day. It's anywhere between two and four.

MR. BERTA: As you can imagine, as a coffee shop they have their peak and their valley times. Obviously 6, 7 in the morning when everybody is rushing to work, they're busy. Lunchtime, dinnertime.

MS. DeLUCA: Okay.

MR. MENNERICH: What would be your hours of operation?

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MR. BONNEM: So the hours that we have on Route 9 are from 5 a.m. to 9 p.m. You'd be surprised how many people order coffee at 9 p.m.

MR. MENNERICH: You must sell decaf.

MR. BONNEM: We sell decaf coffee and tea, and some others.

CHAIRMAN EWASUTYN: I visited the site. I have no immediate questions but I did visit the site.

MR. BERTA: The proposed one or the Poughkeepsie?

MR. GALLI: Wappingers.

CHAIRMAN EWASUTYN: I do know Newburgh. I've been in that parking lot. I took a step further and challenged the bridge. I know you reference it as being Poughkeepsie but yet it's called Wappingers. I'm just curious --

MR. BERTA: Once you cross that little bridge on Route 9 right by -- just past the Subaru dealer, that's the Wappingers/Poughkeepsie town line. It's a Wappingers address but it's technically Town of Poughkeepsie.

MR. DOMINICK: You said in your presentation that you basically target the

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on-the-go customer.

MR. BERTA: Right.

MR. DOMINICK: Is there any outdoor seating? You mentioned some type of seating.

MR. BERTA: No seating inside. There's absolutely no seating inside. We do have a courtyard with a seating wall.

MR. DOMINICK: Outside?

MR. BERTA: Outside. If you look at the presentation, you can see this wall right here, that's if somebody wanted to grab it and to sit there. We're not putting tables. There won't be outside tables. It will be a small seating wall for anybody that wants to just grab it and sit for a second and then leave.

MR. DOMINICK: No area for congregation or anything like that?

MR. BONNEM: I mean you can congregate, but as of -- I believe as of right now the plan for tables is not. What we've observed is the walk-up window is used by a variety of users. Some people are on a journey and they just want to get out of the seat. They'll come and stand at the window. Sometimes we'll see two or three

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cars arrive and they all congregate together. One person worked in one office, they said let's meet there, and you see the cars arrive and they'll stand there for five, ten, fifteen minutes just chatting. The seating wall is also used. Sometimes people get something but they want to put down a bag while they put their wallet away. I wouldn't say they congregate but people do meet there. It's usually relatively brief. It's usually people who just want to stretch their legs. They want to get out of their car and take a little break. We see a fair number of people, the police officers who -- police officers like to come to the walk-up window because they want to get out of their cars and take a quick break and then get on their way.

MR. BERTA: We're not looking for people to sit there all day with their laptops.

MR. DOMINICK: Also in workshop we discussed you have the bank across the street, Walgreens and now the new McDonald's with sidewalks. You proposed a sidewalk on the Gardnertown Road side of your building. We'd also like to consider a sidewalk continued on

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from Gardnertown/32 all the way to the Route 32 entrance by that sign. So across the frontage.

MR. BERTA: We can certainly talk to the property owner about that and get their feeling. We can inform them of your desire for that. Absolutely.

MR. DOMINICK: As you also noticed, the landscape and aesthetics in that area have significantly improved with those buildings I just mentioned. This would be a continuation of that.

MR. BERTA: I hope I'm not breaking any rules here. The reason I look over here is because that's the property manager. The plaza is in the process of -- we're designing a new facade for it. The plaza will be upgraded at some point. We're not there yet, that's why I didn't bring anything. Since you mentioned aesthetics, it's slated, at some point in time in the future, to get a facelift. We're working out some of the logistics and how we want it to be. We would be adding to the aesthetics at some point.

MR. BONNEM: I do want to make a quick

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comment on behalf of our company. We're a small company. What we're proposing is a small -- relatively small development with a budget. I do want to say that type of additional work is way outside of our budget. It sounds like you may speak with the property owner, but it's --

MR. BERTA: I can't guarantee anything. We'll bring it up for discussion.

MR. DOMINICK: Okay. I'd be interested to hear their answer. That's it.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: No comments right now.

CHAIRMAN EWASUTYN: At this point we're at an important part of the meeting and I'm going to turn to Jerry Canfield, Code Compliance, for an interpretation of the Zoning Code and drive-through. Jerry.

MR. CANFIELD: Thank you. Our bulk use requirements -- this is in a B Zone. The drive-through portion of this is not permitted in a B Zone. I would recommend the Board refer this to the ZBA for an interpretation and/or use variance for the drive-through. Drive-throughs are not permitted in a B Zone.

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And then additionally I have a question regarding the construction. Is it stick built construction or --

MR. BONNEM: Yes, stick built.

MR. CANFIELD: It is stick built.

Okay.

MR. BERTA: With a combination of brick stucco on the exterior and wood.

MR. CANFIELD: That's it from Code, John.

CHAIRMAN EWASUTYN: What he's really saying is at this point in time, and we'll listen to comments from Pat Hines of McGoey, Hauser & Edsall, Ken Wersted from Creighton, Manning, we're not in a position to continue reviewing this project. We first have to refer you to the Zoning Board of Appeals for a use variance.

MR. BERTA: Okay. Thank you.

CHAIRMAN EWASUTYN: Pat Hines, would you further the conversation.

MR. HINES: Along those lines, this is considered an amended site plan for the Board as you're leasing a portion of the site, but the Board has to review this as the entire site. As

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an amended site plan before the Board it loses its existing grandfathered protection for the other bulk table deficiencies on the site. I know some municipalities don't do that. The Town of Newburgh has a policy that when you're changing a use on the site or changing a site plan, that for the existing bulk requirements, that grandfathering is lost.

There are several other zoning issues on the site regarding the bulk table. You've identified them in your bulk table. As you're at the Zoning Board of Appeals you'll also need relief from those existing conditions. The site has three front yards. You have numerous front and side yard issues with that which you can go through.

There's also a maximum impervious cover issue that you'll need relief from. The existing site has more pavement.

The front yard setback from Gardnertown and Grimm for the shopping center use is 60 feet. You have it at 50 on your bulk table. You'll need relief from that as well.

As you're heading to the Zoning Board

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for the fast food, you also need to get variances for all of the other deficiencies on the entire site.

That being said, you're showing a 49 foot setback on the Gardnertown Road frontage. Because this is a shopping center use and you're in the B Zone, that's a 60 foot setback. I don't know if you can move the building or if you need an additional variance for that.

MR. BERTA: We can certainly move the building. We would just eliminate two additional parking spaces by moving it over. That's one reason why we had pushed it over.

MR. HINES: I can work with you further if you want to further identify those variances.

I deferred to Ken's analysis on the parking which he'll talk about.

For future submissions we'll need some additional site development details, water, sewer drainage.

Landscaping will be important. I'm sure it's important for you for your look.

Sidewalk and curb details.

The dumpster enclosure.

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At work session I identified to the Board we were going to require topography in the area, not on the whole site but in the area proposed to be developed for this so we can get a handle on drainage and grading. That is required.

MR. BERTA: We actually have that in the works right now to get done.

MR. HINES: A reference to where the survey came from. If you have that in the works, we'll have that. A boundary information survey is critical to determine those setbacks.

MR. BERTA: It was James Dewey.

MR. HINES: That's fine. We just need that on the plans.

I think the Board is going to refer you to the ZBA now for the various variances that you need. I think that's where you're going to be heading.

I know Ken has some additional comments.

MR. WERSTED: We looked at the traffic circulation. We understand that your traffic engineer is preparing some additional studies on

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cueing and everything. We'll review those when they come in.

I believe you received our letter, so I'll skip some of the details and just kind of hit the highlights.

The parking calculations I couldn't quite follow. There was some reference to the total building square footage and then it had a list of 301 spaces required, 302 total existing spaces, and then 271 total provided. Just some more clarification.

MR. BERTA: You're correct. There was a typo. It's 3 spaces. It is 274. You're correct on that.

MR. WERSTED: Some explanation there will help.

We had talked about the sidewalk. McDonald's had just constructed a sidewalk in front of their site. They have it coming out to the intersection of Gardnertown Road. A connection of your sidewalk up to Route 32 should be met there with a landing that people can then connect across and head over to the McDonald's area.

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The handicap parking, you clarified that there's actually going to be one spot and two general. Just with only three spots there it may not be necessary to have that little driveway in between. I know you're closing the northern most one and kind of creating one in the middle, but with access to a driveway that is being shared with the plaza, it may not be necessary to have that.

MR. BERTA: We did that only so we could get the angled parking so we could maximize the amount of green space that we were going to propose by having the angled parking. It takes up a little bit less space. Otherwise we had 90-degree parking. You need a little bit wider of an area.

MR. WERSTED: It's shown as 90 now.

MR. BERTA: My apology. I had another scheme in my mind. Senior moment.

MR. WERSTED: If you could show and describe how -- I'm assuming a truck delivery will be maybe once a day. Show where that's going to take place, how frequently. Describe that a little bit.

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And then menu boards. I know the Wappingers site has one, kind of if you're two or three cars back you have something to read, and then there's also one on the building. If you could show where that information is on the plan.

The Wappingers site also has a little bit of way-finding signs kind of in the parking lot. If you anticipate needing that here at this site, if you could show that.

Some of the parking on the site, it wasn't clear what was being proposed and what was existing. I know a lot of the parking is existing. Just the proposed and existing wasn't clear to us.

MR. BERTA: We're actually going to be re-striping the whole lot. It was just unfortunate it was just re-striped. In order to maximize the amount, we were going to tighten it up a little bit in order to add a few additional spots.

MR. WERSTED: Also in reference to this being an amended site plan, there are some handicap spaces shown on the plan which may not be out there. If you're re-striping -- it

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depends on the extent of your re-stripping. In front of the main Big Lots building I think the architectural plans show more handicap spaces than might actually be out there.

MR. BERTA: There is. We're increasing the amount of handicap spaces when we re-stripe it.

MR. WERSTED: Okay. Good. We made a few notes on the site plan which is attached to our letter. If there are any questions there, feel free to reach out to us or refer to some of our notes on the diagram.

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

MR. CANFIELD: Nothing.

CHAIRMAN EWASUTYN: In the absence of having an attorney this evening, I'd like to make a recommendation to the Board to have Pat Hines of McGoey, Hauser and Jerry Canfield with Code Compliance prepare a referral letter to the Zoning Board of Appeals.

Is the Board in agreement?

MR. GALLI: Yes.

MS. DeLUCA: Yes.

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MR. MENNERICH: Yes.

MR. DOMINICK: Yes.

MR. WARD: Yes.

CHAIRMAN EWASUTYN: Okay. You'll list the area variances, the use variance. We'll do it similarly as we've done in the past.

MR. HINES: For a suggestion, I'm meeting with Dominick tomorrow. If we want to work with him on that.

CHAIRMAN EWASUTYN: He can work on the drafting. We'll submit that.

MR. HINES: As you're mentioning re-striping, I'm looking at Ken's photograph here. The Town of Newburgh uses a double stripe detail rather than the single striping you show there. I can get you a copy of that detail for the plan.

MR. BERTA: That would be great.

CHAIRMAN EWASUTYN: Any questions or comments?

MR. BERTA: Not at this time.

MR. HINES: Do you have one facility? The Wappingers facility is the only one?

MR. BONNEM: Yes.

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MR. GALLI: Just one comment. When they were talking about how many trucks a day, you looked a little surprised.

MR. BONNEM: I did? He had just talked about that inlet. One reason to have that open is our truck deliveries are actually pretty rapid. We're not a McDonald's, Burger King, Chipotle. The truck deliveries are fairly rapid, usually once a week.

MR. GALLI: Once a week?

MR. BERTA: There are probably three suppliers that come at three parts of the week. Three days of the week we'll get a fairly rapid delivery. Having that inlet open allows the trucks to pull over, use that service ramp.

MR. GALLI: They're not tractor trailers? They're usually box trucks?

MR. BONNEM: Yeah, box trucks.

MR. BERTA: There's not enough space for a tractor trailer, to store the supplies.

CHAIRMAN EWASUTYN: We'll prepare a referral letter. You'll be copied on that. That will go to the ZBA. At some point in time you're going to have to go back to the Building

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Department and make an application to be on the
ZBA agenda.

MR. BERTA: Okay. Thank you.

CHAIRMAN EWASUTYN: Thank you.

I'll move for a motion to close the
Planning Board meeting of December 19th.

MS. DeLUCA: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: Motion by
Stephanie. Second by John Ward. Can I have 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.

(Time noted: 7:50 p.m.)

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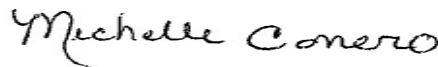
C E R T I F I C A T I O N

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 2nd day of January 2020.



MICHELLE CONERO