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

- - - - - X

In the Matter of

LANDS OF RUDIE & ALBERT
(2016-06)

411/417 Lakeside Road
Section 28; Block 1; Lots 15 & 36
R-1 Zone

- - - - - X

LOT LINE CHANGE

Date: January 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
KENNETH MENNERICH
DAVID DOMINICK

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

APPLICANT'S REPRESENTATIVE: RYAN MCGUIRE

- - - - - X

MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
(845)895-3018

CHAIRMAN EWASUTYN: Good evening,
ladies and gentlemen. I'd like to welcome
you to the Town of Newburgh Planning Board
meeting of the 19th of January. We have
three items of business on the agenda.

At this point we'll call the meeting
to order with a roll call vote.

MR. GALLI: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. DOMINICK: Present.

CHAIRMAN EWASUTYN: We have consultants
that work with us and for the Town. They'll
introduce themselves.

MR. DONNELLY: Michael Donnelly,
Planning Board Attorney.

MS. CONERO: Michelle Conero,
Stenographer.

MR. CANFIELD: Jerry Canfield, Code
Compliance Supervisor.

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

CHAIRMAN EWASUTYN: At this time we'll
turn the meeting over to Frank Galli.

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MR. GALLI: Please stand.

(Pledge of Allegiance.)

MR. GALLI: Please turn off your cell phones or put them on vibrate, please.

CHAIRMAN EWASUTYN: The first item of business we have this evening is the Lands of Rudie and Albert. It's a lot line change located on Lakeside Road in an R-1 Zone. It's being represented by KC Engineering.

MR. MCGUIRE: We're here tonight with Mr. Rudie, the applicant. We were here previously before the Board back in May of 2016 to present the lot line change for the applicant's holdings along Lakeside Road.

The applicant's dwelling is located on lot 2 and it's approximately 250 feet from the road. They have an interest and they are related to a neighboring parcel who has the holdings of lot 1. There's a common boundary between the properties. As it exists today, it runs through the driveway for lot 2 and up to Lakeside Road.

To clear up any encroachments or any problems between the two lots, the applicants are agreeing to move the lot line approximately 35

feet to the north. That will eliminate any encroachment. There will be no utility encroachment created by the new lot line.

We were referred to the ZBA. We appeared before them back in October 2016 when we were granted four variances for nonconforming side yard setbacks on lot 2, nonconforming setbacks on lot 1 and nonconforming minimum floor areas.

We're here tonight to try to close up the project and ask for your approval.

CHAIRMAN EWASUTYN: Thank you.

Pat Hines.

MR. HINES: The applicants have addressed our previous comments. We did receive the zoning variances for each of the lots. Both of them needed a variance for habitable floor area for the residences, lot 2 needed a side yard and lot 1 needed a front yard. All of those have been received.

There's just a need to add a note to the plans that states no encroachment will be created by the lot line, which is a standard note we require. That can be a condition of approval.

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CHAIRMAN EWASUTYN: Comments from Board
Members?

MR. GALLI: No additional.

MR. MENNERICH: No questions.

MR. DOMINICK: No comments.

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

MR. CANFIELD: Nothing.

MR. HINES: We need a neg dec.

MR. DONNELLY: Before you take action,
or as part of the action you take you do need to
determine you are the lead agency and issue a
declaration of significance, which I trust here
would be a negative declaration. You need to
incorporate that into the motion I'm sure.

In terms of conditions of the
resolution, we will tie into the decision of the
Zoning Board of Appeals. We'll have a condition
that requires the map note that Pat just
mentioned, the requirement of submitting a
reproducible mylar in paper copy. You're going
to have to file a map of the lot line change with
Orange County Real Property Tax Service and then
you're going to have to record a deed for the

conveyed piece. We want to see copies of your letters of transmittal and ultimately a copy of that deed after it's been recorded with liber and page information. It can all just be sent back to the Town Board -- the Planning Board.

CHAIRMAN EWASUTYN: Any questions concerning Mike Donnelly's review?

(No response.)

CHAIRMAN EWASUTYN: Okay. Then following Mike Donnelly's advice, I'll move for a motion to declare ourselves lead agency and also to declare a negative declaration and to follow the advice for the final approval based upon the conditions spelled out in the resolution, again presented by Mike Donnelly.

MR. DOMINICK: I'll make the motion.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion made by Dave Dominick. I have a second by Ken Mennerich. I'll start with a roll call vote starting with a Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

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LANDS OF RUDIE & ALBERT

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CHAIRMAN EWASUTYN: And myself. So
carried.
Ryan, thank you. Give my best to
everyone.

(Time noted: 7:05 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 6th day of February 2017.

Michelle Conero

MICHELLE CONERO

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LANDS OF RUDIE & ALBERT

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

- - - - - X
In the Matter of

LANDS OF COSTUBBS, LLC
(2017-02)

2 Lakeside Road
Section 86; Block 1; Lot 39.3
IB Zone

- - - - - X

INITIAL APPEARANCE
CLEARING PERMIT

Date: January 19, 2017
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
KENNETH MENNERICH
DAVID DOMINICK

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

APPLICANT'S REPRESENTATIVE: DARREN DOCE

- - - - - X

MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
(845)895-3018

CHAIRMAN EWASUTYN: The next item of business is the Lands of Costubbs. It's here before us for a clearing permit. It's located on 2 Lakeside Road in an IB Zone. It's being represented by Darren Doce.

MR. DOCE: Costubbs is proposing clearing of a 5.6 acre lot on -- it's the southeast corner of Lakeside Road and Route 17K. It's bounded on the north by Lakeside Road, on the west by Route 17K, on the south by I-84 and on the east by I-84 and private property, the lands of Darrigo. There's a wetland, a DEC wetland, small DEC wetland located in the center of the site. That was delineated. We located that. We sent it to the DEC I'd say three weeks ago. They were supposed to come down last week and this week, and now they're telling me they'll try to get down next week to verify the flagging.

Like I said, it's a 5.6 acre site. We're proposing clearing 3.5 acres, the area that isn't in the DEC wetland or the adjacent property.

Initially Costubbs just wanted to cut the trees, remove the brush, leave the stumps.

1 The day I was going to submit it, that morning
2 they called me up and said well maybe we want to
3 take out the stumps, maybe we don't. I said I
4 have to submit it today, I'll put a note on there
5 indicating that we may remove the stumps and that
6 if we do we get the -- put the SWPPP together and
7 notice of intent and submit to the DEC for that
8 permit. I agree with Pat's comment that it's
9 sort of open ended. Since I submitted I have
10 prepared the SWPPP and filled out the notice of
11 intent. I haven't submitted it yet because I
12 didn't want to hand it in like five days before
13 the meeting. That's ready to be submitted.

14 I'll also say they may or may not take
15 out the stumps unless the Planning Board wants
16 them to, makes that requirement that the stumps
17 be removed.

18 MR. DONNELLY: If they are not going to
19 be removed, the discussion at work session is the
20 Planning Board is concerned with the visual
21 impact.

22 MR. DOCE: I understand that.

23 MR. DONNELLY: Either they come out and
24 that issue is solved or if you're going to leave
25

1 them in we need to come up with a mitigation
2
3 measure.

4 MR. DOCE: Okay.

5 MR. DONNELLY: You're going to get back
6 to us?

7 MR. DOCE: Yeah. I'll discuss it with
8 them. Yeah.

9 CHAIRMAN EWASUTYN: Let's talk about --
10 I think the visual impact was a very strong
11 concern. We talked to Frank Galli. We'll put it
12 out there.

13 MR. GALLI: Our concern was, as you
14 know, if you look around the Town lately, there's
15 been a lot of things that have been cleared off
16 and people have been complaining. There was just
17 a big three-page article in The Record the other
18 day about it also. We're concerned that if
19 you're doing it just for a marketing purpose, I
20 don't think you need to do it because it's
21 definitely marketable the way it is. Or if you
22 have a future tenant you're thinking about and
23 trying to do it because of the bats, I think we'd
24 rather know that upfront instead of trying to go
25 through the clearing and then you're not sure

1 what you're going to do, because it could sit
2 that way for a year or two years. We're
3 concerned what it's going to look like if it's
4 not sold a year from now, two years from now and
5 you have a bunch of stumps standing up or if you
6 clear cut the whole thing. We're looking at
7 different ways to mitigate it and put different
8 things into place where it doesn't look -- it's
9 visible on the highway. You're right in the
10 prime location coming off 84 and 17K.

12 MR. DOCE: I was told by my client that
13 their realtor did say clearing would make it more
14 marketable, and also you alleviate the concern
15 about if you sell it after March and they get an
16 approval for something, then they can't start
17 clearing until November. Costubbs owned the
18 parcel adjacent to the Dairy Queen and they ran
19 into that problem there.

20 CHAIRMAN EWASUTYN: Interesting.

21 MR. DOCE: Their deal was to sell the
22 lot as a cleared lot and the engineer for, I
23 believe -- I'm not sure if it was the drug store
24 took a chance that they were going to have their
25 approvals and stamped plans before March and that

1 didn't work out so then Costubbs was left waiting
2 until just recently to fulfill the clearing part
3 of that. They don't want to get caught up in
4 that again, but also they don't have an immediate
5 buyer.
6

7 CHAIRMAN EWASUTYN: In the case of CVS,
8 did they buy the property or lease the property?

9 MR. HINES: I think CVS closed on it.

10 MR. DOCE: Yeah, but Costubbs had to
11 clear it and they couldn't clear it because they
12 didn't get approvals until February or March and
13 they didn't get stamped plans until after March.

14 MR. HINES: We talked at work session.
15 Ken Mennerich brought up that was probably the
16 second time that lot was cleared.

17 MR. DOCE: This one?

18 MR. GALLI: CVS.

19 MR. HINES: So it was a long timeframe
20 between. There were fairly large trees that were
21 cleared off of there this time. It was many
22 years ago that lot was cleared speculatively.

23 MR. CANFIELD: Which promulgated the
24 need for some of the clearing and grading laws
25 that are now in effect. When it was first

1 cleared the first time, the Town, I don't
2 believe, had a clearing and grading law in place
3 as it does today.
4

5 MR. DOCE: Right. Are we talking about
6 this site or --

7 MR. CANFIELD: The CVS site.

8 CHAIRMAN EWASUTYN: Darren, why would
9 you want to clear that isolated piece of
10 property?

11 MR. DOCE: Right here?

12 MR. GALLI: That little piece.

13 MR. HINES: There is a .8 acre parcel.
14 I don't know that's going to be incorporated into
15 any site development because the disconnect
16 between the larger part of the parcel and the DEC
17 wetland and adjacent area.

18 MR. DOCE: Initially that was all not
19 going to be cleared but at the last minute they
20 asked me to add that. I said I would. I'd
21 agree, I mean if this is developed you're not
22 going to get to that without going out on the
23 road. I can see if they remove that part from
24 the clearing and if they want to do that.

25 CHAIRMAN EWASUTYN: Are you prepared to

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move forward with the report that you just completed?

MR. DOCE: Yeah.

CHAIRMAN EWASUTYN: Do you need approval from your client?

MR. DOCE: The SWPPP that I prepared? No. I can submit that. I don't have it with me but I can submit it tomorrow or early next week.

CHAIRMAN EWASUTYN: What's the benefit of him submitting that, Pat?

MR. HINES: Well with the submission I think the clearing and grading should include removal of the stumps because of the visual issue, but I think the plan also needs to be updated to show a detail of what it's going to be. I think you want to have a vegetative grass cover that can be maintained on the site.

The Board discussed at work session the issue of leaving stumps and having them start growing back. It's a very visual piece there with the two State highways and Lakeside Road.

MR. DOCE: Yeah. If the stumps were removed we'd have to seed those areas.

MR. HINES: We'll need that seeding

1 detail, what the site is going to look like, it
2 can be maintained.
3

4 MR. DOCE: I believe it's on -- I mean
5 there's a spec for the seeding that I added. But
6 yeah, it would be seeded, to I guess eventual
7 meadow.

8 MR. HINES: Leaving the stumps makes
9 future maintenance of it very difficult and they
10 are going to grow back. Visually it's not going
11 to be good. We're a little concerned about the
12 speculative nature of the clearing. If they did
13 have a buyer soon, by the time they got their
14 approvals for whatever they are proposing, the
15 window of time probably would come around for
16 clearing. I realize they got caught one time in
17 that but a couple of weeks difference they would
18 have not had that issue. So the speculative
19 nature is a concern, why you're cutting trees for
20 the sake of cutting trees. For the marketing you
21 say. I think it needs -- the visual impacts need
22 to be addressed and the long-term maintenance of
23 what it's going to look like. I think removing
24 the stumps helps the application because you're
25 able to develop a vegetative grass area that

1 could be continuously mowed and maintained so
2 more than an area that just has stumps sticking
3 two feet out of the ground all over.
4

5 The Board also discussed whether there
6 was possibly any large diameter trees within the
7 property line setbacks that could be preserved
8 rather than clearing property line to property
9 line to the wetland adjacent area. They're
10 interested if you had any thoughts on possibly
11 preserving things within the bulk required
12 setback areas.

13 MR. DOCE: I can certainly walk that
14 area and see if there are larger trees.

15 MR. HINES: There's not a lot of large
16 trees. There's some brush areas that I don't
17 think are of concern. Prior to the clearing we'd
18 be able to tell what vegetation could be
19 preserved on the site, if there were some larger
20 trees in the setback areas that could enhance the
21 future project and not impact the development.

22 CHAIRMAN EWASUTYN: Ken Mennerich?

23 MR. MENNERICH: The way it's proposed
24 now, you're basically clearing everything except
25 where the wetlands area is. In keeping some of

the trees like Pat mentioned, it would be a good idea, but also if there could be a buffer area. Without knowing what's going to be developed there, you know, we don't know what kind of landscaping room there will be. At least if there was some sort of a buffer area there for -- until a project came in, it would help screen it and still let the site be, you know, visible but not completely cut down.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOCE: I have to ask a question. By a buffer do you mean leaving selective trees within that or a whole swath that is not touched?

MR. MENNERICH: Personally I like it where they leave a whole swath that's not touched. The Marketplace, in the early phases of the clearing of that, they kept a big buffer along 300 and 84. I think that's a better approach. As their project went on they opened it all up and then all of a sudden you could see everything. The project has been delayed and delayed, so it's --

MR. DOCE: Right.

MR. MENNERICH: People comment about

1
2 it, you know, in the public, why is it left all
3 open like that.

4 MR. DOCE: Okay. I'll look into that.

5 CHAIRMAN EWASUTYN: Jerry Canfield,
6 suggestions?

7 MR. CANFIELD: A suggestion for the
8 Board. At the work session we discussed also
9 perhaps the Planning Board's landscape consultant
10 to perhaps look at the site with respect to
11 delineating the areas of clearing. If that were
12 to be the case, additional escrows should be
13 considered to cover that expense.

14 CHAIRMAN EWASUTYN: I guess what we're
15 saying to you is do you want to work with Karen
16 out in the field and come up with a reasonable
17 solution to what Ken is discussing, the visual
18 impact, and at the same time finding a way of
19 satisfying your client? There needs to be a
20 balance at this site. I think without sort of a
21 field walk inspection, we're all sort of at a
22 loss.

23 MR. DOCE: Right. I'll discuss it, if
24 I can, with my client, that it seems we're
25 leaning in the direction of leaving some type of

1 uncleared buffer along the roadways. If they
2 want to proceed, then yeah, I guess we would walk
3 it with Karen. They may say if I can't clear it
4 then I'll just leave it as it is, and then we'll
5 be done.
6

7 CHAIRMAN EWASUTYN: That makes sense.
8 So you won't hand in the SWPPP at this point
9 until you speak with your client.

10 MR. DOCE: I'll speak with them
11 tomorrow and see what direction they want to go.
12 If they do want to go in that direction, yeah,
13 can I submit the SWPPP.

14 CHAIRMAN EWASUTYN: You can deliver it
15 -- cc us, deliver it to Pat Hines' office. If
16 you do want to move forward with Karen and Pat,
17 Pat could coordinate that for us with you.

18 MR. DOCE: Okay.

19 CHAIRMAN EWASUTYN: Jerry may want to
20 be present on that inspection also. I know
21 you're looking to take advantage of the limited
22 amount of time remaining.

23 MR. DOCE: Right.

24 CHAIRMAN EWASUTYN: All right. So we
25 have a few options out there. We'll leave it up

to you to sort of pull the trigger as soon as you know.

MR. DOCE: All right. Hopefully I'll know tomorrow. I'll contact Pat regarding the meeting. Is that --

CHAIRMAN EWASUTYN: I think that would be the best way to manage it. Sure.

MR. HINES: Just as we're finishing up here, the Clearing & Grading Ordinance requires public hearings for disturbance greater than 5 acres and then leaves it at the Planning Board's discretion for projects greater than 1 acre but less than 5. I don't know if you want to discuss that now.

CHAIRMAN EWASUTYN: Let's do that because time is somewhat of the essence now also.

Would the Planning Board like to have a public hearing on this?

MR. GALLI: Yes.

MR. MENNERICH: I'm not saying it's necessary to have a public hearing. If they can develop some sort of plan with some sort of buffer in there that Karen is in favor of or things make sense. If the answer is coming back

no, they want to completely clear it, then I think we should have a public hearing.

MR. DOMINICK: I agree, because this is a very highly populated area, traveled area, 17K with local residents, 84 with tourists passing through and so forth. We're really concerned with the visual impact of this area. If we can't come to a mutual agreement with both, then we should have a public hearing.

CHAIRMAN EWASUTYN: Mike, I'll need your help on this. If we make a motion for a public hearing tonight, then the next meeting would be, and Pat, would be the 2nd of February, in which case if we move for a public hearing on the 2nd we wouldn't have enough time to hold it on the 16th; correct?

MR. HINES: We wouldn't be able to get it published and mailed out by then.

CHAIRMAN EWASUTYN: Then we wouldn't be able to hold the public hearing until --

MR. HINES: March 2nd.

CHAIRMAN EWASUTYN: If we close the public hearing would they have enough time?

MR. HINES: That gives them four weeks.

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March 31st is the cutoff.

CHAIRMAN EWASUTYN: And that would be dotting all of our Is and crossing the Ts. Whatever security would have to be approved by the Town in order for Jerry to issue a permit?

MR. HINES: Yes. I mean we could do a lot of that leg work as they're proceeding through. The bond can be approved subject to the approval.

MR. DOMINICK: Or we just grant the public hearing tonight.

CHAIRMAN EWASUTYN: That's what I'm kind of --

MR. HINES: We could schedule it tonight for the 16th.

MR. DOMINICK: We just do the public hearing tonight to keep things moving.

MR. HINES: Schedule it for the 16th tonight.

CHAIRMAN EWASUTYN: Would you go along with that?

MR. MENNERICH: Okay.

CHAIRMAN EWASUTYN: I guess the up side to that is also if they are proceeding in a

constructive way, which I believe we are, then at the time of the public hearing everything will be in place to where we had answered what we believe would be the public.

Then I'll move for a motion to set this for a public hearing for February 16th.

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli and a second by Ken Mennerich. Roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Aye.

All right. Work with Pat Hines, work with Jerry Canfield, and we look forward to hearing from you.

MR. DOCE: Thank you.

(Time noted: 7:23 p.m.)

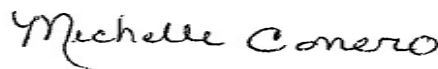
C E R T I F I C A T I O N

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 6th day of February 2017.



MICHELLE CONERO

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

- - - - - X

In the Matter of

NPA SITE PLAN
(2017-03)

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

- - - - - X

INITIAL APPEARANCE
COMMERCIAL SITE PLAN

Date: January 19, 2017
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
KENNETH MENNERICH
DAVID DOMINICK

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

APPLICANT'S REPRESENTATIVE: KENNETH LYTLE

- - - - - X

MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
(845)895-3018

CHAIRMAN EWASUTYN: The next item of business this evening is the NPA Site Plan. It's a commercial site plan located on New York State Route 747 Boulevard in an IB zone, represented by Ken Lytle, the representative for Zen Design.

Ken.

MR. LYTLE: Good evening. I'm here before the Board tonight. This is located at the northeast property, the intersection of I-84 and 747 Boulevard. It's made up of two separate parcels. There's the property owned by the New York City Aqueduct, and they have a right-of-way to cross that.

One of Pat's comments is to get the information over to Mike for review. The main entrance would come off of 747 Boulevard. That was constructed by the DOT. They did the whole interchange. That was part of the deal that Mr. Muholland made with the DOT. That's been built to their specs and we'll add that to the plan. Curbing and everything else is going to be required.

What we're here for is presenting the building. We know there's a bunch of variances

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that will be required.

We met with the DOT on multiple occasions. In the bottom southwest corner of this parcel there's a little rectangular shaped property that used to be owned by somebody else that was given to the DOT when they did this interchange. We're looking to get as close to that as possible. The DOT had no problem with that. As Pat mentioned in the letter, they mentioned that as an office building. We'll have them address the letter for the gas station. In doing that it would be a good sized variance as we'd be required to have it that close to the property line. We can adjust the other setbacks and canopy overhangs.

It's preliminary at this point. We're looking to go to the Zoning Board to see if they can get the variances before we complete the rest of the site plan.

CHAIRMAN EWASUTYN: All right. Pat Hines?

MR. HINES: I know Ken has my comments. There are technical comments.

As far as the variance, the front yard

1 setback to New York State 747 is actually 60 feet
2 per the code. That would increase the amount of
3 variance required. I don't know exactly what it
4 would be but it's -- actually, it's going to be
5 10 feet more than what you show. That needs to
6 be corrected.
7

8 There's also a couple other things in
9 the bulk table that need to be cleaned up.

10 There's an issue with access via the
11 easement, a Town Law 280-A issue, because this
12 parcel where the structure will be proposed
13 doesn't have access to a street. I'll let Mike
14 Donnelly speak to that more.

15 MR. DONNELLY: I think you may have
16 been here for some meetings on this before.
17 Section 280-A of the Town Law says before a
18 building permit may be issued a site must have
19 access by a road of qualifying formality, I'll
20 come back to that in a moment, and it must be
21 built either to a Town roadway specification or a
22 private roadway specification. If it is not, you
23 would need a variance from or the Zoning Board
24 would set a lesser specification for the road
25 that's adequate for the purpose of fire and

1 police protection. Unless there's a subdivision
2 somewhere, your proposed driveway crossing the
3 aqueduct is not a road that would satisfy the
4 formality of 280-A. In cases where your access
5 is by easement you can't get a variance under
6 280-A-A. What you can apply for is an open
7 development area, which is an application that
8 can only be granted by the Town Board. The open
9 development area would allow you to use that
10 easement access. Obviously the specification of
11 that roadway would be important. Unless somehow
12 at the time of the taking of the aqueduct there's
13 some filed map that shows that roadway that might
14 satisfy the formality requirement, your only
15 option would be an open development area.

17 MR. LYTLE: I believe it's shown as a
18 right-of-way. Is that correct?

19 MR. MULHOLLAND: The aqueduct gave the
20 right-of-way to the Thruway Department because
21 they took my driveway away and they put that as
22 the access. The Thruway or the DOT put that
23 whole driveway into that property, across the
24 aqueduct into that property. They obtained the
25 right-of-way from the aqueduct.

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MR. DONNELLY: To satisfy the formality requirement there would have to be something on file at the Orange County Clerks Office and had a subdivision approval. If that exists it's simply -- it satisfies the formality requirement, then you just have to meet the specification for the improvement.

MR. LYTLE: We have to go to the Town Board and make sure we have --

MR. HINES: The survey should then be updated. Right now the survey doesn't show that easement, --

MR. LYTLE: That's fine.

MR. HINES: -- the spur for the aqueduct parcel. If there is an easement that exists, that should be shown. It must have been recorded and filed.

MR. LYTLE: Mm'hm'.

MR. HINES: I just think -- I know you're looking to head to the ZBA. I think we need more level of detail so we can definitively tell what variances we need.

There's references to lots 2-A, 2-B and 2-C but there's no lot 2-C anywhere shown.

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MR. LYTTLE: C is to be a very small parcel on the opposite side of the aqueduct. That has since been sold to one of the owners on the back.

MR. HINES: Maybe an inset map. It's confusing when you're reading through the multiple deed references and lease references to try to figure out what's going on. There's references to each of those lots. We don't know where those are.

MR. LYTTLE: No problem.

MR. HINES: There's also reference to the access right-of-way to the rear. Figure out who that's in favor of and where that goes.

MR. LYTTLE: Okay.

MR. HINES: I was concerned that that access to the rear across the aqueduct was the one that you may have thought was the one across here.

MR. LYTTLE: I believe it's two different ones.

MR. HINES: That needs to get cleaned up. If we can get the surveyor to clean that up.

If you can fix the bulk table

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requirements on the map, show the entrance drive, I guess it's existing today, and how that's going to work. I think the Board will have more information. We're going to be looking for a lot more detailed information in the future. I think prior to referring to the ZBA we need to get a handle on what variances we're referring to.

CHAIRMAN EWASUTYN: How can we coordinate that between yourself and Ken Lytle and Mike Donnelly? Are we saying we'll do this at a later meeting?

MR. HINES: Yes.

CHAIRMAN EWASUTYN: Okay. When do you think you would have that available?

MR. LYTTLE: I'm going to check with the surveyor on the information. I would say -- February 2nd is the next meeting?

CHAIRMAN EWASUTYN: You would have that ready?

MR. LYTTLE: I better say the 16th. That's very close. I'll submit as early as I can for you.

CHAIRMAN EWASUTYN: Okay. Let's wait until we hear back. You have plenty of time to

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talk about the meeting of the 16th.

MR. LYTTLE: Thank you.

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

MR. CANFIELD: No. At best what we're looking at is potentially a concept plan. There's not a lot of level of detail.

One thing we did speak of at the work session, and I'm not certain of but we can research, I can ask you to research if there are any New York City requirements of separation from petroleum tanks to the aqueduct line.

Also, one of Pat's comments was will it be sprinklered. The answer to that is it's a requirement of the Town Code. It's an expense that should be considered.

MR. LYTTLE: Got it.

CHAIRMAN EWASUTYN: All right.

MR. LYTTLE: Thank you very much.

MR. CANFIELD: For the record can we have the owner's name?

MR. MULHOLLAND: Patrick Mulholland from Newburgh Park Associates.

MR. LYTTLE: He's the owner.

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CHAIRMAN EWASUTYN: Thank you, Patrick.

(Time noted: 7:32 p.m.)

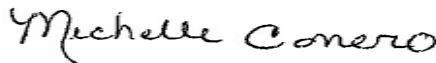
C E R T I F I C A T I O N

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 6th day of February 2017.



MICHELLE CONERO

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STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH PLANNING BOARD
----- X
In the Matter of

WTF NY LOT LINE CHANGE
(2014-17)

Request for a Six-Month Extension
from January 19, 2017 to July 19, 2017

----- X

BOARD BUSINESS

Date: January 19, 2017
Time: 7:33 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- X

MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
(845)895-3018

CHAIRMAN EWASUTYN: We have another item under Board Business. I'll have Ken Mennerich read that.

MR. MENNERICH: It's dated January 3, 2017, addressed to the Town of Newburgh Planning Board. "Attention John Ewasutyn, Chairman." It's regarding "Approval Extension, WTF NY Lot Line, Town project 2014-07, Section, Block and Lot 2-1-42 & 46, job number 13072-WTF. Dear Chairman and Members of the Board, at this time we are requesting two 90-day (180 days) extensions for the above referenced which was granted final approval on May 5, 2016. The owner failed to file the mylars with the County, therefore we will need new mylars signed. Respectively yours, Charles T. Brown, PE, President, Talcott Engineering."

CHAIRMAN EWASUTYN: Pat, are you okay with that?

MR. HINES: Yes.

CHAIRMAN EWASUTYN: I'll move for that motion.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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WTF NY LOT LINE

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CHAIRMAN EWASUTYN: I have a motion by
Frank Galli and a second by Ken Mennerich. Roll
call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried.

(Time noted: 7:34 p.m.)

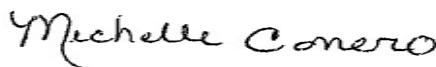
C E R T I F I C A T I O N

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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

1 POWELTON ROAD
(2015-19)

Approval of Signage

- - - - - X

BOARD BUSINESS

Date: January 19, 2017
Time: 7:35 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

- - - - - X

MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
(845)895-3018

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MR. DOMINICK: For the record, do we have to vote on Powelton?

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CHAIRMAN EWASUTYN: Why don't we do that. Do you want to make a statement on that?

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MR. DOMINICK: Sure. The Planning Board received a memorandum from Code Compliance dated January 17, 2017. It says, "Dear John" -- it's the 1 Powelton Road project, project number 2015-19. "John, they are fine for a sign on the building. The site plan doesn't address signage. Their renderings shows 1 Powelton Road on the tower. No advertisement. Any questions or concerns, Joe."

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CHAIRMAN EWASUTYN: On the second page, do you want to describe for the record --

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MR. DOMINICK: On the second page it's an elevation of the structure. The sign is 4 feet high, 8 feet wide, 32 square feet in total. It has a logo of a tooth, Craft Smiles Pediatric Dentistry with 10 inch letters on the main byline and 10 inches letters underneath.

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CHAIRMAN EWASUTYN: I'll move for a motion to approve the signage as described by Dave Dominick for 1 Powelton Road, our project

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number 2015-19.

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MR. GALLI: So moved.

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MR. MENNERICH: Second.

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

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MR. GALLI: Aye.

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MR. MENNERICH: Aye.

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MR. DOMINICK: Aye.

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CHAIRMAN EWASUTYN: Aye.

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Thank you.

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That being said, I would like to thank
everyone for attending the Planning Board meeting
of the 19th of January.

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At this time we'll call the meeting to
a close.

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MR. GALLI: So moved.

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MR. MENNERICH: Second.

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

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MR. GALLI: Aye.

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MR. MENNERICH: Aye.

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MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 7:37 p.m.)

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

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Michelle Conero

MICHELLE CONERO