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

----- X

In the Matter of

SUMMIT LANE EXPANSION
(2015-18)

Stewart Avenue
Section 97; Block 1; Lots 47 & 48
R-3 Zone

----- X

SITE PLAN

Date: November 5, 2015
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
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: JOHN CAPPELLA
JOSEPH SARCHINO

----- X

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

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MR. BROWNE: Good evening, ladies and gentlemen. Welcome to the Town of Newburgh Planning Board meeting of November 5, 2015.

At this time I'll call the meeting to order with a roll call vote starting with Frank Galli.

MR. GALLI: Present.

MR. BROWNE: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

MR. BROWNE: Thank you. The Planning Board has professional experts that give us input and guidance on business before us, including SEQRA determinations as well as code and planning details. At this time I would ask them to introduce themselves.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield, Code Compliance Supervisor.

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

MR. BROWNE: Thank you. At this time
I'll turn the meeting over to John Ward.

MR. WARD: Please stand to say the
Pledge.

(Pledge of Allegiance.)

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

MR. BROWNE: The first item we have on
the agenda is Summit Lane Expansion, project
number 2015-18. This is a site plan being
presented by JMC Planning.

MR. CAPPELLA: Good evening, everyone.
My name is John Cappella, I'm with Jacobowitz &
Gubits. I'm here with Joe Sarchino from JMC
Engineering & Planning.

My role tonight really is to say hello
and probably turn it over to Joe. We received a
set of comments from your consultants. We've
submitted our replies. Joe will discuss our
replies and receive any other comments.

I did want to let the Board know there
was an issue regarding two variances or

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interpretations we needed, one related to the existing single-family house location relating to the front yard and the other one relating to the conversion of the former daycare center with the Newburgh JCC into a storage facility for use of the tenants of both the Summit Lane Expansion and the original Summit Lane project. Those are before the ZBA. We have a hearing set for November 24th on that. We're optimistic we'll have a decent result. In any event, we believe regardless of the use of those two buildings, that we're prepared to move the process forward and address the engineering comments. When we do get a decision from the ZBA we can look at that in more detail.

I'll turn it over to Joe.

MR. SARCHINO: Thank you. We made a submission to the Board to just clean up a little --- we're going to the ZBA on the 24th -- clean up some of the engineering items in front of us.

There weren't many changes other than relocating a water valve, adding some storm drainage. One of the major changes that we made was revising the emergency drive from twelve feet

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to twenty feet. We've done that on the plans.

We also coordinated with Mr. Osborne as far as the submission of the sanitary sewer request to the City of Newburgh. That was done. I believe the Board has a copy of that letter.

That's basically it. I don't have much to really say tonight as far as the changes go. Relatively minor engineering items, storm drainage additions, a water valve to a hydrant was relocated, some grading modifications to the back. Mr. Hines wanted us to shift the swale in the back over a little bit, which was shown on the grading plan. Everything else was maintained. The evergreen -- deciduous evergreen buffer between the project and the existing residential development has all stayed the same. So I think we're pretty good as far as the engineering goes.

CHAIRMAN EWASUTYN: Questions from Board Members. Frank?

MR. GALLI: No additional. How's the project coming along? I've been in there a couple times and it looks pretty good.

MR. MANOYA: Nick Manoya, I'm managing

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director of the ownership. The answer is we're pre-leasing and happy to report as fast as we can pre-lease we're -- by the time we seal the building it's pretty much rented. Everything that's been CO'd to date has been rented.

MR. SARCHINO: I just wanted to note too, I think somebody asked at the last meeting. The gazebo is there. I forget who asked the question.

MR. WARD: I did.

MR. SARCHINO: Yes. I'm not sure if you went out and looked.

MR. WARD: I'll peek at it. Thank you.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: I'm good.

MR. MENNERICH: No questions.

MR. DOMINICK: No questions.

MR. WARD: No questions.

CHAIRMAN EWASUTYN: Pat Hines, do you want so summarize your comments?

MR. HINES: Our first comment just notes that they do need the ZBA approval for the project. They are scheduled for that.

The City of Newburgh flow acceptance

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letter. The letter went out. We haven't received the City's response back yet. We're awaiting that.

The plans have been modified per my comments from the last meeting. All of those changes have been made, as the applicant's representative just said.

We're looking for some additional information. The test pits that were performed in the vicinity of the infiltration basin have been shown but there's not any break in the infiltration basin itself. I'll discuss that further with the applicant's representative as we work towards finalizing those design details.

The roof drains from all the buildings were collected into a closed pipe drainage system. We want to make sure that twelve-inch pipe is adequate for the two roofs and the swales it's collecting.

The majority of our technical comments were addressed on this submission and we have those couple ones to work through.

CHAIRMAN EWASUTYN: Jerry Canfield,
Code Compliance?

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MR. CANFIELD: We have nothing.

CHAIRMAN EWASUTYN: We wish you good success with the ZBA.

MR. SARCHINO: Thank you very much. We'll be reporting back.

MR. CAPPELLA: Thank you. If we are successful at the ZBA on the 24th, is it possible to request that we be placed on the December agenda?

CHAIRMAN EWASUTYN: Why don't we cross that bridge. It's so difficult to pencil things in.

MR. DONNELLY: I don't know if you've discussed whether you want to hold a public hearing and whether you think that's the time to do it.

CHAIRMAN EWASUTYN: We can bring it up. We'll ask the Board Members.

Frank Galli, do you want to hold a public hearing?

MR. GALLI: No. We've already gone over the project as a whole. It's already been built.

MR. BROWNE: No.

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MR. MENNERICH: I agree with Frank.

MR. DOMINICK: I agree.

MR. WARD: I agree.

CHAIRMAN EWASUTYN: Let the record show that the Planning Board waived the public hearing for the Summit Park Extension.

John, I guess you know the format. You can either e-mail or call the Planning Board office, and at that point we'll know what the schedule and what the agenda looks like.

MR. CAPPELLA: Okay. Thank you very much.

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

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

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

DATED: November 30, 2015

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

----- X

In the Matter of

HEALEY KIA
(2015-25)

Route 17K & McGuire Way
Section 95; Block 1; Lot 53
R-3 Zone

----- X

AMENDED SITE PLAN

Date: November 5, 2015
Time: 7:06 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: DOMINIC CORDISCO
JOSEPH SARCHINO
KENNETH SYVERTSEN

----- X

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HEALEY KIA

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MR. BROWNE: The next item of business we have is Healey Kia, project number 2015-25. This is an amended site plan. It's going to be presented by JMC Planning.

MR. CORDISCO: Good evening, Mr. Chairman and Members of the Board. I'm Dominic Cordisco. I'm trying to help out Mr. Sarchino because he's so tired from his previous presentation.

All kidding aside, we are here tonight regarding the amended site plan approval. This site was originally approved for a Volkswagen dealership, and I imagine a number of people are very happy that they actually did not move forward with the Volkswagen dealership given all the trouble they've had as of late. We are here regarding an amended site plan approval to conform this to the Kia dealership plans.

Obviously Mr. Sarchino is here. I believe that at last appearance they walked through the site differences and the internal configuration regarding the site.

We also have Ken Syvertsen here tonight, our Architect. I'd like to turn it over

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HEALEY KIA

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to him now if I may. I believe he has come prepared to give a full presentation regarding the architectural details. Without further ado, I'd like to turn it over to him.

MR. SYVERTSEN: Ken Syvertsen with Syvertsen Rigosu Architects.

The last time we were here you asked me for an exterior finish schedule. Hopefully you remember what the building looks like. It's white panels, a lot of glass and some concrete block. Really three or four materials. It's the Kia standards.

What we put together was a finished board, pretty much the white panel, the glass, some interior colors, the concrete block. It's not your typical ugly gray concrete block. It's a nice faced gray concrete block. Then the accent red color for the signage. Then in the back of the building is like a stucco panel. It's going to be that color. It's pretty straightforward. It's pretty sharp looking.

CHAIRMAN EWASUTYN: So if I remember correctly, we didn't do -- we didn't approve the ARB at the last meeting.

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HEALEY KIA

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MR. SYVERTSEN: Correct.

CHAIRMAN EWASUTYN: You brought samples this evening for us to look at and then see if we'll move on that. Thank you.

Frank, any questions or comments?

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Cliff?

MR. BROWNE: No. I'm glad to see that all the things are identified so our code compliance folks can identify it. Thank you.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Where it says service, is that considered part of the signage?

MR. SYVERTSEN: That's all part of the signage. That was in our calculations.

CHAIRMAN EWASUTYN: Dave?

MR. DOMINICK: Nothing.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: With that height the way it is, does that include the screening for up on top for any air conditioning and everything else?

MR. SYVERTSEN: The units are in the back. They'll be individually screened.

MR. WARD: Thanks.

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HEALEY KIA

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MR. SYVERTSEN: It's a two-story building. It's limited to the height that was set for the Volkswagen. We don't have a parapet. It's all individually screened.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Jerry Canfield, any questions?

MR. CANFIELD: Nothing outstanding.

CHAIRMAN EWASUTYN: Pat Hines, do you have anything as far as ARB?

MR. HINES: No comments on the ARB.

CHAIRMAN EWASUTYN: We'll take one thing at a time. I'll move for a motion to grant ARB approval for the Healey Kia dealership located on Route 17K.

MR. DOMINICK: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion made by Dave Dominick, I have a second by John Ward. Any discussion of the motion?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a roll call vote for approval starting with Frank Galli.

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HEALEY KIA

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MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Congratulations.

What do we have next?

MR. CORDISCO: Mr. Chairman, since this is an amended site plan approval, I believe a public hearing is discretionary on the project. I don't believe at last appearance the Board actually determined whether or not to waive the public hearing. I would suggest that that would be the next order of business.

CHAIRMAN EWASUTYN: Thank you. Having heard from Dominic Cordisco, the Attorney for Healey Kia, I'll poll the Board Members to see if they want to hold a public hearing.

MR. GALLI: No.

MR. BROWNE: No.

MR. MENNERICH: No.

MR. DOMINICK: No.

MR. WARD: No.

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HEALEY KIA

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CHAIRMAN EWASUTYN: Let the record show that the Planning Board waived a public hearing for the Healey Kia dealership on Route 17K.

MR. CORDISCO: The Board previously, as I said earlier, granted site plan approval for the Volkswagen dealership. This would be treated as I believe an amended site plan approval. As part of that approval they adopted a negative declaration under SEQRA for this project. We've shown -- we provided information to the Board that we are within all the limits that were previously established in that negative declaration. I would encourage you to, however you frame it, either readopt the negative declaration or adopt a determination of consistency that this amended approval is consistent with your prior approval.

CHAIRMAN EWASUTYN: Mike Donnelly, Planning Board Attorney, what would you recommend?

MR. DONNELLY: A SEQRA consistency determination is what makes sense. That means it falls within the parameters of the original SEQRA review and you stand by your negative

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HEALEY KIA

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declaration.

CHAIRMAN EWASUTYN: Having heard the comments from our Attorney, Mike Donnelly, he suggests that we have a SEQRA consistency determination based upon the fact that under SEQRA there was not really any additional adverse impacts, everything is satisfactory.

We'll move for that approval, Michael?

MR. DONNELLY: Yes.

MR. BROWNE: One question. Should we somehow tie it back to the project number of the preceding project?

MR. DONNELLY: I'll recite the earlier SEQRA history from the Volkswagen resolution.

CHAIRMAN EWASUTYN: A question by Cliff Browne.

We have a motion on the table to have a SEQRA consistency determination approval for Healey Kia. I'll move for that motion.

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by Ken Mennerich. Any discussion of the motion?

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HEALEY KIA

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. Motion carried.

I think we're waiting to hear back from the City on the flow acceptance. We can't take any further action until we have that.

MR. CORDISCO: Yes. Just procedurally to tee that up if I may, that the Volkswagen project did receive the flow acceptance letter confirmation from the City of Newburgh. The flows associated with the calculations for the Kia dealership are just slightly larger. I think they are about 2,000 gallons larger for this project. Mr. Osborne, the Town Engineer, had written on October 19th to the City of Newburgh, and so we are waiting for that to come back. I believe that you could make it a condition of the

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HEALEY KIA

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approval. Of course I --

MR. DONNELLY: Dominic, I didn't speak to you about it earlier because I didn't mention it when we talked. Our contract with the City prohibits the issuance of final approvals without the flow acceptance letter. We are authorized to issue preliminary approvals. I don't know what that does for you here since you are likely to be back in no time at all asking for final approval. If it's important to you and the Board is inclined, we could issue a preliminary approval. Without the flow acceptance letter we're not permitted to issue a final. It might be just as easy to wait, have the final --

MR. CORDISCO: I agree. Preliminary approval doesn't get us anything, especially since we're moving towards building permit plans. I expect that we'll be submitting those.

In terms of making that submission, if it's all right with Mr. Canfield, we would like to be working informally with his office on that submission during this time period so that, you know, when we do come back with the City flow acceptance letter, which I expect we will receive

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HEALEY KIA

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because there's no indication from the City that they are at or near their capacity. Quite frankly, they need the money. This is really an accounting issue for them, to make sure that they get properly paid for all the flow that is sent to them by the Town. As long as we can be working towards a building permit during this time period, I don't see any issue with waiting for that letter to come in before the Board considers further action.

CHAIRMAN EWASUTYN: Okay. Once we receive the letter we'll discuss setting you for a meeting for final approval.

I can't speak for Jerry Canfield.

MR. CANFIELD: If I may, I can not issue a building permit without a signed site plan. I'm sure you're aware of that. What I can do to facilitate is I can start a cursory building permit review.

MR. CORDISCO: Yes.

MR. CANFIELD: If you have your drawings, your architectural are complete. There's a degree of detail. Submit that and we can start that review process. That may start to

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HEALEY KIA

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address some of the issues.

MR. CORDISCO: Right. So that way we can make up some time there for time while we're waiting here.

MR. DONNELLY: Just so we're on the same wave length, I would use the conditions that were in the original Volkswagen resolution.

Running through them quickly, we note the ZBA approval and tie into it. The DOT will need to issue a highway work permit. Demolition permits will be required. We'll note the flow acceptance letter after it's received. The standard condition for ARB approval. We had included a condition, and I assume it's still in effect, that no retaining wall above four feet in height may be constructed except following presentment and approval of plans prepared, stamped by a licensed engineer and presented to Jerry's office. A landscape security inspection fee. A stormwater security inspection fee. The standard condition that prohibits the construction of any outdoor fixtures or amenities not shown on the site plan.

MR. CORDISCO: Yes.

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HEALEY KIA

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CHAIRMAN EWASUTYN: Questions or
comments from Board Members?

(No response.)

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

MR. HINES: I don't. Just whether it
was going to be an agenda item or Board Business.

MR. MENNERICH: Board Business.

CHAIRMAN EWASUTYN: Board Business.

MR. CORDISCO: Thank you very much.
Good night everyone.

(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 Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

DATED: November 30, 2015

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

----- X

In the Matter of

CVS PHARMACY/STORE
(2015-23)

Corel Place (Route 52)
Section 60; Block 3; Lot 5.2
B Zone

----- X

SITE PLAN

Date: November 5, 2015
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
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: LUCIA CHIOCCHIO

----- X

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MR. BROWNE: The next item of business we have is CVS Pharmacy/Store, project number 2015-23. It's a site plan.

MS. CHIOCCHIO: Good evening, Mr. Chairman, Members of the Planning Board. I'm Lucia Chiocchio from Cuddy & Feder. I'm filling in for my colleague, Anthony Miranda, who had a conflict and could not be here tonight. I'm joined by the CVS development team this evening, Patrick O'Leary and John Canning from VHB, the design team, and Tracy Rohl, vice president of real estate.

I'll summarize some of the activities we've been up to since our last submission and then I'll turn it over to Patrick to walk you through the site plan and the design and its current status.

Since we were here in September we did make another submission which included several more details on the project plan, an updated EAF, full EAF, which included U.S. Fish & Wildlife Service and DEC letters indicating that the proposed project would not be a taking with respect to the Indiana Bat and the Long Eared Bat

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species. We also submitted a stormwater management plan, a draft SWPPP, a letter or memo addressing the comments that were made by the Planning Board and the consultants that we had had at that time, in addition to addressing some of the comments from Orange County. We obviously submitted detailed drawings.

Since September we also received confirmation from Mr. Canfield that the proposed use is permitted, the proposed prescription drive-through is also permitted, and that the Planning Board has the discretion to vary the number or to set the number of off-street parking spaces for the facility.

With respect to SEQRA, when we were here in September the Planning Board declared its intent to be lead agency, and I believe circulated notices to the other involved agencies. My understanding is that there had been no response to that notice. Our hope is that tonight the Planning Board can declare itself lead agency for purposes of SEQRA as we move forward.

With that, I will turn it over to

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CVS PHARMACY/STORE

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Patrick O'Leary and ask him to walk you through the plan.

MR. O'LEARY: My name is Patrick O'Leary, I'm a PE here in the State of New York, principal with VHB, P.C., 50 White Plains Road -- excuse me, 50 Main Street in White Plains.

Mr. Chairman, with your permission I do have reduced size copies of the graphics I'll be using this evening. If I may approach and hand these out.

I would like to begin briefly with the existing conditions plan for the proposed project. We had been before you and presented on a preliminary basis a preliminary plan. Just to catch up, we have Union Avenue, South Plank Road here, the site located adjacent to the Dairy Queen. Across the street we have a commercial development, I think Red Ginger or a delicatessen. The other corner over here is a car wash. To this side of the site, I believe the company's name is Lincare, a light manufacturing facility with an associated parking area.

Our site itself has a fairly steep

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topography from north to south. There's about 16 feet of grade differential across the site itself. Along the Dairy Queen site here there's a retaining wall that varies in height from zero to about five feet, maybe five-and-a-half feet here in the back corner. Once again, that retaining wall is back on this side. The zone line runs through the site, traversing approximately forty, fifty feet along the back boundary line, down the westerly boundary line and then off to the west. It's important to understand the topography for the site. The designers and engineers are working on this site and trying to comply with the design guidelines. It became very challenging to the designers themselves to meet one of the criteria, which was to try to push the building up front. The issue with that is it's truly working against gravity on this slope in the sense that because of the sloping of the site as you go back deeper into the site. If we try to push the building forward on this site, and keep in mind storm drains, it will impact design for the storm drains, what ends up happening is you end up with large

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retaining walls across the front of the site with a building elevated up in the air. We don't think that meets the intent of the design guidelines when you're looking at it. If you try to cut the site down here, pull the building up to the street line, the same token, you're truly fighting gravity because what we can't do fundamentally is make water run uphill. All of our storm drain area would be setback here, twelve, fourteen feet above. We tried to find a reasonable compromise to accommodate and comply with the design principles, both from a building siting standpoint but also paying attention to the storm drain.

The second sheet you have is what we are proposing for the proposed CVS project. Here it is, a 13,600 square foot building. It does have an associated prescription pick-up/drop-off point located on the back of the site.

We are showing seventy-four parking spaces for the site. By calculation of the Zoning Code, I believe it would require ninety-one. If we look at industry standards on the order of five per thousand square feet of

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retail area, you'd be looking at somewhere around seventy. We tried to find a balance between those two while respecting the fact that we do want to create frontage here along South Plank Road that is going to be friendly and is going to have high aesthetic value, both on behalf of CVS as well as the community.

The site is accessed from North Plank Road by one curb cut, a full access drive aisle which will traverse through the entire site and allow for a whole curb cut here on a private drive. CVS and the adjacent owners are in the process of working out easement agreements which will have to be submitted to the Board for review as well as filed on the land records.

In looking at the overall site here and trying to resolve and provide low-impact design storm drains, one of the first elements we had considered is the Lincare facility over here. Most of their storm drain from the parking lot sheet flows over onto what would be the CVS site. About a half acre of paved impervious area that has to be dealt with was sheet flow going from the west to east here. That was the first

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element we looked at. This is a fairly substantial volume that we're picking up on the site and we want to work with.

In addition to that, we're concerned about providing low-impact design in the form of rain gardens, infiltration, sand filters and other design elements. So once we site the building on the site, so we can minimize hopefully the retaining walls, not create a barrier from South Plank Road from an aesthetic standpoint, we placed the building on the back side here so we can get any of the operational amenities away from South Plank Road and shield it. What it did do is it allowed a great opportunity for this area up along South Plank Road from a landscape standpoint as well as design of low-impact drainage elements. The plan, you'll see here we have a rain garden here which ultimately empties out into a small infiltration detention facility. We have another rain garden located over in this area, which once again will ultimately empty out into the detention infiltration facility. We have another grass detention infiltration area over here in

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the northwest corner of the property. This area here is completely dedicated to managing the stormwater that sheet flows off of the adjacent site. We're catching the sheet flow in a grass-lined swale which will come down along the property line and ultimately discharge over here to the grass detention infiltration basin.

Internally to the site we do have paving. We did our best to minimize it by reducing the parking for the site to seventy-four. Seventy-four is adequate for CVS. It's slightly larger than what is required by industry standards. We'll certainly defer to any recommendations from the Board with respect to how we should adjust that in the future.

Internally to the parking area we have a sand filter located in this area here. We have underground infiltration facilities in this area. The underground infiltration facility in this area is dedicated essentially in it's entirety to handle the roof water from the CVS. We have clean roof water we don't want to get mixed in with any other parking lot water or deleterious materials that may come off the parking surfaces

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on site. What we have done is we've enclosed the storm drain system for the roof water here, put it directly into the infiltration underground. It really doesn't require above-ground infiltration techniques or further cleansing, so it makes perfect sense to do this under the parking lot. The remainder of the parking lot is being collected in an enclosed storm drain system, part of which will go into the sand filter here to improve water quality. Ultimately this water will once again go into this infiltration area. The remaining portion of the parking lot here will find it's way over to the rain garden here, go through a series of water quality treatments prior to being discharged over here to the infiltration basin. This area of the drive and this area of the parking lot will come down to this rain garden for water quality purposes and ultimately discharge, once again, into that infiltration basin there.

We have kept in mind that hopefully we'll be able to attract some pedestrian traffic with future changes in characteristics and mobility within the community. We're providing

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sidewalks from South Plank Road coming in to the site here. We're providing in this area a speed table to provide safe pedestrian access across the drive aisle as well as help control and deter from any potential cut-through traffic associated with -- coming from South Plank Road up through the private drive or vice versa, from the private drive down to South Plank Road. In the area here adjacent to the CVS, from a pedestrian standpoint we're providing benches with trees and landscape around it as well as a bike rack facility here for anybody who may be using bicycles.

I did touch briefly on the operational elements associated with the store. The goal here was to get the operational elements as far back on the site. We have a very lush landscaping scheme plan to work in conjunction with the rain gardens. What we don't want to do is have any operational elements on the front side to deter from it.

The compactor is located directly behind the store over here, so it will not be visible from the South Plank Road area. We do have one additional trash receptacle/dumpster

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over here. All recyclable materials are directly loaded from the store into the compactor, so there's no trash that's being brought outside. For non-recyclable materials we do need to provide a dumpster over here in this area. We tried to find a place that was as obscured as possible while accessible to the loading area and the door where the refuse would be coming out. We provided additional screening over here. We've also placed the transformer in this location with screening so it will be shielded from sight from South Plank Road.

There are a number of retaining walls still required. Once again, we are fighting gravity and topography on this site. We do understand the design criteria and the requirement for any walls in excess of four feet to require stamped signed structural drawings.

The retaining wall on the westerly side of the site over here varies in height from zero to six feet, runs approximately from the infiltration basin up past the crosswalk into the store. If you cross over the street, we're dividing up the walls so we can break the massing

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of the walls. We don't want one continuous three-hundred foot long wall. We're trying to break the massing of those walls up. We've chosen this point to switch the wall from the property line onto and into the site itself. This wall here varies generally from zero to four feet.

On the other side of the store, similarly we have a wall here on the back corner, zero to five feet in height, around this corner of the site.

Then the larger retaining wall is the one out front here. That wall varies in height from zero to eighteen feet. It is a fairly substantial wall. I think in just thinking about it, if you think about trying to develop this site and pull the building up to the street front, you can see it would necessitate essentially this wall pulling itself up to the street front so you could create a parking area and a pad for the building itself. We just think it would have a very strange look to have a twelve, eighteen foot wall and a building on top of it, particularly with respect to the way the

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rest of the commercial area has been developed out here. So we worked very hard trying to find a balance between the low-impact design to be environmentally sensitive on the site as well as comply with the guidelines.

We are concerned about pedestrian movement in here.

We heard you very clearly after the last meeting with regard to all of these topics. We went back, trying to find a balance between them. We could not find a way to meet all the principles in the design guidelines, but we do need to remember they are design guidelines. We did our best to adhere to them and hopefully create an entrance and a frontage along South Plank Road that people are going to consider very aesthetically appealing for sight.

Prior to turning it over to Mr. Canning; with respect to the traffic at this point, Mr. Chairman would you prefer to go to the traffic side or --

CHAIRMAN EWASUTYN: What I think we'll do at this particular point, Pat, thanks for your presentation. You covered just about every part

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of the site plan. You put a lot of time and effort into describing how the project was designed, the rain gardens and everything pertaining to stormwater. At this point I think we'll turn to Pat Hines who has looked at that and has comments. We'll close it out as to what you'll have to do to satisfy his review of it.

MR. O'LEARY: Thank you.

CHAIRMAN EWASUTYN: The only other question I pose to you is why did you select this particular site if you find it to be a rather difficult site to develop?

MR. O'LEARY: I think there's -- the site selection is based on demography by CVS itself. It has found a hole in the demographic served by CVS that happens to occur in this area.

CHAIRMAN EWASUTYN: That's fine.

Pat Hines, do you want to go into your comments?

MR. HINES: Did you receive my comments? I sent them to the --

MR. O'LEARY: Absolutely. I did receive those this afternoon.

MR. HINES: I wanted to make sure you

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had them.

MR. O'LEARY: I read the comments. Unless I misunderstood, I think the drainage report is still under review. It seemed to suggest it was under review. It did provide about fifteen comments. Much of that material is contained within the drainage report. There may be other elements that we need to supplement, and we will certainly be expeditious in responding to any additional comments that may be forthcoming from the review.

MR. HINES: The substantial ones there have to do with design of the, as you stated, infiltration practices and the soils and the information that are needed to document that. Things like the infiltration galleys that you're proposing up in the parking area, there's no -- there's a calculation of I think 2.5 inches per hour but no basis in the report to come up with that. We'll need that soil testing, or at least specification, because that's in a fill area, of that material.

The stormwater management facilities along the State highway, there's a concern that

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for a substantial period of time during storm events there may be water in them. We're requesting that you take a look at possible protection for vehicles entering those. I know you're providing a fence per the Town's requirements, but we want you to take a look at whether or not there's an issue with potential vehicles entering there.

The capacity of the existing pipe under Route 52, your entire site is tributary, eventually, to that pipe, and we just want to make sure that that pipe has capacity to convey everything that's being collected there, including the offsite upgrading in tributary areas there. I'm sure DOT will have that same comment as you're connecting. That is their pipe.

Design calculations for the sand filter. I didn't see those in the report. We'll need those.

The use of perforated pipe in the infiltration basin, it's either infiltration basin or it has a perforated pipe. It may function more as a bio retention area if that

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perforated pipe remains there rather than the infiltration. We'll need some additional details on that.

I have some other technical comments on the stormwater, but I think we can work those out with the applicant's representative when they revise that report.

The retaining walls. As you discussed, the one wall that's eighteen feet high, at work session the Board was concerned of the visuals on that. The Board does do architectural review, and I think -- they are going to request from you the standard architectural review of the building but they're going to want to incorporate a rendering of how the site looks, what it's going to look like from Route 52. The eighteen-foot high wall is a substantial impact to that corridor. I think they are going to want to see some materials, what that wall is going to be built of, colors, how it's going to look in that corridor.

John, do you want me to hit the rest of them?

CHAIRMAN EWASUTYN: Whatever you feel

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necessary.

MR. HINES: The project will need a City of Newburgh flow acceptance letter. I believe that's been submitted and we're awaiting City of Newburgh's response to that.

Also, the Board discussed previously a connection through to the neighboring Dairy Queen facility. I know your responses back were due to existing site constraints and topography, that that wasn't going to be available.

Ken Wersted's comments, our Traffic Consultant, as well as I had the determination of the sidewalk kind of leaves people at the DOT property line. I suggested that that continue out to at least the roadway.

Ken Wersted's comments that I received today regarding the traffic also suggested possibly a connection along the frontage there in the right-of-way to provide a sidewalk to the neighboring facilities.

There is a rather large curbed island along -- it's not a sidewalk by any means but there's a curbed island in front of the Dairy Queen facility that can function as pedestrian.

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The members have seen them being utilized as pedestrian connections to, I guess it's the east and west of the Dairy Queen site. So there's a comment to look into that pedestrian connection along the frontage since it can't be provided due to the topography and the existing walls.

The waiver of the parking in the front yard, the Board will have to definitively -- I think you did a good presentation on the reasoning behind that, but the Board will have to issue that waiver in the future. That's probably the most substantial thing in the design guidelines that they can't meet because of the site constraints that they're working around.

I think the rest of my comments have to do with the stormwater management technical details in the report.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: I have nothing additional at this time.

CHAIRMAN EWASUTYN: Mike Donnelly, you had the opportunity to review Ken Wersted's comments. Do you want to put that on the table?

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MR. DONNELLY: I think he looked at them and he recognizes that there are some difficulties but things are what they are. His recommendation to the Board is we get the DOT's take on the overall plan, the proposal, before we move too much further forward. I don't know if you've had that communication yet or what the best way is to do it.

CHAIRMAN EWASUTYN: The simplest way, rather than hearing a presentation on traffic, you did get Ken Wersted's report?

MR. O'LEARY: Yes.

CHAIRMAN EWASUTYN: So I think in summary that's the direction, if the Board agrees, that we'd like for you to take. We'll shorten that presentation as far as what you have prepared at this point.

MR. DONNELLY: The other thing you could achieve this evening is finalization of your lead agency status.

CHAIRMAN EWASUTYN: At this point we'll take comments from Board Members. Frank Galli?

MR. GALLI: No additional. He did a good job presenting it.

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MR. BROWNE: A couple things. On the front drainage area and the wall -- I'm all over the country seeing things. One of the things that stands out when I see a large retaining wall -- it's almost as high as this wall here and expansive. What I see often times is in the design of the wall, there's designs actually designed in the wall to break it up, typically using maybe a different shape block, recessed, incised or something to create a design within the wall itself. It kind of breaks it up, and that's attractive rather than just a big blank wall. So possibly if you can think of something to do in that nature. I don't have any idea what it could be or should be or whatever. Just to break up that whole big thing. It can be done I think fairly inexpensively just by maybe different designs. Just work on that. You've probably seen it.

MR. O'LEARY: Completely understood. Former structural engineer. I guess I'm still a structural engineer.

MR. BROWNE: The other thing is with the drainage area in the front, again I've seen

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some of those done necessity as a drainage area but done beautifully. And then part of that is okay, if you can do it in such a way it's really attractive but then also consider maintenance, because one of the things we discussed earlier is you can do it initially, it looks great for the first year, then it just kind of isn't maintained. So if you can work on that so it could be minimal maintenance and still be extremely attractive. That will be right up front where everybody can see.

MR. O'LEARY: Just a quick note on that. These basins themselves are about -- around a foot to eighteen inches deep with very gentle side slopes moving down toward them. The intent is to have this area look essentially like a landscaped lawn or garden for somebody. So these are not the types of facilities that you would anticipate seeing phragmites and other things growing out of them in the future. This should look like a landscaped, manicured lawn throughout it's perpetuity. One of the nice things about that from a maintenance standpoint is it's easily accessible and easy to take out

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any silt sediments that may evolve through the stormwater down there. What we need to do, obviously, is develop some type of rendering so that you can get a better visualization of what this area is going to look like. I think it will look very nice, particularly if we put in some elevation relief so that you have breaks in the wall where the pattern changes, both in elevation and the wall itself, as well as color. That's a very great suggestion.

MR. BROWNE: Thank you.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: On the waiving of the guidelines for the parking in the front of the building; with the high wall for people traveling on South Plank Road, I don't think they're going to see the cars in that parking lot that much. It's not like they're looking down onto a big parking area. So personally I don't see a problem with waiving that.

MR. O'LEARY: That's actually the intent. Part of the way we have this setup with the eighteen-foot wall there is so as you're traversing along South Plank Road and you look

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into the site, what you see is a nice manicured, landscaped area and the wall is actually a backdrop to that. The parking is elevated above it. There's fencing, guardrail, things of that nature to provide additional screening. So the possibility of seeing parking along that area is very minimal.

In addition, this area right here, those thirteen spaces are the thirteen spaces that are probably --

MR. MENNERICH: Least used.

MR. O'LEARY: Least used would probably be optimistic. If ever used. They will not have cars and headlights and things of that nature glaring out.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Can we just go near the speed table. You mentioned that you were going to install park benches and a bicycle rack. What was the rationale behind that in that area?

MR. O'LEARY: One, proximity to the CVS itself. We wouldn't want to put those facilities anywhere else on site. We're trying to get the people to the store if they are bicycling or

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coming in, providing an area for people who would be exiting the store or otherwise to have a place to sit down. We wanted some landscaping around it. It didn't seem to be a very attractive area on this side of the store or in the center of the parking areas. We didn't want to bring them back out front here because it leads them away from their access in and out of the site. So we tried to provide as much area over here to provide that amenity as possible. This is the area we happened to select. Obviously the backside, the operational area, we don't want people there. The other area that we could have considered would have been over here in the area where the suggested access over to the Dairy Queen was. There's about a fifteen-foot grade differential over here. Trying to create an area with park benches and things like that nature, just very difficult. It just adds to more walks. I think the pedestrian accessibility coming along the front, we'll work with CVS immediately beginning tomorrow to see about means and methods to incorporate a sidewalk as part of the landscape element over here so we can get some activity

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across the site and up the sidewalk. If there are suggestions for other locations, we'd love to hear it.

MR. DOMINICK: My only concern was the park benches. If I'm sitting there as a consumer, it looks like an eight-foot width path or eight-foot section. To the right of me I have an access road, or what might be a cut through to avoid that light, traffic on the left of me. To the right of me I have vehicle traffic that's coming into the complex or to the drive-through. So being a neighborhood pharmacy, with that in mind you think of calm and tranquil. You've got me in the middle of the red zone, the hot zone.

MR. O'LEARY: It's relative to this drive aisle here. It's one of the least used drive aisles you're going to find in America today. Peak volumes -- I've been involved in the CVS program about twenty years, since it went freestanding. I think the peak volumes we've ever recorded is fifteen vehicles in an hour going through the drive-through. That's not normal. More traditional volumes you'll see going through prescription pick-up/drop-off point, probably six

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or eight vehicles in an hour. So this is not a heavily traveled vehicular area over here. If you look, this is very wide. We have twenty-six feet, twenty-eight feet for that drive aisle there. So part of it is we didn't want people sitting next to a drive aisle that had people going up and down. If there are other suggestions, be it from the Board. We're just running out of places on the site, in part due to the topographic constraints. Like I said, we can't get this across here because of a fifteen-foot change in elevation, twelve-foot change. In conjunction with Dairy Queen itself has a four to six-foot wall over here. This was the logical area. If I was standing back and looking at it, I would say why don't you go right over here with your benches or something and put a little crosswalk going over this way, but the problem is it leads them to nowhere. It's kind of a dead-end area and they end up coming back across to get to the sidewalks. But we can certainly entertain any suggestions. We're open to any better ideas.

MR. MENNERICH: Have you considered

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reducing the number of parking spaces and using part of where the parking is for that?

MR. O'LEARY: We hadn't considered reducing the parking spaces any further until we received some comment and feedback from the Board. We were taking kind of a blind guess and going from ninety-one down to seventy-four, so we didn't want to be too presumptive and take away additional spaces. That may provide for an opportunity, particularly if a couple spaces were taken out right in this area, we could keep people in close proximity still to the sidewalks over here and have a more substantial area to place benches and bike racks and of that nature. I think it would eliminate the conflicts with the drive aisles that you had referred to, if that would be acceptable to the Board.

MR. WARD: They'll need a rest after the elevation.

MR. O'LEARY: They'll need a rest after coming up the hill. Yes.

MR. MENNERICH: It's been our experience with this type of installation that the parking -- the actual number of cars that are

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parked at any one time is way lower than the spaces that are available. We've seen it on some of our field trips in other municipalities, too. But I think if you could consider that as an option, to change that.

MR. O'LEARY: I think this is a great idea and a great look, potentially a great location for it.

One suggestion I would make relative to the parking, as it's noted I've been involved with their program about twenty years. I wouldn't suggest going below seventy, seventy-two spaces. Under normal operation for a robust CVS they'll use around seventy percent of the spaces through the course of normal operation, and then you've got the holiday times which are, for a pharmacy I consider it expanded because the holidays include things like Mother's Day and Valentine's Day where people are in getting cards and stuff. They really do use upwards of sixty-five to seventy spots. I wouldn't go much below that. I think there's room to still take away a couple more spots and make a much nicer area right here with the benches and bike racks.

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CHAIRMAN EWASUTYN: At this point maybe we will hold off making a decision on off-street parking and variances until you define the areas that were suggested by Dave Dominick and Ken Mennerich. So we'll put that off at this point.

John Ward -- do you have anything else, Dave?

MR. DOMINICK: No.

MR. WARD: I'm going to ditto on Cliff, too, with the wall. I've been around, too, seen different styles and everything else. A big factor with making it an a attraction type thing, the color is a big factor. You don't want a plain Jane color. Whether it's sloped or whatever it is, you can do it.

At the same time, I had a question about your decorative fence. What is that going to be?

MR. O'LEARY: The decorative fence, there's a detail in the plan. Offhand I don't remember what sheet. It will be anodized aluminum black in an attempt to simulate a wrought iron type of fence. I would not consider it structural in nature in that it won't keep a

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car or anything out of it.

MR. WARD: It's decorative.

MR. O'LEARY: It's decorative. Whether or not it's needed, as much as we have been considering these basins are about a foot deep, we want to comply with your design guidelines. Aesthetically consideration may want to be given to eliminating some of it because it's like putting fence around a yard as opposed to putting it around a stormwater management facility.

MR. WARD: The outside dumpster, how are you going to screen that?

MR. O'LEARY: Both dumpsters are screened. At this point in the plans we're proposing vinyl clad chain-link fence with privacy slats. We assumed during the architectural review portion of it there may be forthcoming recommendations.

MR. WARD: You'll be able to see over, and that's where you'll be looking.

MR. O'LEARY: In fact, it might be worthwhile to change the screening and fencing used on this. The screening and fencing associated with the compactor, the vinyl clad

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CVS PHARMACY/STORE

57

fencing, chain-link is very durable but this area over here something a little more architectural in nature, be it vinyl clad, architectural rail type fencing may work better in this elevation.

MR. WARD: People from Dairy Queen, you'll be sitting out on picnic tables and everything else.

Your stormwater ponds there, I'm more concerned about the mosquitoes and everything else, too, to be maintained. They mentioned it. It's going to be a hot summer day and everybody is going to be out. Just make sure it's functional the right way.

MR. O'LEARY: Understood.

MR. WARD: That should do it. Thank you.

MR. O'LEARY: Thank you.

CHAIRMAN EWASUTYN: I believe at this point in time I'll move for a motion from the Board to declare ourselves lead agency for the CVS Pharmacy/Store.

MR. MENNERICH: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: I have a motion by

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CVS PHARMACY/STORE

58

Ken Mennerich. I have a second by Dave Dominick. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

Mike Donnelly, if you would give us -- I know Cliff Browne had asked for language as to why the Board Members had waived the design guideline standards for parking in the front yard.

Ken, I know that Cliff always like to have supportive verbiage.

MR. DONNELLY: I heard two rationales mentioned, the difficulty of the topography and the size and shape of the lot. More importantly, the objective of the design guideline waiver is to make sure cars are not seen from the street level. Given the retaining wall and the location of the parking lot, that's not likely to occur.

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So the objective is achieved in any event.

CHAIRMAN EWASUTYN: Does the Board agree?

MR. MENNERICH: Yes.

MR. WARD: Yes.

CHAIRMAN EWASUTYN: Having heard the language to support the waiver for parking in the front yard presented by our Attorney, Mike Donnelly, I'll move for that motion.

MR. GALLI: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by John Ward. Any discussion of the motion?

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself.

Anything else at this point?

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MS. CHIOCCHIO: Thank you, Chairman.
The Planning Board has the discretion as to
whether they'd like to hold a public hearing.

CHAIRMAN EWASUTYN: We decided to hold
making that decision until we see the revisions
to the next plans as it relates to one of the
most important elements, that being the retaining
wall in the front.

MS. CHIOCCHIO: Very good.

CHAIRMAN EWASUTYN: We're actually
looking at that as being a visual impact and
we're putting that as a SEQRA issue.

MS. CHIOCCHIO: Very good.

MR. HINES: The other thing we
discussed at work session, which didn't come up,
was on top of the retaining wall there's a
proposed six-foot high fence. It seems larger
than we normally see. We're having you take a
look at that as well. It may increase the visual
impact. It certainly needs a fence at the height
you have but six feet may be higher --

MR. O'LEARY: Four feet may be a better
alternative.

MR. DOMINICK: Pat, did you also

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mention we need information on signage?

MR. HINES: Yes, in my comments.

On your next submission -- we discussed the private road or the private drive you're connecting to doesn't give you credit towards the sign guidelines for street frontage. You only have the street frontage along the State highway. The Board normally requests a signage chart to show compliance with the Town's sign ordinance. You get half a square foot per foot or something I think it is.

MR. CANFIELD: Total square footage of the sign allowable is fifty percent of the frontage, the linear frontage.

MS. CHIOCCHIO: We'll provide more architectural details.

CHAIRMAN EWASUTYN: Thank you.

MS. CHIOCCHIO: Very good. Thank you for your time.

(Time noted: 8:00 p.m.)

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

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DATED: November 30, 2015

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

----- X
In the Matter of

GOLD'S GYM
(2015-16)

15 Racquet Road
Section 86; Block 1; Lot 26.21
IB Zone

----- X

SITE PLAN

Date: November 5, 2015
Time: 8:00 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
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: JAY DESING

----- X

MICHELLE L. CONERO
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MR. BROWNE: Our next item of business is Gold's Gym, project 2016-15. It's a site plan being presented by Mauri --

MR. DESING: Good evening. I'm Jay Desing with Mauri Architects.

We last met with the Board back in mid September. At that time we had most of our details resolved with our proposed expansion of the addition to the rear of the building. Our stormwater plan had been reviewed and approved by Mr. Hines.

The one last aspect was our connection to the municipal sewer system. We have submitted a plan and details for our sewer pump station and we've also submitted to the City of Newburgh for our flow acceptance. They've replied and we do have an approved flow acceptance letter from them.

There aren't really any other changes to the site that I need to go over with you. We're ready to move ahead if that's acceptable to the Board.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: I concur with that. The

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last time I think the project was ready for approval it didn't have the City of Newburgh flow acceptance letter. At this point we have received that information, so I think we're okay with issuing an approval.

There's going to be a stormwater and landscape security required and a stormwater maintenance agreement to be executed. Otherwise all of our previous comments have been addressed.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: I have nothing additional.

CHAIRMAN EWASUTYN: Any additional comments from Board Members?

MR. GALLI: No.

MR. BROWNE: No.

MR. MENNERICH: No.

MR. DOMINICK: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: Mike Donnelly, would you present to the Board the resolution for approval?

MR. DONNELLY: I think it's both site

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plan and ARB.

First, we'll note the issuance of the Newburgh flow acceptance letter. Our standard Architectural Review Board condition. The required landscape security and inspection fee. The inspection fee will be in the amount of \$2,000. A stormwater improvement security and inspection fee together with a stormwater control facility maintenance agreement. Our standard condition stating that no outdoor fixtures or amenities not shown on the plan can be constructed without amended approval.

CHAIRMAN EWASUTYN: Having heard the conditions presented from our Attorney Mike Donnelly for the Gold's Gym site plan, I'll move for a motion to grant the final approval.

MR. DOMINICK: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Dave Dominick. I have a second by John Ward. Any discussion of the motion?

(No response.)

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

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MR. GALLI: Aye.
MR. BROWNE: Aye.
MR. MENNERICH: Aye.
MR. DOMINICK: Aye.
MR. WARD: Aye.
CHAIRMAN EWASUTYN: Aye.
MR. DESING: Thank you. Good evening.
(Time noted: 8:03 p.m.)

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

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

DATED: November 30, 2015

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

----- X
In the Matter of

CARLOS DOMINGUES II
(2015-29)

Section 7; Block 1; Lot 1.5
AR Zone

----- X

INITIAL APPEARANCE
FIVE-LOT SUBDIVISION

Date: November 5, 2015
Time: 8:03 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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MR. BROWNE: Our next item of business is Carlos Domingues II, project 2015-29. It's a five-lot subdivision, initial appearance, being presented by Talcott Engineering, Charles Brown.

MR. BROWN: Thank you. This is an existing one-acre piece at the end of Domingues Road which is a private road that's been constructed and signed off by Jim Osborne.

The proposal is to cut the eleven acres into five building lots, one of which is over five acres. It's in the AR zone.

The houses will all be certified on site wells and septic.

The site does contain a Central Hudson easement.

The back property line borders Valley Farms which is in the Town of Marlboro, Ulster County.

It's our initial appearance. We're here for comments from the Board and Consultants.

CHAIRMAN EWASUTYN: Pat Hines, Drainage Consultant?

MR. HINES: The existing survey and topography should be updated.

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There's a detention pond shown kind of schematically on one of the lots that isn't graded in.

MR. BROWN: I was going to put it as the proposed detention pond but I decided to wait until we get our surveyor out there. It's very densely forested. Now that the leaves are dropping we'll be out there shortly.

Also I got a request in to Jim Osborne for any records he has on the sign off on the pond itself and the road.

MR. HINES: The topography shown on there is pre-development I believe.

MR. BROWN: Correct.

MR. HINES: There's been some changes to the surface there.

MR. BROWN: Correct.

MR. HINES: Limits of disturbance and the size of the disturbance need to be on the plans. Make sure -- I think you're going to be between that one and five acres, I'm hoping.

MR. BROWN: Yes.

MR. HINES: Just the net calculation.

There's some existing pipes there. The

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rims and inverts and the size of those should be depicted.

Adjoining wells and septic tanks on all the other lots around there need to be shown.

MR. BROWN: The only lot actually around this is Randazzo down here, the existing house. We will put those on the plan.

MR. HINES: I just noticed. Or at least the approved locations on the other lots just to make sure the separation distances are there.

I do have a concern. The deep tests and percolation -- not so much the percolation rates but deep testing all show limiting factors, be it water or mottling throughout. At this point I was going to recommend that it goes to the Health Department for review because of each of the test pits identified. At least one of the test pits identified limiting barriers in the test pits.

MR. BROWN: What I'd like to do, Pat, if it's okay with the Board of course, is it was a long very, very cold winter and the frost, so this was not layers of mottling like you typically see in a boundary condition. We plan

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CARLOS DOMINGUES II

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on doing some additional testing anyway. For instance, the reserve area on lot 8. We could, you know, coordinate with you and maybe both do the testing if that's really necessary. If that's okay with the Board.

CHAIRMAN EWASUTYN: I guess what he's saying is he wants to retest it and have a field inspection by your office.

MR. HINES: We can do that I think. I'll have one of our people work with you on those. I just want them checked because every one of them --

MR. BROWN: I agree.

MR. HINES: Again, I wasn't there to witness them but it did say mottling within two feet of the surface.

MR. BROWN: It's a B&C soil. Typically it happens where it's heavily forested, the water -- we'll go out and do the tests. I'll coordinate with your office.

CHAIRMAN EWASUTYN: Charlie, I can support that because I owned a twenty-four acre piece of property almost contiguous to this. When I looked to subdivide it, what I found out

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was the maximum I could get out of it was seven lots because of all the deep pits and perc tests in that area. It was actually to the north of this property, it went out onto Lattintown Road.

MR. BROWN: We've done a couple individual houses right across the street from here. They were good. Again, this is a funky soil, the Bath Nassau. It tends to undulate. There's stuff all over the place. We did this early, early June. After that winter it would pay to retest. We are showing curtain drains on every lot. That's what we do when we see this kind of thing.

I'll coordinate with you if it's all right with the Board. If you still feel it's necessary to go to the Health Department, then we will.

MR. HINES: That's all we had.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. HINES: It's going to have to go to the County, too, because of the Marlborough border.

MR. BROWN: County Planning. Correct.

CHAIRMAN EWASUTYN: So you need plans

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CARLOS DOMINGUES II

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to send to them.

MR. HINES: Yes.

MR. DONNELLY: It will need to go to the Town of Marlborough, too, then before the hearing?

MR. HINES: Yes.

MR. BROWN: We'll notify them --

MR. DONNELLY: Ten days before the public hearing. You can do it sooner.

MR. BROWN: Notify the Town of Marlborough in addition to Joel Truncali.

MR. HINES: Yes. Who happens to be the chairman of the Marlborough Planning Board.

CHAIRMAN EWASUTYN: We'll solicit for a mailing list to circulate the informational letter. You'll coordinate that with Cindy Martinez.

MR. BROWN: Yup.

CHAIRMAN EWASUTYN: Questions from Jerry Canfield?

MR. CANFIELD: Just a comment. There's a landscape security still in place from the previous subdivision.

CHAIRMAN EWASUTYN: For the street

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CARLOS DOMINGUES II

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trees?

MR. CANFIELD: For around the drainage area. It was originally I believe a letter of credit which has been exchanged with a cash security which the Town has in it's possession.

MR. BROWN: I wonder if Carlos even knows.

CHAIRMAN EWASUTYN: About \$11,000 I think.

MR. CANFIELD: I believe it was, yeah.

CHAIRMAN EWASUTYN: Comments from Board Members?

MR. GALLI: No additional.

MR. BROWNE: No.

MR. DOMINICK: No.

MR. MENNERICH: On the buildable areas that you show on the first sheet, did you include the area that is marked in the Central Hudson easement?

MR. BROWN: No. No. The easement is hatched I believe. We didn't show the drainage easement.

MR. MENNERICH: I think what threw me off is the -- it's shown as a dashed line going

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up into that area.

MR. BROWN: Yeah. You know what, I'll have them change the hatches. I should add it to the legend so it's clear.

MR. MENNERICH: Thanks.

CHAIRMAN EWASUTYN: Michael, anything else we have to do on this?

MR. DONNELLY: I don't think so.

CHAIRMAN EWASUTYN: Thank you, Charlie.

MR. BROWN: Thank you.

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

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

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DATED: November 30, 2015

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

----- X
In the Matter of

ELM FARM SUBDIVISION
(2000-09)

Request for a Six-Month Extension of Conditional
Final Approval from November 5, 2015 until May 5, 2016

----- X

BOARD BUSINESS

Date: November 5, 2015
Time: 8:10 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
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

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

----- X

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MR. BROWN: Elm Farm Subdivision,
project number 2000-09. The applicant is
requesting a six-month extension of
conditional final approval from the 5th of
November 2015 to the 5th of May 2016.

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by
Frank Galli. I have a second by Ken Mennerich.
I'll ask for a roll call vote.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye myself. So
carried.

(Time noted: 8:11 p.m.)

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

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DATED: November 30, 2015

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

----- X
In the Matter of

LABORER'S LOCAL 17

Resolution for Pole Barn Construction

----- X

BOARD BUSINESS

Date: November 5, 2015
Time: 8:11 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
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

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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CHAIRMAN EWASUTYN: The next item which isn't listed is we'll have Mike Donnelly prepare a resolution for Local 17 for the construction of a pole building that was 2,500 square feet.

Mike Donnelly, would you give us the language on that?

MR. DONNELLY: Sure. I don't have it with me. There is a provision in your code that allows a site plan waiver for buildings under 2,500 square feet. I will prepare that resolution with tonight's date on it.

CHAIRMAN EWASUTYN: Okay.

(Time noted: 8:12 p.m.)

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

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

DATED: November 30, 2015

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

----- X
In the Matter of

NYC DEP
(2011-15)

Site Visit Schedule

----- X

BOARD BUSINESS

Date: November 5, 2015
Time: 8:12 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
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
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CHAIRMAN EWASUTYN: Cliff, the last thing is that the Planning Board will notify the New York City Department of Environmental Protection that as a group we'll be meeting on the 20th I believe it is, 20th which is a Friday, if it's acceptable, 10 o'clock in the morning to do a site inspection of the work being done on Route 9W.

(Time noted: 8:12 p.m.)

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

----- X
In the Matter of

ONE POWELTON AVENUE
(2015-19)

Production of Revised Plans to the Planning Board

----- X

BOARD BUSINESS

Date: November 5, 2015
Time: 8:13 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
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
PATRICK HINES
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----- X

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MR. DONNELLY: John, One Powelton, the letter from the architect. You'll recall when this was before the Board it was referred to the Zoning Board for, I believe it was five separate variances. The Zoning Board turned those down. The applicant has taken the Zoning Board's comments to heart and wishes to provide the Planning Board and the Zoning Board with a revised site plan that I assume is going to show a need for fewer variances than were originally proposed.

The letter that the applicant wrote requested whether they should go directly to the Zoning Board or come to the Planning Board first. During your work session you decided as a group that the applicant should come to the Zoning Board first.

With your permission I'll write that letter.

MR. GALLI: Come to the Planning Board first.

MR. DONNELLY: I'm sorry. Thank you.

CHAIRMAN EWASUTYN: I think that covers all the business.

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We covered Local 17. I'll contact the
DEP as far as the site inspection at this point.

I'll for a motion to close the Planning
Board meeting of the 5th of November.

MR. WARD: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by
John Ward, a second by Frank Galli. I'll ask for
a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 8:14 p.m.)

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