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

----- X

In the Matter of

CBPS
(2018-20)

North Plank Road
Section 35; Block 1; Lot 21.2
D-8 Zone

----- X

FINAL APPROVAL

Date: January 16, 2020
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES

APPLICANT'S REPRESENTATIVE: JOHN NOZAK

----- X

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

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CHAIRMAN EWASUTYN: Good evening,
ladies and gentlemen. We'd like to welcome you
to the Town Newburgh Planning Board meeting of
the 16th of January.

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

MR. GALLI: Present.

MS. DeLUCA: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

MR. CORDISCO: Dominic Cordisco,
Planning Board Attorney.

MS. CONERO: Michelle Conero,
Stenographer.

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

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

MR. GALLI: Everybody stand, please.

(Pledge of Allegiance.)

MR. GALLI: If you have your cell phone

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CBPS

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on, turn it off or put it on silent please.

CHAIRMAN EWASUTYN: I apologize to those that are listed on the agenda as being first, second and third. I had forgotten that CBPS, project number 2018-20, we were waiting to hear back from the Orange County Planning Department. At the last meeting they were before us and we said we would make them an agenda item on the 16th. I did forget that.

Rather than having them sit through the whole meeting; John Nozak, you're here and we'll bring this to a close.

MR. NOZAK: The last time we were here before the Board, which was two weeks ago, that was the public hearing, the Board had made a motion to close the public hearing and issued a negative declaration. I think the plans were in order for consideration of final approval but we had not had the thirty-day time lapse from the County Planning Department. Of course now we're well above the thirty days, so we're hoping that the Board would be in a position to take action tonight.

CHAIRMAN EWASUTYN: Thank you.

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Pat Hines with McGoey, Hauser & Edsall.

MR. HINES: We submitted to County Planning. I think the 6th would have been the time-out date for that based on the submission during December. We did not receive any response back from County Planning, so it has timed out.

The project did receive a negative declaration from the Board. There would be some conditions of approval for the Board to address, being landscape security, stormwater security, a sign off from Karen Arent, the Landscape Architect Consultant, and a sign off from my office on the outstanding comments, as well as the standard condition that no items which are not shown on the site plan should be constructed. We have some boilerplate language to that effect. Those are the conditions that I'm aware of.

CHAIRMAN EWASUTYN: Questions from Board Members?

MR. GALLI: No additional.

MS. DeLUCA: No.

MR. MENNERICH: No.

MR. DOMINICK: No.

MR. WARD: No.

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CHAIRMAN EWASUTYN: Dominic Cordisco,
will you prepare a resolution?

MR. CORDISCO: Yes, I will.

CHAIRMAN EWASUTYN: Can we hear from
you on what the outline would be?

MR. CORDISCO: It would include those
conditions as well as the format of the prior
resolutions that the Board has adopted.

MR. HINES: You also approved
architectural review as well.

CHAIRMAN EWASUTYN: We had completed
that. Correct?

MR. HINES: Yes.

CHAIRMAN EWASUTYN: Having heard the
conditions for final approval for project number
2018-20 from Pat Hines of McGoey, Hauser & Edsall
and Dominic Cordisco with Drake, Loeb, our
Planning Board Attorney, would someone make a
motion for that approval?

MR. DOMINICK: I'll make the motion.

MR. WARD: Second.

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

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CBPS

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(No response.)

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried.

MR. NOZAK: Thank you very much. Have
a good evening.

(Time noted: 7:04 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 29th day of January 2020.

Michelle Conero

MICHELLE CONERO

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

----- X

In the Matter of

349 SOUTH PLANK ROAD/ALL TRANSPORTATION
(2019-12)

349 South Plank Road
Section 47; Block 1; Lot 80.1
B Zone

----- X

CHANGE OF USE - AMENDED SITE PLAN

Date: January 16, 2020
Time: 7:04 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES

APPLICANT'S REPRESENTATIVE: JONATHAN CELLA

----- X

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CHAIRMAN EWASUTYN: The first item of business this evening is 349 South Plank Road/ All Transportation. It's a change of use, amended site plan located in a B Zone and it's being represented by Jonathan Cella.

MR. CELLA: Yes. Good evening.

Since the last time we were here we provided some plan revisions as requested. We were asked for some additional details, which we can provide, for parking lot pavement striping and stormwater construction.

We had submitted the plans to the DOT. We're still awaiting their response for approval for the curb cut.

At this time we were hoping to get a referral to the County Planning Department.

We provided a written scope of the business operations to clarify any questions that you might have had.

CHAIRMAN EWASUTYN: Thank you.

At this point I'll turn the meeting over to Pat Hines of McGoey, Hauser & Edsall.

MR. HINES: The applicants have received their required variances that they were

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referred to the Zoning Board for. I just note in the comment that the variance issued was conditioned on monthly reporting to the ZBA on your progress before this Board. That was just a notification for you that it was conditioned on that.

They have proposed a stonewall, a dry laid stonewall along the property frontage in order to address the wide open access. There's approximately 200 feet of wide open access off the State highway right now. They're proposing a new DOT commercial access drive and then a landscaped wall incorporated into the site plan to restrict traffic to that.

The plans do now identify the entire parking lot to be repaved. We're looking for a detail of that repaving section to be added to the plans.

Parking lot striping would be required per the Town Code which requires double striping. A detail of that should be added to the plans.

We requested the water and sewer utilities serving the site be depicted, and that has been completed.

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Jonathan, there's a sign shown on the plan to be relocated. It needs to be fifteen feet off the front property line per the Code.

MR. CELLA: I'll look at that.

MR. HINES: If you could just move the sign back to comply with that, unless you want to go back to the ZBA.

MR. CELLA: No, thank you.

MR. HINES: I don't think you want to do that.

It does require a referral to the Orange County Planning Department as well as the DOT. We would suggest that the Board authorize that referral. It sounds like the applicant has been working with the DOT already, but I will confirm that.

CHAIRMAN EWASUTYN: Would the Board make a motion to have McGoey, Hauser & Edsall, Pat Hines, circulate to the Orange County Planning Department and the New York State Department of Transportation?

MR. WARD: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: Motion by John

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Ward. Second by Dave Dominick. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Jonathan, there was a public hearing at the ZBA for this application. Did the public turn out for the public hearing?

MR. CELLA: No one attended.

CHAIRMAN EWASUTYN: All right. It's discretionary whether the Planning Board wants to or doesn't see the need for a public hearing. Since there was a public hearing for the variances at the Zoning Board of Appeals and no one attended, I myself would make a motion to waive the public hearing based upon the history of the project, the presentation before the ZBA, and that no one attended that to comment.

I'd move to waive the public hearing based on that. Frank Galli?

MR. GALLI: Yes, waive it.

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MS. DeLUCA: Yes.

MR. MENNERICH: Yes.

MR. DOMINICK: Yes.

MR. WARD: Yes.

MR. GALLI: John, I just have a question for him.

Did you receive the landscape architect's comments?

MR. CELLA: Yes, I did.

MR. GALLI: Did you have any questions, or comments, or responses to that?

MR. CELLA: When we had met I had originally provided some landscaping, and then after discussions with the Planning Board I was under the impression that the stonewall was sufficient along the highway due to the sewer. There's a sewer easement in the front and there's not much space to provide landscaping. The first fifteen feet along the property line is a sewer easement. I scratched my head a little bit when I got the comments.

CHAIRMAN EWASUTYN: I'll make a suggestion, Frank, that Jonathan speak with Karen --

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MR. GALLI: I just want to make sure --

CHAIRMAN EWASUTYN: -- and get a sign off from Karen that the plans before us this evening meet the merit of the application.

MR. CELLA: All right. I can do a little interaction by e-mail with her and copy you?

CHAIRMAN EWASUTYN: I think ultimately -- yes, you can. I'll forward that on to all the Planning Board Members.

MR. CELLA: Okay.

CHAIRMAN EWASUTYN: That makes sense. Ken Mennerich.

MR. MENNERICH: In a similar fashion, did you get the memo from Creighton, Manning?

MR. CELLA: I did. We'll provide the bollards. The applicant is the owner of the property. He's aware he's not going to be able to swing large vehicles around the building. He's aware of the constraints of the property. We will provide a little protection around the building here.

MR. MENNERICH: Thank you.

CHAIRMAN EWASUTYN: John Ward.

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MR. WARD: The stonewall, how high are you planning on putting it?

MR. CELLA: I believe 24 --

CHAIRMAN EWASUTYN: I think it shows 30 inches on the plan.

MR. CELLA: 30 inches.

MR. WARD: Thank you.

MR. CELLA: If you have a --

MR. WARD: That's fine.

CHAIRMAN EWASUTYN: Dominic, do you have any questions?

MR. CORDISCO: No comments other than the fact to note that you waived the public hearing. There's no further procedural action to take tonight.

MR. CELLA: Thank you very much.

(Time noted: 7:10 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 29th day of January 2020.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

MONARCH WOODS SENIOR COMMUNITY
(2019-28)

Monarch Drive
Section 103; Block 7; Lot 18
R Zone

----- X

LOT LINE CHANGE
MULTI-FAMILY SENIOR HOUSING SITE PLAN

Date: January 16, 2020
Time: 7:10 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ

----- X

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CHAIRMAN EWASUTYN: The second item of business this evening is Monarch Woods Senior Community. It's an initial appearance. It's a lot line change and multi-family senior housing site plan. It's located on Monarch Drive. It's in a B Zone. It's being represented by Engineering & Surveying Properties.

MR. WINGLOVITZ: Good evening. For the record, Ross Winglovitz with Engineering & Surveying Properties. I'm here this evening with Counsel, John Cappello; the applicant, Michael Maher; the Architect, Michael Lockwood; and a colleague, Mike Apuzzo from Engineering Properties.

This is the first night you're seeing this, obviously. I'll give you a little synopsis of it.

This is a 10.8 acre property on the corner of New York State Route 52 and Monarch Drive, on the southeast corner of that intersection.

What is proposed -- it's vacant property, primarily wooded. It's a proposed two-lot subdivision with one small lot in the front.

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2 It's going to be -- I forget the size of it -- 1
3 acre, and then the remaining lands, which are
4 going to be approximately 9.6 acres, will be the
5 primary use for the property which is senior
6 rental apartments. There's 26 one-bedroom, 64
7 two-bedroom apartments. It's a total of 100
8 apartments.

9 There are approximately 201 parking
10 spots. We proposed to build 181 and land bank 20
11 of those. There were comments about that that
12 we'll be glad to discuss as a big picture item.

13 The entrance will be on Monarch Drive,
14 about 150 feet south of its intersection with New
15 York State Route 52.

16 Water and sewer is available in Monarch
17 and we'll be connecting to those services.

18 A stormwater pond will be located on
19 the lowest portion of the property near a culvert
20 that runs under 52 on the north end behind what
21 is a commercial lot.

22 On lot 1 we've shown a proposed bank.
23 This is kind of a placeholder. Michael wants to
24 subdivide this lot and have it for a future user.
25 We don't really have a specific user. We've

1 shown a bank. We had a conversation today and
2 John Cappello indicated we should probably make
3 it more generic. We're not looking for a specific
4 site plan approval for lot 1. We want to get
5 through SEQRA, make sure any of the SEQRA issues
6 are covered. Until they have a specific user, we
7 wouldn't be looking for site plan approval for
8 that lot. We'll probably make it a little more
9 generic and make it a commercial property. It is
10 the intent to show that so from a SEQRA
11 perspective we've addressed all of our impacts,
12 and then proceed with the site plan for the
13 seniors. Unless in the interim we come up with a
14 specific user on that commercial property, then
15 we would amend the application to include that.

16 I think that's it. I'd be glad to
17 answer any questions.

18 We have the architect here and he's
19 prepared to give you some architectural
20 elevations, if you'd like to see that, before we
21 get into any discussion, or do you want to
22 discuss first?

23 CHAIRMAN EWASUTYN: I think it would be
24 good to hear from the applicant. It's always
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good to hear from the individual himself. I think engineers do a great job in presenting things. It's always good to go on record as to what the applicant is proposing.

It's really not a matter of importance, but will he be building the site himself? Is this something that may be sold later on? Again, it's not part of SEQRA, it's not significant, but we would be glad to hear from the applicant himself.

MR. WINGLOVITZ: Michael is here representing the applicant.

MR. MAHER: Mike Maher, 50 Cocoa Lane. I'm one of the partners in the project.

Ultimately we looked at three different versions of this. This we feel is the less intrusive version of the use of the property.

Like Ross said, that one lot on the corner, we're not sure about the ultimate use of that. A generic would be the best-case scenario there.

The senior end of it we feel is the most viable for the property, least intrusive on the neighborhood versus a commercial application

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or the other affordable aspect of it.

It's going to be pretty much a market rate with some amenities such as a clubhouse, pool area. Some amenities for the active adult that remains in the area, wants to have some place they don't have to maintain, which a lot of people are going to now as we see the apartments coming into Town.

Ultimately as far as the exit strategy, it's a question of where the market goes in the next twenty-four months. The initial thought process is to build it out and maintain it and keep it for long term. Again, as the market does change, that could change with it. There's really no set path right now other than getting to that point, getting the building process started and then going from there.

CHAIRMAN EWASUTYN: Thank you.

Questions from Board Members on the initial conversation? Frank Galli?

MR. GALLI: No.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: No.

MR. MENNERICH: No.

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MR. DOMINICK: We discussed in workshop that you're going to have 100 apartments with possibly 200 plus residents maybe. Would you look at adding a generator to the facility for when the power goes out to have these residents, 200 plus people, secure and safe?

MR. WINGLOVITZ: I don't know that that won't be a requirement, at least for the clubhouse. We just did a project where they are, for the clubhouse, providing a generator so in the time of a power outage there is a place for residents to go to. It doesn't obviously power the whole project, and that would be significant. I think it would be worth looking at doing something --

MR. MAHER: I wouldn't rule it out. That's something we could discuss.

MR. DOMINICK: What's the capacity of the clubhouse?

CHAIRMAN EWASUTYN: Good question.

MR. WINGLOVITZ: It's probably 2,800 square feet. It's a pretty big building.

MR. GALLI: We're thinking more -- it's early on in the project. I think Dave is

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thinking more of a multiple story building, 55 plus. Even though they're active, some might be on, you know, ventilators or whatever, there's elevators. So if the power does go out, there's backup for them instead of having to try to get them down the stairs. Just over the years of products that we've seen, they weren't put in and then the power goes out and all of a sudden this one is stuck upstairs for two days, this one is in the elevator. It's something that's not required, it's just something we bring up to the applicants now. It's something to think about for the future, even though it's active seniors.

MR. WINGLOVITZ: We'll take it into consideration.

MR. GALLI: Thank you.

MR. DOMINICK: I don't know if the clubhouse would be a solution with the occupancy.

MR. WINGLOVITZ: More of a medical situation. The other project we're doing is a place of refuge for anybody in the development, when there's a power outage they have a place to go.

CHAIRMAN EWASUTYN: John Ward?

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MR. WARD: I know it's conceptual but we were more concerned as a visual, ARB, what it's going to look like. Is it going to be an open area? With the neighbors there with the buffer, that is important.

I'm always looking for sidewalks going out. People going to Stewart's or whatever, seniors. If you'd look at it that way, if you can.

MR. WINGLOVITZ: We do have a sidewalk system, an internal loop entirely, a sidewalk along the entry drive. I think Ken or Pat had a comment about the crosswalk to the sidewalk on the opposite side of Monarch. One of the things these gentlemen were also discussing, and it was on some of the other plans but it didn't make it to this one, was a walking trail around the property. That's an additional amenity.

MR. MAHER: Ultimately that was our plan, one around the entire perimeter so you have the ability to go out and do some exercise, along with the clubhouse and the pool area.

MR. WINGLOVITZ: This is really focused on active adults and people who are healthier,

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who want to have a place locally to get out of their house. Whatever it may be.

MR. WARD: And like I say, do you have any idea what your ARB is going to be?

MR. WINGLOVITZ: The architect is here. We do have some of the elevations we're prepared to show you this evening.

MR. WARD: Very good. Thank you.

CHAIRMAN EWASUTYN: Dave Dominick has an additional question.

MR. DOMINICK: I'm sorry. One more question. On the plan you have a bus stop. Can you elaborate on that? On the top.

MR. GALLI: In between the stormwater management --

MR. WINGLOVITZ: That's an existing bus stop sign. That was picked up on the survey.

MR. DOMINICK: Okay.

CHAIRMAN EWASUTYN: I hope I'm pronouncing your name right. Mike Lupid is it, the architect?

MR. LOCKWOOD: Lockwood.

CHAIRMAN EWASUTYN: Lockwood. I think this would be a good time to discuss with us what

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you may have as far as renderings.

Lockwood, did you say?

MR. LOCKWOOD: Lockwood, yes.

CHAIRMAN EWASUTYN: Do you have a
business card?

MR. LOCKWOOD: Yes, I do.

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

MR. LOCKWOOD: Sure.

This is a rendering of one view for the
end of the building looking toward the entrance.
They're three-story buildings.

CHAIRMAN EWASUTYN: Do me a favor.
Drop that for a second and then reference Ross's
drawing so we know more of the location that
you're speaking of. At least it would help me
anyway.

MR. LOCKWOOD: This rendering here is
taken when you enter. When you enter the site
you'd be standing at this corner here looking
toward this entrance of this building right here.
Both buildings are designed the same.

You can see on this corner -- each unit
has their own balcony space. The corner units

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have a larger balcony than the center units. They're a little more luxurious in terms of the balconies.

They're all three story. They're vinyl sided buildings. We're playing with the colors and the type of vinyl that we're using to make the building more interesting. We have some board and batten style proposed, along with some horizontal and then some vinyl shakes and gable ends.

The lower shot here -- I don't know if you can see that -- kind of gives you a visual of both buildings at the same time. When you're standing more over here and looking passed -- seeing the back of this building, and this building as well, beyond, at the same time.

Standing in the yard you would see the entrance drive over here.

If you have any questions specifically. I'm not sure what you would like to know about the building.

MR. GALLI: The balconies are enclosed with, was it like a vinyl?

MR. LOCKWOOD: It's a railing system.

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MR. GALLI: Vinyl rail?

MR. LOCKWOOD: Yes. Standard spindles.
The color of the rails -- we still have to
determine the top rail color and so forth. It
will compliment the colors of the siding.

Here we have the entryway. It has a
portico to protect people from the rain, if
people want to get dropped off before they park
or how ever, if there's visitors or something
like that.

Do you have any questions?

CHAIRMAN EWASUTYN: Questions from
Board Members?

MR. WARD: There's an elevator in the
main lobby?

MR. LOCKWOOD: Yes. Right now there's
an elevator in the lobby as soon as you come in.

MR. MAHER: Mr. Chair, if I might. I
have actual copies for each of the Members. I
forgot that part.

MR. LOCKWOOD: Good idea. The colors
are a little off. The printer didn't really
impose the colors correctly.

CHAIRMAN EWASUTYN: I suggest you get

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copies to our Landscape Architect, Karen Arent,
and also to Ken Wersted, Creighton, Manning.
That might be the easiest thing to do.

MR. MAHER: There are actually five
more.

MS. DeLUCA: Do you have a diagram of
the activity -- the outdoor community patio area,
what that looks like?

MR. LOCKWOOD: Not now.

MS. DeLUCA: I was just curious.

CHAIRMAN EWASUTYN: While we're looking
through this; Ross, you mentioned something. We
can start out with land banking and we can get
into other questions that Pat Hines of McGoey,
Hauser & Edsall has reviewed.

MR. WINGLOVITZ: I did receive Pat and
Ken's review. I'd be glad to discuss any specific
comments Pat would like to go over.

Do you want me to go through them, Pat?

CHAIRMAN EWASUTYN: Why don't we have
Pat speak.

MR. HINES: I think the Chairman was
referencing the land banking of the parking. I
have that as a comment. The Town Code requires

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2 that the parking, based on the Code, be
3 constructed. Although it's a rather green idea
4 to land bank the parking you don't need, the Code
5 -- we've had experience, and it was litigated on
6 a commercial project. The result of that
7 litigation was that land banking of the required
8 parking would not be permitted. If there was
9 excess parking, that could be land banked. It
10 does need to be constructed to meet the parking
11 code.

12 MR. WINGLOVITZ: One of the things
13 we're considering in light of Ken Wersted's
14 letter indicating probably peak parking of 67
15 spaces is proceeding to the ZBA to actually
16 eliminate the need for this parking. We would
17 probably still show them as land banked in our
18 presentation to the ZBA but ask them if we can
19 get relief from that requirement that they have
20 to be built. They'll provide for them on the
21 plan and design. We believe, like Ken does, that
22 we're way over parked for a senior project. We
23 may do that with these parking areas here.

24 CHAIRMAN EWASUTYN: I might, at this
25 point, turn to Pat Hines and Domenic Cordisco,

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when we do refer you to the ZBA, to note the history of the challenge that we had, and we lost that challenge, based upon land banking. So I think the ZBA --

MR. WINGLOVITZ: Was there a variance granted for that?

MR. HINES: No. The Planning Board, based on ITE --

MR. WINGLOVITZ: It would be a ZBA relief from the specific Code.

MR. HINES: It was a land banking issue similar to what you're proposing. The Planning Board --

MR. WINGLOVITZ: Without the variance.

MR. HINES: The Planning Board granted that without a variance.

MR. WINGLOVITZ: Understood.

CHAIRMAN EWASUTYN: I think there should be some history associated with that.

Domenic.

MR. CORDISCO: I think there's a distinction that should be drawn here, because if you're proposing to seek a variance to reduce the amount of parking, then that's a little bit

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different than land banking some parking that might occur in the future.

MR. WINGLOVITZ: Correct.

MR. CORDISCO: It's just clearly that they're looking for a variance to put in less parking than what the Code currently requires.

MR. CAPPELLO: I believe -- we would approach -- unless the Board says --

CHAIRMAN EWASUTYN: I'm listening. For the record, your name please?

MR. CAPPELLO: John Cappello, Attorney.

We would ask for a variance for the requirement. As a condition of the variance, in discussing with the ZBA, we would say we would provide the area and design the additional parking, in the event it ever determined that it was needed that it's designed and it could be provided. As I say, if the Board, in looking at it tonight, says we wouldn't support that or we want the parking built, obviously we wouldn't bother going to the ZBA. We believe it could benefit everybody if the ZBA could grant that relief. I agree with your attorney, that if the ZBA granted -- if you grant the variance, that

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that is different than the Planning Board waiving something that they may not have to waive.

CHAIRMAN EWASUTYN: Pat Hines.

MR. HINES: And just for you, it was the Ram Hotel decision. I can probably provide that to your office.

MR. GALLI: John, just a quick question. If you're building 100 units per se, not you, and it's an active 55 plus community, nowadays people have two cars definitely. They might even have a play car. They could have three cars per family. If kids are allowed according to the Code, you could have children there under certain circumstances, so they might have another car there. I don't know why you would want to bank them and only provide so many when you're building 100 units to start with. 100 times 2 is 200. 2 cars per --

MR. CAPPELLO: I mean I think in -- we'll certainly discuss it here. That's why we're looking for the Board's comment. I know everybody thinks that, and that's how we feel. I think what Mr. Wersted's letter did disclose is that based upon studies, that in these units

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there might be a family with two cars but there may as well be a single, you know, occupant of one of the units who just wants a nicer unit that has one car, and maybe people with no cars. Generally the basis is, you know, based upon studies that 67 spaces would be located. Once again --

MR. WINGLOVITZ: We would still be over 120. If we got the variance for the parking we'd still be over 120. I understand Frank's concerns. I think we'll discuss if we want to pursue that. If we do, we'll provide additional backup to support our position if that's the case.

CHAIRMAN EWASUTYN: I think Ken also said it would be an attractive site plan if there was parking within the units itself.

MR. WINGLOVITZ: Yes.

CHAIRMAN EWASUTYN: So there's several ways to read his comments. Maybe you want to come back and say, you know, maybe we're going to be putting garages in based upon what Ken Wersted said. Again, that's up for discussion.

Going back to the two buildings, and I

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think we're talking about 24 one-bedroom units and 76 two-bedroom units, how does that mix out in the two buildings? Are you concentrating all of the 24 in one building? How does that manage out?

Pat, you always said building these units based upon square footage is not as easy as it turns out to be.

MR. HINES: This is being approved under your standard senior housing. Where I comment typically is when they have the bonus density in the other zone that allows the additional units. In the market rate there's a component for seniors and there's a limit of 1,000 square feet on those. In this case there's a limit on the size of the units. One bedrooms are 700 square feet and the two bedrooms are limited to 900 square feet. That's the maximum size. The history there is that the zoning allows these units to be smaller in order to make the rents a little less for the senior component. The mix of the buildings is often difficult to design into there with those maximum varying unit sizes.

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MR. MAHER: The idea we had was to try and mimic the footprints. In that case we're going to try to match it up so it is pretty consistent throughout as far as even numbers.

MR. HINES: The challenge is for the architect to be able to put different size units in here.

MR. MAHER: He currently has it done as one and two on each floor.

MR. LOCKWOOD: 700 and 900. I've prepared plans of that.

CHAIRMAN EWASUTYN: Each building would be a mix?

MR. LOCKWOOD: Each floor would have a mix of one and two-bedroom.

MR. WARD: I have a question. Basically what I'm asking is there be 38 two-bedroom and 12 one-bedroom per building.

MR. WINGLOVITZ: Yes. They're going to be identical.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Pat, do you want to continue on with your review?

MR. HINES: My first comment has to do

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with the number of units.

That leads to a question that came up at work session, the total square footage on the site. That leads to whether it's a Type 1 action or not, greater than 100,000 square feet. If you do the math, 100 times 900 plus the hallways and -

MR. WINGLOVITZ: 100,000 square feet, we're below that.

MR. HINES: On the total?

MR. WINGLOVITZ: Yes.

MR. HINES: The clubhouse, bank?

MR. WINGLOVITZ: Yes. As far as building square footage, yes.

MR. HINES: If you could just give us that answer.

MR. WINGLOVITZ: That was one of your comments later on regarding the setbacks.

MR. HINES: Yes. It also has to do with whether it's a Type 1 action for SEQRA as well. If it's greater than 100,000 square feet it would be, by definition, a Type 1 action.

Our second comment has to do with the density count. We did check the calculations for

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the usable area on the site. The density count, based on 10 units per acre for two bedrooms and 12 units per acre for one-bedroom, is in Section 185-48 of the Code.

Section 185-48, also Section D, requires legal assurances that will be required to be in place prior to any approvals granted by this Board. The Town Board also needs to ultimately grant approvals for the senior use on the project.

We just talked about the land banked parking. I will provide your counsel with the court decision regarding the Ram Hotel project.

The project does identify a single access point from Monarch Drive to the project. There's no additional emergency access. I think that's the intent of the boulevard type entrance that you're proposing. We're requesting that the jurisdictional emergency services agencies as well as the code enforcement officer weigh in on the single point of access and issues pertaining to that.

The EAF just needs to be signed is our next comment.

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Section 185-22 B(5) requires screening of multi-family projects which abut residential zones. Your south and southeast portion of the project does abut an R-2 zoning district. Those sections of the Code regarding screening would be imposed on this project.

Similar to Section 185-21 C(1) has non-residential uses and residential uses between single-family and multi-family homes. There's a table of required setbacks in that section of the Code.

The next comment has to do with the survey, which you've provided me with a copy of a stamped survey map today by e-mail. I'll provide that to the Board as well.

The project will require a sewer flow acceptance letter from the City of Newburgh. You will provide Jim Osborne and the Town Attorney with a calculation for hydraulic loading from the site which he will forward to the City of Newburgh for approving that discharge to the Town's collection system which is treated at the City of Newburgh's sewage treatment plant.

A County referral will be required

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based on the location of the State highway.

The zoning for senior citizen gives the Planning Board and the Town Board flexibility in setting bulk table requirements. You have "Not Applicable" in the bulk table. We're suggesting that you put what you're proposing --

MR. WINGLOVITZ: We'll propose something.

MR. HINES: -- in the bulk table so that both Boards can weigh in on that as the approval process moves forward.

The long form EAF identified potential habitat for two endangered bat species. We'll be looking for mitigation measures that you're proposing for that.

I did take a look at the DEC's environmental mapper. It does have the wetlands check zone. I think this site is high and dry but across the street there may be DEC regulated wetlands, so that 100-foot buffer --

MR. WINGLOVITZ: We'll get a wetlands biologist out there to verify.

MR. HINES: It's just in a check zone. It doesn't show it's in there. It's something we

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need to look at under SEQRA.

The Planning Board may wish to discuss a traffic study based on impacts at Monarch Drive, the access road and Monarch and 52, as we move through the process.

The proposed bank facility, I guess it's a conceptual layout right now, but it doesn't meet the design guidelines with parking in the front yard. It is a corner lot. The Board would be looking toward some mitigation measures. Typically a stonewall or some increased landscaping has been accepted in the past. That's something the Board will look for you to address.

I don't have it as a comment but I did list it on the agenda as a lot line change. I don't believe it is. It's two lots now and it will be ultimately --

MR. WINGLOVITZ: It is two lots and it will be two lots.

MR. HINES: You had mentioned a subdivision earlier. I think we're looking at a lot line change.

MR. CAPPELLO: We're reconfiguring it,

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taking a piece off. I don't know if you define it -- some codes define it as a subdivision because you're taking a piece off one and putting a piece on another.

MR. HINES: It's a lot line change in our Code. It's a more streamlined measure for you guys, actually.

The front yard setback along the State highway is required to be 60 feet. That may not be for the senior component as those are flexible. Certainly for the bank lot, as we're calling it now, that would need a 60 foot setback along the State highway. I think you're showing 40 right now.

There's additional side and rear yard setbacks that you should take a look at as well. For the senior component they may not be in place because of the flexibility there.

We're looking for the height of the buildings to be identified. I don't know if you can answer that tonight. That has to do with the width of the --

MR. WINGLOVITZ: Approximately 45 feet to the peak.

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MR. HINES: That's going to require a 26 foot wide fire access in accordance with Appendix D of the Fire Code.

MR. WINGLOVITZ: Yup. Those are all 26 foot wide in front of each of those.

MR. HINES: We'll have to take a look. You have only 14 foot drive lanes. We have to take a look and that and how that median and the boulevard entrance functions. Jerry Canfield's office will certainly take a look at that as well.

Provisions for water and sewer on future plans.

We suggest that architectural plans be provided early, which you did tonight.

There will need to be cross grading access and maintenance agreements for the bank lot and the senior lot as they're sharing that access drive.

Landscaping of the parking lot. There are requirements to break up the parking lot based on the number of parking spaces in a row. There's a certain number. I think it might be 12 that you have to break them up. As you're

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looking at your parking lot there may be a requirement for internal landscaping breaking those up.

MR. WINGLOVITZ: I want to correct myself earlier, Pat. We are over 100,000. It's 79,000 per building.

MR. HINES: When I was doing the quick math that's what I thought it was.

MR. WINGLOVITZ: That's one building. Two buildings, it's going to be roughly 160,000 plus.

MR. HINES: That will cause the project to be considered a Type 1 action, over 100,000 square foot, which means we have to do a coordinated review. I'll defer to Domenic on that if he wants to corroborate.

CHAIRMAN EWASUTYN: Domenic Cordisco, Planning Board Attorney, can you pick up on that?

MR. CORDISCO: He summarized it actually very well. A Type 1 action requires that, among other things, the Board coordinate and declare it's intent to be lead agency and advise all other involved and interested agencies that the application is pending and that there

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would be a mandatory coordinated review and notices sent out to those agencies, providing them with an opportunity to weigh in with either their comments or, in the rare occasion where they express their opinion that they would be better suited to be lead agency.

CHAIRMAN EWASUTYN: Thank you.

Any other questions or comments from the Planning Board Members?

MR. WARD: Yes.

CHAIRMAN EWASUTYN: John.

MR. WARD: Is there a maintenance building and storage for the residents?

MR. WINGLOVITZ: Any ideas on that?

MR. MAHER: We talked about this today actually, the refuse area and such like that. Once the elevations are -- the grade is set, which we're working towards now, we're looking at the fact of having a basement area or access to the basement. There will be some storage areas. It's a question of how it's going to layout with the buildings.

MR. WARD: My other question was lighting. That's down the road with the parking

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lot and all that. I'm concerned about the neighbors, the light. At the same time, safety for the residents. Thank you.

MR. WINGLOVITZ: One of the benefits to the current layout is the parking lot is internal to the buildings. The buildings will shield a lot of that from the neighboring properties.

CHAIRMAN EWASUTYN: We had discussed at the work session at what point in time we'd refer this on to the Town Board. Can you discuss that now?

MR. CORDISCO: Yes. Thank you, Mr. Chairman.

The provision that this is being processed under is 185-48 of the Town Code regarding senior housing. Senior housing in this zone is allowed but it is allowed only with Town Board authorization. My understanding of past practice as to how the Town has proceeded with similar applications is to make a referral fairly early on in the process when the application has been deemed complete enough for the Town Board to consider that, and then the Town Board will have an initial hearing, not a public hearing but an

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initial presentation of the matter, and they provide comments at that point. Because it is a coordinated review, there's no action that's taken by the Town Board until such time that SEQRA is completed which would enable the Town Board to actually grant the authorization at a later date. That's one component of the referral.

There's also a separate tract, as was discussed before and mentioned by Mr. Hines. There's also the ability for the Town Board, upon recommendation of the Planning Board, to set certain bulk standards for the project. I don't believe we're at that particular point yet because we haven't finalized what exactly those would be for this particular project.

CHAIRMAN EWASUTYN: Okay. If I understand you correctly, at this point we will declare our intent for lead agency, note that it's a Type 1 action. Correct?

MR. CORDISCO: Yes, that's correct.

CHAIRMAN EWASUTYN: What other procedure will we be acting on this evening?

MR. CORDISCO: You could, in your

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discretion, decide to refer this application on to the Town Board looking for, eventually, authorization to consider this project as an authorized senior housing.

CHAIRMAN EWASUTYN: And you would prepare that letter?

MR. CORDISCO: Yes, I would.

CHAIRMAN EWASUTYN: And before we had this open discussion, at the work session we realized we had no architectural renderings or anything visual to present with our referral to the Town Board. Now that we have what is considered adequate, then we can move forward with that.

MR. CORDISCO: The renderings presented and submitted tonight would be very helpful, in my opinion, for the Town Board to understand what this project is conceptually going to look like. Ultimately this Board has architectural review authority over the project, and they will require a much more detailed level of detail at that point. We're not there yet. Eventually, hopefully, we will get there.

CHAIRMAN EWASUTYN: John or Ross, do

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you have anything to add at this point?

MR. CAPPELLO: The only thing I was wondering is I saw the Board has a consultants meeting on the --

CHAIRMAN EWASUTYN: Much too early. Consultants meetings aren't moved on until basically all the I's and T's are just about getting ready to be dotted. The Planning Board, and I know the consultants, don't want to be in a position to discuss projects and make recommendations to the Planning Board. It's much too premature. Much too premature.

MR. CAPPELLO: We were wondering about some of the issues --

CHAIRMAN EWASUTYN: That's why you have to come back before us. What most people fail to realize, I know it's a surprise, the Planning Board is the responsible agency. The consultants are consultants. For us to make decisions we have to have information. So without information, it wouldn't be part of this whole picture.

I'll move for a motion to declare ourselves lead agency and to type this as a Type

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1 action.

MR. GALLI: So moved.

MR. HINES: Declare your intent.

CHAIRMAN EWASUTYN: Intent for lead
agency. Excuse me.

Frank Galli. A second by?

MR. DOMINICK: Myself.

CHAIRMAN EWASUTYN: Dave Dominick. I'll
ask for a roll call vote.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

Mr. Chairman, my home is directly
across Route 52 from this project. I want that
to be noted. I think I can remain impartial. If
at some point I feel that I'm not being impartial
or some of the Board feels that I'm not being
impartial, I would recuse myself.

CHAIRMAN EWASUTYN: We have a motion
from Frank Galli, a second from Dave Dominick.
We had a roll call vote with Frank Galli,
Stephanie DeLuca. We had discussion from Ken
Mennerich who said aye, for the record.

I myself say aye.

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MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: At this point we'll refer to Domenic Cordisco, Planning Board Attorney. You'll prepare a letter to the Town Board?

MR. CORDISCO: Yes, I will.

CHAIRMAN EWASUTYN: Anything else?

MR. WINGLOVITZ: Lead agency, intent, coordination. Do we prepare a draft and circulate or does Pat prepare --

MR. HINES: I'll prepare that. I'll get you the number of plan sets that I need to circulate. I'll do the notice of intent.

MR. CORDISCO: We should have a signed EAF as part of that.

MR. WINGLOVITZ: I typically sign that. I want to make sure that's not a problem. Often my clients are saying what am I signing.

CHAIRMAN EWASUTYN: Just as a matter of reference, it always happens, on applications can you explain to me why I never have the telephone number of the applicant?

MR. WINGLOVITZ: The telephone number

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of the applicant? I don't know.

CHAIRMAN EWASUTYN: I have yet to --
very few engineers ever list the telephone number
of the applicant. I think it's important that we
have it.

MR. WINGLOVITZ: Sure. I'll make sure.

CHAIRMAN EWASUTYN: Thank you.

MR. WINGLOVITZ: Thank you very much.

(Time noted: 7:47 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 29th day of January 2020.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

HEALEY KIA
(2019-25)

New York State Route 17K
Section 95; Block 1; Lot 54.2
IB Zone

----- X

AMENDED SITE PLAN

Date: January 16, 2020
Time: 7:49 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES

APPLICANT'S REPRESENTATIVE: MARK DAY

----- X

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

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HEALEY KIA

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CHAIRMAN EWASUTYN: The third item is Healey Kia. It's located on New York State Route 17K. It's an amended site plan. It's in an IB Zone.

We didn't update the agenda. This is Day, Stokosa?

MR. DAY: Stokosa.

CHAIRMAN EWASUTYN: Thank you. You are Mark Day?

MR. DAY: Yes.

Last time we were here the Board had asked us to make some changes, which we added a fence. Pat had pointed out we missed the gate, which we are intending to do, put a gate across it. It will have a chain-link fence around it. Also, we'll have the PVC fence we talked about on the west side.

We got Pat's comment. We concur.

We have reached out to the FAA for the light poles. We have not heard back.

Everything else we pretty much agree with what Pat said.

We made some revisions. We didn't bring them tonight but we will resubmit.

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HEALEY KIA

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CHAIRMAN EWASUTYN: I guess right now, before we can circulate to the Orange County Planning Department, and Pat Hines will discuss that; Pat Hines, what do you need to receive from them?

MR. HINES: The project does need to be submitted to Orange County Planning due to its proximity to New York State Route 17K.

The stormwater pollution prevention plan, basically the narrative components of that need to be revised.

I'm suggesting if the Board is so inclined, that you authorize my office to submit it to Orange County Planning upon receipt of the revised stormwater report so that we can send them the "complete application".

MR. DAY: We've actually done it. We'll send it if the Board agrees with what Pat said.

CHAIRMAN EWASUTYN: For the record can I have a disk for our file?

MR. DAY: Yes, sir.

CHAIRMAN EWASUTYN: Is the Board in agreement then?

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HEALEY KIA

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MR. GALLI: Yes.

MS. DeLUCA: Yes.

MR. MENNERICH: Yes.

MR. DOMINICK: Yes.

MR. WARD: Yes.

CHAIRMAN EWASUTYN: I think that's it
for now.

MR. DAY: Thank you very much. Have a
good evening.

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

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

----- X
In the Matter of

ELM FARM
(2006-39)

Request to Attend the Consultants Workshop
Meeting on January 28, 2020

----- X

BOARD BUSINESS

Date: January 16, 2020
Time: 7:52 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES

----- X

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CHAIRMAN EWASUTYN: Ken Mennerich,
if you would please read the two items under
Board Business.

MR. MENNERICH: The first item is Elm
Farm, to be scheduled for a January 28, 2020
consultants meeting.

Did you want me to read their letter?

CHAIRMAN EWASUTYN: Why not. Go ahead.

MR. MENNERICH: It's a letter dated
December 12, 2019 to Mr. John P. Ewasutyn, Town
of Newburgh Planning Board Chairman. "Dear Mr.
Ewasutyn, I'm writing on behalf of Elm Farm
Associates. At the September 19, 2019 Planning
Board meeting you advised me that the first step
in considering a change in the project approval
process from individual homes to clustered
apartments would be to meet with the Planning
Board Consulting Engineer. Due to several
circumstances we canceled the scheduled meetings.
I am requesting the Board approve to reschedule
this meeting with the Consulting Engineer to
discuss implications and requirements in
considering changing the proposed project from
single-family homes to cluster apartments. I

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thank you for your consideration. Sincerely,
Kathryn Busch, Elm Farm Associates."

CHAIRMAN EWASUTYN: Any discussion of
that request?

(No response.)

CHAIRMAN EWASUTYN: Would someone make
a motion to set it up for the 28th of January
consultants meeting?

MR. GALLI: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: I have a motion by
Frank Galli. I have a second by Stephanie DeLuca.
Can I have a roll call vote starting with Frank
Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 7:54 p.m.)

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

----- X
In the Matter of

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

Request to Attend the Consultants Workshop
Meeting on January 28, 2020

----- X

BOARD BUSINESS

Date: January 16, 2020
Time: 7:54 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES

----- X

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MR. MENNERICH: The second request, we have a letter from GDPBJ, LLC, Guard Development Partners, LLC. The letter is dated January 6, 2020, Town of Newburgh Planning Board, 1496 Route 300, Newburgh, New York 12550, attention Chairman Ewasutyn, regarding BJ's, Route 17K, Newburgh. "Dear Chairman Ewasutyn, we are hereby requesting a spot on the agenda for the Town of Newburgh Consultants meeting on January 23, 2020. Members of our project team will attend and present the final plan as well as address the conditions of the approval. Thank you, Adrienne Goddard."

CHAIRMAN EWASUTYN: Any discussion of that request?

(No response.)

CHAIRMAN EWASUTYN: Would someone make a motion to approve that?

MR. DOMINICK: I'll make a motion.

MR. WARD: Second.

CHAIRMAN EWASUTYN: Motion by Dave Dominick. Second by John Ward. Can I have a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

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MR. MENNERICH: Aye.

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MR. DOMINICK: Aye.

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MR. WARD: Aye.

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CHAIRMAN EWASUTYN: Aye.

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MS. DeLUCA: The date was supposed to be the 28th?

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MR. HINES: It is the 28th. Elm Farm will be at 1:00 and BJ's will follow that. Previously we had NPA Site Plan but that's been removed.

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CHAIRMAN EWASUTYN: Would someone make a motion to close the Planning Board meeting of the 16th of January?

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MR. GALLI: So moved.

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

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MR. DOMINICK: Second.

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CHAIRMAN EWASUTYN: Second by Dave Dominick. We'll make a roll call vote.

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MR. GALLI: Aye.

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MS. DeLUCA: Aye.

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MR. MENNERICH: Aye.

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MR. DOMINICK: Aye.

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MR. WARD: Aye.

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CHAIRMAN EWASUTYN: Aye.

(Time noted: 7:56 p.m.)

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