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

----- X

In the Matter of

ALUMIL FABRICATION  
(2017-30)

1900 Corporate Boulevard  
Section 95; Block 1; Lot 67  
IB Zone

----- X

INITIAL APPEARANCE  
CHANGE OF USE SITE PLAN

Date: January 18, 2018  
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: MICHAEL H. DONNELLY, ESQ.  
PATRICK HINES  
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: DAWN KALISKY

----- X

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

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ALUMIL FABRICATION

CHAIRMAN EWASUTYN: Good evening, ladies and gentlemen. I'd like to welcome you to the Town of Newburgh Planning Board meeting of the 18th of January. This evening we have four items of business on the agenda and we have some Board business thereafter.

At this point we'll call the meeting to order.

MR. GALLI: Do the Pledge?

CHAIRMAN EWASUTYN: Do you want to do the Pledge?

(Pledge of Allegiance.)

MR. GALLI: Cell phones, either put them on vibrate or turn them off, please.

CHAIRMAN EWASUTYN: The first item of business is Alumil Fabrication. It's located on 1900 Corporate Boulevard in an IB Zone. It's the initial appearance for a change of use. It's being represented by Lanc & Tully.

MS. KALISKY: Good evening. Dawn Kalisky with Lanc & Tully. I'm here this evening with Mr. Rob Bickerton from Alumil. Neither of us pronounces that correctly. I'm here to present a change of use only site plan for the

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building located in the Northeast Distribution Center, 1900 Corporate Boulevard. As John said, it's located in the IB Zone.

It's an existing site. The building warehouse was initially constructed -- the site was constructed back in 1994, approved as such. It has been occupied since that time by Preferred Fragrance for the warehouse use. In June of 2006 -- 2016, excuse me, Alumil subleased half of the warehouse building from Preferred Fragrance. There was an existing wall dividing the warehouse building. All they did was close in a doorway. They have finally received a CO for that construction. So it's two separate uses within that building.

With the change of occupancy, which they do have for Alumil for the one half of the building, they did not get a change of use. The use is they're warehousing some materials, but they're actually fabricating aluminum architectural products such as windows, curtain walls, of that nature.

We're not proposing or -- no changes are required, nor are we proposing any to the

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site. It functions as it is. It's for the change of occupancy approval that we're seeking. It's an approved use, or a permitted use subject to site plan approval in the IB Zone.

CHAIRMAN EWASUTYN: I'd like to pause for a minute because I erred in starting the meeting. I didn't call the meeting to order with a roll call vote. I apologize. I'd like to call the meeting to order with a roll call vote.

MR. GALLI: Present.

MS. DeLUCA: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

MR. DONNELLY: Michael Donnelly,  
Planning Board Attorney.

MS. CONERO: Michelle Conero,  
Stenographer.

MR. CANFIELD: Jerry Canfield, Code  
Compliance Supervisor.

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

CHAIRMAN EWASUTYN: Dawn, I apologize.

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MS. KALISKY: Sure.

CHAIRMAN EWASUTYN: Questions from the Board before we turn to our consultants?

MR. GALLI: Who has all of those tractor trailers on that site?

MS. KALISKY: It's not on that site actually. The tractor trailers are all parked in here, which is not owned or leased -- excuse me, leased by Preferred Fragrance or Alumil.

MR. GALLI: So the truck traffic for this site would come out of where and go into where?

MS. KALISKY: It's a flag lot. The proposed entrance back in the day there, it's actually a driveway that is constructed through an easement area. I don't have the easement lines shown. It has been used in that manner since, as I said, 1994. So they're coming around and into the site here.

Alumil has this portion of the building and Preferred Fragrance has this portion of the building. It has loop capability around the building and loading docks on either side for the respected uses.

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ALUMIL FABRICATION

MR. GALLI: So they both have loading docks on the ends of the building?

MS. KALISKY: Yes.

MR. GALLI: What do you have, five loading docks?

MR. BICKERTON: I've got three loading docks and two wraps.

CHAIRMAN EWASUTYN: For the record, your name?

MR. BICKERTON: Robert Bickerton.

MR. GALLI: All the other parking on the site is not marked?

MR. BICKERTON: There's marked stalls along the south side of the building and marked stalls along the north side of the building for general parking.

MS. KALISKY: As indicated on the plans, the parking.

MR. GALLI: That's all I have, John.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: I was just wondering if you can bring me up to date with what exactly you manufacture. I know you said aluminum. What exactly is inside of the building to fabricate?

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MR. BICKERTON: Inside the building we have some light manufacturing, a couple of C&C machines. We do structural glazing of curtain wall units. Basically the window is held together with silicone. We ship those units by flatbed and/or box truck from our site.

MS. DeLUCA: Thank you.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions at this time.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: On the south side of the building it seems to become an outside storage facility of garbage, pallets, materials. Whose is that?

MR. BICKERTON: That belongs to us. We've had quite an influx of product coming in from various parts of the country, Europe. We have had some issues with our disposal company to come pick those items up. We've endeavored to try to mitigate the conglomeration of the product from -- refuse, if you will, from the unpacking of product and stuff like that. We're in the process of hiring three or four other contractors

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to come and pick the stuff up on a regular basis to remove the unsightly mess.

MR. DOMINICK: It's been there probably for several weeks to a month. That's a fair estimate?

MR. BICKERTON: We had run into a situation where there was a lot of product that came into our facility that we were having a hard time getting rid of. There's no real recycling in the area which is creating a problem for me because I didn't understand -- being from Canada it was a little bit difficult for me to understand the recycling in the U.S. is not the same as where I came from. Companies were stumbling over it in Canada. Here they don't want to touch it because there's nails, strappings, Styrofoam that is part of the package. I've contracted with a couple of companies that take it. They do dispose of it. How ever they do it I'm not too sure. We've managed to cut down on the standing waste by about ninety percent.

MR. DOMINICK: There was a study done by another project that said between Route 84 and



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Route 87, which you're in that vicinity, over 100,000 cars pass through there a day. That's something I don't want them to keep seeing as a representation of my Town.

MR. BICKERTON: I understand.

MR. DOMINICK: If you have a ninety-percent solution, I suggest you get a hundred percent solution.

MR. BICKERTON: I'm working toward that. As I said, I have a third contractor to remove the refuse. We've got a small area that has some still outstanding issues I'm dealing with over the next two, three weeks. As far as the continued refuse, we're dealing with that on a daily basis.

MR. DOMINICK: Okay.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: On paper we see parking spots all over the place. It's fine and dandy. You go there and it's -- all the parking spots aren't there, they're not marked and you've got storage all over the place. You want an approval for a lot of things but there's a reason why we're -- we want to get it cleaned up and do it

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the right way.

MR. BICKERTON: Yes.

MR. WARD: All right?

MR. BICKERTON: I fully understand that. I'm willing to comply within the best of my ability at this time and I'm working towards improving that process.

CHAIRMAN EWASUTYN: Okay. Jerry Canfield, Code Compliance?

MR. CANFIELD: I don't have anything additional. I appreciate the applicant's -- the owner's response and looking for voluntary compliance with the outside storage.

One of the questions I had is should we be addressing -- should this Board be addressing the component of outside storage? From what I'm hearing it's going to go away and it's not going to be an issue.

MR. BICKERTON: I may correct you. The outside storage -- I'm going to go back to a time before I was part of the corporation, the company, as a manager there. From what I understand, when they made the agreement with the leasing company, Preferred Fragrance, when it was

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signed off that we could occupy the building and perform the duties that we're doing there there was an allotment for some storage along the south side of the building. From what I understand through more investigation and conversation with the Town, that is not an allowed use of the property. In our industry we do need some outside storage. I believe I can understand what we need to do to be able to do that going forward.

MR. DONNELLY: The code has provisions. It requires screening and what not.

Dawn, you can look those up and check with Jerry's office. It's not necessarily prohibited but it's got restrictions on how you protect that area visually.

MR. BICKERTON: Okay.

MS. KALISKY: Rob, you had at one point mentioned a container for storage.

MR. BICKERTON: Container storage, yes. We had looked at other options. We haven't pursued those options as of yet based on the fact that some not roadworthy trailers, containers and that of such may be an opportunity for us to

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store some of the materials, albeit prohibitive in nature due to cost and stuff like that. But I'm willing to look at some of those options. Like you said, the screened in area would be another option we could undertake. Knowing that there's not a lot of room on the south side of the building because there's a Thruway there as well, or a roadway if you will, it limits the amount of caged or closed in space that's available to us.

CHAIRMAN EWASUTYN: Robert, you are storing on both sides. You're storing parallel to the road and then you're storing in what I'll call the side yard also when you drive down there.

MR. BICKERTON: Correct.

CHAIRMAN EWASUTYN: In essence you're using all that space for storage, plus or minus.

MR. BICKERTON: Yeah. What I'm envisioning going forward is -- we've had some contractual issues with some of our sites that we're working with. There's been a lot of delays and stuff like that, which compounded the issue we had that we're dealing with. I'm not

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envisioning that being a problem going forward through the April -- late March, early April timeframe. A lot of that is going to be going away based on the fact that we're producing a lot of product, and we're getting in the building, and we're getting rid of the refuse on a very short-term period. There is, albeit, some stuff that we still have stored outside on the side of the building. It's curtain wall frames for a project that has been put on hold that we will be cleaning up in a very short period of time. I'm anticipating by the end of February.

CHAIRMAN EWASUTYN: At the same time you may have some flatbed trailers with material that is staged until you could offload them and use them for manufacturing. I sort of want to broad brush that in whatever description you're making. It's a tight site, there's a lot of activity going on and storage is what's lacking there. You're going to have to try to find a balance and let us know how you're going to accommodate all that.

MR. BICKERTON: One of the plans is I'm going to approach National Realty Corp to see

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about -- they're on the other side of the driveway adjacent to where the trailers are parked -- getting maybe an acre of land we could fence off to use as a storage area, of course with approval, for various items that are used for the production process that we will either retain or we will eventually get rid of.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: The project will require submission to the Orange County Planning Department due to the proximity to 84.

The bulk table identifies a front yard setback of 635 feet.

MS. KALISKY: Actually, I took it from this line here. I'm not quite sure where because that's what fronts the road. I don't have the original site plan to see what -- from '94 to see what the front yard setback on that lot was. I'll figure it out, unless whatever number you want me to put there.

MR. HINES: We'll work that out.

MR. CANFIELD: From the cul-de-sac.

MR. HINES: It may be correct.

The building height is shown as a

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percentage.

The easement access, we're going to want a copy of that submitted for the actual easement --

MS. KALISKY: Okay.

MR. HINES: -- that's showing access to this parcel, if one in fact exists.

MS. KALISKY: It certainly does. In fact, I have the original survey that E&H prepared back in the `90s. That has a reference -- a listing of all the easements. I can provide you a copy of that map. This is as approved by the Town back in `94. I believe it received overall site plan approval -- subdivision/site plan.

MR. HINES: We want to make sure that access exists and it does have fee ownership out. That's going to need to be shown.

MS. KALISKY: Okay.

MR. HINES: The Planning Board may wish to discuss existing landscaping.

The current parking layout doesn't comply with Town of Newburgh requirements. You have I guess 47 parking spots in a row with no

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landscaping. Realizing this is an existing site, this is the opportunity, since 1994, to get the site brought up somewhat to code.

A public hearing may be required based on the Planning Board's input as it moves forward.

It sounds like there's a need for a dumpster storage area actually constructed if there's this much waste. It looks like there's some area on the north side rather than the south side that may be available for some outdoor storage that's not in the way of parking areas and fire access roads.

MR. BICKERTON: Well the way the building faces right now, it aligns itself with 84 which is basically the north side of the building. There's really nothing there that can be done with respect to any type of storage whatsoever based on the fact that it's exclusively parking.

MR. HINES: There's an area on this north --

MS. KALISKY: We do have that drainage channel there.



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MR. HINES: I'm talking on the other side of the driveway.

MR. DOMINICK: Where it says 84.9?

MR. HINES: Yes. There's an area on the north -- the exact north --

MS. KALISKY: That's outside of the property, though.

MR. HINES: In between the parking and the building it looks like there's an area.

MR. BICKERTON: That's green space.

MS. KALISKY: Oh, the green space.

MR. HINES: We'd rather see that developed into some storage rather than the parking lots that are currently utilized.

MS. KALISKY: Understood.

MR. BICKERTON: I have approached National Realty Corp and they are not interested in developing that area for anything at this point in time. They could be persuaded, I'm assuming, through time to be able to do that.

MR. HINES: It's going to have to be addressed. It can't be an ongoing issue. I realize you could end up in the same situation you are again with some of your suppliers. We

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don't use parking spots for storage. I heard you say trailers not suitable for the road. Those are also not permitted for storage. There's a whole section of outdoor storage in the code that Dawn can review.

MR. BICKERTON: There is the adjacent land, what I was talking about, to the southwest side -- southeast side. There's a lot of open property there between Preferred Fragrance and ourselves that we could put a fence, a gated area with lattice and stuff like that.

MR. HINES: On a separate lot?

MR. BICKERTON: Right.

MR. HINES: It looks like that lot is being used for storage.

MR. BICKERTON: It's used by New Penn, CNS for storage of their trailers.

MR. HINES: That may be another issue that doesn't have approval.

MS. KALISKY: Not with this company.

MR. DONNELLY: Not your fault.

MR. BICKERTON: I understand that.

CHAIRMAN EWASUTYN: Would this be an example of where we would set this for a

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consultant meeting at the end of the month?  
Yourself, Jerry Canfield, the applicant, you can  
meet and you could begin trying to define an area  
that would be suitable and make that part of the  
change of use approval site plan? We could go  
back and forth, trailers can't be used, maybe  
here, maybe there. That may be a more effective  
way of coming to a meeting of the minds.

MR. HINES: It would.

MR. BICKERTON: If I may interject,  
there are refuse bins. We have two refuse bins  
that we've brought in as well as an aluminum  
recycling bin on top of that. There will be a  
third bin coming in for recycling of steel.

MR. HINES: Those need to be shown on  
the plan. An area needs to be delineated.

If the Board wishes to defer to a work  
session, we can do that.

CHAIRMAN EWASUTYN: Pat will explain  
it. When is that meeting?

MR. HINES: The fourth Tuesday of the  
month, typically at 1:00. I think I have a list  
here. Actually, it would be the 30th.

CHAIRMAN EWASUTYN: You won't be

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around?

MS. KALISKY: That doesn't matter. We have other people.

MR. HINES: That's probably the fifth Tuesday. It's the 23rd.

MS. KALISKY: The 23rd? Yes.

MR. CANFIELD: It's next Tuesday.

MR. BICKERTON: Next Tuesday I won't be in the country.

CHAIRMAN EWASUTYN: We can circulate to the Orange County Planning Department. Within ten days after this we have to send out the informational letter.

I think for the benefit of all of us, I don't know how far we can go until you sit down. You may need thirty days between yourself and Lanc & Tully to come up with something that you would want to present at a consultants' work session.

MR. BICKERTON: Okay. I won't be back until the 25th.

CHAIRMAN EWASUTYN: Of this month?

MR. BICKERTON: Yes.

CHAIRMAN EWASUTYN: Okay.

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MS. KALISKY: So we can move that a month, Pat?

MR. HINES: February 27th.

MS. KALISKY: That's fine.

MR. BICKERTON: That works.

CHAIRMAN EWASUTYN: I'll move for a motion to refer this to the Orange County Planning Department.

MR. MENNERICH: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: Motion by Ken Mennerich. Second by Stephanie DeLuca. 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.

MR. DONNELLY: Dawn, on that access road, there's a provision of Town Law 280-A that really prohibits access by way of easement. You need to have a qualifying roadway. You mentioned that there is either the subdivision plan or old

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site plan that showed that access driveway. That may solve the problem. I need to see those documents.

MS. KALISKY: Sure. Not a problem.

CHAIRMAN EWASUTYN: Pat, what is the date again in February?

MR. HINES: The 27th.

CHAIRMAN EWASUTYN: I'll move for a motion to set this up for the consultants' work session for February 27th.

MR. GALLI: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: The motion was made by --

MR. GALLI: Me.

CHAIRMAN EWASUTYN: -- Frank Galli. A second by Dave Dominick. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

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ALUMIL FABRICATION

MR. HINES: That will be at 1:00.

MR. CANFIELD: Here.

CHAIRMAN EWASUTYN: That's a good  
start.

MR. BICKERTON: Yes.

MS. KALISKY: Thank you very much for  
your time this evening. We look forward to  
seeing you in March I guess.

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 2nd day of February 2018.

*Michelle Conero*

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MICHELLE CONERO



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

----- X  
In the Matter of

DOMINOS PIZZA  
(2017-25)

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

----- X

CHANGE OF USE SITE PLAN

Date: January 18, 2018  
Time: 7:23 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: MICHAEL H. DONNELLY, ESQ.  
PATRICK HINES  
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- 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: Our second item on today's agenda is Dominos Pizza. It's before us for a change of use. It's located on North Plank Road in the B Zone. It's being represented by Talcott Engineering.

MR. BROWN: Thank you, John. Charles Brown, Talcott Engineering, representative for the applicant.

This has been before the Board once before. We were referred to the Zoning Board for variances. The existing building doesn't meet setbacks. Those variances were granted at the last Zoning Board meeting.

The proposal is to put a Dominos in the existing bank building on the Shop Rite site. That's where we're at.

CHAIRMAN EWASUTYN: What was that?

MR. BROWN: That's where we're at.

MR. GALLI: Can I go through the drive-through for pizza?

MR. BROWN: No.

CHAIRMAN EWASUTYN: Frank, I didn't hear your question.

MR. GALLI: I said can I drive to the

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window and get pizza.

MR. BROWN: It will not have a drive-through. The drive-through is not permitted for fast food in the B Zone.

CHAIRMAN EWASUTYN: Additional questions from Board Members?

MR. DOMINICK: I think we talked in work session about the location of the dumpster.

MR. BROWN: Yeah. I can move it back by the other dumpsters. If we do that and we put it in an enclosure, I don't know if that would be classified as a structure and have to go for another variance. It is a little tight back there. There's roughly a six-foot retaining wall that runs along here, so we're pretty well screened. I did bring a picture. They are stacked up pretty much like we have on the plan. I don't have a problem moving it back there. Again, the enclosure might make it a little difficult to empty the dumpster. That's the Board's call. If I have to I can fit it in there. It would be in front of this right here.

MR. GALLI: Nothing closer to the building?

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MR. BROWN: Without messing up the parking lot, you really can't put it anywhere else. This one, if you pull in with the front loader, empty it this way, back out and then pull out.

The other thing I'd like to mention is that the DOT already granted a use and occupancy permit for those fourteen parking spots along 32 there. They did that for the building owner a couple years ago.

CHAIRMAN EWASUTYN: At best, I'm just bringing it for conversation, can you build the enclosure of a like kind of material that's on the existing bank instead of --

MR. BROWN: We could use the brick, yeah. I could put brick facing on it.

MR. HINES: I guess you don't show which side the access door is on. I guess it would face into the site.

MR. BROWN: The access door right now is facing 32. If I move it to this spot right here, I'll take the dump truck turning -- garbage truck turning movements and make sure they can access it. We have a much wider aisle on the

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DOMINOS PIZZA

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Route 32 side of the building than we do on the other side. I could do that. I'll move it over the other way and access it from opposite Route 32 so it will just look like a brick structure.

CHAIRMAN EWASUTYN: It's somewhat of an attractive building the way it is now.

MR. DOMINICK: Where are you suggesting to put it, Charlie? I'm sorry, you lost me on that.

MR. BROWN: Just move it so it's even with the end of this parking spot. So trucks would come in, empty it, back out and swing around. That way the gates will be facing the back of the lot.

CHAIRMAN EWASUTYN: From Route 32 they'll see a brick veneer.

MR. HINES: You're basically putting it where the projection is to the south, lining it up with that? Is that what -- the projection on the building? I can't see that far.

MR. BROWN: We can move it up about twenty feet towards Route 32.

MR. CANFIELD: Into the parking area?

MR. BROWN: No. Just to the end of the

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parking stall. We can put it right there.

MR. HINES: Why don't you split the difference? Where that building projects, line it parallel or in line with that.

MR. BROWN: Again, I'd have to make sure that the garbage trucks can get in and out of there, unless they come in with a side loader.

MR. HINES: I don't venture to guess that parking lot is full all the time anyway.

MR. BROWN: No, it's not. At my office they come at whatever, 8:00 in the morning.

CHAIRMAN EWASUTYN: Any other questions from the Board Members on the dumpster?

MR. DOMINICK: I have one question. If you're going to put a brick enclosure around that dumpster, why couldn't you put that brick enclosure around the dumpster by the other dumpsters? From an aesthetic point of view, pulling in from Route 32 and seeing other than a dumpster.

MR. BROWN: I guess I could. The rest of the building is not the same style as the future Dominos building. I can put it right back here. You could pull straight in and empty it.

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DOMINOS PIZZA

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MR. WARD: That's what we're saying.

CHAIRMAN EWASUTYN: Do you think that's an appropriate distance for Dominos Pizza to bring their trash from that building --

MR. BROWN: That's a long way to go with their trash.

CHAIRMAN EWASUTYN: -- all the way to the rear?

MR. HINES: It's like three hundred and some feet.

CHAIRMAN EWASUTYN: What would they do in weather where you have snow and everything?

MR. HINES: It's three hundred and some feet.

MR. DOMINICK: That's not it then.

MR. GALLI: I would put it in the spot you were saying, as long as you decorate it up.

MR. BROWN: The bump out there.

MR. GALLI: Dress it up.

MR. HINES: It might look more symmetrical there.

CHAIRMAN EWASUTYN: Jerry, do you have comments?

MR. CANFIELD: Just one comment.

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Basically, Charlie, on the signage; your table, I agree that it complies, it's less than what's permitted. The numbers don't actually match up with yours. The rendering -- the artist's rendering that was submitted, if we could get a little breakdown of the actual square footage and where they are. I don't like to scale that, you know what I mean? If you can give me a dimensional. I don't know if you did this or --

MR. HINES: Put a box around the signs?

MR. CANFIELD: If you could give us dimensions so we can calculate it and justify your numbers.

MR. BROWN: Sure. Okay.

MR. CANFIELD: That's the only thing that I have.

MR. MENNERICH: Charlie, on that signage, the signs that say a hundred percent dough and hand tossed, is that going to be part of your signage calculation?

MR. BROWN: Yes.

MR. MENNERICH: Okay.

MR. CANFIELD: Absolutely.

CHAIRMAN EWASUTYN: Does Dominos have a



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lot of sit down? Do you know the percentage of takeout versus sit down?

MR. BROWN: Most of it is takeout and delivery. They were talking about less than twenty-five percent is actually sit down at this particular point. They are in the process of retooling their restaurants to make it feel more friendly. I think maybe they want to encourage more of the sit-down business. It's not table service. In other words, you have to go to the counter and order it and take it to the table.

CHAIRMAN EWASUTYN: And the hours of operation? It's seven days a week. What are the hours?

MR. BROWN: That I don't know. That's a good question. It is seven days a week.

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

MR. HINES: Only that it needs to go to County Planning because of the State highway. It has it's variances. This is the first time back.

MR. BROWN: They sent it to County Planning from the ZBA.

MR. HINES: Unfortunately --

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MR. BROWN: It has to go from here.

Okay. We did have a public hearing at the ZBA meeting. Obviously there was only one neighbor that stood up, and he was under the impression that we were building a new building. Once he found out it was going in this building he was all for it. It has been vacant, idle for so long.

CHAIRMAN EWASUTYN: Let's talk about the other comment that was made at the hearing.

MR. BROWN: That is?

CHAIRMAN EWASUTYN: Having read the minutes, there was a concern from one of the residents about odor.

MR. BROWN: Yeah.

CHAIRMAN EWASUTYN: Thank you. Well let's touch upon all bases.

MR. BROWN: Okay. I got that once over in Beacon. They thought it was going to be a Chinese restaurant. It was actually an Irish steakhouse.

CHAIRMAN EWASUTYN: So we understand the odor could be different.

MR. BROWN: My office is over there.

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DOMINOS PIZZA

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Pizza Hut is right down the street, and Papa John's. I don't smell anything coming out of these places.

CHAIRMAN EWASUTYN: Jerry, is that satisfactory? I don't know.

MR. HINES: They have a conveyor oven.

MR. CANFIELD: There is a Chinese restaurant in this plaza already. Charlie is right, Papa John's, if you remember at the public hearing there were public that attended and were concerned of the smell. Other than the one individual in the back of that project, that's the only time I've ever had any complaints about the odor.

MR. BROWN: McDonald's I can smell from my office.

CHAIRMAN EWASUTYN: We had one motion to circulate this to the Orange County Planning Department. I'll move for a motion for that.

MR. WARD: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: John Ward moved for that motion and Dave Dominick seconded the motion. I'll ask for a roll call vote starting

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DOMINOS PIZZA

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with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Then I'll poll the Board Members to see if they want to have a public hearing on the Dominos change of use site plan.

MR. GALLI: How many people spoke at the other one? Two?

MR. BROWN: Just one that I remember.

MR. GALLI: The same guy did the odor and --

MR. BROWN: Yes.

MR. GALLI: No. I'm okay.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: I'm okay.

CHAIRMAN EWASUTYN: Ken?

MR. MENNERICH: No.

CHAIRMAN EWASUTYN: Dave?

MR. DOMINICK: No.

MR. WARD: No.

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CHAIRMAN EWASUTYN: Myself no.

Let the record show that the Planning Board waived the public hearing on the Dominos change of use site plan.

You'll work with Pat to do the circulation.

MR. BROWN: I'm prepared to do the architectural review tonight or next time. Either way.

CHAIRMAN EWASUTYN: Why don't we finalize it after we hear back from the County one way or the other.

MR. GALLI: Then we'll see the dumpster thing on there.

CHAIRMAN EWASUTYN: Thank you.

MR. CANFIELD: And the signage.

MR. BROWN: Very good.

CHAIRMAN EWASUTYN: Thank you, Charles.

(Time noted: 7:36 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 2nd day of February 2018.

*Michelle Conero*

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MICHELLE CONERO

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

----- X

In the Matter of

UNIFIRST ADDITION  
(2018-01)

33 Jeanne Drive  
Section 34; Block 2; Lot 38.32  
IB Zone

----- X

INITIAL APPEARANCE  
AMENDED SITE PLAN

Date: January 18, 2018  
Time: 7:36 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: MICHAEL H. DONNELLY, ESQ.  
PATRICK HINES  
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

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CHAIRMAN EWASUTYN: The third item of business this evening is Unifirst Addition. It's an initial appearance for an amended site plan. The building is located on Jeanne Drive in an IB Zone. Once more, it's being represented by Talcott Engineering.

MR. BROWN: Thank you, John. Unifirst purchased this building in December of 2015. They intend on a permanent presence here in the Town of Newburgh.

Currently it's mostly warehouse with less than 200 square foot of office in the main building. They want to put an addition on the front of the building to contain all the offices. They want to move the offices from the existing warehouse building.

They want an addition to the back of the warehouse so they can bring tractor trailers in with two loading docks.

The septic system was unverifiable because of the addition. We did soil testing for a new septic system. That's shown in the back.

They did want parking for a number of box trucks. This is going to become one of their



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bigger facilities.

We're here for our first initial appearance to get any input from the Board and the consultants.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: The septic system is going to be back here?

MR. BROWN: Yes. We tested along the side of the building over here, and those tests were not very good. The water was relatively close to the surface.

MR. GALLI: There was a lot of rock in the back of that building.

MR. BROWN: We proceeded to work our way back and hit rock and then we came over here and we hit almost like tailings. Underneath that was decent material.

MR. GALLI: That's all I had, John.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: No. Nothing right now.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: No questions.

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CHAIRMAN EWASUTYN: John Ward?

MR. WARD: My question was about tractor trailer trucks. Somewhere somebody mentioned about only they had to back in.

MR. BROWN: We went through a couple scenarios with them. The architect they hired, that was his brainstorm. This is a low-volume road and it's not a through road, it's a dead end. Yes, they would pull past the entrance and then back in. That's the way the present plan is laid out.

MR. GALLI: The road is pretty wide so it's pretty easy to back in. The lot is pretty wide.

CHAIRMAN EWASUTYN: Charlie, at some point in time there will be the addition. We'll get to see the ARB plans of the addition?

MR. BROWN: Yes.

CHAIRMAN EWASUTYN: It will be a continuation of the same colors that are on the building?

MR. BROWN: Yes. Yes. Pretty much. They actually already sent the architecturals with the colors and the samples. I could submit

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those with the next round of plan submission.

CHAIRMAN EWASUTYN: Will they be losing parking spaces in the front once they put the addition up?

MR. BROWN: No. No.

CHAIRMAN EWASUTYN: The only reason why I ask that is during the day that parking area, if not all, the majority of the spaces are occupied.

MR. BROWN: Well all of this parking along here is new. They actually sent the architectural plans to me and I went through and counted to make sure we had enough parking for the anticipated employees.

CHAIRMAN EWASUTYN: Right now where there's a company truck parked in this area here, it's also intended to be used, if need be, for employee parking?

MR. BROWN: Where is that?

CHAIRMAN EWASUTYN: Right now when you come in where the tractor trailers are there's one of the company trucks that parks here. It may or may not be an operating truck. All I'm asking you is it seems like there's a lot of cars

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in the existing parking lot. That's all. If you feel that with the addition you won't be hiring any more people and there will be enough parking, that's fine.

MR. BROWN: The parking concerns they probably have; one is security and two is where to park their box trucks. Apparently it hasn't happened at this facility yet. At some of their other facilities they've actually gone in and broken into their trucks and cleaned the whole truck out, which is why we've got the fence and gate and everything. They wanted all the box trucks secured behind the building. That's what precipitated the additional parking in the rear. These are 12 by 25 foot spots back by the septic. Those are intended for the box trucks.

CHAIRMAN EWASUTYN: Okay. And you had a comment, Pat, as far as paving over the septic area.

MR. HINES: Our first comment still has to do with backing the trucks in. I'm still concerned about that operation of trucks backing in off the access road there into the site. That's not something I've ever seen this Board

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allow before for a commercial site operation. I suggest that Ken Wersted take a look at it. I don't know how many trucks a day it is. I hate to set that precedent of trucks backing in off of roadways into sites. It's a concern. Maybe Ken Wersted has a different take on it, if you want to refer it to him.

The second comment, the septic system is being relocated to the rear under a parking lot. We're suggesting that that be submitted to the County Health Department for their review due to the location under the parking.

MR. BROWN: I'm sorry, Pat. I did forward your comments to the lead architect on this project. He said he'd be willing to move the parking area off of the septic system. Again, that septic system location is pretty much what we've got. I mean we tested all over the site and that's the only place we can actually put it.

MR. HINES: The interesting thing is I saw the original site plan and the septic system is where you tested initially.

MR. BROWN: I think that's probably why

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it's saturated.

MR. HINES: Either way, if you can address that. If it's under the parking lot I think it should go to County Health as a nonconventional system. As you work through that we'll take a look at it.

The loading dock drainage may be an issue. There's going to be a four-foot drop from the loading dock.

MR. BROWN: Yes.

MR. HINES: How it's going to drain to daylight.

MR. BROWN: It can not drain to daylight. This site is relatively flat. We're going to have to discharge that into a cistern and pump it out of there. They're aware of that. I did explain that to them. When we first got involved with this project back in early 2016 I actually recommended to them to raise the whole building. They didn't want to go through the expense of doing that with the existing building.

MR. HINES: Curbing on the site. Typically commercial parking lots are required to be curbed. It looks like you're only proposing

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curbing along the sidewalks to the center of the site. I'll defer to the Planning Board on that. We have typically required commercial parking areas to be curbed.

MR. BROWN: They wouldn't have a problem curbing the main parking area in the front and around this island. They would rather not curb along this line or the back parking lot. I don't know if that's something the Planning Board can waive or not.

CHAIRMAN EWASUTYN: Because you want everything to just drain off the property?

MR. BROWN: We actually have a high point right here. This part drains toward the front, this back part drains, and then there's a little stream offsite in here that just starts. This all drains down to that. So the curbing would create a whole supplementary drainage system, catch basins and piping. We'd rather just let it drain off. We don't have that problem with this parking lot here or this one here. I could rig this out so that drains right down to the swale.

MR. HINES: The publicly accessible

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parking would be proposed to be curbed?

MR. BROWN: This here, yes.

CHAIRMAN EWASUTYN: Which the visual impact along Jeanne Drive would look nice with the new building, the curbing. It would be sort of uniform, if the Board agrees with that. Jeanne Drive is a busy, busy example of uses; correct, Jerry?

MR. CANFIELD: Yes.

CHAIRMAN EWASUTYN: That's an old Gus Gekakis project that started out many, many years ago.

MR. HINES: The two access points to Jeanne Drive are proposed to be modified. The drainage will have to be addressed there. It looks like they're moving, getting wider.

The existing water line proposed to be removed needs to be coordinated with the Town to remove the service.

Along with that, and I think this is a good introduction for Jerry's comments, it looks like -- is there a lot line change involved here?

MR. BROWN: No. No. This is an easement for the water line to the adjoining



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building. We do have a water valve right here which we can turn off and then terminate the line going to this building. We're proposing a four-inch line. We were assuming it had to be sprinklered.

MR. HINES: So that's an easement, that jog?

MR. BROWN: Correct, that this property has granted through R&B Realty to the east.

CHAIRMAN EWASUTYN: Charlie, how many tractor trailers enter the site on a daily basis?

MR. BROWN: It's my understanding that they're not even coming in daily. I will get that information from them and put it on the plans. They would bring in a tractor trailer, disconnect the cab, leave the trailer there and take the cab away. That's what they told me last. You know, over time unload the tractor trailer. I will get that, though. I'll get the frequency of tractor trailers.

CHAIRMAN EWASUTYN: Pat, what are you suggesting? Charlie put together some information and we'll send this up to Ken Wersted to get Ken Wersted's comments?

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MR. HINES: Yeah. Number of trips.  
Is Jeanne Drive a Town road?

CHAIRMAN EWASUTYN: Yes.

MR. BROWN: Yes.

CHAIRMAN EWASUTYN: That was a long  
fought battle with Jim Osborne and Gus Gekakis  
way, way back as to who inspected the road, how  
was it really built, what was the subbase like.  
There was a lot of friendship in that one.

MR. HINES: Then we ask for  
landscaping, fence details, site lighting.

MR. BROWN: The dumpster is anticipated  
to be concrete because it's going to act as a  
partial retaining wall in the back corner there.  
We'll probably move that a little further away  
from the property line. I envision moving the  
box truck parking.

MR. HINES: Is this within 500 feet of  
Route 300?

MR. BROWN: It's not actually. I  
checked.

MR. HINES: I just want to make sure it  
doesn't have to go to County Planning.

That's all we had.

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CHAIRMAN EWASUTYN: We are sending it to the County Health Department? How does that work?

MR. BROWN: I will reconfigure it so the parking area is not over the septic system.

MR. HINES: With the same number of spots?

MR. BROWN: Maybe a few less.

CHAIRMAN EWASUTYN: So then you'll get the information together and send it up to Ken Wersted.

MR. BROWN: I will.

CHAIRMAN EWASUTYN: cc us on that mailing.

Michael, anything on SEQRA at this point?

MR. DONNELLY: No.

MR. WARD: Just one question. Where are the tractor trailer trucks backing up from?

MR. HINES: Jeanne Drive.

MR. BROWN: They're going to come down Jeanne Drive, pass the exit and back in.

MR. WARD: Thank you.

MR. CANFIELD: John, I have a question.

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CHAIRMAN EWASUTYN: Sure.

MR. CANFIELD: On the water line  
Charlie, the new line, what size will that be?

MR. BROWN: Four inch. We're assuming  
the building has to be sprinklered. Right, the  
building has to be sprinklered?

MR. CANFIELD: Is this going to be an  
S-2?

MR. BROWN: S-2?

MR. CANFIELD: The building  
classification.

MR. HINES: It may be a mixed because  
of the office, the warehouse --

MR. BROWN: The warehouse is actually  
an old pole barn.

MR. CANFIELD: Also, this commodity is  
uniforms?

MR. BROWN: Yes. They pick up and  
deliver uniforms. They don't do any of the  
processing.

MR. CANFIELD: There's no laundering?

MR. BROWN: Not in this facility.

MR. CANFIELD: We don't have to worry  
about discharges.

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CHAIRMAN EWASUTYN: That's the purpose of the tractor trailer that occasionally comes in?

MR. BROWN: Yes.

MR. DONNELLY: Can I go back to SEQRA for a moment? If this is going to have to go to the Health Department because of the septic location, then we should probably issue a notice of intent because they would be an involved agency. If you're sure it's not going to go, then we don't need to.

MR. HINES: I'm not sure yet. I guess we can do that next time.

MR. DONNELLY: Maybe we should do a notice of intent then. It can't hurt to do it.

CHAIRMAN EWASUTYN: Okay. Having heard from Mike Donnelly, I'll move for a motion to declare our intent for lead agency.

MR. GALLI: So moved.

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

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: Second by Ken Mennerich. I'll ask for a roll call vote.

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MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Michael, thank you.

MR. BROWN: Thank you.

CHAIRMAN EWASUTYN: A pole building?

MR. BROWN: We actually dug around the perimeter and checked the configuration of the building.

CHAIRMAN EWASUTYN: Do you remember what the original use was?

MR. BROWN: I do not.

MR. CANFIELD: In that building?

CHAIRMAN EWASUTYN: Yes.

MR. CANFIELD: Bill --

MR. GALLI: Bill Henry. Are you talking about the owner? Bill Henry owned that.

CHAIRMAN EWASUTYN: What was that, do you remember?

MR. CANFIELD: Just warehouse, storage, dry goods.

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 2nd day of February 2018.

*Michelle Conero*

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MICHELLE CONERO

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

----- X  
In the Matter of

MOBILITIE  
(2017-23)

6 Orr Avenue  
Section 96; Block 1; Lot 11.1  
IB Zone

----- X

PUBLIC HEARING

Date: January 18, 2018  
Time: 7:50 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: MICHAEL H. DONNELLY, ESQ.  
PATRICK HINES  
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: DANIELLE LAM

----- 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: The last item of business we have this evening is a public hearing on Mobilitie. It's located on Orr Avenue. It's in an IB Zone. It's going to be represented by Danielle Lam.

Mr. Mennerich will read the notice of hearing.

MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to the Municipal Code of the Town of Newburgh, Chapter 185-57 Section K and Chapter 168-16 Section A, on the application of Mobilitie, LLC, Orr Avenue, a micro-communications facility, project 2017-23. The project includes the placement of a small cell node on the existing utility pole along with associated equipment and apparatus. The project is located approximately 200 feet west of the Route 300/Orr Avenue intersection in the vicinity of Cosimo's Restaurant access drive. The project is located adjacent to 6 Orr Avenue, Section 96, Block 1, Lot 11.1 nearest SBL. The project is

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located on a Town owned right-of-way in the IB Zone. A public hearing will be held on the 18th day of January 2018 at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7 p.m. at which time all interested persons will be given an opportunity to be heard. By order of the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman, Planning Board Town of Newburgh. Dated 3 January 2018."

CHAIRMAN EWASUTYN: Would you introduce yourself, please.

MS. LAM: My name is Danielle Lam with Mobilitie. Mobilitie is a utility and infrastructure builder for all four major carriers, Sprint, Xfinity, AT&T and T-Mobile. Specifically the one in the Town right-of-way is for Sprint Telecom.

We are attaching about 60 to 90 pounds worth of telecom equipment, which is also known as a small cell, onto an existing Central Hudson utility pole here.

So in front of you is a photo simulation with our equipment attached to the Central Hudson pole with an antenna on top and

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pulling power from the nearby distribution pole.

So this is our proposed project. The small cell is intended to intensify the data network for Sprint in the area. Not necessarily increasing voice coverage but increasing data. So you'll get higher speeds for e-mails, text messages, viewing video and things like that.

I can talk more about small cells and the 5G network that we'll eventually be proposing. In the equipment is a software upgrade. The FCC has yet to release the rules for the 5G network. As you know, we have 3G, 4G right now. 2020 is the date for the FCC to release the rules for 5G. 5G is just 4G but at higher speeds which enables all the apps that we have on our phones now. Right now even if you have 4G, using all the apps that you have on your phone we can't keep up -- the carriers can't keep up with the speed. The 5G network will then propose faster speeds for your apps to work. For example, unlocking your vehicle through your app. If you have a smart vehicle you need data for that. If you want to play that Pokemon game that was popular with the kids, you need data for

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that. All these apps are out there but the infrastructure and spectrum isn't up to speed, which is what the 5G is for.

Right now this will have 4G capacity. When the FCC releases it in 2020 we'll do a software upgrade, which is already embedded in the equipment. We don't have to come back out to do any more construction.

Essentially the new wave of telecom, we're using our cell phones for less voice calls and more app-based devices, text messages, e-mails, things like that. This is what we're building. We're building based on the capacity needs of the constituents. There must be a lot of Sprint users in this area or Sprint users that drive by and they are not getting the speeds and data that they are essentially paying for.

MR. GALLI: Is that a new pole that's going in?

MS. LAM: No. It's an existing Central Hudson pole. We're going to attach our equipment there.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: No. No questions.

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CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: From my understanding, this additional node or cell, does it draw far? Only the immediate area? We're talking a hundred foot, five hundred foot?

MS. LAM: It depends how many users are using the data. Maybe we'll say it's a block or two blocks worth. The way it works, if you think about a flashlight, the higher up the antenna is the faster -- the wider cast of coverage that we get. It's not a very tall pole. I don't believe the Central Hudson one is. It won't be very far. It will intensify that around the area.

MR. DOMINICK: Thank you.

MR. HINES: Here's the coverage map. It's a couple hundred feet.

MR. GALLI: Probably Crystal Run Healthcare.

MR. DOMINICK: Wal-Mart.

MR. HINES: It covers the Sprint store.

MR. DOMINICK: A couple houses before the Kohl's.

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MR. GALLI: When you go into Sprint it will work a hundred miles-an-hour and when you walk outside you'll get two miles-an-hour.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: How did you establish this spot?

MS. LAM: Each carrier has their own confidential information based on their own users, how much coverage or how much cell use they're getting. Based on Sprint's propagation maps it shows Sprint users are getting poor coverage here. That's why they proposed this location on top of trying to find an existing pole without attachments on it. So finding essentially a distribution pole with no attachments that we could put something on it. Both of them have to work for us.

MR. WARD: Thank you.

MR. HINES: This Central Hudson pole doesn't have utilities on it. It's a guide wire. The one across the street has the transformers. It's basically just their pole.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. CANFIELD: I have nothing.

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CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: There are a couple items. We need a resolution with the Town Board because this is located in the Town right-of-way. They requested numerous waivers which were discussed at several meetings. Probably other than the technical ones is the need to waive the -- their request to waive the typical bonding requirements of your ordinance, which would appear excessive for this type of technology. Your ordinance hasn't caught up, I don't believe, to this technology. There's a \$75,000 removal bond required for wireless communication facilities, however I'm not sure this whole facility would cost that much. I don't know what the cost is for the equipment. Certainly removal would be cheaper than that. They requested that that be waived. That's something that the Board can consider.

It was submitted to Orange County Planning during the public hearing publication and notification period. That was sent on January 4th. That time has not lapsed either. So the Town Board decision and the County

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MOBILITIE

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Planning decision I think are two impediments to your approval right now.

CHAIRMAN EWASUTYN: Mike Donnelly, from what I understand they have to -- the Town is seeking a most favorite municipality clause. Can you explain that?

MR. DONNELLY: I'm not sure I do understand that part. I know what they have to do is grant a franchise to use this pole. The Town Board said they need a public hearing. I don't know what you're reading there. Is that something Mark Taylor put together?

CHAIRMAN EWASUTYN: It was the notes from a Town Board meeting. This proposal was presented to the Town of Newburgh Planning Board in October 2017 and is scheduled for a public hearing in January 2018, however because the tower is in the Town's right-of-way, a franchise agreement needs to be arranged with the Town Board. Town Supervisor, Gil Piaquadio, and attorney for the Town, Mark Taylor, advised Mr. Costa that the Town will be seeking a "most favorite municipality clause" in the franchise agreement to guarantee that the Town will be paid



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the highest rates in comparison to similar municipalities as other carriers begin to enter into the area.

MR. DONNELLY: I think what Mark is saying is that we want to make sure that we're on equal footing with other carriers. A franchise agreement is the part that I was aware of. I know they were going to hold a public hearing and make a decision. I don't know if they have done that yet.

Do you know whether they've held their public hearing, the Town Board?

MS. LAM: The Town Board? I think this was our public hearing.

MR. DONNELLY: In earlier correspondence Mark Taylor, the Town attorney, said that you would need to apply for that franchise agreement with the Town and a public hearing on the franchise agreement would need to be held by the Town Board. I don't know where that went.

MS. LAM: Okay. I thought this was our public hearing.

MR. DONNELLY: You need one here on the

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site plan. They needed one on the franchise agreement. I think it's Town Law Section 64. You'll need to follow up with the Town Board.

MS. LAM: Okay. We'll do one exactly like this but for the franchise agreement?

MR. DONNELLY: It will be for a different purpose but it will be in this room and the public would have a chance to speak.

MS. LAM: Okay.

CHAIRMAN EWASUTYN: Pat, for the benefit of Ms. Lam, maybe she knows, she doesn't know, why we can't act on it tonight because of the Orange County Planning Department.

MR. HINES: Because of the project's proximity to the State highway, under General Municipal Law 239, I believe it's M, there's a requirement that the project be submitted to Orange County Planning to determine whether there are regional or intermunicipal issues involved with the project. The County has a thirty-day timeframe in which to respond to the Town's notice. Again, that notice was prepared along with the notices for the property owners. The thirty-day timeframe hasn't lapsed. Had we heard

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MOBILITIE

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from County Planning the Board would be in a more favorable position to act. They get thirty days in which to respond, which won't lapse until February 3rd or so.

MS. LAM: Okay.

CHAIRMAN EWASUTYN: Would you suggest that we move for a motion this evening to waive the removal bond or should we wait to make that part of the conditional final approval?

MR. HINES: You may want to hear from the Town Board on their position on that as well.

CHAIRMAN EWASUTYN: Okay. Is there anyone here this evening for the public hearing?

(No response.)

CHAIRMAN EWASUTYN: Let the record show there's no one here this evening for the public hearing.

I'll move for a motion to close the public hearing on -- Stephanie, would you give us the pronunciation? Mobility?

MS. DeLUCA: Mobilitie.

CHAIRMAN EWASUTYN: I'll move for that motion.

MR. MENNERICH: So moved.

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MR. WARD: Second.

CHAIRMAN EWASUTYN: A motion by Ken Mennerich and a second by John Ward. 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.

There's no other action we can take this evening. Thank you for the explanation.

MS. LAM: Yes.

CHAIRMAN EWASUTYN: That's always interesting.

(Time noted: 8:05 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 2nd day of February 2018.

*Michelle Conero*

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

----- X  
In the Matter of

2018 PLANNING BOARD REORGANIZATION

- Appointments for the Planning Board
- Planning Board meeting dates
- Consultants work session meeting dates

----- X

BOARD BUSINESS

Date: January 18, 2018  
 Time: 8:05 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: MICHAEL H. DONNELLY, ESQ.  
 PATRICK HINES  
 GERALD CANFIELD

----- 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: Mr. Mennerich will take the lead now and go through the reappointments for 2018.

MR. MENNERICH: This is the 2018 Planning Board reorganizational meeting regarding appointments for the Town of Newburgh Planning Board.

Kenneth A. Mennerich, Vice Chairman of the Planning Board; Michael Donnelly, Esquire, Attorney to the Planning Board; McGoey, Hauser & Edsall, Patrick Hines representing engineers and planners to the Planning Board; Karen Arent, RLA, Landscape Architect to the Planning Board; Kenneth Wersted, PE, Traffic Engineer to the Planning Board; Michael Musso, PE, Telecommunications Consultant; Michelle L. Conero; Stenographer to the Planning Board.

CHAIRMAN EWASUTYN: Any questions or comments?

(No response.)

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

MR. DOMINICK: I'll make a motion.

MR. GALLI: Second.

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CHAIRMAN EWASUTYN: I have a motion by Dave Dominick and I have a second by Frank Galli. 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.

MR. MENNERICH: The next item is our 2018 Planning Board meeting dates that we all received a copy of. I would like a motion to approve that.

MR. GALLI: So moved.

CHAIRMAN EWASUTYN: I'll second the motion.

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.



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CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: The third item is the 2018 consultants work session meeting dates which is also a memo we had gotten where there's one meeting a month for work session except not in December. I'll need a motion to approve this.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 8:09 p.m.)

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

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true record of the proceedings.

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 2nd day of February 2018.

*Michelle Conero*

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MICHELLE CONERO

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

----- X  
In the Matter of

GARDNERTOWN COMMONS  
(2016-03)

Processing of rock on the site

----- X

BOARD BUSINESS

Date: January 18, 2018  
Time: 8:09 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: MICHAEL H. DONNELLY, ESQ.  
PATRICK HINES  
GERALD CANFIELD

----- X

MICHELLE L. CONERO  
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(845)541-4163

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CHAIRMAN EWASUTYN: I want to take a few minutes to discuss, Jerry Canfield received a request from Verdi, Michael Burton, he's a senior project manager for Gardnertown Commons.

Jerry, can you speak on that and say what's going on?

MR. CANFIELD: Gardnertown Commons project is the apartment complex down the road from here. They have Planning Board approval. They're in the process of filing for their building permits. They're permitted to do the site work which they have commenced. They have taken the trees down, they are in the process of de-stumping now.

They recently had submitted a request. They've encountered rock in some locations on the site. They had made a commitment to the public at the public hearing, and this Board as well, that they would not be blasting. They had proposed to hammer out the rock. They've also proposed to remove that rock from the site, bring material in. They're also asking for a batch plant on site.

Since then, discussing it with John, we

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felt that we needed a little more detail. I had sent the project manager an email and requested more details, such as where on the site was the rock encountered, what's the extent of the rock removal, stockpiling, trips per day and all of that. I have not received anything additional from them.

I think the one thing that probably is most prevalent is the batch plant being on site.

MR. HINES: Rock crushing is what they're requesting. A batch plant is concrete.

MR. CANFIELD: I'm sorry.

MR. HINES: They want to put a crusher on the site to process the material into an aggregate.

MR. CANFIELD: Then reuse it. Again, both items, the hammering, which is basically a chip bit at the end of an excavator, it's very loud and a continuous dat, dat, dat, dat, dat. Again, the rock crushing are both elements of noise. I don't know to what extent it is actually going to be. I don't have that to present to you. I think there may be some concerns with the noise, something not consistent

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with the original --

MR. HINES: When I saw that request, that comment, the blasting comment that came up at the public hearing and the applicant's representative at that time didn't have an answer. They came back several months later during the process and gave us a map of the bedrock. They had done some testing and it wasn't -- it was fairly isolated and not extensive on the plan they presented. It would be interesting to see where the current contractor believes they need to remove that material from.

CHAIRMAN EWASUTYN: That was interesting because that was a point I raised with Jerry. I didn't take the time to go into the files to pull that study but it seemed like there was maybe one foundation along --

MR. HINES: It wasn't extensive.

CHAIRMAN EWASUTYN: -- Gardnertown Road where there was bedrock. Beyond that, you know, it was just reasonable.

I think the responsibility that we have is to have as much information as possible, if

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for no other reason when local residents call up the building department they can then say this use will be for this period of time and give the public a better explanation. There was a lot of public concern, and of course the regulations are the regulations. What they've done there is permitted.

Someone made the suggestion that if the Town ever does do a kind of zone change or buffer change for things like that, that maybe when you have a high-density use like this, which is permitted in a residential district, that the buffer should be maybe a minimum of a hundred feet between residents when you have this higher density.

Anyway, I think Jerry's office needs to have some understanding. We need to have some understanding. Do you think?

MR. GALLI: Yes.

MS. DeLUCA: Yes.

MR. MENNERICH: Yes.

MR. DOMINICK: Yes.

MR. WARD: Yes.

MR. DOMINICK: It's pretty big.

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MR. CANFIELD: As soon as I get more information I'll forward it to you.

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

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

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

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IN WITNESS WHEREOF, I have hereunto set my hand this 2nd day of February 2018.

*Michelle Conero*

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MICHELLE CONERO



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

----- X  
In the Matter of

LOCAL LAW AMENDING THE MUNICIPAL CODE'S  
SIGN REGULATIONS

----- X

BOARD BUSINESS

Date: January 18, 2018  
Time: 8:14 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: MICHAEL H. DONNELLY, ESQ.  
PATRICK HINES  
GERALD CANFIELD

----- X

MICHELLE L. CONERO  
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MR. MENNERICH: Under Board business there's two items. The first was the discussion of the local law amending municipal code's sign regulations which was discussed at work session.

CHAIRMAN EWASUTYN: Michael, do you want to take the lead on that?

MR. DONNELLY: We spent quite a bit of time discussing the Town's five local laws proposing comprehensive changes to the Town's sign ordinance. Of course the Planning Board has seen over the years how much the sign ordinance is out of whack with the commercial needs of businesses. That's resulted, at least in part, in the Zoning Board having to approve almost every sign permit that's come across from the commercial side.

The law addresses many of those things. I won't repeat what we discussed at work session. It is the request of the Town and it is the command of the code that you render a report on this text change. There are four factors you are to report on. I did take some notes during our discussion. I think I can find a way to put those into that report.

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The first is whether the change proposed is consistent with the aims and principles embodied in the chapter as to the particular districts concerned. I would start the letter with thanking the Town Board for the reference in regard to the big job of making the changes they did to the sign code because I think it's quite impressive that they didn't just put a patch on, they really thought it through again. I think the Planning Board and certainly the Zoning Board are going to be much appreciative. It does return to a logical approach to signage. It is consistent with the aims of the zoning chapter. It will reduce the amount of ad hoc implementation that we've seen before the Zoning Board and it's incorporation of specific provisions by zone and by use, particularly shopping center uses, is definitely consistent with the aims of the zoning chapter itself.

The second factor is which areas and establishments in the Town will be directly affected by the change. The local law itself makes that clear. It goes through every zoning district and specifies exactly what the impacts

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will be.

The third factor is the indirect implications of such change and it's affect on other regulations. I think the most obvious is the relief that will be granted to the Zoning Board that they will not be handling sign permits on a variance basis. I think that's a wonderful indirect benefit that will help out the Town.

Lastly, whether such amendment is consistent with the aims of the master plan. I think it's easy to say yes, it is. I can add more to that if you have any thoughts.

If that's sufficient I will get this letter out to the Town Board constituting your report.

CHAIRMAN EWASUTYN: Are we satisfied?

MS. GALLI: Yes.

MS. DeLUCA: Yes.

MR. MENNERICH: Yes.

MR. DOMINICK: Yes.

MR. WARD: Yes.

CHAIRMAN EWASUTYN: I'll move for a motion to have Mike Donnelly prepare a letter and refer it to the Town Board as requested.

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BOARD BUSINESS

MR. WARD: So moved.

MR. DOMINICK: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 8:18 p.m.)

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

----- X  
In the Matter of

935 UNION AVENUE SITE PLAN  
TOWN OF NEW WINDSOR SCOPING DOCUMENT

----- X

BOARD BUSINESS

Date: January 18, 2018  
Time: 8:19 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: MICHAEL H. DONNELLY, ESQ.  
PATRICK HINES  
GERALD CANFIELD

----- X

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CHAIRMAN EWASUTYN: The last item Dave Dominick brought to our attention, and Ken Mennerich will cover that.

MR. MENNERICH: The second item under Board business is the Town of New Windsor scoping document for the 935 Union Avenue site plan application. The scoping document is dated September 5, 2017. It's for a Type 1 action. I assume that they're looking for any comments from the Town of Newburgh Planning Board.

MR. HINES: The project is a proposed hotel use where the former Steak & Stein restaurant is on Route 300. It's within 500 feet of the Town line which is why it was also referred to you.

They're proposing a full environmental impact statement based on that scope. They are required to submit it to this Board for review as well as an adjoining municipality.

It seems pretty comprehensive, what they are asking for.

MR. MENNERICH: I imagine with the close vicinity to Washington Lake it's got to be well scoped out.



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CHAIRMAN EWASUTYN: Do we have to act in any way, Pat, Mike?

MR. DONNELLY: No.

MR. HINES: No.

MR. DONNELLY: You can make suggestions and comments but you need not.

MS. DeLUCA: How large is this?

MR. GALLI: Four stories.

CHAIRMAN EWASUTYN: Pat, would you be so kind to prepare a letter and send it to the Planning Board in the Town of New Windsor that we read it into the minutes?

MR. HINES: I can do that, yes.

CHAIRMAN EWASUTYN: Any other questions or comments?

(No response.)

CHAIRMAN EWASUTYN: Frank Galli will be away for the first meeting in February. Cliff Browne will be away for the first meeting in February. That leaves the five of us. Is everyone going to be here the first meeting?

MS. DeLUCA: Yes.

MR. MENNERICH: Yes.

MR. DOMINICK: Yes.

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MR. WARD: Yes.

CHAIRMAN EWASUTYN: That being said,  
I'll move for a motion to close the Planning  
Board meeting of the 18th of January.

MR. GALLI: So moved.

MR. WARD: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 8:21 p.m.)

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