

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

----- X
In the Matter of

A PLUS AUTO & TRUCK, LLC
(2018-17)

12 Little Lane Road
Section 53; Block 4; Lot 4.21
B Zone

----- X

SITE PLAN

Date: February 21, 2019
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
CLIFFORD C. BROWNE
STEPHANIE DeLUCA
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: MICHAEL LYNCH

----- X

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A PLUS AUTO & TRUCK, LLC

2

CHAIRMAN EWASUTYN: Good evening,
ladies and gentlemen. I'd like to welcome you to
the Planning Board meeting of the 21st of
February. This evening we have three agenda
items. There is no Board business.

We'll start the meeting with a roll
call vote.

MS. DeLUCA: Present.

CHAIRMAN EWASUTYN: Present.

MR. BROWNE: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

MR. DONNELLY: Michael Donnelly,
Planning Board Attorney, present.

MS. CONERO: Michelle Conero,
Stenographer.

MR. CANFIELD: Jerry Canfield, Town of
Newburgh.

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

MR. WERSTED: Ken Wersted, Creighton,
Manning Engineering, Traffic Consultant.

CHAIRMAN EWASUTYN: We'll turn the
meeting over to Dave Dominick.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A PLUS AUTO & TRUCK, LLC

3

MR. DOMINICK: Please stand for the Pledge.

(Pledge of Allegiance.)

MR. DOMINICK: Please silence your cell phones.

CHAIRMAN EWASUTYN: The first item of business is A Plus Auto & Truck, LLC. It's a site plan located on 12 Little Lane Road in a B Zone. It's being represented by Engineering & Surveying Properties. The presentation will be given by Michael Lynch.

MR. LYNCH: Yes. So here is the site plan for A Plus Auto. We'd previously been in front of the Board when we made our initial application.

It was brought to our attention that we needed a variance for the front yard setback of the existing residential building on the property. We received that variance at last month's ZBA meeting.

There was also an issue of a rear yard variance, but that will be resolved by deleting the lot line between the two adjacent lots that are shared by the property owner.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

In addition to going through the ZBA, we received some comments from the review engineer. We responded to those comments. We actually received new comments just today. They seem to be minor in nature, things that we can certainly address.

One thing that did come up was discussion with the Board on whether or not curbing would be required for this project. The site is currently built out. We have some proposed improvements, such as paving a portion of the existing driveway that is currently gravel and then adding some ADA compliant parking as well. Part of that would also be widening of the entrance to conform to the zoning requirements.

CHAIRMAN EWASUTYN: Was there another question as far as whether there should be a dumpster enclosure or there shouldn't be?

MR. LYNCH: Yes. That would be something I guess the Board should discuss. There's currently a dumpster on site. It doesn't have an enclosure. If that's something that is required, certainly we'd be happy to discuss that.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRMAN EWASUTYN: Let's go through
the engineering comments --

MR. LYNCH: Sure.

CHAIRMAN EWASUTYN: -- and then we'll
get back to the issue of curbing and a dumpster
enclosure.

Pat Hines, Jerry Canfield.

MR. HINES: The project did receive a
front yard variance.

The rear yard setback issue is to be
addressed by combining the lots. We'll need a
plan showing that.

MR. LYNCH: With a surveyor's seal?

MR. HINES: Yes. In order to
consolidate those lots. Right now this plan
shows the lot lines still there.

There is an issue regarding the use of
the residential building in the front and the
number of units there. I'll defer to Jerry's
comments when we're done with this.

The bulk table will have to be modified
due to the lots being combined. Those changes
will need to be done.

We just discussed the curbing, which

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

we'll get back to.

The notes for the motor vehicle service station have been added to the plans per that zoning section.

We just discussed the dumpster enclosure which the Board will discuss.

We noted the site lighting has been shown and put on a motion-activated sensor.

Submission to Orange County Planning is required as well as DOT for the SEQRA coordination.

We're suggesting that a revised set of plans be delivered based on the conversations tonight, then we can coordinate the lead agency circulation as well as the County Planning comments.

So the outstanding issues are whether or not curbing will be done on the site -- I think the site will be cleaned up substantially by the current proposal. The Board has consistently required curbing -- the dumpster enclosure and the use of the structure.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. CANFIELD: With regard to the use

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A PLUS AUTO & TRUCK, LLC

7

of the structure in the front, one of the comments in the responses from Jay Samuelson was that the owner had contacted the building department. I don't know that that's factual. There's been no contact. The Board's concern with it is that it is an enforcement action that is still active. It's unrelated to this rear building but it's a three-family structure and it's not supposed to be. It's supposed to be a single family.

MR. LYNCH: Just from what I know is -- obviously I'm here representing A Plus Auto who is in the rear building. As far as my contact with the owner of the property and the residential structure, I've been in contact with their attorney and that's what he's told me to date. If he hasn't contacted the Town, then I'll have to follow up on that with him.

MR. CANFIELD: Are you willing to share with us the attorney's name so I can maybe contact him?

MR. LYNCH: Todd Kelson is his name.

MR. CANFIELD: Thank you.

CHAIRMAN EWASUTYN: Anthony, do you

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

have anything you want to add this evening? It's good to see you here.

MR. LOSPALLUTO: Thank you. I appreciate it.

I have spoken to the landowner, basically daily, to try to help alleviate all of these issues in a quickly fashion so to say. I've been told the same thing which I had been relaying back to Mike about the house, which I knew from the start. I was told they were going to vacate. I told them most likely the Town, obviously, one, would want to see that personally; two, that I should have some sort of letterhead to bring to the Board as well. I'm not sure it will really do anything but to at least show that at least on my end, although it doesn't really matter in a sense, but that I'm trying to get this resolved and pushed ahead.

As far as the dumpster enclosure, I agree. If you guys want one, by all means, because it needs to be there. It's an eyesore anyway.

As far as the curbing, if you don't mind, what is that actually -- am I picturing

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

like an actual curbside walk? Like sidewalk curbing? Is that for water? What is the purpose of --

MR. HINES: The Board typically requires commercial properties to have curbing to define the parking areas, however on some of these existing sites it can create drainage issues that would be difficult. This site does drain to the rear. There's an immediate stream to the rear of the structure. The Board did discuss at work session that you have cleaned up the site significantly already and are just starting out in a new business, so that's a consideration for the Board as well. That will be their decision on curbing or not. It would create on this site -- based on the topography, it may create drainage issues that may become a challenge.

CHAIRMAN EWASUTYN: Anthony, if I can speak for the Board. We're looking to set a public hearing for this. On what date?

MR. HINES: April 4th.

CHAIRMAN EWASUTYN: April 4th.

MR. LOSPALLUTO: Okay.

CHAIRMAN EWASUTYN: To assist you in

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

your endeavors and also to function as a Board, we are looking to move this forward as best we can.

We'll poll the Board Members to see, based upon Pat Hines' comments, whether the Board would or would not like to see curbing.

MR. LOSPALLUTO: Okay. I also have another question if I may. As far as the front house goes, obviously I'm in no control over that. Is that going to be an impediment on me getting an occupancy at the end of the day so to say? Say they don't want to resolve or this is an issue that's going to take months to resolve, is that going to be my issue no matter what at the end of the day to be able to say hey, I'm open officially?

CHAIRMAN EWASUTYN: We'll turn to Mike Donnelly, Planning Board Attorney, to speak on that.

MR. DONNELLY: A multi-family building would itself require site plan approval. The Board is not going to approve a multi-family building because it's not proposed. We would include a condition that says this approval is

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

for a single-family residential structure only.
The approval could be granted with that
condition. The enforcement action would have to
take it's course.

The answer to your question is it
should not hold you up.

MR. LOSPALLUTO: Okay. As far as
paving, I know that the rule had stated anything
that is not landscaped. Obviously it's quite a
large parking lot. Is it required of only a
driveway and where all of the parking is or
physically whatever is not landscaped?

MR. HINES: The paving is depicted on
the plan that your engineer has provided. It's
not everywhere. It's only where that parking
area is. It's not even the parking for the
house.

MR. LOSPALLUTO: The actual business
part?

MR. HINES: That's been depicted on the
plan.

MR. LOSPALLUTO: Okay. And if I may as
well. The sign that's there, I know that it's --
from years driving by it's always been there. Is

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

that going to stay? Is that part of what we have?

MR. LYNCH: We added it to the detail.

MR. HINES: The sign meets the code. It can stay. You can work that issue out with code enforcement. Bulk table wise it meets the 15 foot setback requirement.

MR. LOSPALLUTO: So it's okay to be --

MR. HINES: And they've added some landscaping to that sign area, a dry laid stonewall.

MR. LOSPALLUTO: Okay.

CHAIRMAN EWASUTYN: All right. I'll poll the Board Members for comments. We'll start with John Ward, please.

MR. WARD: With the dumpster, when you go -- the building, when you're going down to it, to the right on the side there would be a good section for the dumpster, out of everybody's way with parking.

MR. LOSPALLUTO: That is what I hoped. I actually don't -- where it's set now, I actually would like it on the side.

MR. WARD: That way there's room for

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

parking.

MR. LOSPALLUTO: Like you said, free up parking. That's what my goal is to do. Once I'm officially there and I'm able to get his scattered things out of the way, my proposed spot was to actually put it back farther so it's out of the view of anybody driving by as well.

MR. WARD: An important thing on your end with your engineers. I know you have it for parking for you only, for your customers, not the tenants there in the house.

MR. LOSPALLUTO: Correct.

MR. WARD: That's important.

MR. LOSPALLUTO: I've asked the landowner as well how parking was going to be. Once again, according to him was whatever is for the business is for the business and I will deal with the tenants how ever. To me, if you ask me, they should park on the street or how ever so it doesn't impede on the business. Whatever, like I said, you guys set forward I'll try to do my utmost best to get that going.

MR. WARD: With the previous owners and all that, there's been parking everywhere.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. LOSPALLUTO: I actually pulled up -- I Google mapped it prior to asking them to revise how it looked and I actually had to put my phone down because it was horrendous to look at. I agree completely.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Anthony, thanks for appearing tonight. We appreciate everything you've done so far --

MR. LOSPALLUTO: I appreciate it. Thank you.

MR. DOMINICK: -- in the process and also cleaning the place up.

Based upon Pat's recommendation with the curbing possibly impeding or causing more problems with drainage, I would say no to the curbing.

CHAIRMAN EWASUTYN: John, your position on that?

MR. WARD: Well, here your parking is going to be on the right-hand side. I would suggest some type of parking bumpers or anything there because it's open.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. LOSPALLUTO: I have eight of the concrete ones. I have eight of them actually on the side of the building which I thought I was going to need anyway for the handicap spot up front. I have no problem putting those out at all.

MR. WARD: That would resolve some of the issues of why we have curbing.

MR. LOSPALLUTO: Okay.

CHAIRMAN EWASUTYN: Dave, are you okay with that?

MR. DOMINICK: That's fine.

CHAIRMAN EWASUTYN: Cliff Browne, questions or comments?

MR. BROWNE: I don't have any other questions. The comments on the drainage and what was just said, I'm in full agreement with that.

CHAIRMAN EWASUTYN: Okay. I'm in agreement with having curb stops --

MR. LOSPALLUTO: I appreciate it. Thank you.

CHAIRMAN EWASUTYN: -- in place of permanent curbing.

Stephanie?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MS. DeLUCA: I agree also. I just really appreciate the effort that you've taken.

MR. LOSPALLUTO: It means a lot. I have a very high standard, and driving by there years ago and it's still -- even now it's not where I would like it to be, obviously. But yes, it's definitely a big 360, we'll say, nicely on what it used to look like. I appreciate that. Thank you.

CHAIRMAN EWASUTYN: The motion before us this evening is to declare our intent for lead agency, we'll circulate to the Orange County Planning Department, Michael Lynch will present to you the plans that need to be corrected in order to circulate, and we'll set the 4th, did we say, of April?

MR. HINES: April 4th.

CHAIRMAN EWASUTYN: -- April 4th for a public hearing. Are we leaving anything out?

MR. HINES: No. I want to make sure the applicant's engineer, we want to show the curb stops, the dumpster enclosure and the revisions per my comments.

MR. LYNCH: We'll get those back to you

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

before you make your referrals.

CHAIRMAN EWASUTYN: Would someone want to make that motion?

MR. WARD: So moved.

MR. DOMINICK: Second.

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

MS. DeLUCA: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried.

Good to see you again.

MR. LOSPALLUTO: Thank you. I appreciate it.

(Time noted: 7:13 p.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 1st day of March 2019.

Michelle Conero

MICHELLE CONERO

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

----- X

In the Matter of

NGO
(2019-03)

Route 300/Mountain View Avenue
Section 14; Block 1; Lot 20
AR Zone

----- X

INITIAL APPEARANCE
TWO-FAMILY

Date: February 21, 2019
Time: 7:14 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
CLIFFORD C. BROWNE
STEPHANIE DeLUCA
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: CRAIG MARTI

----- X

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

NGO

20

CHAIRMAN EWASUTYN: The next item on the agenda is Ngo. It's an initial appearance for a two-family. It also involves ARB. It's zoned AR. It's being represented by Valdina Consulting Engineers and Craig Marti is here this evening to review the plan with us.

MR. MARTI: Thank you. Again, as the Chairman indicated, Craig Marti. Mr. Valdina had a conflict tonight so he asked me to step up and present the project.

It consists of the development of a two-family house at the northeast corner of Mountain View Avenue and New York State Route 300.

It's a single driveway which has been located as far away from the intersection as possible to allow the safest situation with regard to ingress and egress from the property.

The project is proposed to be served by Town water and an on-site septic system.

Mr. Hines did make a comment with regard to the water and sewer notes which I'm very familiar with. The detail for the water service is correct. I can add the notes

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

regarding the materials and the specifications.
That's commonplace and I basically apologize for
it being an oversight to begin with.

The other items that Mr. Hines has
pointed out; with regard to the bulk table
requirements, there was an error of the lot
width. I did check that today and I agree with
that. The difference is 150 versus 200 feet for
the duplex zoning -- the two-family requirement.
The lot is far in excess of that, so it still
complies as far as the proposed development. We
will clarify that with regard to the table.

The other item that he referred to is
with regard to the septic system, the mason sand
specification will certainly be added.

The flow rate discrepancy was a matter
of the 110 versus 130 gallons per bedroom.
Orange County's amendment to the State's appendix
75A requires the 130 usage. That will be
clarified on the plans as well.

The discrepancy between the dosing
chamber which Mr. Hines pointed out was from the
780 gallons per day number. If looked at on a
normal single pipe distribution absorption system

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

it would require a dosing system, however with the geometric configurations of the Elgin system it does appear that that can be reduced and the chamber may not be required. I would agree, if that is verified, I would certainly remove the moving parts and let gravity take it's course.

The item with regard to the CEA.

Apparently when the EAF was filled out the CEA was understood to follow the ridge line and the zone line between the AR zone which would be to the east of the property. I did review Section 110-9 or 10 today and I do agree that the language in the regulation does require -- does define the critical environmental area as going from Route 300 to the intersection of Mountain View Avenue. That requires the change and that could be updated.

I believe I've hit the main parts of Pat's comments. If the Board has any other comments.

The other change that he mentioned was the depiction of the parking area which is intended to be additional parking and not a garage structure for the second residence with

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

NGO

23

access to the rear doors. In conformance with the intent of the two-family housing regulations, it does have a single front door entryway, and then for ingress and egress requirement purposes there is a rear door on each end of the house of each unit.

If the Board or anyone has any questions, I'd be glad to entertain them.

CHAIRMAN EWASUTYN: Mike, during the work session we discussed Section 185-18. Would you like to speak on that?

MR. DONNELLY: This is an undersized lot, but Section 185-18(a) says that for any use that is permitted in the code, it is permitted on an undersized lot provided you meet all other applicable provisions of the code, meaning bulk table. You do, therefore this use is permitted on this undersized lot without the need for a variance.

MR. MARTI: That was our interpretation but I'm glad that that's verified.

CHAIRMAN EWASUTYN: Each unit will have how many bedrooms?

MR. MARTI: Three bedrooms per unit.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

NGO

24

CHAIRMAN EWASUTYN: I'll turn it over to the Board Members first. Stephanie, please.

MS. DeLUCA: No.

CHAIRMAN EWASUTYN: Do you want us to come back to you?

MS. DeLUCA: Please.

CHAIRMAN EWASUTYN: Okay. We'll jump a few and go to John Ward.

MR. WARD: No comments.

MR. DOMINICK: No comments.

MR. BROWNE: I'm good.

CHAIRMAN EWASUTYN: That's fine. Pat Hines, please.

MR. HINES: Craig Marti hit the majority of my comments. We had comments on the septic.

The critical environmental area, the fact that this falls into that requires this, by definition, to be a Type 1 action. We will have to circulate for lead agency to the DOT as well as the DEC because of the Type 1 action. When we do that circulation we'll include those.

It is in the AR Zone, not the RR Zone.

The critical environmental areas I had

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

NGO

25

shown at work session follow the east side of the road.

MR. MARTI: It's defined by the roadway as opposed to the water shed.

MR. HINES: That's all we had other than the comments that were addressed.

The parking area, if you could just label that.

MR. MARTI: Yes.

MR. HINES: I couldn't figure out if that was a garage --

MR. MARTI: I'll clear that up. When I saw your comment I looked at the drawing and said that's easy to fix.

MR. HINES: This is here for ARB as well.

CHAIRMAN EWASUTYN: Jerry, before we move to ARB do you have anything to add?

MR. CANFIELD: Nothing additional, no.

CHAIRMAN EWASUTYN: Let's discuss that.

MS. DeLUCA: A quick question. How many bathrooms?

MR. MARTI: It looks as though it's three baths per unit. There's a bath on the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

NGO

26

first floor and I think there's baths with the bedroom units upstairs. The calculation is for the flow. The water usage and sewer flow is based on the bedroom occupancy and the flows from the anticipated occupancy from the three-bedroom units on each side of the duplex.

CHAIRMAN EWASUTYN: Do you want to walk through the colors?

MR. MARTI: I apologize for the difference in the Photoshop and the print quality.

The proposal is to use a desert sand -- CertanTeed desert sand or desert tan color, which looks more like this than any other rendering that's been printed out, with a charcoal shingle roof system with the white trim on the windows and the door casing with relatively minimal landscaping, however it does sit far from the road. The intent is to clear only the area that's necessary for construction and leave a buffer area along both highways -- roadways as well as the back because there are some additional housing units in the back that they would want to shield themselves from as well.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

NGO

27

For the final submittal I would gladly clean up the presentation of the color for it to be more realistic with regard to that. I can bring samples of the charcoal color shingles and siding itself for final architectural review and the public hearing if necessary.

MS. DeLUCA: There's only one entrance?

MR. MARTI: One entrance in the front, the foyer area that goes off to the two different units, and then in the rear there's an exit door with a small deck for each unit in the rear corners of the house.

MR. HINES: Your two-family code requires that they look like a single-family house and have one entrance.

MS. DeLUCA: Thank you.

MR. CANFIELD: John, if I may, I have a question.

Craig, do you know if this is going to be a modular or stick built construction?

MR. MARTI: I'm really not sure. I know they discussed both options. They went to a company, which I believe is a modular company, for the renderings and the drawing plans. I

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

NGO

28

believe it will go that way but I don't want to
commit to that at this point in time. I can
clarify that for the next final approval
questions or for the next meeting.

MR. CANFIELD: Understood. Thank you.

CHAIRMAN EWASUTYN: Cliff?

MR. BROWNE: The only comment is when
you get the information for the architectural for
the materials and so on, they would have to be
the detailed stuff so Code Compliance has
something to work with.

MR. MARTI: We can be specific.

MR. HINES: I think he gave us the form
already.

MR. MARTI: I believe the form was
filled out with the specific product names and
numbers, but I can clarify that.

MR. BROWNE: As long as they have that.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: No questions.

CHAIRMAN EWASUTYN: John?

MR. WARD: I have a question. This is
for you. Basically being a two-family like this,
is there a firewall in there?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

NGO

29

MR. CANFIELD: There's a separation.
It's not a firewall per se but there is a
separation requirement.

MR. WARD: That's what I'm asking.

CHAIRMAN EWASUTYN: Michael, do you
have anything to add at this time?

MR. DONNELLY: No.

CHAIRMAN EWASUTYN: So Pat, it's a Type
1 action?

MR. HINES: Yes.

CHAIRMAN EWASUTYN: The motion right
now is to declare our intent for lead agency,
we'll circulate to the Orange County Planning
Department, the DEC and the other agencies?

MR. HINES: DOT because it's got
frontage on Route 300. The access is not off of
there but it does front on it.

CHAIRMAN EWASUTYN: Would someone like
to make that motion?

MR. DOMINICK: I'll make a motion.

CHAIRMAN EWASUTYN: Motion made by Dave
Dominick.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: Second by Cliff

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

NGO

30

Browne. I'll ask for a roll call vote starting with Stephanie.

MS. DeLUCA: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. HINES: It does require a public hearing as well.

CHAIRMAN EWASUTYN: Would the Board consider also having on the 4th of April a public hearing? We have A Plus Auto for the 4th of April. Would the Board approve the 4th of April for this?

MR. DOMINICK: Yes.

MS. DeLUCA: Yes.

MR. WARD: Yes.

MR. BROWNE: Yes.

CHAIRMAN EWASUTYN: We'll amend that motion to also include a public hearing on April 4th for the Ngo two-family.

Thank you.

MR. MARTI: Thank you very much.

(Time noted: 7:25 p.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 1st day of March 2019.

Michelle Conero

MICHELLE CONERO

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

----- X
In the Matter of

NEWBURGH TOWN CENTER
(2019-04)

1431 New York State Route 300
Section 60; Block 3; Lot 29.11
IB Zone

----- X

INITIAL APPEARANCE
SITE PLAN

Date: February 21, 2019
Time: 7:25 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
CLIFFORD C. BROWNE
STEPHANIE DeLUCA
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: JUSTIN DATES
DOMINIC CORDISCO

----- X

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRMAN EWASUTYN: The third and last item this evening is Newburgh Town Center. It's an initial appearance for a site plan located on Route 300. It's in an IB Zone and it's being represented by Maser Consulting. I see we have Justin Dates and also -- your name?

MR. CORDISCO: Dominic Cordisco. It's nice to see you again.

EWASUTYN: Likewise.

MR. CORDISCO: Thank you for hearing us. I'll briefly introduce the project.

We have the Newburgh Town Center which you're familiar with on Route 300. The owner of that has a new tenant actually that's a national tenant that is looking to relocate from another town to this Town for a new store but needs additional square footage within the existing building. There's not enough square footage in that available building now. As a result, they're proposing an amendment to their site plan to build an addition on it.

I'll let Justin Dates walk you through the project.

MR. DATES: Thank you. The Newburgh

1
2 Town Center, just to orient everyone to the plan,
3 on the right or the east side is New York State
4 Route 300, the Thruway abuts the property on the
5 west side, and then of course along the bottom of
6 the Town Center there is Meadow Hill Road on the
7 bottom.

8 So right now there are four buildings
9 existing on the property. It's about 145,000
10 square feet of commercial space. The applicant,
11 as mentioned, will be putting an addition on, I'm
12 going to call it the Marshall's building, the
13 larger retail building on the north end of the
14 site.

15 The addition is just over 19,500 square
16 feet. It would be a retail user. It is within
17 the IB Zoning District. We do meet all the bulk
18 requirements within that district, and also the
19 parking. The Center is made up of three total
20 tax lots but was a unified site plan.

21 The Town has a provision for parking
22 for shopping centers over 25,000 square feet. So
23 1 parking space per 225 square feet of commercial
24 area or retail area. Right now the site has a
25 total of 697 parking spaces. The addition of our

1
2 proposed tenant here would require 87. The bank
3 actually has a separate breakdown of parking
4 which is 1 per 200. We're up to a total required
5 parking for the site of 734 spaces. Based on the
6 addition and the reconfiguration of some parking,
7 adding some parking, we get a total of 761
8 spaces. So we have a surplus of about 27 spaces
9 over what is required. We meet the parking
10 regulations.

11 The site, on the west side here there
12 are previously identified wetlands, Army Corp of
13 Engineer wetlands that make up -- it's basically
14 a wetland area. This addition would encroach
15 into that wetland area. The building, the
16 parking, we have some loading area on the north
17 or rear of the building. We're going to have to
18 do some modifications to the stormwater
19 improvements and whatever is new impervious. We
20 have to meet current code standards. So we have
21 a wetland disturbance of about 1.1 acres, and
22 that is something that we will need to go to the
23 Army Corp to get a permit for that.

24 In Mr. Hines' comments he does mention
25 the outdated jurisdictional determination for the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

wetlands. We have actually completed our wetland boundary delineation. It has been mapped and we are working to get our jurisdictional determination together and into the Corp so we can confirm this boundary. I can say that the boundary that we have established along the area that we're impacting is substantially in line with what's been shown on the map. I think that the overall disturbance is going to be pretty similar to what we've outlined on the plan.

That sums it up.

CHAIRMAN EWASUTYN: A question that most people ask and more often than not you can't answer is can you disclose who the proposed tenant would be?

MR. CORDISCO: We can not. Not at this particular time. I'm hopeful we'll be able to before the process is over. It is a prestigious tenant. Not to cast any aspersions or characterizations, but it's not a Dollar Store or anything like that. It is a national retailer.

MR. DONNELLY: Amazon is looking for space.

MR. DATES: A little bit more.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. CORDISCO: While I said they were looking to relocate, they're not looking to relocate from the next town over to here. It's in the Mid-Hudson area where they have a current store. This particular site was attractive to them because of the mix of other retail outlets that are at that location. They thought that they would be complimentary to what is there already.

CHAIRMAN EWASUTYN: Are there any unique needs or features as a national chain that they require to keep that identity in the forefront that you know of?

MR. CORDISCO: Not at this point, no.

CHAIRMAN EWASUTYN: Let's start with Q and A with the applicant and the Planning Board Members. Stephanie?

MS. DeLUCA: I guess my biggest question/concern, I know you're in the process of working things out with them, the Army Corp, regarding the wetland, the encroachment upon that. We discussed some of those things during our work session. I'll defer to Pat Hines for that.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. CORDISCO: It is a significant permitting list that we have to achieve, and it's both the Army Corp and the DEC for that matter. In my opinion, and bear in mind I'm just the attorney, but in my opinion these are not the highest quality wetlands. These wetlands were created as a result of the highway being constructed, you know, without any drainage associated with it. So it's not as if it's an ancient swamp that has a particular significant habitat. That said, we still have to meet the permit criteria for it, and as a result we have to mitigate on at least a two-for-one basis the wetland impact. So somewhere, and obviously it would be on the site because we don't have the room to do it, but somewhere we would have to mitigate on a two-to-one basis in order to meet permit criteria.

We thought we would come in before the Board first to see what comments and concerns you may have and also to start the SEQRA process because the DEC and others really won't process us without having a pending application before the Town.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MS. DeLUCA: Thank you.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: I just thought it was kind of interesting a tenant would want to go in a place like this that's in the back where nobody would see it. It's kind of interesting. It's their money, so --

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Justin, Dominic, during the work session we discussed with that section of the Town and the other areas of the Town that are growing, putting sidewalks in. So that's something we would like to propose to you, sidewalks along the 300 corridor.

MR. DATES: Okay. I think Mr. Wersted mentioned that in his memo. Is that something that the Board would be looking for us to look at?

MR. DOMINICK: Yes.

MR. CORDISCO: Similar, when I was before the Board for Crystal Run Healthcare on Route 300, we put sidewalks in at that location. There's always the concern that someone would be first, right? The person who is first always

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

says sidewalks to where, but ultimately somebody has to start the process so that it can be continued later on. We can certainly take that back to our client.

MR. HINES: That process was started at the Mavis site just down the road. There were sidewalks incorporated into that site recently.

MR. CORDISCO: So we wouldn't be the first. Understood.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I'm going to ditto about the sidewalk. You're familiar with that. It's just a matter of the projects are going that way. Safety wise, no matter how you look at where you locate it, it's the overall picture.

MR. CORDISCO: And that's in line with the State policy as well. The DOT's Complete Streets legislation indicates that you should make accommodations for a variety of different types of traffic.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: On a small note; Justin, would you give consideration to -- Pat, what's the standard fencing we would use for a

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

residential stormwater basin?

MR. HINES: We typically have either a black vinyl coated fence chain link or a chain link over split rail fence, and that kind of has to do with back in the late `90s when the stormwater basin was put along 300. I don't know that that pond was going to be designed as a wet pond but it's certainly functioning as a wet pond now. As you review your landscaping and such, the Board was looking at maybe addressing that wet pond with some type of aesthetic looking fence. Probably a split rail with black vinyl is more aesthetic than a chain link.

CHAIRMAN EWASUTYN: It keeps debris from collecting in there and such.

Michael, do you have anything?

MR. DONNELLY: No.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. CANFIELD: As the project develops with more level of detail, such as utilities and the building, we'll have more comments at that point.

At the work session we discussed areas that I'm sure Ken and Pat will cover as far as

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

driving lanes and widths and what not.

CHAIRMAN EWASUTYN: Ken Wersted, would you like to add to this now?

MR. WERSTED: Sure. Overall we'd like to see a trip generation comparison of what the plaza is generating right now and what the difference is with the initial square footage added. So I think it's just an exercise of creating a table, comparing the before and after conditions.

MR. DATES: Sure.

MR. WERSTED: We talked about parking. You've got a surplus of parking right now. You're not building as much parking as the new addition will need. You're dipping into that surplus a little bit but at the end of the day you'll still have about 23 spaces of surplus above what the code is requiring.

We'd like to see a truck circulation plan. I noted that the back of the Marshall's area right now doesn't really have anybody parked back there so it's very open for a truck to pull around and back into the loading docks. We'd like to see how that new loading dock will be

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

accessed by trucks as they circulate through there.

We had talked about at the corner of the Stop & Shop intersection in kind of the drive aisle that's in the center, that could be realigned into a 90 degree kind of T type of intersection there. We also observed some Orange County Transit buses using that, and they have a bus stop right on that corner. I think realigning it into a 90 degree T kind of configuration might make it more difficult for them to stop on that corner. They might be blocking the intersection a little bit more. The way it's configured now helps them make that turn and do their drop off. Comment four in our letter, I would say to ignore that.

As you continue the process of detailed design, the traffic control that's at the corner of the Marshall's building right now would have to slide out to the corner of the new building.

The last comment we had about the parking in that area. In front of the new building there's a small grass island with a two-way aisle on one side and a two-way aisle just on

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

the other side of that. You might be able to eliminate one of those two aisles, there's a graphic in our letter, and increase the green space between some of that parking. That may be something you want to look at.

MR. DATES: We'll look at that.

MR. WERSTED: Outside of the sidewalk comment, that was all that we had.

CHAIRMAN EWASUTYN: Pat Hines, you had some comments.

MR. HINES: A lot of them were touched on. The first comment is just stating what the project is and the unified site plan that we discussed. While this is several lots, they all are legally bound to function as a unified site plan which allows the parking to be shared and the maintenance of the parking and stormwater facilities to be addressed.

The wetland, I think as Mr. Cordisco said, is the heavy lift on this project. They're going to need that jurisdictional determination.

While you were speaking I noted that the two-to-one ratio for wetland mitigation will have to occur somewhere if not on this site. If

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

it occurs elsewhere in the Town of Newburgh, a clearing and grading permit for that would be required. As that area gets identified, it may need to incorporate that into this so the approvals come together at the same time.

Compliance with the DEC and Town stormwater regulations will be required. There is one stormwater facility to be eliminated.

The Board is going to look towards improvements to the green infrastructure, runoff reduction. It is a rather large site that was designed under the previous regulations. Actually pre MS-4 regulations I believe, before 2003. Any additional infrastructure and stormwater runoff reduction, green infrastructure practices that can be incorporated, the Town will be looking to have that developed on the site.

There was discussion from the Board of possibly using pervious pavers or some of the other newer techniques for that green infrastructure, to address that on the site. You'll have to look at the design of that.

I don't believe a stormwater facilities maintenance agreement was required in the late

1
2 `90s during the original approval. That's
3 something the Town would be looking for to
4 incorporate on the full unified site plan to
5 assure long-term operation and maintenance of the
6 existing and any proposed stormwater management
7 facilities.

8 A City of Newburgh flow acceptance
9 letter will be required.

10 There is a sanitary sewer pump station
11 on the site, so we'll be looking for an
12 engineer's report based on the additional
13 hydraulic loading to that facility.

14 Orange County Planning Department will
15 need to be included in the review.

16 Lead agency, as we just discussed,
17 will be required. DEC, DOT and possibly the
18 project adjoins the Thruway, so we'll incorporate
19 them in that circulation.

20 The EAF identified potential habitat
21 for Indiana Bats. That will shake out in your
22 Federal permit for the wetlands. They'll be
23 looking at addressing that issue as the wooded
24 wetlands will come up in that review.

25 I think the Board could declare itself

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

lead agency at this point and begin the circulation process with the other involved agencies.

MR. DONNELLY: Notice of intent.

MR. HINES: Notice of intent, yeah.

CHAIRMAN EWASUTYN: Pat, is there enough detail to circulate to the Orange County Planning Department?

MR. HINES: No. I think we have time for that in the future. They'll be looking for lighting and other details that aren't here. I think lead agency would be good at this point to identify -- we've identified some environmental issues but those other agencies may have some issues that we can start reviewing.

The Army Corp is going to be looking for a water quality certification from DEC as one of the permits they need, so it will start that process as well.

CHAIRMAN EWASUTYN: Jason, would you look into maybe replacing some of the wooden guide rails that seem to be in need of repair on the site?

Any additional questions or comments

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

from Board Members?

MR. WARD: No.

CHAIRMAN EWASUTYN: At this point, after listening to our consultants and our attorney, I'll move for a motion to declare our intent for lead agency.

I believe we're circulating to the DEC, DOT and New York State Thruway.

MR. HINES: Yes.

CHAIRMAN EWASUTYN: Would someone move for that motion?

MR. BROWNE: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: Cliff Browne, John Ward. I'll ask for a roll call vote starting with Stephanie.

MS. DeLUCA: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Dominic, it's too early to schedule a public hearing for the 4th of April. I knew you were going to stand and ask that.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. CORDISCO: No. I'm pushy but not that pushy.

CHAIRMAN EWASUTYN: Not having any other business, I'll make a motion to close the meeting of the 21st of February.

MS. DeLUCA: So moved.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: Motion by Stephanie, second by Cliff Browne. I'll start with a roll call vote starting with Stephanie.

MS. DeLUCA: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 7:44 p.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 1st day of March 2019.



MICHELLE CONERO