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

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In the Matter of

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RESTAURANT DEPOT  
(2015-33)

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NYS Route 300  
Section 95; Block 1; Lot 8  
IB Zone

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PUBLIC HEARING  
CLEARING & GRADING PERMIT AND SITE PLAN

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Date: March 17, 2016  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

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APPLICANT'S REPRESENTATIVE: LAWRENCE MARSHALL

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

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RESTAURANT DEPOT

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MR. BROWNE: Good evening, ladies and gentlemen. Welcome to the Town of Newburgh Planning Board meeting of March 17, 2016.

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

MR. GALLI: Present.

MR. BROWNE: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

MR. BROWNE: Thank you.

At this time I would ask our professionals that give us advice and input and reviews on the applications before us to introduce them.

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,

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Hauser & Edsall Consulting Engineers.

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

MR. BROWNE: Thank you.

At this time I'll turn the meeting over  
to John Ward.

MR. WARD: Please stand to say the  
Pledge.

(Pledge of Allegiance.)

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

MR. BROWNE: Our first item of business  
this evening incorporates a public hearing. At  
this time I would ask Mike Donnelly to review  
quickly the purpose of this public hearing.

MR. DONNELLY: Most projects are before  
this Board for some period of time before a  
public hearing. That is true of the Restaurant  
Depot project. The purpose of the hearing is for  
the members of the public to bring to the  
attention of the Planning Board issues or  
concerns that they may not be aware of through  
the applicant's presentations or the advice of  
their various consultants. After the applicant

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gives a presentation, the Chair will ask those who wish to speak to raise your hand. We'd ask you to come forward so we can hear you, give us your name, spell it if you would for our Stenographer, tell us where you live in relation to the project. Please direct your comments to the Board. If you have a question that can easily be answered, the Chairman will ask either the Town's consultant or applicant's representative to see if that question can be answered.

MR. BROWNE: Thank you, Michael.

Our first item of business is Restaurant Depot, project number 2015-33. This is a clearing and grading public hearing being presented by Lawrence Marshall.

MR. MARSHALL: Good evening.

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 Section 83 of the Town of Newburgh Code on the application of Restaurant Depot clearing and grading permit, Newburgh

1 project 2015-33, in regard to an application to  
2 clear and grade 9.4 plus or minus acres of  
3 property located off of Route 300, shown on Town  
4 of Newburgh Tax Map as Section 95; Block 1; Lot  
5 8. Clearing and grading activities will occur on  
6 approximately 8 acres of the 9.44 acre parcel.  
7 The clearing and grading operation is proposed to  
8 prepare the site for a 62,284 square foot retail  
9 facility and associated parking, loading and  
10 access road. The project is located in the IB  
11 Zone. Clearing and grading will be performed in  
12 conformance with a stormwater pollution  
13 prevention plan which has been submitted to the  
14 Planning Board. Said hearing will be held on the  
15 17th day of March 2016 at the Town Hall Meeting  
16 Room, 1496 Route 300, Newburgh, New York at 7  
17 p.m. or as soon thereafter, at which time all  
18 interested persons will be given an opportunity  
19 to be heard. By order of the Town of Newburgh  
20 Planning Board. John P. Ewasutyn, Chairman,  
21 Planning Board Town of Newburgh. Dated  
22 February 29, 2015." I guess that's supposed  
23 to be 2016.  
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25 CHAIRMAN EWASUTYN: Thank you.

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MR. MENNERICH: One question on that. I thought at our last meeting we also agreed that at this public hearing we would hear questions on the site plan.

MR. HINES: We did. Those notices were prepared prior to that. The Board did discuss that they would accept site plan comments as well. It's tied in to the clearing and grading anyway. Those notices were posted prior to the last meeting.

MR. MARSHALL: Good evening. My name is Larry Marshall from Mercurio-Norton-Tarolli-Marshall. We're the applicant's engineer and land surveyor.

As was noticed, this is a clearing and grading permit public hearing for the purpose of clearing existing vegetation on the project site in anticipation of the construction of a roughly 63,000 square foot Restaurant Depot store.

The clearing and grading is directly -- really at this point in time we're asking for a clearing permit just to remove the trees as there is a restriction on this property to clear after March 31st due to the potential presence of the

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RESTAURANT DEPOT

Indiana and Long-Eared bats.

This parcel is located behind the existing Super 8 and Ramada Inn hotels off of Route 300, and also behind the Hudson Valley Hotel and Conference Center off of 17K.

There is an existing driveway that services the Hudson Valley Hotel. We would be utilizing that for access down to the existing light on 300 that is directly opposite the entrance to the Palmerone Farms development.

As was described, we are proposing to remove approximately 8 acres of existing vegetation from the site in anticipation for the site plan. It's basically the triangular area that's shown on the plans.

As Mr. Hines stated, we will receive comments regarding the site plan. The site plan is for a roughly 63,000 square foot Restaurant Depot store.

For the store we are proposing 216 parking spaces and a loading area along the westerly side.

Again, we would be utilizing the existing entrance to the site. That entrance is

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in fairly -- pretty bad disrepair. The surface of the driveway will be redone. We will add ditches and drainage along the edge of the -- along the edge to direct the stormwater away from the existing pavement. In addition, we propose a widening of the entrance for a short section to accommodate the additional truck traffic that this store anticipates to see. We have been in conversations with the New York State DOT. The local permit engineer has stated that she does not see any issue with the proposed widening. They're just finishing their review of the drainage analysis that was completed for the site to actually issue a formal letter.

We've also received the traffic consultant's comments regarding some additional striping and a sensor -- re-installation of a sensor for the traffic light. We take no exception to that, and actually appreciate the recommendation. We'll certainly accommodate that.

For the site plan we've also prepared a landscaping plan in accordance with the Town's landscaping regulations. We've landscaped the



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proposed islands within the facility and then around the perimeter. It's a mixture of evergreen trees, deciduous trees, evergreen and deciduous shrubs and some ground covers.

We've also provided a lighting plan. The lighting on the site is all shielded lights, dark sky compliant. They are mainly located around the perimeter of this site. We are proposing -- as discussed with the Board, we are proposing to light up the driveway because there aren't -- there's not much light in that area despite the neighboring developments. We want to provide a nice, safe access for the customers to the site.

CHAIRMAN EWASUTYN: Okay. At this point we'll turn the meeting over to the public. If there's anyone here who has any questions or comments, please raise your hand and give your name and your address.

(No response.)

CHAIRMAN EWASUTYN: Let the record show at this point there's no one in the audience who has any questions or comments.

I'll turn to Ken Wersted, our Traffic

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Consultant with Creighton, Manning, to summarize his review and the applicant's presentation.

MR. WERSTED: I reviewed the project, the traffic study, the impacts to the intersection, mainly Route 300 and the -- I think it's called Holiday Inn driveway. The site will generate truck traffic in the form of deliveries coming in to the site to stop at the facility and customer traffic coming in to make purchases and continue on with it's business.

We've provided comments, particularly at the intersection relative to truck traffic, the turning movements, et cetera coming up to the site. The applicant's engineer has made the changes necessary to those plans.

We don't find that there's going to be any significant impact because this side of the road will compliment the signal timing that's already there, particularly for the Palmerone Farms exit which is opposite this.

So barring any additional changes from DOT that they might require, we don't have any additional comments.

CHAIRMAN EWASUTYN: Thank you.

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Pat Hines, Planning Consultant?

MR. HINES: The applicant is here tonight for a permit under your Clearing & Grading Ordinance. They're planning on clearing the trees as mitigation for the potential impacts to the two bats species as was discussed.

We did receive the security estimate for the clearing of the site based on the standard \$3,500 per acre plus some erosion and sediment control. The Town Board did approve that on March 7th in an effort to get this approved and have those trees removed by the Indiana and Long-Eared bat deadlines. We submitted it early to the Town Board and they have approved that.

All stormwater erosion and sediment control should be in place prior to removing any of the stumps.

They have addressed all of our previous comments.

Some conditions of approval for the site plan would be DOT approval for the access and modification of the traffic signal, landscape and stormwater securities above what has to do

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with the clearing and grading, any signage must be in compliance with the New York State Thruway standards, and we will issue a municipal authorization letter upon the applicant providing the notice of intent for coverage to the Board. The City of Newburgh flow acceptance letter has been received for the site.

The long form EAF and plans were circulated on February 10th. We did hear back from the Thruway Authority stating that they just wanted to make sure the project didn't increase runoff to the Thruway. The stormwater management plan document says it will not.

The DEC did not respond.

We did hear back I believe from the Orange County Planning with a Local determination.

With that, I believe that the project has met the requirements with the exception of those conditions which I identified.

CHAIRMAN EWASUTYN: So we now are the lead agency?

MR. HINES: You are.

CHAIRMAN EWASUTYN: Jerry Canfield,

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RESTAURANT DEPOT

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Code Compliance?

MR. CANFIELD: With respect to the clearing and grading, I concur with Pat. I have no outstanding comments.

The security fees that Pat had mentioned have been brought before the Town Board. They approved it. The applicant has posted the cash securities, as mentioned, and inspection fees.

One minor outstanding detail. I spoke with Mr. Marshall today. We did not receive the \$150 clearing and grading permit fee, which he will submit tomorrow should the Board choose to approve this application.

We have nothing outstanding.

CHAIRMAN EWASUTYN: Mike Donnelly, any questions or comments?

MR. DONNELLY: No. We will need to issue a declaration of significance before taking action.

CHAIRMAN EWASUTYN: On the site plan?

MR. DONNELLY: Both of them are actions, so --

CHAIRMAN EWASUTYN: John Ward?

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MR. WARD: One question for the public. The sign down by 300, is there going to be a sign or --

MR. MARSHALL: There is a desire to have a sign. There is nothing proposed at this point in time because that sign would require a variance. Given the narrowness of the lot at the entrance, it would not meet the required setbacks to the property lines. The applicant asks that we consider the site plan and be allowed to bring back in the signage.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Larry, we're probably exactly two weeks tonight from the clearing and grading deadline. Are you pretty confident in the 8 acres, that you can clear it? What is your plan?

MR. HINES: They have a contractor ready with chainsaws sharpened.

MR. MARSHALL: Yes. Pending -- everything has been set up pending tonight. If the Board chooses to issue the approval for the clearing permit, the contractor will be at the --

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will be visiting Mr. Canfield tomorrow morning at 9 a.m. in hopes to pick up the permit and then begin the installation of --

MR. CANFIELD: Did I tell you I'm not coming in tomorrow?

MR. MARSHALL: You told me your vacation doesn't start until tomorrow afternoon.

They anticipate beginning the installation of the stormwater -- the silt fencing and the stabilized construction on the site by tomorrow midmorning pending receiving the permit. They will then begin the clearing next week for the site. As is required for the clearing -- Pat can correct me if I'm wrong, the required clearing is only for trees 8 inches in diameter or larger. So if time becomes an issue, they simply have to drop the tree. They don't have to remove the tree, they just have to get it down so it's no longer standing. While it's the desire of the applicant to drop the tree and then remove it, not remove the stump yet but remove the tree, if time becomes an issue they're prepared to simply go in and drop the trees and then clean up afterwards. So there's been plans

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and contingency plans set up to meet that March 31st deadline.

MR. DOMINICK: So you're pretty confident it sounds.

MR. WARD: It's supposed to snow Monday.

MR. BROWNE: Nothing.

MR. GALLI: Refresh my memory. On the entranceway lighting, are they poles or the lamps?

MR. MARSHALL: The lighting along the drive aisle are the lowest lights on the site. We kept them low to try to minimize the amount of spillover onto the neighboring properties given the narrowness of the lot. Those lights, those are a full -- a total of a 17 foot mounting height, and they are literally directly adjacent to the drive aisle.

MR. GALLI: They're 17 foot tall?

MR. MARSHALL: Yup. We have to watch with the -- because given the proximity of them to the driveway, we just have to watch the overall height with the trucks coming in, make sure they're above the requirement.



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MR. HINES: We did talk about it at the previous meeting. They will shed light off the property. There's no way to light that driveway without exceeding your guidelines for the light not shedding off the site. It's a flag lot and there's no way to do it.

MR. GALLI: That's all.

CHAIRMAN EWASUTYN: Okay. Any questions or comments from the public at this point?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a motion to close the public hearing on the clearing and grading application for Restaurant Depot.

MR. MENNERICH: So moved.

MR. WARD: Second.

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

(No response.)

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

MR. GALLI: Aye.

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MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

I'd like to take one action at a time,  
if that's all right with the Board.

I'll move for a motion to declare a  
negative declaration on the clearing and grading  
application for Restaurant Depot.

MR. HINES: Will it be for the whole  
thing?

CHAIRMAN EWASUTYN: I would like to  
make one motion at a time.

MR. HINES: The neg dec will be for the  
project in whole, not piecemeal?

CHAIRMAN EWASUTYN: I'll rescind that  
motion. I'll restate it. I'll make a motion to  
declare a negative declaration for the clearing  
and grading application, also for the site plan  
for Restaurant Depot.

MR. DOMINICK: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by

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Dave Dominick, a second by John Ward. Any discussion of the motion?

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Okay. At this point I would like to turn to Mike Donnelly for his advice for the language for the approval of the clearing and grading application and also for approval of the site plan for Restaurant Depot.

MR. HINES: John, the other thing is we didn't have a public hearing on the site plan per se. I think one of the procedures would be to waive that requirement as well.

CHAIRMAN EWASUTYN: Thank you. I'll poll the Board Members if they would like to have a -- as a matter of fact, I have a note here. I didn't see my own note. I'll poll the Board

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Members if they'd like to have a public hearing  
-- wish to have a public hearing on Restaurant  
Depot.

Frank Galli?

MR. GALLI: Due to the turnout we had  
tonight, I would say no.

MR. BROWNE: No.

MR. MENNERICH: No.

MR. DOMINICK: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: Myself no.

Let the record show that the Town of  
Newburgh Planning Board waived having a public  
hearing for Restaurant Depot subject to the fact  
that we are just concluding a public hearing for  
the clearing and grading application and there  
was no public comment at this time.

Thank you, Pat.

I'll turn to Mike Donnelly, Planning  
Board Attorney, to bring us along as to the  
resolutions necessary.

MR. DONNELLY: I'm preparing two  
separate resolutions. I think it's easier for  
Jerry's office to have a clearing and grading

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resolution that's separate from the site plan.

Most of the conditions are standard. First, the clearing and grading permit authorizes removal without stumping of trees only. No other work may be carried out under the authority of that permit. You must comply with the requirements of Section 83-10, which are the standards for granting clearing and grading permits, at all times. 83-11 has certain restrictions, we'll recite those, and that is the time, the hours, the limitation of hours of work. Contracts must refer to the chapter of the code, et cetera. You must comply with the Town's noise and illumination regulations at all times. The permit is good for a period of one year. We'll recite that there is a performance guarantee required if the amount has been fixed by the Town already.

Do you want me to also do the site plan at the same time or separate?

CHAIRMAN EWASUTYN: It's up to the Board. How would the Board like that presented?

MR. HINES: Mike, for the clearing, there is some erosion and sediment control that

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will require a stabilized entrance and such.  
There is a little bit of earthwork to be --

MR. DONNELLY: And related work.

The site plan conditions -- I guess  
there's also an ARB piece. That would be the  
standard ARB condition.

There are several issues outstanding in  
Pat's memo of March 11th that will have to be  
complied with. We'll need a letter from Pat  
before the site plan can be signed. We'll need a  
sign-off from the DOT on the roadway  
modifications and installation of utilities.  
We'll reflect the issuance of the City of  
Newburgh flow acceptance letter. Approval is  
required from the Orange County Department of  
Health for the water main extension and hydrant  
installation.

MR. HINES: Yes.

MR. DONNELLY: The standard condition  
for ARB, after you look at that. We'll need a  
shopping center parking area maintenance  
agreement. That's recited in there. A landscape  
security and inspection fee, a stormwater  
security and inspection fee. A stormwater

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control facility maintenance agreement shall be entered into with the Town as well. Lastly, the standard condition that the site plan approval allows construction only of what's shown on the site plan. No other fixtures or structures may be built without amended site plan approval.

CHAIRMAN EWASUTYN: Larry, before I move for a motion for approval on the clearing and grading application and site plan, as Mike Donnelly also said, ARB, can we one more time finalize the ARB?

MR. MARSHALL: I apologize for submitting these late. These are the -- I have several iterations. Here is the rendering. I do have a full board that I can present.

The proposed building -- the building is proposed to be constructed of precast concrete wall panels. The concrete wall panels would be painted white with a blue accent, Wainscot on the bottom and then a blue accent along the top edge. The canopy of the building will be painted a similar blue as the two stripes.

As we had noted, the signage for the building will be proposed at a later date. We do

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illustrate what would be desired.

That's pretty much it. It's a fairly simple finish of the building.

CHAIRMAN EWASUTYN: As part of your site plan application you will submit, prior to getting the maps signed, the completed ARB form.

MR. MARSHALL: Yes. Absolutely.

CHAIRMAN EWASUTYN: Questions from Board Members?

MR. GALLI: No additional.

MR. BROWNE: Nothing more.

MR. MENNERICH: No.

MR. DOMINICK: I like it. It's very clean looking.

CHAIRMAN EWASUTYN: If the Board is ready, maybe at this point we'll approve the ARB and then approve the resolutions, or just do all three?

MR. HINES: We're just looking at the ARB. There appears to be the Restaurant Depot logo sign on all four corners. You're going to need a variance for your signage based on the 50 feet of road frontage that you do have. Each one of the signs are roughly 113 square feet. You're



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allowed 25 based on your road frontage.

Just for the Board, those will need a variance as well.

Just to call to your attention, the Thruway did weigh in stating that you needed to comply with their signage guidelines.

I note there's a sign on the rear that would face that. You won't see this building anywhere but from the New York State Thruway.

MR. DONNELLY: Maybe you should table ARB until you get those variances.

MR. GALLI: I'm sorry. Can we approve the ARB without the signage?

MR. CANFIELD: You have in the past.

MR. GALLI: When they get the signage they can do an amended ARB.

CHAIRMAN EWASUTYN: How would you like to proceed?

MR. MARSHALL: If that's okay with the Board, we would like to do that.

CHAIRMAN EWASUTYN: So maybe what we'll do is take the one action now, we'll approve the ARB with the understanding that the applicant isn't getting this approval with any signs being

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shown on the building.

MR. DONNELLY: I'll include that in the condition.

CHAIRMAN EWASUTYN: Do I have a motion for ARB approval subject to that?

MR. GALLI: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli and a second by John Ward.

Any discussion? Cliff?

MR. BROWNE: No.

MR. MENNERICH: No.

MR. DOMINICK: No.

CHAIRMAN EWASUTYN: I'll move for a roll call vote to approve the ARB.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

The last action of business is to approve the clearing and grading application and

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the site plan subject to the conditions that were presented by Planning Board Attorney, Mike Donnelly, in the resolution.

MR. DOMINICK: So moved.

MR. WARD: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried.

MR. MARSHALL: Thank you very much.

CHAIRMAN EWASUTYN: At some point in time we'll come back for signage.

(Time noted: 7:35 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 30th day of March 2016.

*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

ONE POWELTON AVENUE  
(2015-19)

Powelton Avenue  
Section 80; Block 6; Lot 7  
B Zone

----- X

AMENDED SITE PLAN

Date: March 17, 2016  
Time: 7:35 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: STEPHEN WHALEN  
ZACHARY PEARSON

----- X

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

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MR. BROWNE: Our next item of business is One Powelton Avenue, project number 2015-19. This is an amended site plan being presented by Highland Architecture.

Would you gentlemen introduce yourselves for the Stenographer?

MR. WHALEN: I'm Steve Whalen, I'm an architect with Highland Architecture. We're representing Dr. Payami. She's one of the owners. Maho Bay Realty owns the building located at One Powelton Road. Zach Pearson from Insite Engineering is our consulting civil engineer.

Our proposal is to make site improvements and renovate and construct additions to the building located at One Powelton Road. The existing building is two stories. It's masonry and wood frame and it's a business occupancy. Each floor is approximately 1,500 square feet.

The first floor is approximately 880 square feet of basement which houses the mechanical equipment and some storage. Also on the first floor is a space which is 550 square

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feet.

The second floor was previously occupied by a dentist, and currently on this floor there are five operatories, each with a dental chair, an exam room, offices and support. As stated, we will be making both site and building improvements.

The existing parking lot will be regraded so that stormwater drains out onto Powelton Road and ultimately to the existing catch basins. We're also going to reconfigure the existing parking lot so that all sixteen parking spaces are on the site within the property lines. We're also proposing to have four parking spaces in a tandem layout, and those will be -- they're on the northwest side of the property. These parking spaces will be constructed with impervious material. In addition, the handicap space on the southeast side of the property will be reconfigured with it's own access drive, with ingress and egress out onto Powelton Road.

As for the building, we'll be removing the existing ramp and deck on the west side of

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the building as well as the sidewalks leading to this ramp. The vestibule on the east side of the building will also be removed. We're then proposing to construct a 270 square foot addition to the southeast side of the building, which is this right here, which will house the elevator, stairs and lobbies for each floor.

On the northeast side of the building we're proposing a 136 square foot addition that's located here which will house the second egress stairwell.

The existing first floor of the building will remain as is except for a few structural modifications.

The existing second floor will be completely renovated to have four operatories with future space for a fifth, an office, two toilet rooms, one being handicap accessible, and dental spaces. Each operatory will have a modern dental chair.

We're proposing to construct a third floor addition. Part of this floor will be opened up to the second floor, a two-story waiting room.



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The balance of the third floor will be for storage only.

Since our last presentation we received comments from McGoey, Hauser & Edsall Consulting Engineers. In our letter dated March 11, 2016 we had the following responses to some of these line items:

For number 2, we're going to revise the handicap parking space, the aisle, to be twenty feet long so that it meets the current ADA parking requirements.

Number 3, the landscaping in the Town's right-of-way is going to be limited to just lawns so that we're not impairing any motorist's sight lines.

Number 4, I'm going to have Zach, in a few moments, discuss the existing sanitary sewer system.

The material -- for number 5, the material for the employee parking will be grass. I actually have some literature on there I can pass over to the Board.

Number 6, the handicap parking space is dedicated only for one parking space. While we

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do have room for additional parking here, those spaces would be over the property line. We're trying to keep every single parking space within the property lines.

Number seven, is referring to stormwater. Stormwater for the building is going to be collected on the entire roof. It's going to be collected with a series of gutters, downspouts, and ultimately to a splash box on the southwest side of the property adjacent to North Plank Road.

As for the parking lot, we're going to regrade the parking lot so any of the stormwater here drains out onto Powelton and also to the existing catch basins.

I'd like now to turn it over to Zach from Snyder Engineering to briefly discuss the existing septic system.

MR. PEARSON: Good evening, Chairman. My name is Zach Pearson with Insite Engineering. Our firm was contracted to basically determine what was going on septic wise on the property.

We researched the Town files, Orange County files. There's nothing on file with

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anybody. The building was built in the `50s.

We worked with a licensed septic contractor and found that there's an existing septic tank just to the northwest of the building in the parking area. The septic tank is of newer vintage. It's a precast concrete tank. I forget exactly how many gallons it was.

Then what we found, we found the existing absorption trenches were located basically under these parking spaces towards the edge of the property. We did find that the pipe between the existing septic tank and absorption trenches was crushed. It was an Orangeburg pipe which is two inches of fiber. It has a propensity to cave in. The contractor did restore the system to what it was originally designed.

This building was a dentist office, I guess eight months ago, with five operatories. They're proposing renovations to the building where there will be a maximum of five operatories.

They're going to redo the plumbing per current code. There's no increase in flow.

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They're just renovating and going to use the existing system. There's no evidence of system failure or breakout or anything like that.

I'll turn it back over to Steve.

CHAIRMAN EWASUTYN: We'll start with Pat Hines, Planning Consultant.

MR. HINES: I know the applicant's representative -- I need to go back to some of the comments. The handicap parking space you identified, it's going to be one and it's going to be a parallel space?

MR. WHALEN: That's correct.

MR. HINES: When I looked at the drawing I saw lines that looked like it was going to be perpendicular to the road there. Is that -- those are just dimension lines that are shown?

MR. WHALEN: Maybe.

MR. HINES: The comment had to do with the construction of the curbing within the Town right-of-way there. That curbing associated with the single handicap spot and the island, that's actually going to fall into the Town right-of-way. We're going to need something from the highway superintendent that they don't take

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any exception to that in their right-of-way.

MR. WHALEN: Okay.

MR. HINES: The septic system, we're going to need an engineer's report identifying what you talked about, the size of the septic tank and the anticipated flows.

MR. PEARSON: Sure.

MR. HINES: I'm a little concerned when the lateral is made out of Orangeburg, that the septic system itself isn't Orangeburg as well. Orangeburg pipe stopped -- about twenty-five years ago they stopped. We're going to need a little more information on the septic, the design, flows and how it functions.

The employee parking spaces, I called that out to the Board's attention. There's three spaces proposed in the rear of the building. If you use them, the first guy in has to be the last guy out. It doesn't seem to function very well in my mind. If someone else wants to leave first, they're kind of stacked in there. I'll leave that for the Board to weigh in on, how those are going to function.

Then stormwater runoff on the site. I

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read some ZBA minutes and some of the neighbors had concerns regarding stormwater. We're going to need to see how that's going to function on the site. We're going to need additional detail showing how the water is going to get out in the street. It looks like you're going to be forcing it out into the roadway. That may not be the best way to handle that. I would rather see that water diverted directly on the site into that catch basin rather than go back out into the roadway.

MR. PEARSON: We're just the septic guys. We just looked at the septic. The stormwater was Steve.

MR. WHALEN: With that, currently now the opening is probably like right about here. The catch basins are at least a good twenty -- maybe about twenty feet away. I mean we can certainly open up like this section right here. We don't necessarily need to have that island right there.

MR. HINES: I believe we heard some stormwater issues there. Now is the opportunity that we can address those and reduce the impacts

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to the neighboring properties or completely mitigate them. We're going to need that evaluated, the stormwater from the increased flow. You said where the leaders are going out front.

MR. WHALEN: Ultimately we're just trying to discharge onto the front lawn. Currently right now with the roof configuration and with the parking lot, the way the parking lot is sloped, all the rainwater hits the building and ultimately down to this parking lot here and right into the rear neighbor's property. So our plan is to catch the rainwater from the building, send it into the front yard, into the lawn, and with the parking lot capture that and send it toward Powelton.

MR. HINES: I need to know where that stormwater is going to go. I don't want to create an issue with the State highway there or one of the other neighbors. There may be an opportunity to take that underground. I'm not sure. We're going to need that stormwater addressed.

MR. WHALEN: Okay.

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CHAIRMAN EWASUTYN: Any additional comments, Pat?

MR. HINES: I don't see a grading plan showing that regrading.

MR. WHALEN: The grading is on the site plan. The existing contours are pretty light. We're really only regrading on the southeast side of the property, like right in front of the handicap parking space.

As far as like the parking lot, we're showing it -- we weren't sure -- when we submitted these drawings we were still unsure about what was going on with the septic. Now we know and now it's been addressed. We can certainly show like the regrading of that parking lot to show, you know, this is the high point and that's the low point.

MR. HINES: We're going to need that. I'd like the septic shown too, the tank, at least where they are purported to be, and the design information based on the use of the site as a dentist office.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?



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MR. CANFIELD: Just to echo Pat's comments. I also read the Zoning Board minutes. I was not at that particular meeting, the last meeting. The ZBA did approve your area variance as requested at the February 25th meeting, okay. There were some thirty pages of minutes. It was a lengthy meeting. I too have a concern. The level of detail that's displayed on this drawing does not support what you're saying you're going to do with the flow, especially the parking lot, okay. So again, like Pat had said, we're going to need that level of detail with elevations so when we do come to construction, when that should happen, I have a road map to go by.

The other thing in line with the level of detail, you had explained to the Zoning Board that you're going to sprinkler the building fully. We need that detail, the water lines and of course the split off for the domestic as well.

Then of course utilities. You should show the gas, if there should be, and then, you know, any other lines that are underground.

The other thing that I do question, and I should remind you in those minutes your area

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ONE POWELTON AVENUE

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variances were granted and predicated on this third floor being storage.

MR. WHALEN: Mm'hm'.

MR. CANFIELD: Should that change, that's going to trigger you to go back to the Zoning Board.

MR. WHALEN: Absolutely. The owner is well aware of that.

MR. CANFIELD: It just seems like we're putting a whole third story just for storage. Maybe you have a need for it. I'm not judging that. I just want you to be aware if should you change it and try to occupy it, it's going to trigger that you need to go back to the ZBA.

MR. WHALEN: I think that's even in the minutes.

MR. CANFIELD: Yes, it is. Yes.

MR. WHALEN: If they want to add more chairs, this whole process starts over.

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

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: I think for that purpose, if you had to add more chairs I don't know if you have enough parking to support it.

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MR. HINES: It's any use of that other than storage.

MR. GALLI: I happened to be at the Zoning Board meeting also. I was in the audience. One of the big concerns was the stormwater. Like Jerry said, you need more detail on the plan.

MR. WHALEN: Okay.

MR. GALLI: The signage. There was nothing that would block the frontage on North Plank Road because they had a concern when you pull out there's nothing there. Where are you going to put the sign again?

MR. WHALEN: It's going to be building mounted. I could show you here. Currently the sign is right here. We're just going to put it here. That will comply with the --

MR. GALLI: It will open up that view also.

MR. WHALEN: Correct. We don't want to impair any views.

MR. GALLI: The design is a lot better the way you did it there than the first time you came.

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CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: I'm good.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Concerning the septic system, have you done any dye testing with the system?

MR. WHALEN: No, we have not.

MR. MENNERICH: I guess how do you propose to address Pat's comments about what the leachfield is actually constructed of? How are you going to --

MR. PEARSON: We opened it up and we saw the -- there's precast concrete junction boxes and then the absorption trenches were Orangeburg. Those pipes appear to be in good condition. The pipe between the septic tank and the first junction box was shallow and it was crushed, so that was the pipe -- when we found it in that condition we replaced it.

MR. HINES: We'll be looking for an engineering report on that septic system. If there's precast there, Orangeburg type, it does typically fail when it has hotter water in it. It did. We're going to need to know the size of

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that field. This is a pretty water intensive use if it's going to be a dentist's office. What if it fails? There should be an expansion area designed appropriate to address -- I mean if it has Orangeburg pipe, it's got to be more than thirty-five years old to have that material. It stopped being manufactured prior to that. It's an older system.

MR. PEARSON: We'll address it.

MR. MENNERICH: The other question was concerning where the three cars are going to park, what type of material was that?

MR. WHALEN: I have some information on that. I don't have one for everybody. It's called grass street. It's basically like a concrete paving system. It allows grass to grow up in between.

MR. HINES: It's the same material Matrix is proposing for their fire access drive that we saw two weeks ago.

MR. GALLI: Like over at Price Chopper on the emergency access.

MR. HINES: I don't have a concern of the material as much as whether it's functional

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to design employee parking to block the first two people in the office in the morning and only the last guy can leave in that order.

MR. DOMINICK: I had two questions. Where I work parking is a precious commodity. When you have three spots like you do here, it kind of looks like a driveway. I applaud you for maximizing your space. I don't know if that's efficient. If one person needs to leave, a child is sick, whatever, you have to move all the cars. Is there something different we can do? Put it more towards the building or put it on an angle?

MR. WHALEN: There might be something else we can do. We didn't need a variance for the parking spaces, so -- but some of the comments that we got from ZBA was that, you know, there's -- it's going to be a busy dentist office and we didn't want to occupy definitely one if not two or possibly three parking spaces for employees. I've spoken to the owner. She's well aware that she's here first, which most likely she will be. If she's got to go, she's got to go get the other employees. It's not convenient but it's definitely -- you know, it's a tight site.

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It could be just maybe one parking space but it's such a tight space, and with the amount of parking that we have to have it's -- it seemed like the only spot we have left. I mean we could possibly eliminate this parking space, but then we have to put it back somewhere. If they were to try to get diagonal parking like you were saying in here. We can take a look at it and see if we can fit it. It might be a little difficult.

MR. DOMINICK: It just becomes an inconvenience. It sounds like you're aware of it.

MR. WHALEN: Currently existing, right now there's several parking spaces across Powelton Road right here in the front. We'd like to keep them there and just, you know, leave them alone because that's more parking. That would be staff parking right there as well as the handicap. But they're like 75 percent off of the property line. It doesn't work.

MR. DOMINICK: Now you bring me to my second question that really is in regards to the handicap parking spot. It seems from the

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distance from the curb to the island, twenty feet maybe?

MR. WHALEN: From --

MR. DOMINICK: What's that distance --

MR. WHALEN: This is twelve, six -- the access drive coming in is about twelve and the island is ten, three. We were trying to come back out to currently where the curb is. Right now out here, that would be edge of pavement for the parking spaces.

MR. DOMINICK: So what you're trying to do is control the flow of traffic into the building, especially into that spot. My question is it seems that spot is kind of narrow. Once you occupy that with a vehicle and go to back out, maybe that island is too wide.

MR. WHALEN: We could shrink it down.

MR. HINES: I think the idea is they're going to pull in and pull out. I think it's a loop there. One handicap spot. I saw it and the dimension lines looked like they were trying to do three cars there and that wouldn't work. It's a pull in and pull straight out around the loop.

MR. WHALEN: Ideally we'd love to have



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head-in parking for handicap. Again, we'd be over the property line. If the highway superintendent okayed it, you know, we could certainly do that.

MR. DOMINICK: I'm a little confused. Which way is the handicap spot?

MR. WHALEN: You're coming down -- if you're coming down Powelton this way, you're going to pull in that way. If you're coming down Powelton this way, you're going to turn around. We tried to keep it away from the corner. We probably have a little more breathing room. I could probably shift it up to make it a little easier. With your comments we can make the island smaller, just for ease of trying to get in there.

MR. DOMINICK: It just seems a little tight or difficult for anybody using that spot.

MR. WHALEN: Anybody in general. We can certainly make the island smaller and make that space bigger.

MR. DOMINICK: Thank you.

MR. WARD: I'm going to hit on the three parking spots in the back. It looks like

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you just threw three squares there for making parking spots. First, you can't turn around. Fire department wise, if there was an emergency you're trapped. They can't get fire trucks or anything there, maintenance, snow. For the neighboring property there's no buffer in between. You can't turn around. It's not a smart thing with three spots like that.

MR. WHALEN: We can get rid of them. Technically we don't need them. We were just trying to appease some of the comments that we heard about the parking concerns. We can certainly -- if the Board feels, we can eliminate them.

CHAIRMAN EWASUTYN: Do you have other questions?

MR. WARD: That's it.

CHAIRMAN EWASUTYN: Then you're going to have to revise your plans and come back.

MR. WHALEN: Okay.

MR. GALLI: Should we give some kind of direction on parking before he comes back with different parking and we decide -- John brought up a thing. Do we want to keep the parking? Do

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we want to get rid of three spots? He'll go through all the revisions --

CHAIRMAN EWASUTYN: I think whatever motion you want, because there again it's been on for discussion.

MR. GALLI: Personally I think with the parking, people have to get in and out. It's the owner's loss, not the Town. I mean if I can't get into your spot I'm not going to come. We mentioned that earlier in the workshop. So I mean if he wants to leave the three spots there and they are tight and people have a problem, that's going to affect his business, it's not going to affect us. If you want to take them out and people don't have a place to park, they're not going to come anyway. You have to try to balance it to what you see fit.

CHAIRMAN EWASUTYN: I'll poll the Board Members. How do you feel about the three parking spaces? Should the design move forward with the revisions allowing for these three spaces or should Mr. Whalen remove them while he's in the process of redesigning the site based upon grades?

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MR. GALLI: Personally I think he should leave them.

CHAIRMAN EWASUTYN: Cliff?

MR. BROWNE: I think it should be looked at carefully to see what you can do to make it better. But as Frank says, it's their business. If they want to lose it, fine. Whatever.

MR. MENNERICH: If you were to remove it would you leave one space there?

MR. WHALEN: We could. We'll definitely leave this one, which is already in the parking lot. We could not put a curb here so you have access to that one. That would be the doctor's parking space, and then the remainder the staff parking in one of the regular spaces.

MR. MENNERICH: That sounds good to me.

MR. DOMINICK: I made my comments earlier. Frank makes a good argument. I kind of agree with Frank. You know, this is more of an issue with the staff. Let the staff fight it out. It's not a customer issue. You're addressing the customers to make sure they have ample parking. So I agree with Frank.

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MR. WHALEN: I'm sorry.

CHAIRMAN EWASUTYN: Go ahead.

MR. WHALEN: I was just going to say since it is a dentist office, it's not like it's an office occupancy. It's not like people are showing up at 8:30 and leaving at 5:30. Since it's a dentist office there's a great deal of turnaround in the parking lot. To get rid of these three spaces here is not detrimental to the project. We could get rid of them and the staff could park here, here and here, and then the rest is for patients. Patients will be coming and going. With only having five operatories, I tend to think that they're not going to have twenty cars or all sixteen, seventeen spaces packed out.

MR. GALLI: You better hope they fill seventeen spaces.

CHAIRMAN EWASUTYN: All right. So then I'll poll the Board Members so we all have -- we've come to kind of a discussion and we'll summarize it.

MR. WARD: I like the idea of one car, like Ken was saying.

MR. WHALEN: Okay.

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CHAIRMAN EWASUTYN: So what direction are we going in?

MR. GALLI: I'll compromise. I'll go one car. That's fine.

CHAIRMAN EWASUTYN: Cliff?

MR. BROWNE: That's good.

CHAIRMAN EWASUTYN: Ken?

MR. MENNERICH: Okay.

CHAIRMAN EWASUTYN: The consensus of the Board is to remove or erase from your site plan the three proposed employee parking spaces and to now come back with just one.

Okay, Jerry, Pat?

MR. CANFIELD: That's good.

CHAIRMAN EWASUTYN: At this point there's no action we could take on the property until the plans are revised.

We received a letter from the applicant's attorney, so we might as well put that on the record now so we know what we're looking for.

I'll poll the Board Members to see if they want to have a public hearing on this.

MR. GALLI: I did show up at the public

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hearings for the Zoning Board because I knew the project had some issues. A lot of comments were made. The Zoning Board went over it pretty well. Pat went over it pretty well. By reading the comments that the Zoning Board had, I think they addressed the community's issues. Personally I don't think we should have another public hearing.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: No.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I agree with Frank.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: I agree with Frank.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: No.

CHAIRMAN EWASUTYN: Let the record show that the Planning Board waived the need for a public hearing on Powelton Avenue and that the applicant will come back with revised plans.

MR. WHALEN: Can I just ask one quick question? In regards to the stormwater; Pat, would I be able to send you a couple of like modifications to the parking lot?

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MR. HINES: Yeah. I'll work with you. I have some ideas. I'm not going to design it here tonight. I have some ideas that you can work out the stormwater. I want to make sure the adjoining properties are protected. There was extensive input at the ZBA and I know some of the neighbors are here tonight. They're concerned and we want those concerns addressed.

MR. WHALEN: The next time we submit we'd like to make sure we're addressing all the Board's comments.

MR. GALLI: If you come back the next time --

MR. HINES: We could send it to a technical work session at this point, if the Board wants to, on the last Tuesday of the month here.

CHAIRMAN EWASUTYN: If that's what you want to recommend. There's been a lot of discussion on a variety of topics subject to the site plan. What is the date on that?

MR. HINES: It will be the 22nd. We could do it the 29th. We do it usually the fourth Tuesday but there's five Tuesdays. If the



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ONE POWELTON AVENUE

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29th gives you more time, we could set it up for that date.

CHAIRMAN EWASUTYN: Do you understand the principle of the consultants' work session?

MR. WHALEN: It's an informal meeting.

MR. HINES: It's at 1:00 on Tuesday afternoon. We won't go over policy or the number for parking but we'll go over the septic system, the drainage on the site.

MR. WHALEN: Can we do it the 22nd?

MR. HINES: That's fine.

MR. GALLI: He should have a lot of that drawn up before.

MR. HINES: Yes.

MR. WHALEN: I'll revise it.

MR. GALLI: He's not designing it for you that day.

MR. WHALEN: Is that here or is that at your office?

MR. HINES: It's here at 1:00.

CHAIRMAN EWASUTYN: I'll move for a motion to set the 22nd of March at 1:00 for a consultants' work session.

MR. GALLI: So moved.

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MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

MR. DONNELLY: I will not be able to make that but I think they are all engineering issues.

MR. HINES: It sounds like Jerry is going to be out of Town and Mike is not going to be here. We might as well do it at my office.

MR. WHALEN: Okay.

(Time noted: 8:00 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 30th day of March 2016.

*Michelle Conero*

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

----- X  
In the Matter of

BELL-PELELLA  
(2016-01)

65 Lockwood Lane  
Section 8; Block 1; Lot 4.22  
AR Zone

----- X

TWO-LOT SUBDIVISION

Date: March 17, 2016  
Time: 8:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: STEVEN SPARACO

----- X

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

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BELL-PELELLA

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MR. BROWNE: Next on the agenda is Bell-Pelella, project number 16-01, being presented by Sparaco & Youngblood.

MR. SPARACO: Good evening. Steve Sparaco, I represent the applicant. I'm an engineer.

This is a two-lot subdivision at the end of Lockwood Lane, 65 Lockwood Lane. It's 9.8 acres, roughly. It's currently owned by two owners right now, Charlie and Norene Pelella and William Bell.

This project had been approved -- actually, there was a previous approval for this project back in 2004 with a two-lot subdivision prior. At the time there was a future design for a five-lot or six-lot subdivision. That fell to the wayside. They want to simply split the property in two so they can do their own thing, Bill can live in the house that is there and Pelella can develop this lot.

Since the last time we were before the Board we've actually redesigned -- there was a common drive proposed to service

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both houses, the existing house and the proposed house. We've redesigned this. It used to be more on the Pelella side and now it straddles the property line.

Since that time also we've taken -- we've abandoned the idea of a crash gate.

There's no need to have this connector driveway anymore, so we're going to restore it to lawn.

Those are the two major changes to the plans since we've last been here. All the minor items that were in the previous engineer's report were all taken care of. There has been a new engineer's report and there's only four items now. One has to do with the discussion of the permanent and temporary grading easement. That is deferred to Mr. Donnelly.

There's a construction debris pile, it's on lot 2. What the applicant has informed me is it's just road millings and subbase. It's going to be used for the new driveway. I'm sure they'll work with the Town engineer to review the material before it's installed.

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It's going to be recycled, so to speak, into this new grading.

It is a three-bedroom residence we're proposing.

The last response was highway -- the response from the highway superintendent was requested. We did receive that today. There were six items. The first question was how large was the half moon here. This half moon was actually proposed on the original two-lot subdivision Bill Pelella had back in 2004. This is a filed map that the Board approved. This area, it's about 6,500 square feet roughly, more or less. 75 by 85 is the approximate dimension. It was offered for dedication. To our knowledge it has not been dedicated. That's why our plan indicates that it's still offered to the Town. So that's the answer to that question that he posed. He was concerned about where to put the snow storage because apparently they just plow right down to the end of the road with the snow. Right now there's -- if you look at the plan you can see that there's a retaining wall

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there. The area we're encompassing with the driveway -- actually, we're grading this driveway out to the side, the south side of the driveway. There's actually going to be more room now in the future with this proposed plan than what is currently available to the highway staff now because of this wall. This wall is four or five feet high, in places even higher. So really they're enhancing the amount of snow storage to the south of the driveway. There will be the same or more snow storage. They used to plow down, just push it to the left of the driveway. They also have an area here that was part of the offer that's not being used right now since the Lockwood Lane pavement ends. There's a curb line. They have all this area here they can put the snow storage, as far as we understand, with the offer of dedication.

Again, there was another question of how large of an area would be dedicated to the Town. Again, it's on the original map in 2004 of 6,5500 square feet.

He was concerned about just making sure who was maintaining this pipe. I would



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imagine it would be the Town in the future because it is going to be in the Town's right-of-way. Water flows downhill, we're just conveying it toward the stream.

The marked area he talked about is not a fill area. This is a cut area for the driveway. Actually we're lowering the grade there to make everything work with the road profile. Is there enough room to deposit snow? Yes, there is.

The last one, is there a reason why we can not get a full cul-de-sac now. Before with the five-lot subdivision I'm sure there was some discussion of constructing a cul-de-sac here. The applicant at this point is just doing one more residence. Very little change from what was before. The only concern I can think of that there would possibly be would be the fire truck access. I've actually laid out the fire truck turnaround radii. I'll hand it out to the Board. There's plenty of room for a fire truck to turn around with the New York State Fire Code with the current configuration that we have now on the plans.

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That would be the only reason why there would be actual construction of a cul-de-sac. We're hoping not to do that. There is an adequate turnaround radius with the current configuration.

At this point I'll take any questions.

CHAIRMAN EWASUTYN: I have a comment to make. At some point in time the Board will take an action on this and set it for a public hearing.

MR. SPARACO: I think this might be a public hearing tonight, or -- I wasn't sure. I thought she had submitted all the paperwork, Norene Pelella. From what I understood she had submitted everything to be scheduled for a public hearing.

CHAIRMAN EWASUTYN: Did you have the opportunity to speak with the highway superintendent?

MR. SPARACO: I did talk to him today.

CHAIRMAN EWASUTYN: Maybe meet out in the field, --

MR. SPARACO: Sure.

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CHAIRMAN EWASUTYN: -- that way --

MR. HINES: That's what I was going to suggest.

CHAIRMAN EWASUTYN: -- see the site and understand where the snow is going to go and so forth. We'll do that.

Any questions from Board Members before I turn to the Consultants?

MR. GALLI: No additional.

MR. BROWNE: In your presentation, the pipe up at the top end there, you said you would imagine somebody else would maintain it, meaning the Town. I think we need more than imagine.

MR. SPARACO: That's up to the Town actually. The Town highway superintendent.

MR. BROWNE: Who is maintaining it now?

MR. SPARACO: There is no pipe. Right now all the runoff just runs downhill and goes right to Lockwood Lane and drains along and finds it's way naturally into the stream. Obviously with the grading and these being the low points, we don't want -- this is a lower area because of what was necessary to make the driveway work. This is a low point. We need to catch and convey

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the water to the natural point, which is right over here.

MR. HINES: It's an improvement that's going to be in what I believe is the Town's right-of-way, or going to be the Town's right-of-way. Once it's installed it will become a Town road and would become one of the Town's pipes as matter of course. It's probably a twenty-foot piece of pipe. Just making sure the water goes to the stream and doesn't lay -- it's not a cul-de-sac but it functions as one now with Calvin Lane and Lockwood Lane coming together and a couple driveways.

MR. BROWNE: Thank you.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No.

MR. DOMINICK: No.

MR. WARD: No questions.

CHAIRMAN EWASUTYN: Jerry Canfield, do you have any comments?

MR. CANFIELD: Nothing.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: Our previous comments were addressed. I have a couple clean-up items. At

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this point I think there is sufficient information that we would recommend a negative declaration and, if the Board felt it was appropriate, to schedule the public hearing.

I do concur that the applicant should address these comments with the highway superintendent prior to the public hearing.

I believe what Mr. Sparaco, referring to about the public hearing, the Town's policy is there's a notice to the adjoining landowners within 500 feet. Similarly, once the public hearing is set, the official public hearing notice will also get sent. The Town has a two-stage policy. It let's the neighbors know there is an application, and once the public hearing is scheduled they'll get an official public hearing notice and a legal notice in the two newspapers.

The plans have been addressed. There is a three-bedroom septic design proposed. It's a really large lot for a three-bedroom house. The septic systems meets the requirements for a three-bedroom structure. If anything larger is proposed it will have to come back to Jerry's

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office for septic system review.

I do believe our previous comments were addressed. A negative declaration would be in order.

CHAIRMAN EWASUTYN: Having heard from Pat Hines, I'll move to declare a negative declaration on the Bell-Pelella two-lot subdivision and schedule April 21st for a public hearing.

MR. MENNERICH: So moved.

MR. GALLI: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Steve, one more time so there isn't any

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delays on timing, Pat Hines can explain what happens now as far as getting the notice.

MR. HINES: My office will prepare the legal notice which we will publish in the newspaper. We will provide it to you to be mailed out. The envelopes will be addressed and stamped and the legal notice put in the envelopes. They will then be brought to the Town supervisor's office and one of the Town personnel does the mailing. There's no certified mailing. The Town physically mails them. The legal notice also has to be posted, 11 by 17 laminated, at the property site for ten days prior to as well. That is also yours or your applicant's responsibility to do.

CHAIRMAN EWASUTYN: You're taking responsibility of the hearing or --

MR. SPARACO: I will be going to the hearing. I will have the applicant --

CHAIRMAN EWASUTYN: As far as the mailing?

MR. SPARACO: They are actually both on vacation. They couldn't make it this week. They apologized. They have been taking care of the

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paperwork submissions and they will take care of this, too.

As far as my meeting with the highway superintendent, I'd like to have some direction from the Board, please, if you would, with regard to the dedication. We could always just not offer the dedication and just show what it was before, which is just a straight line down and just leave it like that, or we could offer the dedication.

CHAIRMAN EWASUTYN: Michael?

MR. SPARACO: Continue to offer the dedication?

MR. DONNELLY: It's probably more --

MR. HINES: It's going to be his call. I think it makes sense to dedicate it now if it wasn't before. It's references the filed map. Explain it to him. It may be at this point during this process the Town does officially take it. I don't know the history of what happened when it was a two-lot subdivision before that. We can check on that between now and the 21st.

MR. SPARACO: Secondly, it is our hope that the Board would be okay with the idea of the



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demonstration I showed on the sketches, that this fire truck could make a turn here. We don't feel it's necessary to build the rest of the pavement. Of course he's going to want it. I think it's up to the Planning Board.

CHAIRMAN EWASUTYN: I think it's up to him.

MR. SPARACO: You think it is up to him?

CHAIRMAN EWASUTYN: I don't think it's for us to tell the highway super what we think.

MR. SPARACO: I'm not sure how it works.

MR. HINES: That's under his purview. Get with him and address these comments. He may not know there was an offer of dedication in the past. If you fill him in on the history --

CHAIRMAN EWASUTYN: We can't tell you what to do.

MR. SPARACO: I was just asking.

MR. CANFIELD: John, just one comment. There's a new highway superintendent from when this was back in 2004. It's a different individual.

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MR. SPARACO: Okay. I'll meet with him  
and see what he says.

CHAIRMAN EWASUTYN: Okay.

MR. SPARACO: Thank you very much.

(Time noted: 8:11 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 30th day of March 2016.

*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

WEDDEL LOT LINE  
(2015-27)

6, 12, 14 & 7 Heritage Lane  
Section 89; Block 1; Lots 10.1, 10.2, 77.1 & 77.2  
R-1 Zone

----- X

TWO-LOT SUBDIVISION

Date: March 17, 2016  
Time: 8:12 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: DARREN DOCE

----- X

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

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MR. BROWNE: Next is Weddel Lot Line Change, project number 2015-27. It's presented by Doce & Associates, Darren Doce.

MR. DOCE: We're proposing a lot line change of four parcels located on Heritage Lane which is off of -- it's a private drive off of International Boulevard. The dark blue is the existing lot line. The shaded areas are the proposed lots.

Lot 77.2 is an existing .73 acre lot. We're making that a conforming lot. It's going to be .94 acres. It was nonconforming to area and lot width. We're correcting that so it will be a conforming lot.

We're doing a swath of land between lots 10.1 and 10.2. Lot 10.2 is a nonconforming lot. We're keeping the area the same, we're just reconfiguring the lot line.

Then lot 10.2 will increase in size from 1.2 acres to 1.8 acres.

Lot 77.1 we're decreasing in size from 6.1 acres to 5.3.

We were required to go to the ZBA since lot 10.1 is an existing nonconforming lot and

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we're reconfiguring it. We were required to get a variance for the area and front yard. We received that variance in December.

Also as part of this application we are realigning a right-of-way through lot 10.2 to make it correspond to the actual location of the driveway. The applicant's attorney is presently working on that and we'll submit that to Mike Donnelly once it's complete.

CHAIRMAN EWASUTYN: Questions from Board Members. Frank Galli?

MR. GALLI: Are all the sheds going to be brought into compliance? The one on 10.2 looks pretty close to the property line.

MR. DOCE: 10.2?

MR. HINES: It's the nonconforming lot that stays the same size. I don't know whose shed it is but it has to go on one or the other lots.

MR. DOCE: That shed is proposed to be relocated. It straddles the new lot line. It will be relocated to conform.

MR. GALLI: The other shed up a little further, is that real close to the property line?

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MR. HINES: That one makes the five feet.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: Nothing.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Nothing.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: No additional.

MR. WARD: Nothing.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: It's at a point for approval. They have their ZBA variances. It doesn't require a public hearing. It's four lot line changes which are not subdivisions according to your ordinance. They did do the adjoiner's notification for the project.

The revised right-of-way access and maintenance agreements must be reviewed by Mike Donnelly, as Darren just said.

Also we brought up the structure that is crossing lots 1 and 3 as proposed. That structure will have to be removed prior to the maps being signed for filing because it would create a nonconforming use by filing that.

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So the structures being removed and the sign off on the easement are the only conditions, otherwise we don't have anything.

CHAIRMAN EWASUTYN: Michael, is there a SEQRA determination?

MR. DONNELLY: There is, yes.

CHAIRMAN EWASUTYN: I'll move for a motion to declare a negative declaration.

MR. DOMINICK: I'll make a motion.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I moved for a motion to declare a negative declaration for Weddel Lot Line change. I have a motion by Dave Dominick. I have a second by John Ward. Any discussion of the motion?

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

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Mike Donnelly, Planning Board Attorney,  
can you give us conditions of approval for the  
lot line change?

MR. DONNELLY: Sure. I don't think we  
need a sign-off memo from Pat, so we're clear  
there. We'll recite the issuance of the variance  
by the Zoning Board of Appeals. I'll need to  
review the access and maintenance agreement. The  
applicant must confirm that there are no buried  
utilities. It's a map note that's required to be  
added. You have to submit the requisite plans.  
You must file the map with the Real Property Tax  
Service and copy us on the deeds conveying the  
pieces and ultimately provide us with proof of  
recording of the deeds.

CHAIRMAN EWASUTYN: Having heard  
conditions for the lot line change approval for  
Weddel presented by Mike Donnelly, Planning Board  
Attorney, I'll move for that motion.

MR. WARD: So moved.

MR. MENNERICH: Second.

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



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WEDDEL LOT LINE

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Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So  
carried.

MR. DOCE: Thank you. Just one  
question. Prior, though, to getting approval,  
signing the plans, I heard we have to relocate  
that shed?

MR. HINES: Yes.

MR. DOCE: So we would show the new  
location on the plans?

MR. HINES: Just make sure it's not  
nonconforming. We're not going to sign the maps  
until we get a letter from you saying the shed  
has been placed properly. I don't know whose  
shed it is. It has to go on one or the other lots  
and five feet off the property line.

MR. DOCE: All right. Thanks.

CHAIRMAN EWASUTYN: I'll move for a  
motion to close the Planning Board meeting of the

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WEDDEL LOT LINE

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17th of March.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 8:19 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 30th day of March 2016.

*Michelle Conero*

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MICHELLE CONERO