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

----- X

In the Matter of

AMER, DUCH, DELLAMARCO & PETROSKY LOT LINE CHANGE  
(2017-06)

Kathleen Heights & Frozen Ridge Road  
Section 20; Block 1; Lots 134, 14.1 & 14.21  
R-2 Zone

----- X

LOT LINE CHANGE  
FINAL APPROVAL

Date: April 6, 2017  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JONATHAN MILLEN

----- X

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

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CHAIRMAN EWASUTYN: Good evening,  
ladies and gentlemen. We'd like to welcome you  
to the Town of Newburgh Planning Board meeting of  
the 6th of April. This evening we have six items  
on the agenda.

At this point we'll call the meeting to  
order with a roll call vote.

MR. GALLI: Present.

MS. DeLUCA: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

MR. DONNELLY: Michael Donnelly,  
Planning Board Attorney.

MS. CONERO: Michelle Conero,  
Stenographer.

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

CHAIRMAN EWASUTYN: Thank you. At this  
point we'll ask John Ward to lead the meeting.

(Pledge of Allegiance.)

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

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CHAIRMAN EWASTUYN: The first item of business this evening is Amer, Duch, Dellamarco & Petrosky. It's a lot line change. It's here this evening for final approval. It's on Kathleen Heights and Frozen Ridge Road. It's in an R-2 Zone. Jonathan Millen is the land surveyor.

John.

MR. MILLEN: As far as I understand it, the mailing went out, the public notice, and that there was a driveway easement agreement that had been taken care of.

MR. DONNELLY: That's right. I reviewed it. It's satisfactory.

MR. MILLEN: Okay.

CHAIRMAN EWASUTYN: Pat, do you want to bring us along?

MR. HINES: We have no outstanding comments. It was before the Board at our meeting a month ago. The lot line does require the notification, not a public hearing but a notification, to the landowners within 500 feet. That mailing has been complete.

We don't have any outstanding comments.

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I know Mike had just the easement issue.

With that, I think it's ready for final approval.

CHAIRMAN EWASUTYN: Questions or comments from Board Members?

MS. DeLUCA: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: Mike, there's no SEQRA determination that has to be made at this point?

MR. DONNELLY: No. I believe you issued a negative declaration on February 16th.

CHAIRMAN EWASUTYN: All right then. Do you want to give us the conditions?

MR. DONNELLY: The resolution is straightforward. It's your standard lot line change resolution. I will include a condition that requires the recording of the common driveway easement and maintenance agreement. I'll issue a letter to the Board with instructions as to how that can be accomplished. I think the only other condition is a map note that needs to be added regarding encroaching -- I don't know, it may be on there already. We have

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a standard note, I think you mentioned it, that says the applicant must confirm that there are no buried utilities in the area to be transferred that will result in encroachments or violations.

MR. HINES: I think we did that.

MR. MILLEN: Yes.

MR. DONNELLY: The other conditions are just the instructions as to how many plans to submit, filing. You have to convey the pieces that are transferred and copy us on the deed. Those conditions will be in the resolution.

CHAIRMAN EWASUTYN: Having heard from our Planning Board Attorney, Mike Donnelly, for conditions for final approval for the lot line change for Amer, Duch, Dellamarco and Petrosky, Kathleen Heights and Frozen Ridge Road, I'd move for that motion for approval.

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 Frank Galli.

MR. GALLI: Aye.

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MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried. Thank you.

MR. MILLEN: Thank you very much.

(Time noted: 7:02 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 15th day of April 2017.

*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

MAVIS/MIXED USE/BUFFALO WILD WINGS  
(2015-03)

1413 Union Avenue  
Section 60; Block 3; Lot 40.2  
IB Zone

----- X

SIGNAGE

Date: April 6, 2017  
Time: 7:03 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: GEORGE BANTA  
THELMA PEREZ

----- X

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



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CHAIRMAN EWASUTYN: The next item of

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business we have is Mavis/Mixed Use/Buffalo

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Wings. It's a signage approval for Buffalo

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Wings. The Mavis site plan is located on

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Union Avenue in the IB Zone. I think it's

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being represented tonight, the signage, by

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George Banta? Are you George?

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MR. BANTA: Yes.

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CHAIRMAN EWASUTYN: I apologize.

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MS. PEREZ: I am Thelma Perez from

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Valle Signs & Awnings. We'll be doing the

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installation.

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CHAIRMAN EWASUTYN: Do you have a card?

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MS. PEREZ: I should, yes.

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CHAIRMAN EWASUTYN: Great.

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MS. PEREZ: I know that previously

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Buffalo Wild Wings had their signage shown.

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CHAIRMAN EWASUTYN: Do you want to put

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it up on the board?

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MS. PEREZ: Sure. The signs are from

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-- the previous ones that had been shown to you

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were the outdated signs for Buffalo Wild Wings.

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They had the black raceway behind the letters.

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The new ones that are being proposed are actually

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much smaller than what was previously shown to the Board. Nothing was added, just the layout was changed for the wording. The white boxes -- the logo white boxes stayed the same. I have samples of acrylic if anyone wants to see that, as well as a possible -- the vinyl color that will be added to the white box.

MR. BANTA: Basically what happened was when we first got started in our negotiation with Mavis, the sign package we gave to them early on, it was altered. Until we actually got our final construction plans done for Buffalo Wild Wings, there's slight changes.

CHAIRMAN EWASUTYN: Pat Hines is going to explain something to you as it relates to signage and the overall site that's rather important.

MR. HINES: Because there are three uses on this site and it's on that unified site plan, the total signs on the site are regulated based on the Town of Newburgh's sign ordinance of one square foot per -- half a square foot per lineal foot of roadway frontage. What we're going to need, and I don't know because you're

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representing various tenants, possibly the owner, is a chart depicting the signage on the site to show compliance so that the last building in doesn't have any signage available for it. So the square footage of your signs, the square footage of the Mavis signs and the square footage of I believe Alpine Dentistry should be submitted on a chart so we know it complies with zoning requirements.

MS. PEREZ: Okay.

MR. HINES: That's going to take some coordination, I think, with the landlord of the overall site, Rhinebeck Realty, to allot that signage to each of you so that no one of the users can't have the signage that they require. That was deferred at approval because we knew we were going to see signage for this, Mavis and the dentistry, at a presentation such as this. It needs to be coordinated on that site because it is one site.

MS. PEREZ: Okay. Like I said, it's been previously approved and these signs are much smaller.

MR. HINES: I think they were

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previously approved under the architectural review. The actual size of the signage for each of the sites just needs to be coordinated so we don't run into that. I don't know if before the Buffalo Wild Wings was spelled out on the side, like on your page 2. I'm not sure that that was presented to the Board. Certainly the front sign was depicted.

MS. PEREZ: I believe it was.

MR. HINES: We just need that.

Architectural review, the colors and such were reviewed by the Board but the Building Department is the one that's going to be the gatekeeper of the total quantity of the signs.

MS. PEREZ: Okay. So we need to put together a site plan that will show --

MR. HINES: I think you should probably work with the owner of the site, have him allot -- if Buffalo Wild Wings has X number of square footage of signs, he's going to have to work backwards with the Mavis and Alpine Dentistry place. Just submit something to us saying whatever your square footage is, whatever Mavis is and whatever Alpine is to show compliance with

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the sign ordinance.

MS. PEREZ: That's half --

MR. HINES: It's half a square foot per lineal foot of frontage.

MS. PEREZ: Okay.

MR. BANTA: My impression was I think we are requesting less square footage for the signage now.

MR. HINES: We didn't have the square footage before. When they were doing architectural review it was not the square footage of the sign, it was the look of the building.

MR. BANTA: So the square footage has never been calculated?

MR. HINES: I don't believe it has. It's not on the site plan. I think it was deferred until the actual buildings were designed and the signage. We've never seen signage for Alpine Dentistry. I think we only conceptually saw the architectural for Mavis but not a sign count.

MR. BANTA: The Mavis person I was speaking to, I was under the impression it was

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approved.

MS. PEREZ: I believe it was. I remember seeing a variance letter stating that they had about 770 square feet in signage.

MR. HINES: Okay.

MS. PEREZ: I don't have that letter with me but I recall seeing a letter like that.

MR. HINES: I don't know that it's a Planning matter now. It's more of the Building Department. I just wanted you to be aware that -- it may be a non-issue but someone is going to need to keep track so that the last guy in can't have a sign.

MS. PEREZ: I believe I have that letter. If I do have it who can I forward it to?

CHAIRMAN EWASUTYN: One to the Planning Board and Pat Hines of McGoey, Hauser & Edsall.

Michael, would you like one?

MR. DONNELLY: I don't need one. I'm sure Jerry and Pat can work it out.

MR. BANTA: Can this be handled administratively or do we have to come back?

CHAIRMAN EWASUTYN: It's just more of a recordkeeping to be certain that we don't exceed.

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I believe -- I know you're correct, I think a variance was issued. This project dates back. It's almost two years old now.

MS. PEREZ: I recall seeing some kind of variance letter. I don't recall the attorney but I do remember seeing a 770 square foot proposed or allowed. It was something to that effect.

CHAIRMAN EWASUTYN: It's just more of a conversation. Do you know if you'll be representing the other two applicants?

MS. PEREZ: No. At the moment we're just representing Buffalo Wild Wings.

CHAIRMAN EWASUTYN: Thank you.

Questions from Board Members?

MR. GALLI: No additional.

MR. WARD: No.

CHAIRMAN EWASUTYN: So the action before us tonight is to approve the signage shown for --

MR. HINES: I think you're approving the ARB for the new signage on the Buffalo Wild Wings building.

MR. DONNELLY: I do have a copy of a

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variance decision granting a total of 770.6 square feet where 167.88 was the maximum allowed. That doesn't divide it up, I don't think, among the tenants. You just can't exceed that amount.

MS. PEREZ: Right. It was something to that effect.

MR. BANTA: I'll get a letter from the landlord showing the square footage we're allowed.

MR. HINES: Yup.

MS. PEREZ: I mean I don't think -- ours isn't over 100 square feet combined. I think we should be fine within that limit with the other two tenants.

CHAIRMAN EWASUTYN: Okay. Then I'll move for a motion to grant ARB approval for the Buffalo Wings signage presented by George Banta and yourself.

MS. PEREZ: Thelma Perez from Valle Signs & Awnings.

MR. GALLI: So moved.

MR. WARD: Second.

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



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discussion of the motion?

MR. MENNERICH: Should that be noted,  
the approval of the Building Department?

CHAIRMAN EWASUTYN: The signage or the  
square footage?

MR. MENNERICH: The chart.

MR. DONNELLY: We can include that.  
You're really only approving the architectural  
component. The size and allocation is for the  
Building Department.

MR. MENNERICH: Okay.

CHAIRMAN EWASUTYN: I have a motion by  
Frank, discussion by Ken Mennerich. Any further  
discussion?

(No response.)

CHAIRMAN EWASUTYN: I have a motion by  
Frank Galli, a second by John Ward, discussion by  
Ken Mennerich. I'll continue on with the roll  
call vote starting with Ken Mennerich.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

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CHAIRMAN EWASUTYN: Aye.

You've been approved. Thank you for your patience. I know you've been waiting on this for a long time.

MS. PEREZ: Thank you so much.

CHAIRMAN EWASUTYN: When do you hope to have a C of O, just out of conversation?

MR. BANTA: As of right now, by the end of June we should be open.

(Time noted: 7:12 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 24th day of April 2017.

*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

McNALLY/SIEGEL LOT LINE CHANGE  
(2017-12)

Grand Avenue & Glen Lane  
Section 43; Block 3; Lot 36.21  
Section 82; Block 1; Lots 3.2, 3.3 & 3.4  
R-1 Zone

----- X

INITIAL APPEARANCE  
LOT LINE CHANGE

Date: April 6, 2017  
Time: 7:12 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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

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CHAIRMAN EWASUTYN: The next item of business is McNally/Siegel lot line change. It's the initial appearance. It's located on Grand Avenue and Glen Lane in an R-1 Zone. It's being represented by Talcott Engineering, Charles Brown.

MR. BROWN: Thank you, John. This is a lot line between Scott McNally and Jason Siegel. Jason Siegel owns the existing lot which is accessed off Grand Avenue. In addition to that, he owns the three lots, 3.2, 3.3, 3.4. Scott McNally owns the residence that comes out of the lane that's a private road. Scott McNally bought his residence off of Jason. Jason offered to give him some additional property. To do that we've had to take some property from 3.3 -- I'm sorry, from 3.2 and give it to 3.3, some property from 3.3 and give it to 3.4. That allows us to add property onto Scott's residence without making any lots nonconforming. Mr. McNally wants to eventually put in a pool and this would allow him to do that.

We're here again as a first appearance to answer any questions and hopefully move this

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thing forward.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: The proposal is going to modify the right-of-way for access to tax lot 3.4. We're going to need information submitted to Mike Donnelly's office for that.

Also, the existing right-of-way and the information from the filed map should be submitted for his review for the access via the easement across the lots.

The building envelop on lot 3.2 appears to be larger, or could be.

MR. BROWN: I've corrected that.

MR. HINES: It could be larger.

MR. BROWN: I do have a copy of the filed map.

As far as if there's any recorded instrument for that right-of-way, I wouldn't know. That filed map was filed on March 26th of 1973.

MR. DONNELLY: And it shows the roadway?

MR. BROWN: Yes, it does.

MR. DONNELLY: Just get me a copy.

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MR. BROWN: I have it here. I'll scan it and e-mail you a copy. Very good.

MR. HINES: The other issue is that lot 3.2 has an accessory use on there but no principal permitted use, the pool and the cabana.

MR. BROWN: I don't know how he even got a permit for that.

MR. HINES: Me either. I'm with you on that. By changing the lot line there you're going to lose your pre-existing nonconforming protection because that lot is being modified. That may require a variance for that accessory use without a principal permitted use.

MR. DONNELLY: Is it possible to combine that with something else?

MR. BROWN: It's my understanding that Mr. Siegel is going to put all of this property that he's not using into a conservation easement so it can never be built. I don't know how that works as far as his taxes, what his incentives are and what not.

MR. DONNELLY: That might be a long-range plan. Is it possible now to take that lot with the pool and attach it to the lot with the

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house and then it's not nonconforming in terms of it's having an accessory use without a principal use? That would make the need to go to the Zoning Board go away.

MR. BROWN: Right. I did mention earlier to him the idea of combining lots and he said no, that it didn't work for him. I would have to look at it and see if it I could include the pool by doing another lot line off this map and still give him a buildable lot on 3.2.

MR. HINES: That's going to be a challenge.

MR. BROWN: I think so. I mean would it be presumptuous to ask for a referral to the Zoning Board right now?

MR. DONNELLY: You can ask the Board. Certainly they can -- Charlie is asking if you can refer him to the Zoning Board for that lot.

CHAIRMAN EWASUTYN: For having a pool that's not on the primary lot?

MR. DONNELLY: Yes.

MR. HINES: It's an accessory use without a principal permitted use.

CHAIRMAN EWASUTYN: If that's what



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you're looking for.

Frank?

MR. GALLI: Is that a separate issue from this?

MR. HINES: No, because that lot that that accessory use is on is one of the lots. This lot line change, it's changing geometry. The lots are basically staying the same size but the geometry is changing on the three lots.

MR. BROWN: If I reduce the amount that McNally gets and do not impact lot 3.2, then that issue goes away?

MR. DONNELLY: You have that unusual language in the Newburgh Code that says you lose the protection unless you decrease the amount of nonconformity. This is kind of a black or white. It's noncompliant with code because you have an accessory use there. I guess if you leave it alone and it's not part of the lot line change --

MR. HINES: Your lot size issue is going to kick in. You need 40,000 square feet and you've got 73 feet to play with.

MR. BROWN: I would have to reallocate everything and go back around. In other words,

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remove the transfer from 3.2 to 3.3, change the transfer from 3.3 to 3.4 and reduce the amount that Mr. McNally gets from Jason Siegel.

MR. HINES: That's your call.

CHAIRMAN EWASUTYN: Is it something we have to decide on tonight or do you want to walk away and think about it and get back to us?

MR. BROWN: Scott? He's shaking his head. I mean I could look at it and tell you how much it is and come back to the Board.

CHAIRMAN EWASUTYN: Scott, what they're discussing now I'm sure makes sense to you.

MR. McNALLY: It makes sense. My only problem is -- I'm just trying to understand it all -- is he's giving away his land. He's donating the land. When I bought the home, you know, there was existing surveys that weren't right. To make a long story short, I'm just kind of trying to straighten out my land and my backyard so I can put a pool in. So now we're at the point now he almost owns a piece of my driveway. I'm at the point now where I'm just trying to straighten that out. You know, I'm hiring people and doing all this only to figure

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out that I've got to keep going, you know what I mean? I'm just trying to get what I thought was mine to begin with. I'm just a little frustrated. Yeah, we've got to do it right. At the end of the day, if I'm going to lose the land I'm trying to get to begin with, I'm not sure why I'm here. You know what I mean?

CHAIRMAN EWASUTYN: Michael, let's talk about it one more time for Scott's benefit so we're all on the same page.

MR. BROWN: I would lose about half of what's getting transferred. I would recommend going for a variance.

MR. HINES: If you get referred for the variance, you can start that process and then you can work through your lot geometry to see if you can figure it out another way. In the meantime, either way, you can go both tracks at the same time.

MR. BROWN: So again --

CHAIRMAN EWASUTYN: Scott, one more time.

MR. McNALLY: What's happening is I'm doing this for my own benefit to -- Jason owns

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that land, so ultimately it's not in his best interest to do anything. I said hey, listen, this is what we want to try to do. He agreed to it. But at the end of the day, like I'm the one trying to figure this all out, spending the money to hire Charlie to take care of all this. In the Meantime Jason is like go get it done. But either way -- it's not on him at all, it's all on me. He's not going to want to do anything. He's not going to want to do anything about the existing pool lot or anything. You know, I'm paying him to rearrange the stuff so I end up getting my extra 700, 800, 900 square feet to just have a straight backyard in order to put a pool in. That's all I'm here for. At the end of the day, to go through all this, to spend more time and energy, you understand what I'm saying? To cut it in half is not going to work anyway. And he's taking the land and donating it.

MR. DONNELLY: Charlie, maybe Jerry can issue a letter as to whether the variance is required. It looks to us like it might be. Maybe he takes the position that it isn't.

MR. BROWN: I think at this point the

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most expeditious path would be to ask this Board for a referral to the Zoning Board.

MR. DONNELLY: Then regroup and see what else you can do.

MR. BROWN: Right.

CHAIRMAN EWASUTYN: Is the Board in favor of referring this to the ZBA? This would be for an accessory use?

MR. DONNELLY: An interpretation as to whether the protection is lost or whether a variance is required.

MR. BROWN: I hate when I ask for interpretations over there.

MR. DONNELLY: I won't put that. You can always ask for it. I think you want to talk to Jerry. Maybe he's confronted this before.

MR. BROWN: He's actually refused to put me through for an interpretation. Note that on the record.

MR. DONNELLY: Consideration of a variance for the accessory use without a primary use on that lot.

CHAIRMAN EWASUTYN: Then I'll move for a motion from the Board to refer the

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McNally/Siegel lot line change on Grand Avenue and Glen Lane to the ZBA based upon the presentation that Mike Donnelly just gave to the Planning Board.

MR. DOMINICK: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: Motion by Dave Dominick. A second by Ken Mennerich. Any discussion?

MR. GALLI: He's going to check with Jerry to see if it's necessary?

MR. BROWN: Right. He's away for a week. I talked to him yesterday.

CHAIRMAN EWASUTYN: He won't be back for two weeks.

MR. HINES: The 19th.

CHAIRMAN EWASUTYN: We had a motion by Dave Dominick. We had a second by Ken Mennerich. We had discussion by Frank Galli. Any further discussion?

(No response.)

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

MR. GALLI: Aye.

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MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWN: Thank you.

(Time noted: 7:21 p.m.)

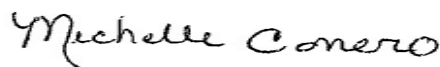
C E R T I F I C A T I O N

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 24th day of April 2017.



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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

ELEGANT SPA  
(2016-17)

5177 Route 9W  
Section 43; Block 1; Lot 6  
B Zone

----- X

SITE PLAN

Date: April 6, 2017  
Time: 7:21 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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



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CHAIRMAN EWASUTYN: The fourth item of business is Elegant Spa. It's a site plan. It's located on Route 9W in the B Zone. Once again it's being represented by Talcott Engineering, Charles Brown.

MR. BROWN: Thank you. Since we were here last we contacted DOT. We actually had a site meeting. They're requesting we extend the trench drain to the full width of the pavement and then repave where we show the hatched area. Based upon that, they signed off on it with the provision we have to get a work permit from the DOT.

CHAIRMAN EWASUTYN: Comments from Board Members? Frank Galli?

MR. GALLI: No additional.

MS. DeLUCA: No.

MR. MENNERICH: Nothing.

MR. DOMINICK: No.

MR. WARD: No.

MR. HINES: We don't have any outstanding comments.

We did discover during the process that it's served -- the site is served by a well

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that's been depicted on the plans.

A DOT highway access permit or highway work permit is required.

Actually, there is one comment. The accessible parking area should be labeled, appropriately striped and the detail of that.

MR. BROWN: We made that change already.

MR. HINES: Then the Planning Board has not had a public hearing on it but the ZBA did. I don't know if there was any input at that meeting.

CHAIRMAN EWASUTYN: Charlie?

MR. BROWN: We went to the Zoning Board and there were no comments. No public comment at all. We respectfully request that the public hearing be waived.

CHAIRMAN EWASUTYN: I'll poll the Board Members. Frank Galli, do you want to have a public hearing?

MR. GALLI: Waive it.

MS. DeLUCA: Waive it.

MR. MENNERICH: Waive it.

MR. DOMINICK: Waive it.

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MR. WARD: Waive it.

CHAIRMAN EWASUTYN: Let the record show that the Planning Board has the discretion on site plans to waive public hearings. The majority of the Board voted to waive the public hearing for Elegant Spa.

Michael, have we made a SEQRA determination on this?

MR. DONNELLY: Yes. You issued a negative declaration on February 2nd.

CHAIRMAN EWASUTYN: All right. Do you want to give us conditions of approval?

MR. DONNELLY: Does this include ARB or is it just site plan?

MR. BROWN: There are no changes to the building exterior. It's just a site plan.

MR. DONNELLY: In addition to the DOT, was this on a County roadway, too?

MR. HINES: No.

MR. BROWN: No.

MR. DONNELLY: There's no security required then?

MR. HINES: Nothing.

MR. DONNELLY: It's really just the DOT

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ELEGANT SPA

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highway work permit that you have to have, the sign off on the note that Pat mentioned.

CHAIRMAN EWASUTYN: Should we mention the resolution that all professionals working there have to be licensed?

MR. DONNELLY: I think that's for Jerry's office. I don't know that we need to mention it.

I think that's all the conditions.

CHAIRMAN EWASUTYN: Having heard the conditions for final site plan approval for Elegant Spa presented by the Planning Board Attorney, Mike Donnelly, I'll move for a motion for approval.

MR. MENNERICH: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: Motion by Ken Mennerich. 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.

MS. DeLUCA: Aye.

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MR. MENNERICH: Aye.  
MR. DOMINICK: Aye.  
MR. WARD: Aye.  
CHAIRMAN EWASUTYN: Aye.  
MR. BROWN: Thank you very much.

(Time noted: 7:26 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 24th day of April 2017.

*Michelle Conero*

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MICHELLE CONERO

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

----- X  
In the Matter of

GARDNERTOWN COMMONS  
(2016-03)

Section 75; Block 1; Lot 21  
R-3 Zone

----- X

SITE PLAN

Date: April 6, 2017  
Time: 7:26 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: STANLEY SCHUTZMAN  
JOSEPH SARCHINO

----- X

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

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CHAIRMAN EWASUTYN: The fifth item of business this evening is Gardnertown Commons. It's a site plan located in an R-3 Zone. It's being represented by JMC Planning & Engineering, Joe Sarchino. The attorney for the project is Stan Schutzman. Gentlemen.

MR. SCHUTZMAN: If I may give a little introduction.

CHAIRMAN EWASUTYN: We have a new Member.

MR. SCHUTZMAN: Thank you. My name is Stan Schutzman. Thank you, Mr. Chairman, Members of the Board, Consultants.

When we were last here we appeared before the Board in connection with a public hearing that was closed. From the point of the public hearing, one of the residents filed an Article 78 proceeding. That was in the late summer of last year. Through Mike Donnelly's efforts the Article 78 proceeding was dismissed as premature, with the court giving leave to the petitioner, Mr. Stillman, to re-file after the Planning Board went through it's entire process in terms of potentially granting an approval.

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From that point, on the basis of a Town sponsored mediation, my client, the applicant, 3 Kids of Newburgh, LLC, met with Mr. Stillman who I know is in the room tonight, and on the basis of several discussions my client re-engineered the site plan provisions to comply with the concerns expressed both by Mr. Stillman and by those expressed generally by the public at the public hearing. They basically followed three basic areas in terms of the revisions that are before you tonight. They involve the stormwater management, concerns about the buffer and some construction matters, including possible blasting at the site.

As part of that mediation process a mediation settlement agreement was entered into to which was attached to the amended site drawings which are before you today. The applicant agreed to make the presentation to the Planning Board for it's due consideration and approval of those amended drawings. That's what we're here today to submit for your consideration and review.

MR. SARCHINO: I brought the old plan



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that we had at the public hearing. This is the revised plan to kind of point out some of those engineering differences. You can see, as Stan had mentioned --

CHAIRMAN EWASUTYN: You know what we can do maybe, Joe. Why don't we just put -- there's three sheets. I think then we can see them better.

MR. SARCHINO: That might be a little better there.

So this is the plan that we had before. Part of the comments that we had received, the stormwater discharged down this part of the property. We had a stormwater basin here and we had a stormwater basin here, close to the southern line.

What we did in the redesign is we eliminated the basin that was here, eliminated this basin and eliminated this one. We relocated a new stormwater infiltration basin there. The result of that was twofold. We were able to increase the buffer, that's the dark green here, green here and green here, which was a major point and comment. These drawings here kind of

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just help show the difference between the two. We used this during the mediation. The orange is the additional buffer that was created. I don't know if the Board -- just to make it easier for the Board to see. So that was a big improvement.

The other thing that was mentioned was rock excavation. Since that public hearing we advanced or retained a geo-technical engineer. He advanced 24 borings. These are the dots there. He found that rock removal would be required in these two locations, thereabouts. Two feet here and three feet here. So the client or the developer has agreed to do that via excavation machines. No blasting. That was one of the agreements.

MR. HINES: Joe, the geo-tech record does identify potential blasting.

MR. SARCHINO: I talked to him today. He said it could be hammered. It was weathered shale. He thought no problem. So we committed to no blasting and it will all be excavated.

Those were the major highlights.

The only other thing, since we do have a cabana now, after the last application I want

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2 to make sure we mention that. The clubhouse is  
3 here. The clubhouse got a little smaller and we  
4 added a pool cabana here with a little pavilion,  
5 a little roof here, just as an amenity. The  
6 owners thought that was important for the people  
7 who lived there. So that was the change. The  
8 old clubhouse you can see right here. It just  
9 had the pool, a little extension here and the  
10 building was removed on the clubhouse. Virtually  
11 it's the same architectural elevation.

12 Also I just wanted to note the building  
13 got approximately three feet shorter in length.  
14 That changed a little bit, too, as well.

15 We still kept our landscaping along the  
16 perimeter here. So we have the added buffer and  
17 the landscaping.

18 One comment at one of the other  
19 meetings was they wanted to switch the dog run  
20 and the tennis courts. That's also shown on this  
21 plan.

22 So that's basically a summary.

23 CHAIRMAN EWASUTYN: I don't remember,  
24 and I apologize. I forget more than I remember  
25 these days. How many one-bedroom and how many

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two-bedroom, and just the unit count as far as that?

MR. SARCHINO: Well I don't have the breakdown of bedrooms. What I do have --

MR. SCHUTZMAN: If I may. The overall affect of the plan is a reduction in the number of bedrooms. The existing approved plan calls for 104 units of three-bedrooms each for a total of 312 bedrooms. The revised plan, even with the senior density housing bonus, it's almost a 20 percent reduction to a total of 252 bedrooms of which 84 are one-bedrooms, 144 are two-bedrooms and 24 are three-bedrooms.

I forgot to mention, if I may just take another minute, when the site plan drawings were approved by my client as well as Mr. Stillman, we made application to the Town Board for the senior housing density bonus. That was approved on March 27th by the Town Board.

In addition, there's an existing outside user agreement that, by it's terms, was to terminate May 31st of this year. In view of the process delay, the Town Board agreed to extend the term of that agreement for another

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full year, to May 31st of 2018.

As a final matter, the Chairman had asked me a couple times ago to what extent, if at all, the developers agreement, which is in existence in connection with the improvements to be made at the intersection of Gardnertown and Gidney, whether that had changed or was contemplated to change. At that time I mentioned that the applicant was thinking of possibly talking to the Town Board about the phasing of the improvements and the timelines for conducting that. None of that was done. The existing developer agreement stands which requires that notwithstanding an increased number of units, that until -- the public improvements must be made prior to the 32nd CO being issued. So all those improvements have to be made by the 31st CO, notwithstanding that we're going up in number of possible COs here.

MR. SARCHINO: I just want to make one other point about the blasting. On page 6, the second to the last paragraph, it does mention -- it says the use of hydraulic hammers and/or blasting will be required in order to achieve

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deeper excavation. He did say a lot of the shale is highly weathered. When you get down below that, he said it could easily be hammered out as well. I know I'm finding out on a lot of jobs a lot of contractors don't really want to blast anymore because of the seismic analysis off site you have to do. A lot of them now are just more and more hammering out the rock. I spoke to him today about that, the geo-technical engineer, and he thought this rock could easily be hammered.

CHAIRMAN EWASUTYN: In his report he writes in general as far as -- just out of conversation, since I read the report, being on site present for cuts, fills and construction related details. Do you still believe that will be a practice that will be followed? Just more out of curiosity.

MR. SARCHINO: The cut and fills?

CHAIRMAN EWASUTYN: He talked about being on site for a lot --

MR. SARCHINO: He will be. He will be. It's anticipated that he will be. He's the geo-tech on a project in New Windsor that we're working on and he worked on the Stewart Avenue

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project as well. He was on site watching what goes on. I'm sure we'll retain him to be there.

Like I said, he did advance 24 borings and took a careful look at it. We tried to map it as close as we could to rock. That's why we found those two areas two to three feet. It is up and down, the rock. It may be in some other areas. We did commit to no blasting. That's what we'll stay with.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank?

MR. GALLI: Nothing additional.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: Nothing.

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: One other item we discussed. As Pat Hines said, it would be kind of up to Jerry Canfield to weigh in on that, the stairs that are associated with the units, even as far as ADA and just --

MR. SARCHINO: The units that we're talking about are these two buildings. As you can see, on the plan is a sidewalk that comes around the building to access the units from the

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back here. I spoke to the project architect and I questioned that also when I first saw it. He said that these units in the back do not need to be ADA accessible. He has calculated a certain amount that have to be ADA accessible and he has determined that these do not need to be. I initially thought -- when I got the plan I said okay, put an elevator in here, you go in here and get -- he said they don't need to be accessible.

CHAIRMAN EWASUTYN: The material that they'll be constructed of, would these be poured in place or will they be wood frame?

MR. SARCHINO: These would be concrete. We have a detail I believe on the plan.

CHAIRMAN EWASUTYN: The stairs will be concrete?

MR. SARCHINO: Concrete stairs.

MR. HINES: Pre-cast.

MR. SARCHINO: The required railings and so on and so forth.

CHAIRMAN EWASUTYN: Do you have any architectural renderings with you --

MR. SARCHINO: I do.

CHAIRMAN EWASUTYN: -- for the benefit



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of myself and the other members?

And the overall height of the buildings will be approximately?

MR. SARCHINO: I know that the architect did present this before.

CHAIRMAN EWASUTYN: Some of us are new.

MR. SARCHINO: Yes.

CHAIRMAN EWASUTYN: Including me.

MR. SARCHINO: So this is a typical -- he has it labeled as a typical front elevation, typical rear. Some of the units have garages. There's not a garage for every single unit, that's why we have the on-site parking. He has a height of 30 feet 6 inches from this peak to here.

I think there's cultured stone around the perimeter, the doorways and garages, and some kind of siding and shake -- cedar shakes on the top of the ridges here.

The clubhouse is still pretty much the same as we originally proposed it. There used to be a little bit of an extension back here and that's what he eliminated. A little bit of the extension back here on the building was

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eliminated. There's still a little kitchen, playroom. Here's the pool and here's the cabana I mentioned, and a covered sitting area. Basically he just put a roof connected to the cabana and you can just sit under it. There's going to be some tables and maybe a fire pit here. Trying to bring up the amenities for the project a little bit. I think between this, the dog run and the tennis court it will be quite a nice facility. I think the front to side kind of matches a little the architecture of the building, the same type of material.

CHAIRMAN EWASUTYN: I don't have any more questions.

MR. SARCHINO: The senior building, I want to mention to the Board, is this building right here.

We have sidewalks running throughout the facility or the development. It's easy access to the clubhouse here and also to the center court green area as well.

MR. HINES: Joe, do you have the off-site improvements of the traffic plan by any chance?

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MR. SARCHINO: I do. Here's Gardnertown Road coming down into Gidney Avenue. The proposal is basically to redo this entire intersection paving wise, traffic signal, providing a left-turn lane, providing a left-turn lane here, a separate right turn coming down on Gardnertown Road. It greatly improves the function of that intersection to the point of -- I think the composite function will now be a B, level of service B. The lowest level of service is a C in certain movements. It's up from existing. That's with our proposed development and a growth rate. Existing wise there is an F on the left-turn eastbound lane. So it's going to be much improved with a signal and the widening and repaving.

CHAIRMAN EWASUTYN: Dave?

MR. DOMINICK: I actually had a question on this piece here but you answered it.

I'm also glad to see that there's been an agreement on -- there's been an agreement by all parties -- to the satisfaction on all sides. I'm glad that came to happen.

MR. SARCHINO: This will all be

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constructed by this developer. He will do that during the course. He told me today he's probably going to start this right when they start. He's not going to wait, he's just going to get it done. It should be done fairly quickly. The way we did the pavement here and here kind of just better defines the road. It's kind of a wide pavement area right now. Actually reducing some of the pavement is better because it tells people easier where to go, easier to travel through the intersection. Having the signal now will really help.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I know you had where the two houses were on the property, at one time it was a retaining wall or whatever. What are you doing right there?

MR. SARCHINO: Oh, yeah. Okay. So the original design had -- two these properties here, --

MR. WARD: Yes.

MR. SARCHINO: -- it showed the widening occurring on this side of the curb. When we were looking at it we thought it would be

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better to shift the widening to this side. It didn't require -- there was like a lot of retaining walls. It would have required major grading on these properties. There wasn't even an existing driveway that was considered. So we took it all, we moved it to this side. It worked a lot better, less disturbance, no retaining walls, and the alignments worked out very well that way. We're really not dealing with any of this anymore.

MR. HINES: The utility poles can stay.

MR. SARCHINO: Yes. There's two utility poles that had to be relocated. We got rid of all that.

MR. WARD: On your new revision, the courtyard, what are you putting in the courtyard?

MR. SARCHINO: I think I said the courtyard, it was basically just a center green area is what I meant.

MR. WARD: It's just going to be grass?

MR. SARCHINO: We have a play area, like a little tot lot with equipment, and we have a gazebo shown here, a couple picnic tables.

MR. WARD: Thank you.

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MR. SARCHINO: Between this area and this area there's a good amount of amenities on the project.

We still have the emergency drive-up here that was requested by the Board. That didn't change.

Mail pick up is here. A gazebo for the children is here. A sidewalk to the road. Everything pretty much stayed the same with the exception of a little change here and the buildings got a little narrower -- shorter in length, so less impervious surfaces.

MR. DOMINICK: Have you resolved the issue or is it still an issue with the turning radius in the lower section with the fire department?

MR. SARCHINO: Whatever the comment was, I know Ken Wersted said he had no comments. I think he had commented on that before. Yeah, we had -- I think there's mountable curb and we widened it to 20 feet. Whatever that question was before, we did resolve it.

CHAIRMAN EWASUTYN: Pat Hines, any additional? Where are we now with the site plan

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review process, Pat?

MR. HINES: A lot of our comments were just talked be. We have provided comments on the revised stormwater management plan that we'll be looking for the answers to.

Just to note, there's quite a bit more retaining wall I think in the revised plan as well. For the Board to know, the eastern portion of the site is completely ringed by retaining walls.

MR. SARCHINO: We had a retaining wall before but now we have a retaining wall that runs along here. That helps to keep the existing wooded buffer here, it helps keep the wooded buffer here and here. It averages down -- it's low here but the average is between 8 and 10 feet. You know, it saves these existing trees in here, it saves some existing trees in here and in here. It stops here but it runs that way. That is correct.

MR. HINES: Generally the stormwater has changed on the site. There was previously two detention ponds or stormwater treatment facilities. Removing the one on the southerly

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most property line has addressed -- we heard a lot from the neighbors during the first public hearing regarding the discharge of stormwater along that common property line. By combining both of those into the single pond down by Creek Run Road, it's eliminated the concern there. Basically that will be discharging the pipe directly to the creek on the other side of Creek Run Road. That addressed that issue.

We heard the blasting issue and the traffic issue. I think Ken is okay with it.

I know there was a comment today about traffic on Gardnertown Road and speeds. I don't know if you saw that. Ken received that today from the Town. He's looking at that. I think it's more of an enforcement issue rather than your project issue.

I'm not going to go over each of the stormwater comments. I know Mr. Sarchino has them.

MR. SARCHINO: We will take care of all of those, Pat. We'll work with you on that and take care of everything.

CHAIRMAN EWASUTYN: Mike Donnelly, do



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you have any comments at this point?

MR. DONNELLY: No. I'll work from the old resolution and carry forth the conditions you mentioned. As you move forward I'll have that resolution ready for you.

MR. SARCHINO: We'll work on the comments, resubmit and come back.

MR. MENNERICH: One more question. The light, the ongoing operation and maintenance for the traffic light, whose responsibility is that going to be?

MR. SARCHINO: Do you know what the agreement said? I believe it's going to be a Town signal. We met with the highway department and I believe I remember them saying that they were going to take care of the maintenance on it. It will be a brand new, state-of-the-art signal. I believe even LED lights. Maintenance should be minimal.

CHAIRMAN EWASUTYN: Any additional comments from the Board Members?

(No response.)

CHAIRMAN EWASUTYN: We'd like to thank you for coming well prepared. We get projects

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like this which sort of come and go for several months or even years. It's good to have a refresher course.

MR. SARCHINO: Thank you.

CHAIRMAN EWASUTYN: I appreciate your readiness.

MR. SCHUTZMAN: May I ask a point of question? Since from what I understand whatever remains is down to, if I'm hearing correctly, an engineering -- compliance with an engineering letter, and that's something, of course, that can be conditioned in terms of the approval. Would it be possible to seek a resolution of approval tonight subject to those conditions, whatever is set forth in the engineering letter?

CHAIRMAN EWASUTYN: That would be up to Mike Donnelly and Pat Hines.

MR. DONNELLY: I didn't bring a resolution with me, Stan. I'd have to wing it.

MR. SCHUTZMAN: I know Mike and I are both fairly detailed people and we would prefer not to wing things.

MR. DONNELLY: Thank you.

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CHAIRMAN EWASUTYN: Especially after the fact Buffalo Wings has already been on the agenda. Two wings don't make a right.

MR. SCHUTZMAN: But I am correct in stating the current status which is that we are in a position to put together a resolution --

MR. DONNELLY: It seems that way.

MR. SCHUTZMAN: -- subject to whatever -- compliance with whatever open engineering comments there might be?

CHAIRMAN EWASUTYN: My question is did we -- have we granted ARB approval?

MR. SCHUTZMAN: Yes, I believe so.

CHAIRMAN EWASUTYN: We granted ARB? I don't remember. I thought it -- Ken, do you have something to say?

MR. MENNERICH: No. Could we just have it like on Board Business at the next meeting?

CHAIRMAN EWASUTYN: Because of the agenda next meeting, I think it would be rather exhausting to take on this challenge at that meeting. We have two public hearings. If it's

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all right with you, we'll set it for an agenda item the meeting of -- what's the first meeting in May?

MR. GALLI: May 4th.

CHAIRMAN EWASUTYN: I'll move for a motion to set Gardnertown Commons for the meeting of -- the 4th, did you say Frank? The 4th of May.

Is that all right with you, Stan?

MR. SCHUTZMAN: That would be great.  
Thank you.

CHAIRMAN EWASUTYN: Is the Board in agreement?

MR. WARD: So moved.

CHAIRMAN EWASUTYN: I have a motion by John Ward. Do I have a second?

MR. GALLI: Second.

CHAIRMAN EWASUTYN: A second by Frank Galli. Roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

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CHAIRMAN EWASUTYN: Aye.

MR. SCHUTZMAN: Thank you.

MR. SARCHINO: Thank you very much.

(Time noted: 7:53 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 24th day of April 2017.

*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

PET HOTEL & DAYCARE  
(2012-19)

West side of Route 9W  
Section 9; Block 3; Lot 22.22  
B Zone

----- X

SITE PLAN  
LOT LINE CHANGE

Date: April 6, 2017  
Time: 7:53 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: THOMAS DePUY

----- X

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

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CHAIRMAN EWASUTYN: The last item of business this evening we have is the Pet Hotel and Day Care Center. It's a site plan and lot line change located on Route 9W in a B Zone. It's being represented by Tom DePuy.

MR. DePUY: We resubmitted and cleaned up a lot of items we had last time.

First of all, we'll be in front of the ZBA on August 27th. That's for the front yard setback.

I think we cleaned up a lot of the issues.

MR. GALLI: August?

MR. HINES: April.

MR. DePUY: April 27th. We have Dan Rusk working on the documents for the shared parking agreement and the sharing of the septic system.

Basically we are -- after that we'll be ready. We want to resubmit and come in for the ARB approval.

We'll also be finalizing our SWPPP, Pat, so we can get that straightened out.

I guess the issue I've got is I'm

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thinking about heading into the DOT if that's okay with the Board. I don't really have any other changes here with respect to --

MR. HINES: I would encourage that at this point.

MR. DePUY: I'm also going to head off to DEC for the sand filter.

We just want to go over if you saw any other issues and then we'll resubmit a complete package with the architecture. We'll have the SWPPP in place by then, too. We'll have gone into the two agencies.

CHAIRMAN EWASUTYN: Anything else you want to bring up at this point, Pat?

MR. HINES: I have a couple. The gravel parking area, it's a DOT issue. They'll resolve that moving through there.

The shared septic you mentioned.

The landscape plan has been submitted for the Board's review.

The outside agency approvals are still there.

Some clean up on the bulk table.

The SWPPP, it looks like you're at or



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over that acre number.

MR. DePUY: We drifted over the acre. We can't get underneath it. We'll have to do a full SWPPP. We're going to implement some green infrastructure and meet the criteria. We'll do a formal report and everything.

CHAIRMAN EWASUTYN: I may have overlooked it. You noted two River Birches. I'm following the symbols and I could only find one symbol for River Birch. I didn't know if you were clumping both of them in the same area. I may have missed something.

Comments from Board Members?

MR. GALLI: No additional.

MS. DeLUCA: No.

MR. DOMINICK: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: Okay.

MR. HINES: Did we mention architectural review?

MR. DONNELLY: He's coming back for ARB. He's not ready for ARB yet.

MR. DePUY: SEQRA I think he said.

MR. DONNELLY: We did a notice of

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intent.

MR. HINES: The notice of intent went out. At this point the Board is in a position to issue a negative dec. We don't have any indication of any significant environmental impacts so we could recommend that negative declaration.

CHAIRMAN EWASUTYN: Questions or comments from Board Members?

MR. GALLI: No.

MR. HINES: They need that to get to the outside agencies anyway.

MR. DePUY: Yeah.

CHAIRMAN EWASUTYN: Okay. Having heard the recommendations of Pat Hines, our Planning and Drainage Consultant, I'll move for a motion to declare a negative declaration for the Pet Hotel and Day Care Center in a B Zone, being represented by Tom DePuy Engineering.

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: Motion by Frank Galli. Second by Ken Mennerich. Any discussion of the motion?

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(No response.)

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DePUY: Thank you. And with respect to the ARB, we'll submit architectural plans and everything with our next submittal.

CHAIRMAN EWASUTYN: Make sure that the ARB form is complete also.

MR. DePUY: Okay.

CHAIRMAN EWASUTYN: Thank you.

MR. HINES: The public hearing, we haven't discussed that.

CHAIRMAN EWASUTYN: Let's poll the Board Members. Would the Board want to hold a public hearing on the Pet Hotel and Day Care Center?

MR. GALLI: No.

MS. DeLUCA: No.

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MR. MENNERICH: No.

MR. DOMINICK: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: Let the record show that the Planning Board waived the public hearing on the Pet Hotel and Day Care Center. I believe you'll be having one with the ZBA.

MR. DePUY: Yes.

CHAIRMAN EWASUTYN: Thank you.

MR. DePUY: Thank you.

CHAIRMAN EWASUTYN: If there's any questions or comments from the public as far as any mitigation measure that evening and you do incorporate that into your revised site plan, would you bring it to the attention of the Planning Board?

MR. DePUY: Okay. Yup.

CHAIRMAN EWASUTYN: Thank you.

(Time noted: 7:59 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 24th day of April 2017.

*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

THE POLO CLUB  
(2006-09)

Request for an Extension of  
Preliminary Site Plan Approval  
April 7, 2017 to October 31, 2017

----- X

BOARD BUSINESS

Date: April 6, 2017  
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  
STEPHANIE DELUCA  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD

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

----- X

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

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CHAIRMAN EWASUTYN: Ken, the items  
of business.

MR. MENNERICH: Under Board Business  
there's a request for an extension sent to the  
Planning Board, attention John Ewasutyn,  
regarding the Polo Club, Town of Newburgh  
project 2006-09. Preliminary approval, Town of  
Newburgh, Orange County, New York. "Dear  
Planning Board Members, previously the Planning  
Board granted an extension to the preliminary  
site plan approval for the Polo Club site plan  
which is due to expire on April 7, 2017. Since  
that time the applicant has been working to  
market the project and trying to obtain the  
required County and State approvals. At this  
time we respectfully request that you place the  
matter on the next available Planning Board  
agenda for consideration of an extension of the  
approval to provide us with additional time to  
finalize the necessary approvals. Please notify  
me of the date that this matter will be heard by  
the Planning Board so that I may attend. My cell  
phone number is 845-629-5534. Thank you in  
advance for your consideration. Regards, David

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Weinberg."

CHAIRMAN EWASUTYN: I'll move for a motion to grant the extension for Meadow Creek Development from the letter that was read by Ken Mennerich.

MR. DOMINICK: I'll make the motion.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Dave Dominick and a second by John Ward.

MR. HINES: How long was that extension?

MR. DONNELLY: Six months. October then. Make it the end of the month, October 31st.

CHAIRMAN EWASUTYN: October 2017. We have a motion by Dave Dominick and a second by John Ward. We had discussion by Pat Hines. Any further discussion?

(No response.)

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.



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MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. Motion  
carried.

(Time noted: 8:02 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 24th day of April 2017.

*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

THE LANDS OF MARGUERITE DiCHIARO  
(2014-20)

Request for an Extension of Site Plan Approval  
to June 30, 2017

----- X

BOARD BUSINESS

Date: April 6, 2017  
Time: 8:02 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

----- X

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

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MR. MENNERICH: We have a letter from Marguerite M. DiChiaro concerning the lands of Marguerite DiChiaro, tax map parcel 3-1-35.22, Town of Newburgh, Forest Road, three-lot residential subdivision, Newburgh project 2014-20. To the Town Board, Town of Newburgh. "Dear Planning Board Members, we are requesting an extension for the site plan approval of November 6, 2014 for three months to June 30, 2017. Please advise. Sincerely, Marguerite DiChiaro."

CHAIRMAN EWASUTYN: I'll move for a motion to grant a three-month extension for the lands of Marguerite DiChiaro.

MR. GALLI: So moved.

MR. WARD: Second.

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

MS. DeLUCA: Aye.

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MR. MENNERICH: Aye.  
MR. DOMINICK: Aye.  
MR. WARD: Aye.  
CHAIRMAN EWASUTYN: Aye.  
Motion carried.

(Time noted: 8:04 p.m.)

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

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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

PERKINS

Signage Change

----- X

BOARD BUSINESS

Date: April 6, 2017  
Time: 8:04 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

----- X

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

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PERKINS

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CHAIRMAN EWASUTYN: For the record, during our work session the Planning Board reviewed a signage change for Perkins that was presented in a memorandum from Joseph Mattina, Code Compliance, dated 3/27/2017. Perkins is located on 1421 Route 300.

The Planning Board looked at the rendering of the proposed Perkins sign change. I'll poll the Board Members now to see if they are in approval of that.

MR. GALLI: Yes.

MS. DeLUCA: Yes.

MR. MENNERICH: Yes.

MR. DOMINICK: Yes.

MR. WARD: Yes.

CHAIRMAN EWASUTYN: Yes.

Let the record show that the Planning Board approved the signage change for Perkins.

At this point I'll move for a motion to close the Planning Board meeting of the 6th of April.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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PERKINS

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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.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

I'd like to wish you all a happy  
Easter.

(Time noted: 8:06 p.m.)

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*Michelle Conero*  
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MICHELLE CONERO