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

----- X

In the Matter of

U-HAUL CANOPY  
(2018-03)

Route 9W  
Section 9; Block 3; Lot 32.2  
Comm 1

----- X

AMENDED SITE PLAN

Date: April 19, 2018  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: ZACHARY PETERS

----- X

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

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U-HAUL CANOPY

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CHAIRMAN EWASUTYN: Good evening, ladies and gentlemen. We'd like to welcome you to the Planning Board meeting of the 19th of April. We have five agenda items and three board business items.

At this time 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. BROWNE: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

EWASUTYN: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield, Code Compliance Supervisor.

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

MS. ARENT: Karen Arent, Landscape Architectural Consultant.

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U-HAUL CANOPY

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

CHAIRMAN EWASUTYN: At this point John  
Ward will lead the Board.

MR. WARD: Please stand to say the  
Pledge.

(Pledge of Allegiance.)

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

CHAIRMAN EWASUTYN: The first item of  
business is the U-Haul Canopy on Route 9W. It's  
an amended site plan. It's in a B Zone. It's  
being represented by Zach Peters.

MR. PETERS: Good evening, everyone. I  
believe when we were here last time -- the  
project is pretty straightforward. They'd like  
to construct an aluminum fabric covered canopy at  
the existing U-Haul site. The purpose is  
essentially when there's rough weather, kind of  
like we had the last couple days, we can park the  
trucks that are rented underneath the canopy to  
go through their checklist in terms of how it  
operates.

I believe the only item we were waiting

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U-HAUL CANOPY

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for was to send it in to the Middlehope Fire District to see if they had any comments or concerns. We did do that. We've gotten both a phone call from them and they also issued a letter to us via e-mail. We asked if they could forward a copy directly to the Town as well for your records.

CHAIRMAN EWASUTYN: Zach, while you're there can you give us the color proposed for the awning?

MR. PETERS: Sure. I have some pictures. I don't know if they were discussed last time or not. The canopy itself is aluminum and then the cover is midnight green. It's basically a dark green color.

MR. GALLI: Is it bolted down to the blacktop and that's it?

MR. PETERS: Yeah, that's it.

MR. WARD: How is it secured on the top for high winds?

MR. PETERS: They have design specifications on there. I don't know off the top of my head but it is fastened down. They have a whole -- this is all the design specs for

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U-HAUL CANOPY

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it. I think we had sent these in for Jerry and Pat to review after the last meeting.

CHAIRMAN EWASUTYN: For our files, not now, but you can mail a copy?

MR. PETERS: Absolutely.

CHAIRMAN EWASUTYN: E-mail is okay.

MR. DOMINICK: To answer John's question, they have this at my place of employment for security checkpoints. They're very secure.

MR. PETERS: The last thing they want is for it to blow away or the cover to rip off.

CHAIRMAN EWASUTYN: Comments from Jerry Canfield? Anything to add?

MR. CANFIELD: No. The jurisdictional fire department did submit a letter. We have a copy of it signed.

Also, after the Board approves this, should they approve it, we'll need a building permit to install it and then we can check the securing and all of that.

MR. WARD: Thank you.

MR. CANFIELD: That's all I have.

CHAIRMAN EWASUTYN: Pat Hines?

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U-HAUL CANOPY

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MR. HINES: The only other procedural thing was County Planning. It was submitted to County Planning and it's timed out. We have not heard back from them.

CHAIRMAN EWASUTYN: Comments from Board Members?

MR. GALLI: No additional.

MS. DeLUCA: No.

MR. BROWNE: Nothing.

CHAIRMAN EWASUTYN: Mike Donnelly, if you'd take the time to give us the verbiage for site plan approval and ARB approval for the U-Haul Canopy on Route 9W.

MR. DONNELLY: This is a type II action under SEQRA, so there's no SEQRA compliance required. The resolution will recite that Orange County Planning Department was sent a copy of the application and the time for them to respond has past. We will note both ARB and amended site plan approval. The only condition is the standard ARB condition which says you can not build anything that isn't shown on the approved plans.

CHAIRMAN EWASUTYN: We heard conditions

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U-HAUL CANOPY

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for approval for the amended site plan for the U-Haul Canopy. Would someone like to move for that motion?

MR. DOMINICK: So moved.

MR. WARD: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried.

MR. PETERS: Thank you.

(Time noted: 7:05 p.m.)

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

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

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

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

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

*Michelle Conero*

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MICHELLE CONERO



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U-HAUL CANOPY

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

----- X  
In the Matter of

CONKLIN-FUNDEX LOT LINE CHANGE  
(2018-05)

Ridgeview Drive  
Section 98; Block 1; Lot 20.1 & 8.22  
IB Zone

----- X

INITIAL APPEARANCE - LOT LINE CHANGE

Date: April 19, 2018  
Time: 7:05 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  
STEPHANIE DELUCA  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: ZACHARY PETERS

----- X

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CHAIRMAN EWASUTYN: The second item of business this evening is a lot line change for Fundex. It's on Ridgeview Drive in an IB Zone and it's again represented by Zachary Peters.

MR. PETERS: Good evening again. As John said, this project involves two existing tax parcels located between Ridgeview Drive and Stewart Avenue. The lots are in the IB Zone. They do butt up against the R3 Zone which is -- most of the existing lots are houses here along Ridgeview Drive.

The lot Lands of Conklin is an existing dwelling. There are existing pool, deck and some sheds in the back that encroach over that property line with the parcel here. They'd like to do a lot line change for 4,000 square feet to swap that and bring those encroachments onto the lot that they're intended to go with.

The lot itself does not meet current zoning in terms of lot area and several of the setbacks, so we anticipate that we'll need some variances for that.

CHAIRMAN EWASUTYN: Pat Hines, would you review this?

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MR. HINES: Sure. Our first comment is the bulk table that was provided identifies what's allowable in the IB Zone but doesn't depict what is proposed -- existing and proposed on each of the two lots, the residential lot and then the lot that's also part of the former Conklin, I think it's called.

MR. PETERS: The Fundex lot?

MR. HINES: The Fundex lot. We're going to need a bulk table. I did list some variances that I picked out from the dimension plan that are going to be required, but I think without the bulk table it's not ready to go to the ZBA.

The other issue is tax lot 8.22 is -- what is that tax lot? What is the use on it? It looks like it has some accessory uses but no primary use. I mean I think we all know it's part of that whole complex there but it exists as an individual lot with no principle permitted use on it. Those accessory uses may also require a variance.

I think to clean it up, the best way would be to combine all of these numerous

1  
2 individual tax parcels into one tax parcel so it  
3 identifies what that use is on there. Right now  
4 those three, what I identify as concrete slabs/  
5 tanks look like accessory uses. We'll need the  
6 bulk table for that lot in addition to the use to  
7 see if that has zoning issues as well. Certainly  
8 the residential lot is going to require several  
9 zoning variances. It may be that a use variance  
10 is required on the commercial lot that fronts on  
11 Stewart Avenue.

12 That's the basis of our comments.

13 The existing residential lot is 10,000  
14 square feet. They're proposing a 4,000 square  
15 foot addition which only makes it 14,000. With  
16 water and sewer in that zone, existing houses  
17 require 15,000 square feet. We need to identify  
18 -- I believe that house has water and sewer but  
19 we need that information as well on the plans.

20 So I think we need more detail on the  
21 bulk table, more detail on the use of the  
22 commercial lot in order to get a handle on what  
23 zoning variances and relief is required.

24 CHAIRMAN EWASUTYN: Mike Donnelly,  
25 during our work session you explained to us how

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something like this could be managed, the Fundex property.

MR. DONNELLY: If the lot with the accessory uses was connected, either by merger of the lots or perhaps with a recorded instrument that placed them together as a single use, that would take a site plan approval for that larger parcel. That might be able to happen. Right now it's an issue. You make it more of an issue when you take some of the land off. The owner is apparently operating accessory uses that are not accessory to anything. They probably are to some other lot. Maybe we can work that out.

MR. PETERS: Okay. The Fundex properties, there are several of these existing lots here that are -- I think it's seven or eight tax parcels that they're building and spread out on. So we can discuss that with them and see what they want to do. Whatever the Board thinks the best way to do that is moving forward.

CHAIRMAN EWASUTYN: So you would have to resubmit with the detailed information that Pat Hines has requested starting with the zoning legend and what is proposed based upon what is

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required.

MR. PETERS: Yes.

CHAIRMAN EWASUTYN: Thank you.

MR. PETERS: Thank you.

(Time noted: 7:09 p.m.)

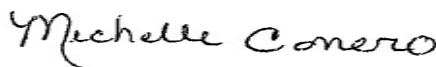
C E R T I F I C A T I O N

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

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

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

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



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MICHELLE CONERO

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CONKLIN-FUNDEX LOT LINE CHANGE

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

----- X

In the Matter of

ALDI  
(2018-06)

13 NYS Route 17K  
Section 97; Block 1; Lot 2  
IB Zone

----- X

INITIAL APPEARANCE - AMENDED SITE PLAN

Date: April 19, 2018  
Time: 7:10 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: STEVE CLEASON

----- X

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CHAIRMAN EWASUTYN: The third item of business this evening is Aldi. It's an amended site plan located on Route 17K in the IB Zone and it's being represented by Steve Cleason of APD Engineers

MR. CLEASON: We are looking at adding a small addition to the rear of the store. Presently the area in there is gravel. We would be removing that gravel actually back to where about the transformer is. That will allow access to the rear of the store but would actually eliminate some of the gravel back there, give you more green space.

In 2014 we did an approval increasing the green space at that time. If we put this impervious area in there we're still below the original store's green space, therefore it really isn't going to be an impact to the stormwater. Actually, the gravel removal will probably give some enhancement to the water quality and runoff.

Basically the store is going through a remodel. It's been successful. What they are looking for is to have more storage in the back of the store so they can get more product onto



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the floor without having to wait for the next truck to come. It really is strictly going on the rear of the store.

I didn't find any issues regarding any of the zoning or anything. It was fairly simple. It's 971 square feet.

I do have one item I did want to bring to your attention that they would like to do. That is with the older stores they had a yellow band on that outside. I know your architectural review looks at that. They have been staining that a red just because they've gone with that gray background. They feel the yellow clashes a little bit with the red and the brick and their layout. What they would like to do is put the red brick in like they normally do with their band and then stain the other yellow to be more consistent with the brick color that's there. So I have the revised fifteen copies of that elevation that we submitted before and four color copies that I would leave with the Board. That was the only modification that the architects brought up to me that would go on. They would carry that through the whole store then.

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ALDI

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CHAIRMAN EWASUTYN: Save me the time if you don't mind and just individually hand one to every one of the Board Members including Jerry Canfield and Pat Hines.

MR. CLEASON: I only brought four of the colors.

CHAIRMAN EWASUTYN: The four colors that you have, one will go to Jerry Canfield, one will go to Pat Hines, one I'll keep in the office and I'll distribute one to the Town.

Those are the color ones?

MR. CLEASON: I gave the four color copies --

CHAIRMAN EWASUTYN: One goes to Pat Hines, one goes to Jerry Canfield and two go to me.

MR. CLEASON: Okay.

CHAIRMAN EWASUTYN: Thank you. Any questions from the Board Members?

MS. DeLUCA: No.

MR. CLEASON: On the color ones, anything that's in gray means they're not making any changes.

MR. CANFIELD: Is this the color?

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MR. HINES: Is this the color you're proposing?

MR. CLEASON: It's going to match the existing brick color that's there. Obviously when they print out they don't match exactly. There will be a reddish stain that they use on it.

MR. HINES: This is actually brick now?

MR. CLEASON: This will be -- this will match the existing brick that's on the store now. It's in the back. All they do is add -- it's the same brick color but then what they do is re-stripe this a reddish tint to match in with the rest of the brick that's there.

MR. CANFIELD: What's the difference between an A2 and an A3 modular brick in color?

MR. CLEASON: Since I'm not the architect I can't really answer that. I can bring you color -- I mean I do have photos. I can bring photos to the next one of what the brick color is.

MR. CANFIELD: In looking for compliance with what this Board approves, they would be very helpful.

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MR. CLEASON: That's not a problem.  
We'll be using the same brick color that's there.  
I don't know if I have samples of it but I can  
definitely get the photos. I took some photos of  
the building that's there now, I just haven't  
brought the copies with me.

MR. CANFIELD: Okay.

CHAIRMAN EWASUTYN: Pat Hines,  
comments?

MR. HINES: Our first comment just  
identifies the project as a 971 square foot  
addition to the structure.

We concur that there's not going to be  
stormwater impacts. Previously the project was  
before the Board adding numerous landscaped  
islands to the front of the building. This  
project proposes the removal of what is developed  
as the rear gravel parking areas larger than the  
proposed impervious surfaces on the site.

With that said, I'm not sure the  
facility has an existing stormwater facilities  
maintenance agreement with the Town. This would  
be the opportunity to --

MR. CLEASON: I don't think they have a

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problem with doing the maintenance agreement.

MR. HINES: There are stormwater improvements that were put in when the building was built prior to the Town requiring that. As a regulated MS-4 community the Town would require now an operations and maintenance agreement with this facility to do long-term maintenance on their stormwater.

We're looking for additional detail for the gravel area to be removed.

MR. CLEASON: There are specifications on the back, on the very last page, that talk about four foot -- four inches of minimum topsoil and seeding. We can do a detail.

MR. HINES: Just a little detail.

MR. CLEASON: That's fine.

MR. HINES: The project, although it is small, fronts on the State highway and will require submission to the Orange County Planning Department. I believe we have sufficient information to do that at this point, to start that clock.

Then we just mentioned that -- I don't believe the project is going to change the

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traffic flow onto the State highway, so I don't believe it needs to be submitted to DOT.

The operation of the facility is going to remain the same, it's just additional storage.

CHAIRMAN EWASUTYN: Do you want to discuss with Steve at this time the informational letter that will be required to go out?

MR. HINES: Sure. There's the required public -- potentially required public hearing. I don't know if the Board is going to do that. Also within ten days of this meeting there's a requirement that you send out a notice to adjoining property owners within 500 feet of the property. My office will prepare that notice and supply it to your office --

MR. CLEASON: Yup.

MR. HINES: -- along with a list of the property owners that will -- adjoining property owners we'll obtain from the assessor's office. It's required that you send out that notification. Similarly, the project could have a public hearing or not. It's up to the Board.

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

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hearing?

MR. GALLI: No.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: No.

MR. MENNERICH: No.

MR. BROWNE: No.

MR. DOMINICK: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: Let the record show that the Planning Board waived the public hearing.

MR. HINES: There would normally be a public hearing notice. There's still the project notice.

MR. CLEASON: We did that last time. That's fine. Then we bring back the certified --

MR. HINES: It's not certified any more. You'll put them in first class mail, addressed with the addresses provided and they are brought to the Town Hall here.

MR. CLEASON: They mail them?

CHAIRMAN EWASUTYN: The personnel office, Charlene Black, give her a call before you show up with them and they physically mail

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them. It saves the certified mailing.

MR. CLEASON: Is it acceptable to send it Federal Express?

MR. HINES: I believe that's been done. Talk to Charlene.

MR. CLEASON: Four-and-a-half hour drive. If I can avoid that.

MR. HINES: Understood. Some have done that.

MR. CLEASON: If we can send that, I would --

MR. HINES: I haven't been involved in that transaction. I know they worked it out with the Town.

MR. CLEASON: If you could include her contact information.

MR. HINES: I will.

MR. CLEASON: Thank you.

CHAIRMAN EWASUTYN: Thank you.

(Time noted: 7:17 p.m.)



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

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

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

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

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

*Michelle Conero*

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MICHELLE CONERO

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

----- X

In the Matter of

McDONALD'S  
(2017-26)

65 North Plank Road  
Section 76; Block 1; Lot 1.1  
B Zone

----- X

PUBLIC HEARING

Date: April 19, 2018  
Time: 7:18 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  
STEPHANIE DELUCA  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: BRAD BOHLER  
LINO SCIARRETTA

----- X

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

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CHAIRMAN EWASUTYN: The fourth item of business this evening is McDonald's. It's a public hearing. It's located on North Plank Road in a B Zone. It's being represented by Bohler Engineering.

MR. SCIARRETTA: Good evening, Mr. Chair, Members of the Board, Town Staff. Lino Sciarretta, Attorney for the applicant, Harris, Beach. We're here tonight for a public hearing on McDonald's for a site plan.

The last time we were here the Board did issue a negative declaration for the project. We also received some comments from staff.

We have Mr. Brad Bohler who will address the site plan modifications that were made since the last Board meeting. Also to answer any questions you have, we have our construction manager, Mr. Phil Weisgerber, to address any questions you have.

With that, I'll leave it to Brad Bohler.

CHAIRMAN EWASUTYN: At this point I'll turn to Ken Mennerich to read the notice of hearing.

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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 276 of the Town Law on the application of McDonald's, Route 32, project 2017-26. The project proposes to demolish the existing McDonald's facility on the site and construct a new 5,206 square foot, 138 seat McDonald's facility with drive-up service. A two-lane drive-thru system is proposed along with the reconstruction, redesign of the access roads and parking areas. Site upgrades include site drainage, utilities, lighting, signage and landscaping. The site is served by municipal water and sewer which would be reconstructed to serve the new facility. Existing access points will be utilized with modifications to internal traffic flow. The site is located in a B Zoning District. Premises is located at 65 North Plank Road, known on the Town tax map as Section 76, Lot 1, Lot 1.1. Said hearing will be held on the 19th day of April 2018 at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7

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p.m. at which time all interested persons will be given an opportunity to be heard. By order of the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman, Planning Board Town of Newburgh. Dated 16 March 2018."

CHAIRMAN EWASUTYN: Thank you. Brad.

MR. BOHLER: Good evening, Board. We're here for a public hearing.

CHAIRMAN EWASUTYN: Can you turn the easel more towards the public?

MR. BOHLER: Yes. Should I stand here? Is that better?

From our last hearing we had addressed a number of the professional letters that we've gone through and resubmitted plans to address those. The main highlights from our previous presentation was that we adjusted the wall and sidewalk along North Plank Road on the other side of the property. That's within our property line.

We adjusted a number of landscape items that the landscape architect had asked us to adjust throughout the site. We've gone with the decorative light fixture throughout the property

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on the site.

There are a couple of details that we addressed as well during the plans that were asked for by the engineer and landscape architect. We're open for any questions with regard to the application.

CHAIRMAN EWASUTYN: Mike Donnelly, would you introduce the public hearing please?

MR. DONNELLY: Sure. On this project, before the Planning Board takes action we wish to give the public an opportunity to be heard. The reason is those who live in the vicinity of the project or those that have the most information may bring issues or concerns to the attention of the Planning Board that the applicant isn't aware of or the consultant team for the Town may not know about. Now that Mr. Bohler is finished with his presentation, the Chairman will ask anyone that wishes to speak to raise their hand. We would ask you, after you're recognized, to please step forward, give us your name, spell it for the Stenographer if you would so we get it down correctly, tell us where you live in relation to the project. Please address your comments to the

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Board. If you have a question that can be easily answered, we'll ask the applicant or one of the Town's consultants to answer that question.

CHAIRMAN EWASUTYN: Thank you. If there's anyone here this evening that has -- the gentleman in the back.

MR. BROWN: Charles Brown, 1 Gardnertown Road. My office is right across the street from McDonald's.

Two issues I have. One is we get a substantial amount of garbage that blows from their parking lot onto my property. I don't know if there's any low hedges proposed along Gardnertown Road, but that would be good.

The other thing is last time I looked at the plans they showed a culvert. There's actually two catch basins, one is on the corner of my property and the Rite Aid parking lot and the other one is on the corner of my property and 3 Gardnertown Road. Both of them are completely filled and covered over with dirt. I've called the highway department in the past. I don't know if that drain should be cleaned up, because my lot gets flooded every time it rains.

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CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: Those are in the Town  
right-of-way?

MR. BROWN: Yes.

MR. HINES: I'll talk to Mark Hall  
regarding the maintenance of those.

MR. BROWN: I appreciate that. Thank  
you.

CHAIRMAN EWASUTYN: Karen, are there  
hedges planted along --

MS. ARENT: What?

CHAIRMAN EWASUTYN: Did you hear what  
Mr. Brown said?

MS. ARENT: Yes.

CHAIRMAN EWASUTYN: Are there hedges  
planted along that portion of the road --

MS. ARENT: No.

CHAIRMAN EWASUTYN: -- that would stop  
the garbage from --

MS. ARENT: No. The only place there's  
plantings is in the parking islands -- the  
islands that separate the parking lot.

CHAIRMAN EWASUTYN: Brad, can you think  
of some way of alleviating the problem of trash



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blowing all over?

MR. BOHLER: One of the reasons that may be the case is there were no trash containers by the picnic area. That could be one of the reasons. We do ask at least an employee to police the lot, pick up any trash on a regular basis. That's standard operating procedure. I appreciate the comment. We'll make sure that the operator basically does that moving forward as part of the approval.

MR. WARD: John --

CHAIRMAN EWASUTYN: Let's continue with the public.

Additional questions or comments from the public?

MR. FEDER: Bill Feder from Rockwood Drive. I'm across the street from the project. I had taken issue earlier with an earlier version, I haven't seen the latest, about parallel parking along the entrance road next to the gas station. If that's still the case, I think parallel parking is not an appropriate thing for a fast food restaurant where people in this area are not very familiar with parallel

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parking and, two, they're in a rush. I think it's going to lead to some accidents, people backing up and pedestrians in the parking lot. If I'm off base I apologize. That was the last version I remember.

CHAIRMAN EWASUTYN: Ken Wersted, would you like to comment on that?

MR. WERSTED: It's not typical but obviously they are trying to manage the site and meet parking demands.

Brad, I don't know, I don't have your park numbers offhand about how much you have and how much you need, et cetera. That area of the site, because it is kind of a matter of convenience, you're likely to kind of pull in, you know, pull up to the furthest park space. I don't think a lot of people are going to really find those spaces too convenient and practice their sixteen-year old parking there. There's angled perpendicular parking, if you will, along the building side. Then if you come around to the south side of the building, you obviously have plenty of angled parking down on that side. I've seen it in maybe one or two other cases but

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it's certainly not the typical. I think they are trying to manage how much parking they have with the site.

CHAIRMAN EWASUTYN: Brad, would you like to comment on that?

MR. BOHLER: That's correct. I know it's not typical but it is -- we feel it could function. There's a large enough aisle there. In the event someone does need to take some time to back into that area, someone coming in could get around. It's a 22 foot aisle in that location. It does give the opportunity for someone to get around them as someone is backing in that area.

MR. FEDER: I remember part of the earlier description was it's going to be also an offloading area for tractor trailers when they need the space to deliver.

MR. BOHLER: Yes.

MR. FEDER: With that there are going to be two rows of drive ups now, not just a single lane. So there are going to be people weaving between two rows of -- potentially two rows of cars in more crowded periods of the day.

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MR. BOHLER: That's a good question. The way I'll address it is that the entrance into the two roads is a single lane and that splits as you enter into that drive-thru. The lane you see here with a number of cars on the layout is about thirteen cars. In general you see a maximum of eleven cars in a stack. We're overestimating how many cars will be there. I don't expect you'd ever see a car beyond the concrete pad at this location, so that wouldn't be an issue in our eyes based on the operations of the drive-thru.

MR. FEDER: I said my peace. Thank you.

MR. HINES: I did relay your concern at the last meeting and we discussed it as well, because you e-mailed me.

MR. FEDER: Thank you.

CHAIRMAN EWASUTYN: Additional comments from the public?

(No response.)

CHAIRMAN EWASUTYN: John Ward, you had a question?

MR. WARD: Back to the landscaping along the road there. You have landscaped the whole perimeter where Mr. Brown is talking about.

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If you look on the bottom of your plan to the left, go that way towards that one, all that area is what he's asking to put landscaping in along the road.

CHAIRMAN EWASUTYN: It's that location or the other location.

Charlie, you're talking about along what road?

MR. BROWN: Gardnertown.

MR. BOHLER: I think that could be handled policing and the maintenance crew -- not the maintenance crew but the crew going out doing their typical walk. They usually do it two or three times a day to pick up anything that's loose on the ground. We'll have trash receptacles at that location as well.

MR. WARD: One way or another, whether it's trash or not, looks wise when you turn into that road, on the left-hand side something along the roadway. Like go down where you had your hand.

MR. BOHLER: I've got you.

MR. WARD: That area. I'm asking if you could possibly do something there. You have

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it everywhere else.

MR. BOHLER: The grass area is fairly open. I guess my concern more or less would be we try not to leave low lying shrubs at the locations closer to the road for snowplowing purposes. I could try something but I'm going to fear that, you know, during the wintertime they're going to be plowed over with the snowbanks. I don't know that you get the same effect. I'd rather have the maintenance of the site go through the crew as opposed to putting the shrubs in because I feel we're going to lose them in the wintertime.

MR. WARD: I had more questions but I'll ask them later.

MR. BOHLER: Sure.

MR. WARD: Thank you.

MR. DOMINICK: Brad, I disagree with your answer completely. First, Mr. Brown's -- the response you gave Mr. Brown and now Mr. Ward, you said you're going to send a maintenance crew out three times a day. Obviously they're not doing the job.

MR. BOHLER: Sure.

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MR. DOMINICK: Why can't we address it with some low lying shrubs? I don't think three months out of the year a contractor -- maybe they will be subject to some snow damage but that's up to you in setting the terms of your contract. What are you doing beside your dumpster layout? I don't think you're addressing the problem, I think you're skirting around it. I think we could -- a simple solution would be some low lying shrubs and more receptacles and --

MR. BOHLER: Sure.

MR. DOMINICK: -- something with your dumpster enclosure.

CHAIRMAN EWASUTYN: Karen, do you have anything?

MS. ARENT: To satisfy the concern about -- your concern about the shrubs being damaged during the winter, if you perhaps created like a little sea from one Sycamore more tree to the other two, like if you put the shrubs in that area, kind of right around the parking -- the picnic space, that would get them away from the road and help with the garbage. Do you have shrubs by the parking area?

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MR. BOHLER: Yes.

MS. ARENT: So that will help there.

So if you'd just put a couple -- you know, like a nice arrangement. Or you could create a bed with the Red Buds and the two Sycamores. That would look nice, too.

MR. BOHLER: Just so I'm clear, kind of --

MS. ARENT: You could do that or you could go straight and connect the Red Buds and the Sycamores. Both options.

MR. BOHLER: We're talking about the picnic area? Is that what the Board and professionals were asking about?

MR. WARD: We're talking about the road.

MR. DOMINICK: We're talking about a natural type of fence, greenery.

MR. BOHLER: Okay.

MS. ARENT: I think if they just do like right around the picnic area, that might be good, because if you look up by the parking area there's some shrubs.

MR. BOHLER: We do have a row here.



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MS. ARENT: There are some shrubs here. The only place I think garbage might get through would be by the picnic spot.

MR. DOMINICK: From the picnic area south to the road, south to Mr. Brown's property.

MR. BOHLER: I think we can agree to add shrubs in those locations to kind of --

MR. WARD: I'm talking more. Even landscaping looking better coming up the road, too.

MR. BOHLER: All right.

MR. WARD: Thank you. I have another question.

CHAIRMAN EWASUTYN: Bring it up. You're talking.

MR. WARD: With your lights, I thank you for doing the additional lights. You have one that's like a telephone pole. Is that being removed? It's right in the middle of the parking lot. I have a picture of it.

MR. BOHLER: Yes, that one is being removed.

MR. WARD: Thank you very much.

CHAIRMAN EWASUTYN: Any additional

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questions or comments from the public?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a motion to close the public hearing on the McDonald's site plan.

MR. MENNERICH: So moved.

MS. DeLUCA: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Ken Wersted, do you want to review the project with us?

MR. WERSTED: Sure. When we first reviewed the project we noted a couple of issues with the existing facility, particularly around the south side of the drive-thru area. The drive aisle is one way in a counterclockwise direction

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but the aisle is quite wide. We observed several people coming over from the Big Lots property, coming over to McDonald's, making a left-hand turn and then kind of cutting out the back of McDonald's to get to Gidney Avenue. With the proposal it narrows up that approach and installs signage, striping. The new project will create a bypass to get around the front of the store so that you can circulate all the way around in that counterclockwise fashion. I believe that will help mitigate some of the cut-through traffic that will -- that's doing that today.

We did note a few issues with the truck turning template that was provided. It didn't designate where the loading/delivery area was. As Mr. Feder had mentioned in previous conversations, it might be on that north side area. If you could identify that, and then also provide some information on the size of the trucks. A WB-40 is shown. Is that the existing truck that's servicing the facility now?

MR. BOHLER: Yes.

MR. WERSTED: As part of that, there's a few areas on the back drive-thru area that

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might be a little tight with your overhead kind of canopy restriction.

MR. BOHLER: Mm'hm'.

MR. WERSTED: It's only got a couple of feet of clearance there, and then there's a couple of areas where that truck turning template will cut across some of the parking areas. Our notes are provided in our latest comment letter. Otherwise we feel in general that the proposed layout will help improve the traffic circulation.

CHAIRMAN EWASUTYN: Karen Arent, you reviewed the landscape plan.

MS. ARENT: Yes. To add on to Cliff's and David's concerns along Gardnertown Road, could you add maybe two more street trees as you're going down that road?

MR. BOHLER: Yes.

MS. ARENT: I kind of missed that.

MR. BOHLER: Sure.

MS. ARENT: I was just wondering about the decorative crosswalks being white. Is that form for McDonald's?

MR. BOHLER: It's schematically shown.

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McDONALD'S

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We can work with you on a certain pattern,  
whether it's a certain color you'd like to see.  
We typically do an imprint. We can work with you  
on what's there.

MS. ARENT: Maybe match the building  
and have the white stripes on the outside of the  
walk. That would be good.

You don't call out furniture or trash  
containers or other site -- I didn't see them  
anywhere in the drawing set.

MR. BOHLER: We'll add details for you.

MS. ARENT: Okay. And the road going  
to the dumpster location, the material is not  
called out on the plan.

MR. BOHLER: Sorry. The key is really  
unusual. It's gravel. I see your note about the  
stabilized grass. We can do that as well. That's  
not a problem.

MS. ARENT: Something stable would be  
great. Stabilized grass would be ideal as long  
as it will hold up.

MR. BOHLER: It will. A truck will be  
able to drive on it.

MS. ARENT: Nice job on the light

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McDONALD'S

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fixtures. We were curious how many more you had to add from the other plan?

MR. BOHLER: I think it was five.

MS. ARENT: Five.

MR. BOHLER: I'm estimating.

MS. ARENT: One more question about the Sweet Gum trees. They drop all those fruits. Can you specify a different tree?

MR. BOHLER: Yes.

MS. ARENT: Thank you.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: Our previous technical comments have been addressed. We worked with the applicant's engineer to provide the necessary details and they have responded to our previous comments.

I will discuss after the resolution the landscaping, stormwater and post-approval process that is required.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. CANFIELD: Just one thing. The signage -- the details display the signage but I did not see a compliance chart with the overall square footage of signage.

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Also, you must be aware that the Town has enacted a new signage ordinance which you can go on our website and see and then perhaps match your proposal and calculations versus the new calculations.

MR. BOHLER: Sure.

MR. CANFIELD: If you can give us a chart showing compliance.

MR. BOHLER: That chart is on the overall site plan sheet.

MR. CANFIELD: We didn't see that.

MR. BOHLER: It wasn't in the details? We did have a variance approved by the Zoning Board for the signage.

MR. CANFIELD: Very good.

MR. HINES: That was under the old ordinance.

MR. CANFIELD: The Town requested if you could submit to the Town an authorization for our parking enforcement to enter the property and enforce our parking regulations, such as the handicap parking. It's a typical request we ask most businesses to do.

MR. DONNELLY: The Vehicle & Traffic

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Law has the section. I think it's 1660.

MR. WEISGERBER: I will not say no. I guess our local franchise operator would agree to that request. I don't think they would not but I would like them to respond to that question directly. I don't see that would be a problem.

MR. CANFIELD: Thank you.

MR. HINES: We need your name for the Stenographer.

MR. WEISGERBER: It's William  
W-E-I-S-G-E-R-B-ER.

CHAIRMAN EWASUTYN: Dave?

MR. DOMINICK: John and Karen, we discussed in workshop the existing Birch trees, if you were going to keep them there. Strong and hardy but maybe need some pruning.

MS. ARENT: If you can write a note on there to make that look better.

MR. BOHLER: They're being maintained. Any existing trees, unless they're dying, will be maintained.

MR. DOMINICK: Thank you.

MS. ARENT: Thanks, Dave.

CHAIRMAN EWASUTYN: Brad, I think we



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reviewed the ARB at an earlier meeting but we never really acted on it. Do you have any renderings?

MR. BOHLER: I have black and white plans. Is that good?

CHAIRMAN EWASUTYN: I think if you could describe the colors since that's all you have, we'll try to visualize what you're proposing.

MR. BOHLER: Yes.

CHAIRMAN EWASUTYN: Is it similar in any way to the one on Route 300?

MR. BOHLER: In Newburgh?

MR. GALLI: By the Newburgh Mall.

MR. BOHLER: I'm trying to think if it is.

MR. WEISGERBER: The store that's in the Newburgh Mall, it has sort of the tall tower.

MR. BOHLER: No, it's not the same color. It's a similar color. It would be earth tones. I think I mentioned previously that the front of the building will have the stacked stone look, so it will look like the wall that's proposed out front. It's across the street as

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well. That's the main wall. Here's our typical signage which has the McDonald's and the M logo. The top two-and-a-half feet where the parapet is, it's the metal louver. It's like an aluminum color, a silver color in that location. The rest of the building is brick. In this case we're -- I'm trying to find the exact color. I apologize. A Tumbleweed Velour. It's more like an earth tone beige looking. That color would be similar to what's on 300.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: It sounds nice. I was curious what the colors were going to be. Thank you.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: No additional.

MR. MENNERICH: A question on the architectural. Where the picnic area is, you're not going to be putting them on slabs or -- what was the logic for not doing that? Would it be just lawn?

MR. BOHLER: Yes. Personal preference is that I like that look a little better than having a concrete slab. If the Board would like

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a concrete slab, we can certainly do that under the picnic tables.

CHAIRMAN EWASUTYN: My concern about sod is over a period of time, with foot activity and such, then you begin to develop ruts and the sod eventually, because of compaction, dies off and then you have just exposed soil. So I think my personal thoughts on it, pavers or something.

MS. ARENT: Pavers.

CHAIRMAN EWASUTYN: Pavers. That wouldn't create a tripping hazard.

MR. HINES: Even a permeable paver. You can have the stability of that plus the grass look you're looking for.

MR. BOHLER: I'd rather go with pavers. Those tend to die out pretty quickly, the grass pavers.

MS. ARENT: Will you make them a little wider than the benches so it's easier to get on?

MR. BOHLER: The pavers, yeah.

MS. ARENT: You're going to do a pad for each picnic table?

MR. BOHLER: Yeah.

CHAIRMAN EWASUTYN: Cliff?

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MR. BROWNE: Nothing.

CHAIRMAN EWASUTYN: Dave?

MR. DOMINICK: Nothing.

CHAIRMAN EWASUTYN: John?

MR. WARD: For the record, how many light fixtures do you have? For the record.

MR. BOHLER: Give me one second.

MR. HINES: I think it was nineteen.

We had counted them at work session. We were interested to know the difference in the number between what the higher ones versus the lower ones that you proposed. It was nineteen at the work session I believe. Freestanding lights. There are wall packs that we didn't count on the building.

MR. WARD: Very good. Thank you.

CHAIRMAN EWASUTYN: Any additional comments or questions from the Board or their consultants?

MR. CANFIELD: One question. On the elevations, you did not show any HVAC equipment on the roof. Typically the Board requests screening if there are units on the roof.

MR. BOHLER: Yes, there is HVAC on the

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roof. The louver acts as a screen so you wouldn't be able to see it. That runs the face of the wall. You wouldn't be able to see the HVAC units from that location.

MR. HINES: On four sides?

MR. BOHLER: Yes.

MR. HINES: I guess we'll be putting that on you. There is a requirement that not be seen. As long as it's high enough.

CHAIRMAN EWASUTYN: I apologize. I forget your name. From the time that you're issued a building permit your project buildout is approximately how many months?

MR. WEISGERBER: So the initial phase would be to demolish what is there. I think in this region we usually allow 30 to 45 days for that process, to disconnect and demolish the building. Our build schedule after that is 100 days.

MR. CANFIELD: 100?

MR. WEISGERBER: 100 days.

MR. CANFIELD: That's a pretty active schedule.

MR. WEISGERBER: If we can do it 130 to

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145 my boss would be very happy.

MR. WARD: Weather conditions.

MR. WEISGERBER: Conditions permitting.

MR. CANFIELD: We hope it doesn't snow.

MR. BOHLER: It's still April.

CHAIRMAN EWASUTYN: If there are no other questions or comments, we'll refer to Mike Donnelly, Planning Board Attorney, to review --

MR. DONNELLY: Did we close the hearing?

CHAIRMAN EWASUTYN: Yes, we did.

MR. DONNELLY: Okay. The approval is for site plan and ARB. SEQRA was closed out back in March. This was referred to the Orange County Planning Department. Did this one also timeout?

MR. HINES: Yes, it did. We hand delivered it on the 16th of March, so it would have timed out on Monday.

MR. DONNELLY: We'll recite that they have not reported within the allowable time. We will note that the architectural, although they were seen at an earlier meeting, were approved as of tonight. There is parking in the front yard and that violates the design guidelines.

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However, given this site and it's three yards, the Board at an earlier meeting discussed waiving that design guideline approval, particularly in view of the landscaping that's put up to screen as much of that parking as possible.

In terms of conditions, we will need a sign-off letter from Karen that includes what we discussed tonight, which is the addition of pavers under the picnic tables and the screening and plantings in the area along Gardnertown Road. We'll need a sign-off letter from Ken Wersted on the issues that he raised in his report. We will need a Vehicle & Traffic Law authorization for enforcement. We will note that the signs are to be approved by the Code Compliance Department. We will recite that the Zoning Board earlier granted a variance and reference that by date and incorporate any conditions contained within it. The approval will be conditioned upon the New York State DOT approving the proposed driveway utilization and sidewalk construction in the location and configuration shown on the plans. If they impose changes that affect the site plan, you'll need to come back for an amended approval.

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We'll need to see demonstration that a mandatory maintenance agreement satisfactory to the DOT is in place to maintain those sidewalks in that area. We will have the standard Architectural Review Board condition of approval which requires you must build consistent with the ARB. We will need a landscape bond as well as an inspection fee in the amount of \$2,000. In addition, a stormwater improvement, security and inspection fee in the amount of \$2,000. The applicant will need to execute a stormwater control facility maintenance agreement as required by the Newburgh code. The last thing we have is a standard condition which prohibits the construction of anything on the site that's not shown on the approved site plan without an amended approval.

CHAIRMAN EWASUTYN: Any additions or comments from the Consultants or Board Members?

MR. HINES: Just one thing. The architectural review approval, there is an architectural review form that also must be submitted which will identify each of those architectural features by make, model, color. So that will need to be supplied as part of the



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architectural condition.

MR. BOHLER: No problem.

MR. GALLI: Did you want to mention about the focus in on the resolution?

CHAIRMAN EWASUTYN: I thought maybe what we'll do is act on the resolution and then take a few minutes to discuss what happens from that point forward, --

MR. GALLI: Okay.

CHAIRMAN EWASUTYN: -- if that's all right with you.

Having heard the conditions of approval for the site plan and ARB presented by Planning Board Attorney Mike Donnelly, would someone move for an approval motion?

MR. GALLI: So moved.

MR. WARD: Second.

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

(No response.)

CHAIRMAN EWASUTYN: 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. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Frank Galli, would you now speak on behalf of your question earlier?

MR. GALLI: I'll pass on to Mike Donnelly.

MR. DONNELLY: I'll probably pass it this way. I think we had some confusion at points in time after an approval is granted by this Board as to what transpires next. The resolution will be signed, it will be entered in the office of the Town Clerk. A copy will be provided to you, or it should be. The conditions of the resolution are like a checklist, and many of them need to be satisfied before the site plan itself is submitted for signature ,and certainly before building permits. In particular you'll need the landscape and cost estimate to be delivered to Karen so she can determine the amount of the bond that may be needed for the

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stormwater improvements. You'll have to work that out with Pat. Those bonds will need to be approved by the Town Board and the inspection fees will need to be posted. The material chart for the architectural drawings will need to be submitted. I'm just going through the list of what the conditions were. Pat is the gatekeeper for most of those things. Some of them require Jerry's coordination and the Planning Board office as well. You'll need to get all of that together and satisfy those conditions and then present that, and you may need sign-off letters from Ken and Karen. When those things are done, then and only then will you be in a position to get your site plan signed and after that the building permit issued.

MR. BOHLER: Just a quick question. With respect to the VTLs and the stormwater, is that something I can get to your office, Mike?

MR. DONNELLY: Look in Section, I think it's 1660. A letter signed by a representative of McDonald's is enough.

MR. HINES: We do have a standard stormwater facilities maintenance agreement.

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MR. BOHLER: So I'll reach out to you.

Thank you, sir.

MR. GALLI: That's exactly what I would have said.

CHAIRMAN EWASUTYN: You have to give them an opportunity to speak.

MR. HINES: We do like to do that while the applicant's representative is here. There's often a disconnect between tonight and when people show up at Jerry's office. Those eleven specific conditions need to be addressed prior to showing up at the Planning Board office for a stamped plan and Jerry's office with the stamped plan.

MR. CANFIELD: In all honesty, to continue that, we're the final stop for you to get your building permit. I can not and will not issue a building permit without a signed site plan. So it's a domino effect. There's a process in place that must be adhered to. We were cooperative with your aggressive schedule but many times people are banging on our doors to get started and we can't until you have a signed site plan.

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CHAIRMAN EWASUTYN: Anything else?

MR. BOHLER: Thank you very much.

MR. SCIARRETTA: Thank you.

(Time noted: 7:55 p.m.)

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

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

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

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

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

*Michelle Conero*

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MICHELLE CONERO

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McDONALD'S

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

----- X

In the Matter of

MOZO PROPERTIES  
(2016-11)

286 North Plank Road  
Section 34; Block 2; Lot 55  
B Zone

----- X

AMENDED SITE PLAN

Date: April 19, 2018  
Time: 7:55 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  
STEPHANIE DELUCA  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD

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

----- X

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

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CHAIRMAN EWASUTYN: The last item under agenda business is Mozo Properties. It's located on North Plank Road. It's an amended site plan in a B Zone and it's being represented by Charlie Brown, Talcott Engineering

MR. BROWN: Thank you, John. The biggest change in this since our last appearance before the Board is based upon Pat's comment we had the Federal wetlands flagged by Mike Nowicki, Ecological Solutions, and we picked up those flags and put them on the plan.

We did get -- actually Cindy sent it to Jerry back in July of 2017 -- a sign off from the DOT on the entrance with the standard verbiage that you've got to get a work permit prior to construction of the entrance.

We're here for a review.

CHAIRMAN EWASUTYN: Thank you. Pat Hines.

MR. HINES: Our first comment identifies that we actually took a look at the site with our GIS system and the mapping that's available. What's been cleared on the site right

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now appears to be a dirt surface and --

MR. BROWN: Yeah. I did see your comment. I'll verify the extent of that. I'm going to talk to my client about the pervious pavers. They've come a long way and it's worked pretty well.

MR. HINES: We have been flexible with some landscaping yards and allowed things such as recycled asphalt. It provides a long-term dust free surface. We just don't want 30,000 square feet of basically dirt. That will have to be addressed.

You just mentioned the DOT. That will be an ongoing condition.

You identified on the recent set of plans that the office area will utilize the existing subsurface sanitary sewer disposal system. We don't have any information pertaining to that and whether or not it's sized for the additional hydraulic loading for the office.

MR. BROWN: I'll dye test that.

MR. HINES: You did identify a smaller footprint for the landscaping area based on the Federal wetlands. The Town of Newburgh's



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stormwater code kicks in at 10,000 square feet, so there's a need to address that. I know you're under the DEC threshold but the Town's code is more stringent in that area.

MR. BROWN: Okay.

MR. HINES: The limits of disturbance should be delineated with orange construction fence. A detail of that on the plans as they're very close to the Federal wetlands. The Federal wetlands don't have a buffer but we do want to make sure that you stay out of there.

Along that note, the framed garage proposed is extending out of the limits of disturbance.

MR. BROWN: We're going to move that over to the other side of the four-bay storage area.

MR. HINES: That would work much better.

Any lighting proposed on the plan should be depicted. If there's security lighting or lighting to the back area there, that should be added to the plans.

MR. BROWN: He said he didn't want to

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put any lighting up, he didn't need it.

MR. HINES: The approval will not have lighting. If it's added in the future you may have to come back.

MR. BROWN: I'll verify that.

MR. HINES: The landscaping plan of two flowering pear trees and some ornamental grass seems inadequate for the site. I'll defer to the Planning Board on that.

MR. BROWN: We'll buff it up.

MR. HINES: I think it's a landscaping yard, isn't it?

MR. BROWN: Yeah.

MR. HINES: I think it was this Town where we had someone try to take credit for their stock material as landscaping. We don't allow that either.

Pavement detail. We want to see where on the site things are going to be paved. There are two paving details, one says DOT and one is for another. Where those details are going to be on the site.

Erosion and sediment control should be addressed.

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We just talked about the stormwater.

This will require submission to the Orange County Planning Department. I believe these comments -- previous comments should be addressed prior to submitting it to County Planning because they're just going to give those same comments back to us.

There also was some area on the aerial photo to the, I'll say east of the site -- southeast of the site. There were two areas where it looks like they have encroached onto the neighboring property with fill. I didn't go out to the site and look but the aerial photos show that on the land of JK North, LLC.

MR. BROWN: I'll take a look. My client said he rebuilt the stonewalls on the property line.

MR. HINES: It looks like -- where you did that in the corner of the property, it looks like they may be over their property. That's just based on a review of the aerial photos. The stonewalls are evident in the aerial photos.

That's all we have, John.

CHAIRMAN EWASUTYN: Jerry Canfield.

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MR. CANFIELD: Just one question.  
Charlie, is there any difference in this plan  
than the last plan we looked at?

MR. HINES: The limits of disturbance.

MR. BROWN: Yeah. We've got the  
wetlands, we reduced the disturbance. I mean  
originally they wanted to do the whole thing. We  
showed the stonewalls, the sign and anemic  
landscaping.

MR. HINES: The other issue that came  
up at work session is there appears to be  
construction material stored there, a large  
amount of HDPE pipe. That seems different than  
the use as a landscaping yard. If there is  
additional outdoor storage it should be depicted  
on the plan so the Board knows what's going on  
there.

CHAIRMAN EWASUTYN: Comments from Board  
Members?

MR. GALLI: Personally I'd like to see  
more landscaping. Being a landscaping business,  
to dress it up. I know some of the neighbors  
have complained in that area to me personally  
about the site. I mean the gentleman is in the

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landscape business, I don't think it would be too hard for him to landscape some of it, dress it up and make it look pretty decent. The place looks pretty rough.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: No.

CHAIRMAN EWASUTYN: Ken?

MR. MENNERICH: I agree with what Frank just said.

MR. BROWNE: Nothing more.

MR. DOMINICK: I agree with what Frank said. This place should be his business card, you know, and it's not.

MR. BROWN: I know.

CHAIRMAN EWASUTYN: John?

MR. WARD: I agree. Even if he did something out front by the house, like stone or anything to make it -- that's his selling point.

CHAIRMAN EWASUTYN: Charlie, going back to probably 2015 when this project came before us, it had a different application number, and then on or about a year or so later you've taken responsibility for the project. Here we are in 2018 and we seem to be grappling with simple

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questions like Mr. Brown, what really has changed from your last submission, which may have been almost a year ago today.

MR. BROWN: Right.

CHAIRMAN EWASUTYN: The Board thought it might be in the best interest of the Board, the Town and yourself if you would participate in the work session on the 24th of this month to sort of come to a clear understanding what is missing, what is needed. Shortly thereafter you could work on it, and then after that you could come back, we could review it and take the next step, which would be to refer it to the Orange County Planning Department.

MR. BROWN: That would be fine.

CHAIRMAN EWASUTYN: Then I would move for a motion to set Mozo Properties amended site plan for a work session in April on the 24th.

What time of the day is that, Pat?

MR. HINES: 1 p.m.

MR. GALLI: So moved.

MR. DOMINICK: Second.

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

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I'll ask for a roll call vote starting with Frank  
Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. HINES: John, we have one set at  
1:00. It will be after that. 1:45 or so.

MR. BROWN: I'll come at 1:30 to be  
safe.

MR. HINES: Yes.

MR. BROWN: Thank you.

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 20th day of April 2018.

*Michelle Conero*

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MICHELLE CONERO



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

----- X  
In the Matter of

TRINITY SQUARE  
(2006-53)

Request for a Six-Month Extension of  
Preliminary Site Plan Approval  
from April 19, 2018 through November 18, 2018

----- X

BOARD BUSINESS

Date: April 19, 2018  
Time: 8:05 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

----- X

MICHELLE L. CONERO  
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TRINITY SQUARE

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CHAIRMAN EWASUTYN: We have three items to discuss under Board Business tonight.

I'll ask Mr. Mennerich to read the extension letter for Trinity Square.

MR. MENNERICH: The letter is from Vincent J. Doce Associates dated April 4, 2018. It's to John P. Ewasutyn, Planning Board Chairman, Town of Newburgh Planning Board, 308 Gardnertown Road, Newburgh, New York 12550. Anthony Cocchi, Jr. (Trinity Square Site Plan), South Plank Road (Route 52 ), Section 60, Block 2, Lot 4.1, application number 2006-53. "Dear Mr. Ewasutyn, at the February 2, 2017 Planning Board meeting the preliminary site plan approval for the Trinity Square project, 2006-53, was given an extension that expires May 2, 2018. Mr. Cocchi is requesting another six-month extension of this approval. If you have any questions or comments, please feel free to contact our office. Thank you for your time and consideration. Respectfully, Darren C. Doce."

CHAIRMAN EWASUTYN: Pat, can you give us a month and day for that?

MR. HINES: From tonight it would

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TRINITY SQUARE

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extend until November 19th.

Did you read a different date in that?

MR. MENNERICH: The letter said it would go from May 2nd for six months.

MR. HINES: We should probably go until, it would be December 2nd.

CHAIRMAN EWASUTYN: December 2nd?

MR. HINES: November. November.

MR. CANFIELD: November 2nd.

CHAIRMAN EWASUTYN: Would someone like to move for a motion to extend Trinity Square to November 2, 2018?

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

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(Time noted: 8:07 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 ^ day day of ^ Month 2018.

*Michelle Conero*

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MICHELLE CONERO

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TRINITY SQUARE

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

----- X

In the Matter of

GARDNERTOWN COMMONS  
(2016-03)

Discussion of Rock Crushing on Site

----- X

BOARD BUSINESS

Date: April 19, 2018  
Time: 8:07 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  
STEPHANIE DELUCA  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD

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

----- X

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MR. MENNERICH: The second item is Gardnertown Commons, project 2016-03, discussion of rock crushing and blasting on site.

CHAIRMAN EWASUTYN: That since has changed. It's just rock crushing.

MR. MENNERICH: Just rock crushing. Jerry is going to discuss that, or Pat.

MR. HINES: We received a request or some information from the contractors at the Gardnertown Commons site. We've had discussions initially during the public hearings and subsequent to that regarding raising of the grades to address some issues on the site. They are encountering a volume of bedrock. They would like to put a rock crusher on the site to process the bedrock that they are excavating on the site for utilities and building foundations. The reason for that is they want to make a product that they can use on the site rather than trucking off the rock from the site.

We thought we'd bring it to the Board to get their reaction and then possibly schedule it with the applicants for the work session on the 24th.

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The blasting should not have been on the agenda. That came from my office when we talked about rock crushing and blasting. There is a restriction on blasting on the site in the approval. The applicants have concurred that blasting would not be undertaken on the site. The rock on the site is going to be mechanically removed with a hydraulic excavator ramp. They do wish to process that material as a commodity and to use it on the site, otherwise they truck that material off and have to truck processed material back to the site.

We have questions regarding how much material, how long that crusher would run, where on the site the crusher would be so as not to impact neighbors, hours of operation and such. We wanted to bring it to the Board. It wasn't originally envisioned.

There seems to be a little more rock on the site than they eluded to during the public hearing. We did specifically discuss rock. They did test borings and showed us some areas. I think that may have been foundation based and not utility based when they gave us that analysis.

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They're hitting a little more rock putting water, sewer, drainage in and want to process that. There is a complete restriction on blasting. It will be mechanically removed. Often times that's an issue because that's a rather noisy process as well.

We don't have a lot of details on that but we wanted to run it by the Board at the work session to get your opinion and take on it, and would suggest it could be set up for the Tuesday work session at 1 p.m.

CHAIRMAN EWASUTYN: That's also on the 24th?

MR. HINES: The 24th.

CHAIRMAN EWASUTYN: Jerry Canfield, do you have anything to add?

MR. CANFIELD: No. Very well put.

CHAIRMAN EWASUTYN: Ken?

MR. MENNERICH: One question. Pat, they have a huge pile of rocks and boulders and stuff down there. Would they be crushed also?

MR. HINES: Yes. They're currently stockpiling that in anticipation of not having to haul that off the site. It's a balance of the



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construction technique if you haul that material off and increase truck traffic and noise associated with loading the rock and driving it out of there or do you process it on site during normal business hours and eliminate that truck traffic issue.

MR. GALLI: I just have a question, John. Would the rock crushing take place after they stockpiled all the rock and then they would start crushing or would the rock crushing start -- it would start today, they'd dig up more rock and two days from then go again or would they stock everything first, get a rock crusher on site?

MR. HINES: I would envision, based on the quantity they have there now, they would start processing that material. I guess item B, like you said, it would be an ongoing issue.

MR. GALLI: I live close by so I hear the pounding every day -- most days I hear the pounding of the crock. The rock crusher itself is noisier than the pounding of the rock?

MR. HINES: Probably not. The mechanical removal of the rock is probably louder

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than a crusher that operates probably at about  
100 decibels. That constant pounding noise --

MR. GALLI: It travels pretty far. I'm  
on Fifth Avenue and I hear it.

MR. HINES: That's always the issue  
with mechanically removing the rock. It's a  
longer process, it's a slower process and it's  
loud. Blasting is more instantaneous. You have  
the noise drilling but drilling of the rock --  
setting the charge is fairly quick versus when  
you hit rock that doesn't break up very well,  
it's a long-term noise.

MR. GALLI: I think they were  
forewarned about the rock in that area.

MR. HINES: We had those discussions  
during the approval.

MR. GALLI: You always told them there  
was a lot of rock around that area.

MR. CANFIELD: To answer your question,  
Frank, that's the purpose we're requesting they  
be permitted to come to one of our work sessions,  
to define to us the duration, their timeframe and  
what they are proposing so we have answers in  
that respect.

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MR. GALLI: If they brought it right in, brought it right out, extended it over a long period of time I wouldn't have an issue. If it's going to be extended, dragged out as they do it, then that's just too long of a period.

CHAIRMAN EWASUTYN: Any additional questions or comments from the Board?

(No response.)

CHAIRMAN EWASUTYN: I would move for a motion to set this up for the consultants' work session -- on April 24th?

MR. HINES: Yes. Next Tuesday.

CHAIRMAN EWASUTYN: For April 24th.

MR. DOMINICK: I'll make the motion.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: I have a motion by Dave Dominick. I have a second by Cliff Browne. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

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MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried.

(Time noted: 8:12 p.m.)

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

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

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

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

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

*Michelle Conero*

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MICHELLE CONERO

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

----- X

In the Matter of

SERIOTA  
(2015-28)

DISCUSSION - REQUEST FOR FIELD CHANGE

----- X

BOARD BUSINESS

Date: April 19, 2018  
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  
STEPHANIE DELUCA  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD

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

----- X

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Newburgh, New York 12550  
(845)541-4163

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SERIOTA

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CHAIRMAN EWASUTYN: The last item of business is Seriota.

MR. HINES: The Seriota site is out on 17K across from the control tower. They were before us several years ago to -- maybe a year or two ago to take an existing building and utilize it as a repair shop. They have a business associated with FedEx. They repair the FedEx vehicles. That site plan has been slow in being complete. They are nearing completion of it. Recently I saw some of the landscape walls and such go up.

They are requesting -- when we reviewed the site we required it to be curbed. They have put in the majority of the curbing, but to the rear of the site, along the paper street, I believe it's called Willow Street, it doesn't exist in that area, it's a paper street. They do not wish to install the curbing along that paper street. It limits the ability of them to access their loading docks as they've come to find. When they're operating on the site -- they said if we put curbing along the paper street they're not going to be able to back into the rear of the

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SERIOTA

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site, the rear being from the 17K frontage. They're looking to remove the concrete curb along that paper street and allow the access. They are utilizing that paper street as access to the site. That curb would restrict them from that access.

I don't have a real big concern. It's kind of on the rear of the site. The rest of the site is defined by curbing. I know we've been struggling to get them to complete it.

MR. GALLI: Did they hook up to Town water?

MR. HINES: I believe so. They were supposed to. I don't know that they did. There's a one-inch copper line identified on the plans. It's too small of a site, my office has not been involved with the development of it.

MR. BROWNE: What was the original reason for that curb in that area?

MR. HINES: It was to define the site. The Planning Board requires commercial sites to provide curbing to define the site.

MR. BROWNE: It had nothing to do with drainage or anything like that?

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MR. HINES: It actually caused them to put in some closed pipe drainage system that they didn't want to do. Originally they didn't want to curb it and allow the water to sheet flow off. The Board's policy is that commercial sites should look like an operating commercial site. They did the front, the access, the roads, everything but Willow Street. I can bring it up and show the Board.

MR. CANFIELD: If I may just chime in a little bit. Part of the issue with this site is that when it came before you over two years ago it came for a change of use, and that's what constituted it to come to the Board. It was currently or existing as a warehouse. The proposal, what was brought before you and approved, was a change of use to make it a service repair facility, no longer a warehouse.

There's language in the minutes -- they came before the Board on four different occasions and on several occasions in the minutes the Board was very clear in what would be the use of the property and what would be the amount of vehicles on the property. I think part of the reason for



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the approval for the curbing was that what was told to you were no larger than 26 foot straight job, no more than three vehicles on site at a time, and it was to --

MR. HINES: It designated the locations where they would be.

MR. CANFIELD: Exactly. We even went as far as asking them to put notes on the site plan, which they did, to indicate no more than three vehicles and they were a repair facility.

The activity that's taking place at the site right now, as of 2:00 this afternoon I was out there, there were three tractor trailer boxes backed up to the side of the building, and they were the smaller trailers. There's a forty footer hooked up with a tractor on the other side of the building. It appears that perhaps they can't negotiate and maneuver their trailers in and out of the site with that curbing.

This also, I have to tell you, is involved in an enforcement action. Part of our struggle is that what this Board originally approved and what is actually taking place at the building now are two different things. They are

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both permitted uses per zoning, however we're trying to enforce the site plan that the Board approved. That's what our difficulties are.

One of the outstanding issues for compliance and completing this is the curbing as a component of the site plan approval.

There are other building issues. Their attorney argues that their use is a warehouse and we have a signed site plan that it is not. Not to drag the Board into the middle of the enforcement action, but I think it's only fair to you give you what I feel is the justification of why they don't want to put that curbing in.

MR. HINES: It seems like the intensity of use has changed.

MR. CANFIELD: Correct.

MR. GALLI: If I remember right, they were going to do oil changes and stuff like that there.

MR. CANFIELD: That's correct. The use was to just service the FedEx trucks, that was it, and it was specific that the trucks to be serviced were to be no larger than 26 feet. Actually, I think it was John that made that

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SERIOTA

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point. The minutes are very clear on what's supposed to be there.

MR. GALLI: I think we ought to make them put the curbs in.

MR. WARD: They were limited to how many trucks there and you had to go fight them a few times until they even put up the wall and other things. They had more than ten trucks at a time there. I've seen it stockpiled, that exit or whatever. They had them jacked up in the back and everything. Now it's a change of use.

The curbing we pushed because you didn't want to park the trucks on the front or the back. There was a reason.

MR. CANFIELD: Like Pat said, it defines the movement of the vehicles and it defines the site.

MR. GALLI: Enforce the site plan, that's my feeling, the way we approved it and that's it.

MR. DOMINICK: I agree.

CHAIRMAN EWASUTYN: Do you want to table a decision and set it up also for a work session on the 24th to see if we can define these

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issues? What do you want to do?

MR. CANFIELD: I don't know, John, that that would serve a purpose, simply because at a work session Pat and I do not have the authority to speak for the Board. We can only bring back to you what they propose. And Mike as well. I'm sorry, Mike. We can bring back to you what they propose but we can't make a decision that yes, this will be acceptable. That's ultimately the Board's decision.

CHAIRMAN EWASUTYN: For the record you're advising the Board to?

MR. CANFIELD: I don't want to lead you. I'm just saying I don't know --

CHAIRMAN EWASUTYN: We're looking for a sense of direction, Jerry.

MR. CANFIELD: I don't know that putting it on a work session will accomplish anything. That's my answer.

CHAIRMAN EWASUTYN: The verbiage that you'll give us for saying that we can't act on it is because it's not in compliance with the approved site plan?

MR. CANFIELD: That's correct.

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SERIOTA

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MR. HINES: They would need to amend that site plan before the Board, from what I'm hearing.

MR. WARD: We put the curbing in, even in the back, because they have all tractor trailers in the back in that warehouse where we were concerned either/or being a paper road going across, everything there. That's the whole idea of that curb.

MR. CANFIELD: Right.

CHAIRMAN EWASUTYN: Do you want to contact Ross Winglovitz in the morning?

MR. HINES: Their only course of action would be to put curbing in or come back for an amended site plan.

CHAIRMAN EWASUTYN: Okay. About how many linear feet of curbing is it?

MR. HINES: Probably 200 feet.

MR. CANFIELD: I was going to say 160, 180.

MR. HINES: Actually 190.

CHAIRMAN EWASUTYN: So that's plus or minus about 7 cubic yards.

MR. GALLI: If I'm not mistaken, that

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SERIOTA

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was the same applicant, I was at a couple Zoning Board meetings, and he was trying to put up a huge garage building at his house to work on trucks and they denied him.

MR. CANFIELD: Yes.

MS. DeLUCA: I wasn't here when all of that happened. What exactly are they doing there? Are they servicing trucks, large trucks, small trucks? What are they doing?

CHAIRMAN EWASUTYN: Jerry has a better insight.

MR. CANFIELD: What was your question?

MS. DeLUCA: What exactly then are they doing? Are they servicing the trucks?

MR. GALLI: What is the site functioning as now, Jerry?

MR. CANFIELD: I believe they're also warehousing in addition to servicing the trucks because of the tractor trailer activity and loading docks. Typically loading docks are not affiliated with servicing and repairing vehicles. There's something else going on.

MS. DeLUCA: Thank you.

(Time noted: 8:20 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 20th day of April 2018.

*Michelle Conero*

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MICHELLE CONERO

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

----- X  
In the Matter of

CVS  
(2015-23)

REQUEST FOR FIELD CHANGE

----- X

BOARD BUSINESS

Date: April 19, 2018  
Time: 8:20 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  
STEPHANIE DELUCA  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD

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

----- X

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



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CVS

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CHAIRMAN EWASUTYN: Any questions or comments?

MR. HINES: John, if I could. I've got one more that popped up as a field issue. CVS.

CHAIRMAN EWASUTYN: Okay.

MR. HINES: I'll hand these out. CVS being developed next to the Dairy Queen, they're having a bit of a feud with the Dairy Queen regarding the development of the site. We had a lot of discussion on that while it was being approved.

After they developed the site the owners of the Dairy Queen are taking exception to runoff coming from the CVS site onto the Dairy Queen site. If you look on the plan, there was a rather large area, a tributary, based on the existing topo to the Dairy Queen site. Now that the vegetation has been removed it's an obvious condition.

CVS wants to be good neighbors and doesn't want to fight that battle so they've proposed to put a drainage swale along the property lines to direct their runoff to stay on their site and go into their stormwater

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management facility. It makes good sense. They're not looking to fight them. Their engineers gave me a call, did a quick analysis of the pre-existing tributary area and it's not pavement, it's just that grass slope -- it will be a grass slope in the post-development condition. It is smaller but the neighbor is alleging they're getting a lot more water on their site. CVS wants to be a good neighbor and put that swale in.

I told them it would be something we would normally consider a field change but I would bring it to the Board tonight.

CHAIRMAN EWASUTYN: Frank Galli, are you okay with it?

MR. GALLI: Yes.

MS. DeLUCA: Yes.

MR. MENNERICH: Yes.

MR. BROWNE: Yes.

MR. DOMINICK: Yes.

MR. WARD: Yes.

CHAIRMAN EWASUTYN: Let the record show that the Planning Board approved the field change for CVS, the drainage.

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Pat, that looks like it's along the north side of the property?

MR. HINES: I think it's the southeast side. It's between CVS and Dairy Queen.

MR. WARD: Southeast.

CHAIRMAN EWASUTYN: The southeast side of the property. Okay. Thank you.

Anything else?

MR. HINES: No.

CHAIRMAN EWASUTYN: Then I'll move for a motion to close the Planning Board meeting of the 19th of April.

MR. GALLI: So moved.

MS. DeLUCA: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

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(Time noted: 8:25 p.m.)

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IN WITNESS WHEREOF, I have hereunto  
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\_\_\_\_\_  
MICHELLE CONERO