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

----- X

In the Matter of

BELL-PELELLA
(2016-01)

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

----- X

PUBLIC HEARING
TWO-LOT SUBDIVISION

Date: April 21, 2016
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: STEVEN SPARACO

----- X

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

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BELL/PELELLA

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MR. BROWNE: Good evening, ladies and gentlemen. Welcome to the Town of Newburgh Planning Board meeting of April 21, 2016.

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

MR. BROWNE: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

MR. BROWNE: The Planning Board has professionals that give us input on plans before us and advice on different details and zoning ordinances. I'll ask that they introduce themselves at this time.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield, Code Compliance Supervisor.

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

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BELL/PELELLA

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MR. BROWNE: Thank you. At this time I'll turn the meeting over to John Ward.

MR. WARD: Please stand to say the Pledge.

(Pledge of Allegiance.)

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

MR. BROWNE: This evening our first item of business is a public hearing, Bell-Pelella, project number 2016-01. It's a two-lot subdivision.

Before we start I would ask Mike Donnelly to give a brief overview about the purpose of a public hearing.

MR. DONNELLY: The purpose of the public hearing is for you, the members of the public, to bring to the attention of the Planning Board issues or concerns that the Planning Board may not be aware of by their own observations or the assistance of their consultants. After the applicant gives an overview of the project, the Chairman will ask those of you who wish to speak to raise your hand. When you're recognized, please come forward so that we can hear you

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BELL/PELELLA

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better, tell us your name and where you live in relation to the project, spell your name if you would for our Stenographer so we get it down correctly in the transcript. Please direct your comments to the Planning Board. If you have questions and they can easily be answered, the Planning Board will ask either the applicant's representative or one of the Town's consultants to answer your question.

MR. BROWNE: Thank you.

At this time I would ask Ken Mennerich to read the notice of hearing.

MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to Section 276 of the Town Law on the application of Bell-Pelella subdivision, project 2016-01, for a two-lot, single-family residential subdivision located on 65 Lockwood Avenue. The site is a 9.8 acre parcel in the AR zoning district. This site is designated on the Town tax maps as Section 8; Block 1; Lot 4.22. The public hearing will be

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BELL/PELELLA

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held on the 21st day of April 2016 at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7 p.m. at which time all interested persons will be given an opportunity to be heard. By order of the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman, Planning Board Town of Newburgh. Dated the 24th of March 2016."

MR. BROWNE: Thank you.

This is being represented by Sparaco & Youngblood. If you would introduce yourself.

MR. SPARACO: Good evening, Members of the Board. My name is Steve Sparaco, I represent the applicant. I'm his engineer. Our firm is Sparaco & Youngblood.

What's before you today, we've been before this Board a few times, is a two-lot subdivision at the end of Lockwood Lane. Each lot consists of 4.9 acres, approximately.

We designed a grading and drainage and septic for the proposed lot. There's one existing on the site and there's proposed to be one more after we split it in two. It's owned by two different owners. We'd like to separate the two.

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BELL/PELELLA

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MR. BROWNE: Could I ask if we could turn the easel around so the public can see it?

MR. SPARACO: Certainly. Absolutely. It's a two-lot subdivision. There's an existing home which Bell lives in and there's a new house proposed on 4.9 acres.

We've done septic analysis and design and everything works well with the site.

We've also recently met with the highway superintendent, Tod Depew, and he has given his blessing in a letter we received today and forwarded to the Board.

We'll tie into the common drive which will serve both lots in the future.

I think that's really all there is to the job.

CHAIRMAN EWASUTYN: Thank you.

Is there anyone here this evening for the public hearing, would you raise your hand and give your name and address?

MR. TRAVIS: Delbert Travis, 95 Lockwood Lane.

CHAIRMAN EWASUTYN: Questions or comments?

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MR. TRAVIS: Yes, I do have a couple questions. With the private driveway for this two-lot subdivision, are they going to come out on the private driveway or are they coming out on the Town road?

MR. SPARACO: The Town road.

MR. TRAVIS: They're going to come out directly on the Town road?

MR. SPARACO: Ten years ago there was another subdivision which dedicated an area which is now going to take place on the end of Lockwood Lane.

MR. TRAVIS: Okay. And Charlie was talking to somebody out there. Was that from the Town?

MR. SPARACO: The supervisor.

MR. TRAVIS: What are they going to do as far as sight goes from Calvin Lane, from that private driveway and the private driveway I live on as far as being able to see the cars coming down?

MR. SPARACO: This is right at the intersection. There's clear sight distance all the way down Lockwood. That's where we located

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BELL/PELELLA

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the driveway.

MR. TRAVIS: Are they going to be lowering that so it's even with the road, the private driveway?

MR. SPARACO: Yes.

MR. TRAVIS: Are they going to clean it out so you can see coming in both directions?

MR. SPARACO: Yes. We're actually grading back -- that's a good question. We're grading back. This is one of questions that Todd Depew had asked. We're grading back and showing a wall. There's a lot more flat area there, not only to get out and see but also for snow storage.

MR. TRAVIS: Okay. That's it.

MR. SPARACO: Thank you.

CHAIRMAN EWASUTYN: Thank you, Mr. Travis.

Is there anyone here this evening, besides Mr. Travis, who has any questions or comments on the two-lot subdivision?

(No response.)

CHAIRMAN EWASUTYN: Thank you. I'll turn to our consultant, Pat Hines.

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MR. HINES: Our previous comments have been addressed.

The driveway location has been relocated to share the common lot line so that both of the lots will have access off the new driveway.

In addition to Mr. Travis's comments, there is a small drainage improvement that's going to be installed. There are two catch basins and a pipe to help the drainage situation at the end of Lockwood and Calvin Lane there as well.

There is extensive grading to get this driveway at the grade with Lockwood.

We've reviewed the septic systems and those plans are acceptable.

A common driveway access and maintenance agreement will be required to be filed.

A temporary grading easement, which can be extinguished upon completion of the grading, is required.

There's going to be language in the resolution requiring that the existing Bell house

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BELL/PELELLA

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I believe, lot 1 on this subdivision, will have the driveway, the existing common driveway, removed and will utilize the new driveway only.

And just as I'm sitting here, we're going to need a plan that has the land surveyor's stamp as well as yours --

MR. SPARACO: Yeah.

MR. HINES: -- upon filing.

With that, we don't have any outstanding issues.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: We have nothing else.

CHAIRMAN EWASUTYN: Comments from -- Mr. Travis.

MR. TRAVIS: When is this project going to start?

MR. SPARACO: The owner is actually back there. Charlie Pelella?

MR. PELELLA: In a couple months.

MR. TRAVIS: Bill's old driveway, that will be shutdown. Okay. That's it.

MR. HINES: That's going to be a condition of this subdivision approval, that the

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BELL/PELELLA

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old driveway, actually rather than being
shutdown, is going to be removed and grass put in
that location.

MR. TRAVIS: Okay.

CHAIRMAN EWASUTYN: Comments from Board
Members. John Ward?

MR. WARD: No comment.

MR. DOMINICK: No comment.

MR. MENNERICH: No questions.

MR. BROWNE: It was all covered. Thank
you.

CHAIRMAN EWASUTYN: If there are no
further comments from the public, I'll move for a
motion to close the public hearing on the two-lot
subdivision for Bell/Pelella.

MR. MENNERICH: So moved.

CHAIRMAN EWASUTYN: I have a motion by
Ken Mennerich.

MR. DOMINICK: Second.

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

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

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BELL/PELELLA

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MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. Motion
carried.

We'll turn to Mike Donnelly, Planning
Board Attorney, to give us the conditions for
approval for the two-lot subdivision.

MR. DONNELLY: You had issued a
negative declaration back in March.

The approval will be for both for
preliminary and final site plan. The first
condition is the requirement that a stamped set
of plans be submitted for signature. We will
need a common driveway easement and maintenance
agreement that has to be delivered to me so I can
approve it, as well as a cross grading easement.
In addition, there will be a condition that the
grading must be completed and the driveway
closure completed before a certificate of
occupancy is issued. Finally, there will be a
requirement that you pay a fee in lieu of
parkland for the new lot in the amount of \$2,000.

CHAIRMAN EWASUTYN: Any questions or
comments from Members, Consultants?

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(No response.)

CHAIRMAN EWASUTYN: Okay. Then I'll make a motion to approve the two-lot subdivision subject to the conditions stated by Planning Board Attorney Mike Donnelly.

MR. MENNERICH: So moved.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: A motion by Ken Mennerich, a second by Cliff Browne. I'll ask for a roll call vote starting with Cliff Browne.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. Motion carried.

MR. SPARACO: Thank you.

CHAIRMAN EWASUTYN: Thank you, Mr. Travis.

(Time noted: 7:08 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 10th day of May 2016.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

MATRIX BUSINESS PARK AT NEWBURGH
(2015-26)

Route 17K
Section 95; Block 1; Lot TBD
IB Zone

----- X

AMENDED SITE PLAN

Date: April 21, 2016
Time: 7:08 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: DAVID EVERETT, ESQ.

----- X

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

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2 MR. BROWNE: Our next item of
3 business is Matrix Business Park at Newburgh,
4 project number 2015-26. It's an amended site
5 plan being represented by Langan Engineering.

6 MR. EVERETT: Good evening, Mr.
7 Chairman, Members of the Board. My name is Dave
8 Everett, I'm legal counsel for Matrix.

9 I have with me tonight Ted Griffin who
10 is a principal with Matrix. Sitting behind him
11 is Ray Aquino, the director of development. We
12 have engineer Jeremy Secaris from Langan who will
13 give you more information about our proposal
14 tonight.

15 As you know, we've submitted an
16 application for amended site plan approval. In a
17 nutshell we're basically requesting the Board to
18 consider approving -- we'd like to move the
19 emergency access drive that was previously
20 approved and located on the west side of the
21 site. We'd like to essentially move that or
22 eliminate that and create a larger primary access
23 road into the site, make it larger to accommodate
24 emergency vehicles. Jeremy can go over the
25 details of that plan.

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We've submitted with our application a couple of letters from a fire protection engineer and another fire code consultant evaluating the proposed change to the roads. Their conclusion, as you can see in their letters, is essentially that this will comply with the fire code and won't have any particular issues with respect to moving the emergency drive over.

Matrix has met with the Board of Fire Commissioners for the local fire districts to talk through any issues or concerns that they may have. I believe that Mr. Canfield has also met with them, and he can explain to the Board what the position is on the emergency access road. My understanding is that they believe it's acceptable with certain conditions which our consultants can go through.

With that, if you'd like I can have Jeremy just give you a quick rundown on the technical details of the proposal, if that makes any sense.

CHAIRMAN EWASUTYN: I think it makes sense. Jeremy.

MR. SECARIS: Good evening, Chairman,

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Members of the Board. This is a graphical depiction of what we did in order to improve access to the site for emergency vehicles.

The site main driveway was already designed in order to accommodate large trucks traversing, being able to pass each other without an issue. What we did in order to improve that is we added stone shoulders to widen along the entire access road which would allow for an equivalent width for a total of forty feet minimum. In some cases it's as high as fifty-one feet. The benefit is it allows trucks to pull over in case of an emergency and have more than twenty feet clear in the middle, which is the equivalent of a fire access road according to New York State code. In addition, a forty-foot minimum width is the equivalent of four ten-foot lanes or two emergency access roads while other trucks are not on it. We have a depiction up here which gives a better indication of how the trucks would be able to pull over.

In addition, we provided several pull-offs that vary from eight feet wide to ten feet wide and are a total of eighty feet long

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located along the access road on either side in order so that in the case that there's a stalled vehicle or anything else, there's even more width available. That's pretty much it.

CHAIRMAN EWASUTYN: Jerry Canfield, you had the opportunity to meet with the jurisdictional fire department. Can you bring us along on that?

MR. CANFIELD: Yes. There was a meeting. The proposal that's before the Board right now was presented to the jurisdictional fire department, which is the Orange Lake Fire District, last Wednesday evening. They did extensively review the proposal and the changes as Jeremy has indicated. The changes that are proposed now the fire district finds acceptable with two conditions, which one was acknowledgement from the insurance company that it is acceptable to them and they will insure the property, which there has been a draft letter submitted which the language the fire district has agreed to. The applicant has agreed to submit the final letter of that to our department. The second condition, which I

1
2 believe Mike will discuss, I recommend to the
3 Board if it could be a condition of approval, was
4 basically that the applicant allow the Town of
5 Newburgh, our applicable authorities, access to
6 the site to ensure parking requirements are met,
7 and also accessibility requirements. With those
8 two conditions being met, again I say the fire
9 district has accepted the proposal as it is.

10 CHAIRMAN EWASUTYN: Pat, from an
11 engineering standpoint you looked at the new
12 proposed layout?

13 MR. HINES: We did. The applicants
14 have submitted a brief revision to the stormwater
15 pollution prevention plan which addressed what I
16 term de minimus increase in impervious surfaces
17 in the watershed. They have incorporated gravel
18 in the area where they are widening the truck
19 pull-off areas with geotextile fabric and gravel
20 in order to allow that to remain pervious. We
21 find the revised stormwater acceptable.

22 This access road has a grade of six
23 percent where the previous proposed emergency
24 access road had a ten-percent grade. It takes
25 advantage of the site topography and the length

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of the road to have a less of a grade on the access road.

I believe there was some discussion as to the maintenance of the access road. There's assurances that this road will be maintained as part of their operational plan to allow their trucks to access but also to allow emergency vehicles. Often times those emergency access roads that are only used for that are often not maintained to the extent that the main access roads to the site would be. There's a benefit to that being there.

Ken Wersted had recommended in his comment letter that signage be provided that no truck parking be permitted on that roadway. If one of their trucks was to get to the site early or before their delivery time, he had a concern that they would be staging in these truck pull-off areas that are designed for the emergency. He suggested that that be incorporated into the plans, and that could be enforced by the agreement that the Town would be permitted to enforce vehicle and traffic regulations on the site.

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With that, we find the changes to be relatively minor in nature and just widening the existing road. The center line of the roadway is in the same location as it previously was. There's no increase in the footprint of disturbance.

CHAIRMAN EWASUTYN: Comments from Board Members. John Ward?

MR. WARD: I've got one question. In reference to -- I always look at the worst-case scenario. God forbid a plane crashes there or a tractor trailer truck or something blocks the whole road, is there a second scenario of what to do to create access to the building?

MR. SECARIS: We looked at a number of different alternatives for access when we started looking at this. Due to the existing topography, site frontage and existing environmental constraints such as wetlands, there isn't a location available for secondary access. We also looked at the potential for putting in medians or other barriers in the middle of the road. That would actually create a different condition which would actually create a barrier and allow a lot

1 less flexibility. You wouldn't be able to have a
2 situation such as this to separate the trucks to
3 allow them to pull to one side or the other in
4 order to get out of the way. Worst-case scenario
5 you have something take up the entire road. It
6 seems unlikely. You can't plan for everything.
7 We would think we would be able to get by. It's
8 a pretty wide roadway.
9

10 To give you some background, the
11 existing bridge that goes over the Thruway and
12 17K is actually narrower than our site driveway.

13 MR. WARD: Thank you.

14 MR. EVERETT: I was just going to note
15 that the building itself has some enhanced fire
16 protection systems that are above and beyond the
17 fire code. Ken can speak to those if you want
18 more details about that. That certainly would be
19 helpful in a situation that you're describing.

20 MR. WARD: I'm more concerned with
21 safety for the employees and everything all
22 around. I don't want somebody being trapped up
23 there.

24 MR. CANFIELD: If I may. Just on the
25 fire protection enhancements, some of those

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enhancements are required for a building of this size. There's tradeoffs within the fire protection and building code that if you do, say for example ESFR, large drop sprinklers, the exiting travel distance within the building is allowed to be expanded, thus not allowing or causing you to have to put in exit tunnels. So just to keep things in perspective, it's not a benefit that you're doing this. You're receiving benefits for what you're doing with the fire protection that allows the construction type and the size. Okay. Just to keep it in perspective.

MR. WARD: My other question was down by 17K, how does that affect widening the road itself?

MR. HINES: Under this scenario that doesn't change. That was always very wide, the turning lanes for the trucks. I think it's in excess of sixty feet wide there. It's wider than 17K at that intersection. That's one of the things we looked at in evaluating this. I know Ken Wersted commented on that as well, the large width of the access road because of the three lanes for the trucks, two out and one in.

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MR. WARD: Very good. Thank you.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: I just would like to see that it's enforced with the no parking signs along this access road from 17K all the way up to the main part of the building. Echo'ing what Ken Wersted said in his comments, and we discussed this as well in the workshop session, because your neighbor has now, at Northeast, trucks come in, they might be early. They're parked right at that entranceway until they can go in and offload, or they're on schedule or they drive up the east coast, long drive and they just need some rest. I don't want to see this become a parking lot either, especially now as an emergency access as well, hampering those credentials. That's all I have.

CHAIRMAN EWASUTYN: Thank you.

Comments on that? You'll note that there will be no parking signs.

MR. SECARIS: We have absolutely no problem with installing those no parking signs and allowing the Town to enforce how ever we work that out.

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CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I have no questions.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: The only other concern I had, I believe that it would be taken care of in maintenance, is that particularly with bad weather, snow, ice, a storm, that the entire width is kept clear for emergency purposes. Typically most of the time you end up, not you necessarily, but folks will just plow the areas that the trucks ride on normally and not care about the shoulders. For emergency purposes that all has to be kept clear all the time.

MR. SECARIS: We have no objection if the Board wants to impose that as a condition of approval, that way it's also clear. The Town would have the enforcement rights they have on that condition.

CHAIRMAN EWASUTYN: Mike Donnelly, a few planning questions. Is the Planning Board at this time required to circulate to the Orange County Planning Department?

MR. DONNELLY: You have taken the position generally in the past that where the

1
2 Orange County Planning Department had given a
3 local determination/recommendation for a project
4 and an amendment is sought that is relatively
5 minor in nature, that a second referral to the
6 Orange County Planning Department is not
7 required. You have done that consistently
8 without objection from the Orange County Planning
9 Department. You could follow that here.

10 CHAIRMAN EWASUTYN: I'll poll the Board
11 Members to see if they are in agreement with our
12 normal course of business as it relates to the
13 Matrix Business Park amended site plan.

14 Cliff Browne?

15 MR. BROWNE: I'm in agreement with the
16 normal course of business, yes.

17 CHAIRMAN EWASUTYN: Ken Mennerich?

18 MR. MENNERICH: I'm in agreement, too.

19 MR. DOMINICK: Yes.

20 MR. WARD: Yes.

21 MR. HINES: This was circulated to
22 Orange County Planning twice in the process. We
23 did it as we normally do early on in the process
24 and then we submitted it once again. The
25 comments that were received from the County were

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generally favorable and spoke to the extensive stormwater management facilities that were implemented on the project. There were no concerns from County Planning in their local determination. It was more praiseworthy in the project design regarding stormwater management.

CHAIRMAN EWASUTYN: Thank you.

The next comment is it's discretionary for the Planning Board as to whether or not with site plans they want to hold a public hearing. I'll poll the Board Members to find out if they'd like to have a public hearing.

Cliff Browne?

MR. BROWNE: No.

MR. MENNERICH: No.

MR. DOMINICK: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: Myself no.

At this point I'll turn the meeting over to Mike Donnelly, Planning Board Attorney, to advise us.

MR. DONNELLY: Okay. As we have discussed, there do not appear to be any new significant adverse environmental impacts. I

1 will recite what we've called a SEQRA consistency
2 determination in the resolution. The approval
3 will be for amended site plan. The conditions
4 are as follows: We'll need a sign-off letter
5 from Ken Wersted that the issues he raised in his
6 memo have been incorporated into the plans. The
7 same thing for Pat Hines in his letter of
8 April 18th. We will also need the final fire
9 insurer letter before the plans are signed.
10

11 Dave, I think the Vehicle & Traffic
12 Law, Section 1660, or somewhere in that area,
13 gives statutory authorization for a property
14 owner to empower the local municipality on
15 private lands of both a commercial and multi-
16 family residential nature to authorize them to
17 enter to enforce parking and Vehicle & Traffic
18 Law provisions. We've done this in the past. I
19 will include it as a condition here. I think
20 Mark Taylor, the Town Attorney, has a fairly
21 standard form, but it's really as simple as a
22 letter signed by the appropriate official that
23 tracks that statute.

24 The resolution will then recite that
25 the amended site plan approval is for the limited

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purpose of authorizing the alternative emergency access way and accept as modified all conditions attached to the original approval shall remain. However, the condition that no certificate of occupancy shall be issued until the emergency access way is constructed and operable will be removed from the resolution. We will keep the condition that the applicant shall be responsible for keeping the access way passable throughout the year. We will note, because of the continuing fire protection issues, that when you have a user for the rear portion of the building, you'll need to return to the Planning Board for further review. Of course the standard condition that you may not construct anything not shown on the approved plans.

CHAIRMAN EWASUTYN: Any additions or comments from Jerry Canfield or Pat Hines?

MR. CANFIELD: Nothing additional.

CHAIRMAN EWASUTYN: John Ward, any questions or comments?

MR. WARD: No comment. Thank you.

MR. EVERETT: Can I ask a question real quick? If we lease the building to a tenant, if

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we don't make any changes to the site plan is there a need for us to come back?

MR. HINES: Yes.

MR. EVERETT: You've already approved that building and that site plan as is.

MR. HINES: If the use changes -- I believe right now the use of the known portion of the building is an S1 under the building code use. If something other than that comes in, the Planning Board is interested in reviewing that. An example, if you have a company that comes in and starts doing chemical processing, that may change the fire access concerns, then it would need to come back. I believe if it stays as an S1, I'm speaking for Jerry right now, I think that's what they're reviewing it as. If it stays in a similar use, this type of warehouse, it's not a concern. If it's a different user, it may present concerns that weren't addressed tonight.

MR. DONNELLY: I could word the resolution that way.

MR. HINES: Don't quote me on the S1.

MR. CANFIELD: Essentially, at the time of the application for the fit-out for the second

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tenant a determination will be made as to what it is. If it's something other than what we're viewing this as, warehousing, that would trigger the need for a site plan and to perhaps come back to this Board.

MR. EVERETT: That's fine with us.

MR. DONNELLY: Jerry, should I use the term S1?

MR. CANFIELD: S1 is a building code occupancy classification.

MR. DONNELLY: All right.

CHAIRMAN EWASUTYN: Any additional questions or comments?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a motion from the Board to approve the Matrix amended site plan subject to the consistency determination resolution presented by Planning Board Attorney Mike Donnelly.

MR. DOMINICK: I'll make the motion.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: Motion made by Dave Dominick, a second made 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 Cliff Browne.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. Moition
carried.

MR. EVERETT: Thank you.

(Time noted: 7:27 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 10th day of May 2016.

Michelle Conero

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
(2015-03)

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

----- X

SITE PLAN

Date: April 21, 2016
Time: 7:28 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- X

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

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MR. BROWNE: Our next item of business is Mavis Tire, project number 2015-03. This is a site plan being represented by Bohler Engineering.

CHAIRMAN EWASUTYN: For the record, Mavis Tire needed more time to prepare for tonight's meeting. They asked if they could be rescheduled, which they will be, for the meeting of the 5th of May. That's the next meeting.

MR. BROWNE: Thank you.

(Time noted: 7:28 p.m.)

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set my hand this 10th day of May 2016.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

SUMMIT LANE EXPANSION
(2015-18)

Stewart Avenue
Section 97; Block 1; Lots 47 & 48
R-3 Zone

----- X

SITE PLAN

Date: April 21, 2016
Time: 7:29 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JOHN CAPPELLO, ESQ.

----- X

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

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MR. BROWNE: The item following is Summit Lane Expansion, project number 2015-18. This is a site plan being represented by JMC Planning Engineering Landscape.

MR. CAPPELLO: For the record, I'm John Cappello with Jacobowitz & Gubits. I'm here tonight on behalf of the applicant.

This is not really an engineering issue. Really what we're here for tonight, if the Board recalls, back in February we had site plan approval from your Board for the Summit Lane Expansion which is additional property the applicants purchased to construct 29 units and add it to the existing, I think it's 160 unit project on Summit Lane.

One of the conditions of the approval was to merge all the lots comprising the project prior to signing of the plats. Actually, it says approval is conditioned upon the applicant merging the various parcels constituting the site plan to a single lot parcel and tacking that parcel in order that the site remain a single site. It says before signing of the plans the

1 applicant shall deliver appropriate
2 documentation, et cetera.

4 Since that time what we're running into
5 are the lending institutions. It's a different
6 scenario to do a construction loan versus a
7 permanent loan. What we'd like to ask for relief
8 or clarification on is we'd like to begin doing
9 the work, take a construction loan, we'll be
10 doing clearing on the site very soon, construct
11 the 28 units, and then prior to a certificate of
12 occupancy all the lots will merge, so it would
13 then be operated like a single 188 or 189 unit
14 development.

15 So really we're just asking for
16 clarification as to the timing, if we could have
17 some clarification so we could submit and file
18 that merger deed at the time -- prior to a CO
19 versus prior to a construction loan, because when
20 we're ready -- the applicant is ready for the CO,
21 then the permanent financing will be expanded to
22 the whole parcel. To have a construction loan
23 and permanent financing on one parcel just makes
24 it very sticky and complicated with the lending
25 institutions.

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CHAIRMAN EWASUTYN: Jerry, from a building department aspect are you okay with this?

MR. CANFIELD: Yes. I don't see any issues with this. The applicant, John, is acknowledging that they're aware of it should there be any problems with the filing.

Should this be agreeable to the Board, the end result will tie them up in receiving C of Os. So it's a doable scenario.

MR. HINES: There's two structures. Is it the first CO, second CO or any CO?

MR. CAPPELLO: Any CO. We'll be building both buildings --

MR. HINES: That's what I want to clarify. You weren't going to try to CO one of them and then the other?

MR. MANOYA: If I may; for the applicant, Nick Manoya, managing partner for Fidelco.

Just a little more clarity on this. We have a permanent lender that's going to fund the -- take out the construction loan for the first phase of the project. That's a life

1 insurance company. So we're about to farm out
2 the 160 units of phase 1 of which about 85
3 percent are currently leased. There's a separate
4 lender that's a construction lender. The life
5 insurance companies are not construction lenders.
6 So there's a normal financial institution, a
7 commercial bank, that will do the construction
8 for the expansion and there's a life insurance
9 company that does the permanent financing for the
10 other piece. So the two don't really mesh with
11 one another. They need the first -- the
12 expansion piece completed before it rolls to the
13 permanent financing by the company. That's why
14 there's a little bit of an odd situation here.

15
16 CHAIRMAN EWASUTYN: Thank you for
17 explaining that.

18 MR. CANFIELD: Just additionally, with
19 these units, apartments, the certificate of
20 occupancy is for the whole building and all the
21 units within. So we're not talking like a condo,
22 individual C of Os. The whole building needs to
23 be completed, which is ample time but you're
24 aware of your time dilemma that you have.

25 I have no issue with it.

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CHAIRMAN EWASUTYN: Questions or
comments from Board Members?

MR. DOMINICK: No.

MR. MENNERICH: No.

MR. BROWNE: Just from a legal
standpoint we're good?

MR. DONNELLY: I've prepared a
resolution that will have one condition that
reads this amended approval is granted for the
purpose of amending the condition requiring proof
of lot merger before plan signing to linking that
condition to issuance of any certificate of
occupancy and for that purpose only. Except as
modified, all conditions attached to the original
approval shall remain in effect.

CHAIRMAN EWASUTYN: So the amended
approval is for what's listed on tonight's
agenda, Summit Lane Expansion; correct?

MR. DONNELLY: If that's what the
project is called, yes. Amended site plan
approval for that project.

CHAIRMAN EWASUTYN: Having heard the
words for the amended site plan approval for
Summit Lane Expansion, and that is as Mike had

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said, once a certificate of occupancy is issued then there will be a merger with all the various parcels --

MR. CANFIELD: Prior to.

MR. DONNELLY: Prior to.

CHAIRMAN EWASUTYN: Prior to.

MR. CANFIELD: Prior to issuance.

CHAIRMAN EWASUTYN: Prior to issuance of a certificate of occupancy all the various parcels will be merged. I'll move for that motion.

MR. MENNERICH: So moved.

MR. BROWNE: Second.

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

(No response.)

CHAIRMAN EWASUTYN: I'll move for a roll call vote starting with Cliff Browne.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

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Motion carried.

MR. CAPPELLO: Thank you very much.

(Time noted: 7:38 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 10th day of May 2016.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

1 POWELTON ROAD
(2015-19)

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

----- X

SITE PLAN

Date: April 21, 2016
Time: 7:38 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: STEPHEN WHALEN

----- X

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

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MR. BROWNE: Our next item of business is 1 Powelton Road, project 2015-19. It's a site plan being presented by Highlands Architecture.

MR. WHALEN: Good evening. My name is Steve Whalen, I'm an Architect with Highlands Architecture. We represent Dr. Blair Beyama of Maho Bay Realty. She's the owner of the building located at 1 Powelton Road.

Since the last Planning Board meeting we made several changes to our application. The existing parking lot will be repaved and graded so that the stormwater drains to a new catch basin which is going to be located in the northeast corner of the parking lot, which is right up here. This new catch basin will be connected to the existing catch basin, this one here on Powelton Road. That will be connected with a twelve-inch diameter waterproof pipe, and that pipe is approximately twenty feet long.

The parking lot will also be slightly reconfigured and re-striped, all seventeen parking spaces around the property. The only item that will be off the property line will be the handicap accessible aisle. We met with Todd

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Depew of the highway department who said he had no objection to that.

One of the parking spaces, this one right here, that will be a dedicated staff parking space, and that will be constructed with pervious paving.

The roof stormwater will be collected with a series of gutters and downspouts which will drain down to some underground dry wells. These downspouts will have overflow diverters which will drain into planting beds.

Access into the building. It's an accessible route which goes from the parking lot, across a series of sidewalks and into the main entrance into the building on the lower level.

Adjacent to part of the sidewalk here will be a retaining wall. The maximum height of that retaining wall will be about thirty inches.

We are in receipt of a letter from McGoey, Hauser & Edsall Consulting Engineers, their letter dated April 18. Per the letter we have the following responses: We were requested to provide the size of the pipe from the proposed catch basin to the existing Town catch basin.

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1 POWELTON ROAD

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That's going to be a twelve-inch diameter waterproof pipe.

Drawings have been modified to remove the front parking area. That was the handicap parking area on Powelton Road. The applicant's representatives stated they have met with the highway superintendent regarding the revised layout. Confirmation from the highway superintendent regarding the approval should be received. In case the Board did not receive that letter, I have copies.

CHAIRMAN EWASUTYN: Everyone has a copy.

MR. WHALEN: The existing parking lot is to receive curbs to control runoff and direct runoff to the proposed closed pipe drainage system. We have no comment about that. We'll be adding curbing to the perimeter of the parking lot.

Roof runoff has been identified to discharge to proposed dry wells. Again, no comment on that.

The applicant's representatives have provided an engineering report regarding the

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subsurface sanitary sewer disposal system. Any approvals for the site should limit it to five dentist chairs and the associated office space. Again, we're going to continue with this application and it's going to be a maximum of five dental chairs.

Since our last Planning Board meeting we made no changes to the building itself other than capturing the roof stormwater.

As for the septic system, no changes will be made.

The owner is well aware that any proposed changes to the occupancy, the increase in the number of dental chairs and/or replacing the septic system, would definitely generate a new application to the Planning Board.

Thank you.

CHAIRMAN EWASUTYN: Pat Hines, you had the time since our last meeting to go out in the field I believe.

MR. HINES: I did. I went out in the field and took a look. We had a technical work session. Our previous comments have been addressed.

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Just a small note that the drainage pipe needs to be fifteen-inch. It's the minimum allowed in the Town.

Otherwise the applicant's representative and his engineer have addressed all of our previous comments.

The main concerns that we were looking at was drainage to the neighbors, which we heard from some of the neighbors. By regrading the parking lot and installing the curbs and the closed pipe drainage system, it will contain all the runoff from the impervious surfaces and direct them into the existing Town system.

There's no increase in the actual roof size area but some of the water that previously discharged to the surface will be discharged to dry wells along the North Plank Road frontage, which will be a slight improvement.

The curbing will be installed along Powelton Road which will direct stormwater down Powelton Road. Previously it kind of was in an uncontrolled condition where it hit the parking lot. It will now be directed to the Town system.

Since we previously met the applicants

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1 POWELTON ROAD

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have addressed our comments. We have nothing outstanding other than that minor technical change of the fifteen-inch pipe required.

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

MR. CANFIELD: One comment. The building will be sprinklered?

MR. WHALEN: Correct.

MR. CANFIELD: You had sent me a detail. I think that's the backflow prevention or cross connection in relation to the riser. On the detail the water line comes in. Are you proposing to do the system with a one-inch line? What size will you be bringing in from the Town main?

MR. WHALEN: I'll have to confirm that with our mechanical engineer. It's part of his design.

MR. CANFIELD: Typically we see a four-inch and your domestic is separate. We typically see a detail of that outside the building.

MR. HINES: That's going to be outstanding. We'll need to add that as a

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comment, that they provide details for the sprinkler system. If it is only one inch and the sprinkler is not going to have a tank, it would be a substantial sized tank if you were going to do that.

MR. CANFIELD: You need to display your hydraulic counts, that the one-inch will facilitate the system. I doubt it will but you may be able to produce that. I don't know.

MR. WHALEN: I'll check with the mechanical engineer.

MR. CANFIELD: Thank you.

That's all I have, John.

CHAIRMAN EWASUTYN: Cliff Browne, any questions or comments?

MR. BROWNE: No. Nothing.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Just one comment. The work that was done on investigating the sewer disposal system there, I think that was well worth the effort because, according to the report, there was some Orangeburg that was collapsed that had been replaced even at this point. Doing the dye test makes it more likely

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1 POWELTON ROAD

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that the system is going to work -- continue to work for awhile.

CHAIRMAN EWASUTYN: Thank you.

Dave Dominick?

MR. DOMINICK: Steve, going to the staff parking spot, thank you for making that modification, the suggestion from myself and the other Board Members from the last meeting. We appreciate that.

MR. WHALEN: Okay.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Just for the record, the third floor under the conditions is only for storage.

MR. WHALEN: Correct. That goes under like my last comment. Once the owner, if they decide to go up there, they have to come here first.

MR. WARD: I didn't hear you say it. Thank you.

CHAIRMAN EWASUTYN: Mike Donnelly, did we do a SEQRA determination?

MR. DONNELLY: You have not.

CHAIRMAN EWASUTYN: Thank you for

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1 POWELTON ROAD

reminding me.

I'll move for a motion to declare a negative declaration on 1 Powelton Road site plan.

MR. DOMINICK: I'll make the motion.

MR. MENNERICH: Second.

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

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself aye.

Mike Donnelly, Planning Board Attorney, can you give us, please, conditions for final approval for 1 Powelton Road?

MR. DONNELLY: Yes. I will, if you later approve ARB, include the ARB.

CHAIRMAN EWASUTYN: We haven't completed ARB?

MR. DONNELLY: My notes don't show that you did.

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1 POWELTON ROAD

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CHAIRMAN EWASUTYN: I wasn't sure myself.

MR. DONNELLY: In terms of the site plan, we'll need a sign-off letter from Pat Hines. We'll have a condition that requires detailed plans for the sprinkler system be submitted before the plans are signed. We'll note that the ZBA has granted a variance and reference that decision dated February 25th. We'll have a condition that says that the third floor of the building shall be utilized for storage only. A condition that reads the applicant's engineering report has sized the subsurface sanitary sewer disposal system for five dentists' chairs and associated office space. This approval limits the use of the premises to that configuration.

Pat, does this require any landscape security or stormwater security?

MR. HINES: I don't know that there's any landscape improvement proposed.

CHAIRMAN EWASUTYN: They're removing some shrubs in the front.

MR. HINES: So no.

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MR. DONNELLY: Stormwater?

MR. HINES: No. Well -- no. It's
minor.

MR. DONNELLY: I mean stormwater
security.

The standard condition that says that
you may not build any outdoor fixtures and
facilities not shown on the approved site plan.

I believe there was a narrative
submitted for this, a textual narrative, or is it
just notes?

MR. HINES: There is narrative that was
submitted identifying --

MR. DONNELLY: We'll have a condition
that references that and incorporates the
limitations contained within the narrative as the
outside limit of the uses that may be conducted
on the site.

MR. CANFIELD: Consistent with the ZBA
determination.

CHAIRMAN EWASUTYN: So the first motion
tonight is to grant site plan approval to 1
Powelton Road subject to the conditions stated in
the resolution by Planning Board Attorney Mike

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Donnelly.

MR. MENNERICH: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich 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 John Ward.

MR. WARD: Aye.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye. Motion carried.

Steve, will you give us an overview on the ARB so we could approve that? Do you have something?

MR. WHALEN: Yes.

CHAIRMAN EWASUTYN: Just put them up and discuss it. Discuss what you'll be doing. There's an ARB form, I don't remember if you filled it out or not, but that will be something you'll have to complete.

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MR. WHALEN: Okay. This didn't print the way I wanted it to. It's not going to be yellow. We want to go with more earth tones.

Across the bottom and this part of where -- the elevator is going to be going in here, this is going to be cultured stone, some browns, tans.

Opening up to the second and third floor is going to be cementitious siding, like hardie board. It's going to be a stucco siding, paneling here.

All the windows will all be white windows with divided lights except for in the -- this is the waiting room back here. That's going to be a two-story space. We're going to be taking over some of the third floor so this way here we can let in a lot of natural daylight. I'd like to use storefront windows because we have some spans there to accommodate that.

The roof is going to be -- right now it's going to be a standing seam metal roof. That's what we'd like to use. Once we get the bids back, if we have -- we've got it down to I think like a 4/12 pitch on the roof. You don't

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want to have to use asphalt shingles. If we have to do value engineering or anything else just to keep that roofing in there. Again, that roofing will also be in the same colors, not the yellow. More like the earth tones, tans and browns.

MR. BROWNE: Where is the parking?

MR. WHALEN: This is kind of like a simulated rendering. I took an existing picture. The parking lot is back -- I do have pictures.

MR. BROWNE: I'm trying to picture that with the way the parking is laid out and the handicap thing in the front, or wherever it was.

MR. WHALEN: So the handicap parking space will actually be right there. The property line is actually like right behind the back of that truck right there. The handicap parking space will be over here.

MR. HINES: That loop that was in the front has been removed from the plans. It's going to be curbed straight across. The handicap spot has been moved to the existing parking lot.

MR. WHALEN: Pretty much right there. That will be the handicap parking space.

MR. BROWNE: Okay.

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1 POWELTON ROAD

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CHAIRMAN EWASUTYN: Any questions or comments?

MR. DOMINICK: It's a big difference from what it is.

MR. WHALEN: It's quite the facelift.

CHAIRMAN EWASUTYN: I'll move for a motion from the Board to approve the ARB subject to Mr. Whalen completing and submitting the required ARB form.

MR. WARD: So moved.

CHAIRMAN EWASUTYN: I have a motion by John Ward.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: A second by Dave Dominick.

Mike, do you want to make a resolution?

MR. DONNELLY: It's the standard condition, the building plans will have to be consistent with the architectural renderings.

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

MR. BROWNE: Aye.

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MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

MR. BROWNE: I have a comment.

Consistent with the renderings, he's already mentioned that the rendering isn't accurate.

CHAIRMAN EWASUTYN: He's going to put it on the architectural form what the colors are.

MR. BROWNE: Okay. Consistent with the architectural forms.

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

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself aye. So carried.

MR. WHALEN: A quick question for you regarding that form. I can submit samples along with that form if that's helpful to the Board, just to --

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CHAIRMAN EWASUTYN: I think it would be good for the building department, when you're ready to submit to the building department, to have them.

MR. WHALEN: Okay.

CHAIRMAN EWASUTYN: Then I'll move for a motion to close the Planning Board meeting of the 21st of April.

MR. MENNERICH: So moved.

MR. DOMINICK: Second.

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

MR. WARD: Aye.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 7:50 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 10th day of May 2016.

Michelle Conero

MICHELLE CONERO