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

----- X

In the Matter of

CALLAS SUBDIVISION  
(2012-03)

Route 300  
Section 3; Block 1; Lot 144  
AR Zone

----- X

PUBLIC HEARING  
TWO-LOT SUBDIVISION

Date: May 3, 2012  
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  
KENNETH MENNERICH  
JOSEPH E. PROFACI  
THOMAS P. FOGARTY  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: JERRY FINE

----- X

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

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MR. PROFACI: Good evening, ladies and gentlemen. Welcome to the Town of Newburgh Planning Board meeting of May 3, 2012.

At this time I'll ask for a roll call starting with Frank Galli.

MR. GALLI: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. PROFACI: Here.

MR. FOGARTY: Here.

MR. WARD: Present.

MR. PROFACI: The Planning Board employs various consultants to advise the Board on matters of importance including SEQRA issues. I ask them to introduce themselves at this time.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield, Town of Newburgh Code Compliance Department.

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

MR. COCKS: Bryant Cocks, Planning

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Consultant.

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

MR. WARD: Please stand to say the Pledge of Allegiance.

(Pledge of Allegiance.)

MR. WARD: If you have a cell phone, turn it off or put it on vibrate. Thank you.

MR. PROFACI: The first item on tonight's agenda is a public hearing of a two-lot subdivision. It's the Callas subdivision on Route 300, Section 3; Block 1; Lot 144. It's in the AR Zone and being represented by Fine & Associates.

Before we start the public hearing, I will ask Attorney Mike Donnelly to explain the purpose of a public hearing.

MR. DONNELLY: Before the Planning Board can take action on a subdivision application, it's required by law to hold a public hearing. The purpose of the hearing is for the members of the public who may have a perspective that's unique if they live near the project, to bring to the attention of the

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Planning Board any issues or concerns that the Planning Board Members or its consultant team may not have thought of. After the applicant gives his presentation, the Chairman will ask those from the public who wish to speak to please raise your hand. He will then recognize you, would you give your name and the spelling to our Stenographer so we get it down correctly, and then come forward and tell us your concerns, or if you have questions the Chairman will direct those questions to either the applicant's representative or to one of the Town's technical consultants.

MR. PROFACI: Thank you, Mike.

I'll 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 Callas Subdivision for a two-lot subdivision on premises Route 300, north of East Rock Cut Road in the Town of

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Newburgh, designated on the Town tax map as Section 3; Block 1; Lot 144. Said hearing will be held on the 3rd day of May 2012 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 April 13, 2012."

MR. GALLI: The notice of hearing was published in The Mid-Hudson Times and in The Sentinel. The applicant sent out six mailings. Four were returned signed. The notice of hearing is all in order.

MR. PROFACI: Okay. Jerry.

MR. FINE: This is a two-lot subdivision. The original lot is this line here.

CHAIRMAN EWASUTYN: Jerry, you may want to turn that to the audience.

MR. FINE: The total lot is this line here. This is Route 300. We have been in touch with the DOT. This is an existing house and this was sufficiently large that we could cut a piece out for a new house, a single-family house here.

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This is an existing two-family house.

We've done the soils testing and the results were appropriate.

We have the separation between the well and the septic. We think it's a proper thing to do.

We did have a change here because there was something about so many houses off one driveway, and so we adjusted that here. That no longer exists. That's not a problem. That's about it. It's very straightforward.

CHAIRMAN EWASUTYN: Is there anyone here who has any questions or comments, would you please raise your hand and give your name and your address?

MR. LEON: My name is Edwin, I live right next door. The address is 2243 Route 300. I'm fairly new there. I moved in I think in October. It may not be a concern but I know the property to the left side of me, which is probably Callas that you're subdividing, I know there's -- especially when it rains it seems to be a pretty big puddle. The water -- the overflow tends to come over to my side across my

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driveway which is -- I'm just concerned when it freezes. Is that going to get worse or is there something you're going to do to deter that?

MR. FINE: Let me just clarify something. Are you on this side or on that side?

MR. LEON: Let's see. If I may --

MR. FOGARTY: He's on the east side.

MR. FINE: Here? This is the existing house here.

MR. LEON: The existing house. So Town of Newburgh is to the right.

MR. FINE: Town the Newburgh --

CHAIRMAN EWASUTYN: Technically speaking it's to the right. You're correct, Edwin.

MR. FOGARTY: Edwin, your name is right there.

MR. LEON: I would be the property on the right side, then there's an open lot and then there's a house. I'm over here. Here is where I'm concerned about water coming over to this side.

MR. FINE: In our engineering -- we didn't see that in an engineering sense.

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Physically we've been out there a number of times. We'll take a look at it.

CHAIRMAN EWASUTYN: Pat?

MR. HINES: The project doesn't exceed the thresholds where a stormwater management analysis would be required. It doesn't disturb greater than one acre of property, it doesn't have a new road associated with it. Really the only additional impervious surface is going to be the driveway and roof of the house on a little under an acre size lot. That's usually an insignificant amount of increase in flow for the stormwater. If it was a parking lot or there was a large increase in impervious surfaces, it would be something they would be required to look at. Because it's only a two-lot subdivision, it doesn't meet the threshold where we would require them to do that analysis.

The topography does show it does drain off towards Route 300 to the front there, and it will continue to do so in that similar fashion.

MR. LEON: So then you're saying it won't get worse, it will be what it is?

MR. HINES: It's going to remain



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relatively the same. The area of the roof and the small driveway that's proposed is not enough impervious surface to make an impact on the watershed that's tributary there. If there was a larger project it would be something we would look at. It just doesn't meet the thresholds where we would require that analysis.

MR. LEON: I see. I'm assuming where that water is, that's where the driveway is going to be for the new house.

MR. HINES: The driveway is on the left side, on the furthest part of this new lot from your house.

MR. LEON: Okay.

CHAIRMAN EWASUTYN: Any additional comments from the public?

(No response.)

CHAIRMAN EWASUTYN: I'll turn to our consultants. Bryant Cocks, Planning Consultant?

MR. COCKS: I have no additional comments. Mr. Fine addressed my comments at the last Planning Board meeting with the last subdivision plan submission.

I did receive the Orange County

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CALLAS SUBDIVISION 10  
Planning Department review of the plans today and they did issue a local determination.

CHAIRMAN EWASUTYN: Pat Hines, Drainage Consultant?

MR. HINES: Our previous comments have been addressed. We did look at the septic system design and previously commented on that. It has been revised per those comments.

We looked at the well separations on the site.

We have no additional outstanding comments.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: I have nothing additional.

CHAIRMAN EWASUTYN: John Ward, Planning Board Member?

MR. WARD: Nothing.

MR. FOGARTY: I have no additional comments.

MR. PROFACI: Nothing.

MR. MENNERICH: No questions.

MR. GALLI: No questions.

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CHAIRMAN EWASUTYN: Any additional  
comments from the public?

(No response.)

CHAIRMAN EWASUTYN: At this time I'll  
move for a motion to close the public hearing on  
the two-lot subdivision for Callas.

MR. MENNERICH: So moved.

MR. PROFACI: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself yes. So  
carried.

At this point we'll refer to Mike  
Donnelly, Planning Board Attorney, to give us  
conditions of approval for the final resolution  
for the two-lot subdivision of Callas.

MR. DONNELLY: We will need a sign-off

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letter from the New York State Department of Transportation for the driveway locations on Route 300.

I'm a little uncertain. We no longer need a common driveway easement or maintenance agreement, or do we.

MR. HINES: We do not. Along with that is what we discussed at the work session, the trigger for constructing the driveway.

MR. DONNELLY: We discussed adding a condition that says the proposed driveway on lot, and I'll get the tax map parcel number, 3-1-145, shall be constructed before the plat is signed and released for filing, otherwise once these lots get -- once the map gets filed, the lots can change hands and there's no ability to construct that driveway on the other lot. So it's the right time of year, it can be done now.

At one point my notes showed we wanted a foundation staking. Do you still need that?

MR. HINES: Yes.

MR. DONNELLY: A requirement that you stake the foundations in the field and make sure the foundations don't get mislocated. And there

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will be need for a parkland fee for the one new lot being created in the amount of \$2,000.

CHAIRMAN EWASUTYN: Any questions or comments on the resolution that was presented by the Planning Board Attorney?

(No response.)

CHAIRMAN EWASUTYN: Then I'll move for a motion to grant final approval for the two-lot subdivision subject to the conditions in the final approval.

MR. GALLI: So moved.

MR. WARD: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself yes. So carried.

Edwin, thank you.

Jerry, the final resolution, you have

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to go through that. It's really not that detailed but you need the DOT approval. You show the taking so that we don't lose scope of what has to be done between now and resubmitting the maps.

MR. FINE: Right.

CHAIRMAN EWASUTYN: There will be a need for replenishing of the escrow account for an additional \$500. If you'd get a check there. Thank you.

MR. FINE: Thank you very much.

(Time noted: 7:10 p.m.)

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

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

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DATED: May 21, 2012

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

----- X  
In the Matter of

CHILI'S EXTERIOR RE-IMAGE  
(2012-09)

1274 Route 300  
Section 97; Block 2; Lot 34  
IB Zone

----- X

AMENDED ARB

Date: May 3, 2012  
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  
KENNETH MENNERICH  
JOSEPH E. PROFACI  
THOMAS P. FOGARTY  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: LAUREL WALYGA

----- X

MICHELLE L. CONERO  
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MR. PROFACI: The next item on tonight's agenda is Chili's exterior re-image, amended ARB, 1274 Route 300, Section 97; Block 2; Lot 34. It's in the IB Zone and it's being represented by Laurel Walyga.

MS. WALYGA: My name is Lauren Walyga. I work for Core States Group. We're the rendering professional for their national re-image.

Basically what they're doing is they're trying to get all the stores to look alike. They brought in lighter colors, warmer colors. This one -- there's not very many of the darker browns that I've seen. The red that's there now is pretty much the same, and then they added this lighter color. They like lines. They're trying to make clean lines in their stores -- restaurants.

And then their new signage package. They're trying to eliminate actually the word and eventually they just want to have the chili. They'll do that slowly.

MR. DONNELLY: That's what Target did.

MR. GALLI: Just the bullseye.

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CHILI'S EXTERIOR RE-IMAGE

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CHAIRMAN EWASUTYN: Comments from Board  
Members. Frank Galli?

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Ken?

MR. MENNERICH: I think it's better  
than what's there now.

CHAIRMAN EWASUTYN: Joe?

MR. PROFACI: So that's brick, right,  
on the bottom?

MS. WALYGA: Here.

MR. PROFACI: That's what --

MS. WALYGA: I'll pull out the picture.  
It's like stucco here.

MR. PROFACI: So that's being painted?

MS. WALYGA: Yes. It's red.

MR. PROFACI: The stone is staying the  
same?

MS. WALYGA: Mm'hm'.

MR. PROFACI: Thanks.

CHAIRMAN EWASUTYN: Tom?

MR. FOGARTY: You said this is a  
national campaign that they're doing? In other  
words, are all the signs, no matter what Chili's  
you go to, the same size or does Chili's vary

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their signs based on what's allowed?

MS. WALYGA: Based on what's allowed.

MR. FOGARTY: And the awnings are --  
how far are they off the sidewalk? How high? It  
looks like -- it looked like seven feet.

MS. WALYGA: They're seven feet two  
inches, the bottom of the awning.

MR. FOGARTY: Thanks.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: It looks good.

CHAIRMAN EWASUTYN: Bryant Cocks,  
Planning Consultant. I know you reviewed it.  
Your comments?

MR. COCKS: I only have one comment.  
If you could just include a signage chart on the  
ARB drawings just saying how much signage is  
allowed and is on the building, and what's going  
to be proposed and compare that to what's allowed  
for the overall signage on the site. That's  
required for every ARB drawing that we have.  
It's just a small signage chart on there. That's  
it.

CHAIRMAN EWASUTYN: I'll move for a  
motion from the Board to grant the amended ARB

1 approval for the Chili's exterior re-image  
2 subject to the conditions being presented by Mike  
3 Donnelly, Planning Board Attorney.  
4

5 MR. PROFACI: So moved.

6 MR. FOGARTY: Second

7 MR. DONNELLY: There will be two  
8 conditions. We'll carry over all of the prior  
9 conditions in the earlier resolution to the  
10 extent they may not be satisfied, although at  
11 this point I'm sure they are. We'll include our  
12 standard ARB condition which requires that the  
13 building permit or the construction plans that  
14 are submitted comply with the renderings you've  
15 submitted.

16 MS. WALYGA: Okay.

17 CHAIRMAN EWASUTYN: We have a motion by  
18 Joe Profaci.

19 MR. PROFACI: I'll make it again.

20 MR. FOGARTY: Second.

21 CHAIRMAN EWASUTYN: And a second by Tom  
22 Fogarty. I'll ask for a roll call vote starting  
23 with Frank Galli.

24 MR. GALLI: Aye.

25 MR. MENNERICH: Aye.

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MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Thank you for  
coming.

MS. WALYGA: Thank you very much.

(Time noted: 7:15 p.m.)

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

I, Michelle Conero, a Shorthand  
Reporter and Notary Public within and for  
the State of New York, do hereby certify  
that I recorded stenographically the  
proceedings herein at the time and place  
noted in the heading hereof, and that the  
foregoing is an accurate and complete  
transcript of same to the best of my  
knowledge and belief.

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DATED: May 21, 2012

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

----- X  
In the Matter of

POMARICO SITE PLAN  
(2012-10)

Route 300  
Section 96; Block 1; Lot 5  
IB Zone

----- X

SITE PLAN

Date: May 3, 2012  
Time: 7:15 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
KENNETH MENNERICH  
JOSEPH E. PROFACI  
THOMAS P. FOGARTY  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: ANTHONY COPPOLA

----- X

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MR. PROFACI: The next item on tonight's agenda is Pomarico Site Plan. It's on Route 300 next to Cosimo's. It's Section 97; Block 1; Lot 5, located in the IB Zone, being represented by Mike Pomarico or --

MR. POMARICO: AJ.

MR. PROFACI: AJ Coppola. Or both.

MR. POMARICO: Or both.

Thank you all for entertaining this tonight. I've owned this building since 2002, and it was actually built in `58. My father built the original building, as a matter of fact. Still holding up pretty good.

Anyway, it's had commercial use since the `80s. It was Gus Jocker, he had a hearing aid center, and he originally went from a residential to commercial use on the Route 300 corridor. It's one of the first buildings to do that. There was Lloyd's Shopping Center, the bank and maybe Flannery Animal Hospital had a business there. This kind of predates all the commercial, everything that grew around it. It was a hearing aid center, which I always felt was a retail sort of use, then it went to a -- it had

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different owners. It had a real estate office there, Century 21 for a number of years, a chiropractor for about fifteen years, there was a CPA was there for awhile. It's just gone through the gamut.

Last summer, unfortunately, the real estate market, Century 21, owed me three months rent and utilities. I hate to lose a tenant but if they're not paying, I issued an eviction notice. They owe me about \$5,000. So I'm in the hole right there. Then I have an empty building from August all the way through present, which is costing me about \$3,500 a month. I've had various calls for the usage. I have a sign out front. I've had people inquiring about bagels, coffee, different retail applications. Each time I was under the impression -- I didn't really know -- I figured let me check with the Town and make sure it's okay. I heard it doesn't have the sprinklers, it doesn't this, you need site plan review. It's just so cost prohibitive to go through all that. We have a building that's served the community as a commercial establishment probably since the '80s, at least



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three decades.

I'm here just looking to make this fly with a tenant, someone solid to help pay the mortgage and taxes and everything else, you know, without dumping \$50,0000 in improvements which I'm just going to chase with the rent anyway. It only produces so much rent, you put it on the scale, and that's why I'm here.

I secured AJ here to also fine tune any questions you might have.

MR. COPPOLA: I think basically it's just a question regarding the occupancy. The building department has it listed now and what it was used for through time, as Mike described. Probably this use would be either -- the best use would be a mercantile or retail use, or maybe a small restaurant under fifty people.

MR. POMARICO: A deli or a sandwich place or something.

MR. COPPOLA: Maybe fall into this business mercantile classification. That's really the crux of the matter.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

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MR. GALLI: Jerry, if it goes into a restaurant use does it have to go over a certain amount of people? Is there a threshold?

MR. CANFIELD: The restaurant occupancy is a different parking calculation, is the first thing. Then again, depending on what is inside will dictate the occupant load. I don't know if that answered your question, Frank.

MR. GALLI: Say if it's like a J&S type of restaurant type thing where you have ten tables, four people at a table and a counter type thing, or a bagel shop or something like that, is there a --

MR. CANFIELD: Is that a permitted use?

MR. GALLI: Would it fall under the category for the exemption as far as the way it's set up for the thirty parking spaces?

MR. CANFIELD: The exemption doesn't necessarily talk about use, okay. What qualifies this applicant for the exemption is the square footage. 185-56 provides for an exemption for buildings under 2,500 square feet. It permits the Planning Board to grant an exemption to the applicant of the site plan review process, which

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would be a full scale site plan, escrow fees for the consultant and an application.

This applicant has come before the Board in their narrative and are requesting that exemption from the Board. The Board has the authority to grant that exemption should you feel that the proposed tenant will be of low impact and it will not be a substantial change to the characteristics of the neighborhood.

In the past we've discussed these type applications and we've always viewed them with again those trigger points, those impacting items such as occupancy, traffic, drainage, environmental issues. So what the Board and its consultants should be looking at is how this particular applicant -- this proposed tenant will impact and is it a good fit. So essentially it is the Board's ultimate decision if they choose to grant this exemption for this use.

MR. MENNERICH: I was under the impression that it was going to be used as a bridal shop and now I'm hearing that it might be a restaurant. Would it have a drive-through? What is the proposed use?

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MR. POMARICO: I had the owners of the Bella Catour, they're on Broadway when you go past Dunkin Donuts, they were interested in coming there. They're going back and forth with their current landlord. Basically I lost them now. My preference is a retail tenant. I would prefer a retail tenant but I don't want to close the door to someone that has a sandwich shop or something of light fare like that. I need to get a tenant in there, someone that's viable and going to do a good business and pay their rent and help cover expenses there.

The prior use, Century 21 was there about fifteen years. They had about twelve agents working in and out of there. There were constantly agents coming and going, and also clients coming in, perspective buyers. The chiropractor downstairs had a steady Rolodex of people coming in every day. His patients would come in, get adjusted and leave. As far as impacting traffic, I don't see any potential usage I can put in there, whether it be mercantile, retail or any kind of light food, short of being any worse than what was there

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already.

MR. MENNERICH: I guess the question I would have is if there would be a drive-through application?

MR. POMARICO: No. I don't foresee that.

MR. MENNERICH: I think that could be a problem that would have to be looked at.

MR. POMARICO: That would be a pretty drastic change from what's there. I don't see that. I really plan on keeping the building the same way it is.

MR. GALLI: The drive-through would change the building and he would have to come back for a site plan.

MR. POMARICO: It's just cost prohibitive to do that. I would like retail but I don't want to close the door on any viable tenant really, you know.

CHAIRMAN EWASUTYN: Tom Fogarty?

MR. FOGARTY: When we give -- the last time we gave one of these exemptions we knew what the building was going to become so we could kind of visualize that it was going to be this. I

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think that's -- the fear in my mind is if we give the approval and we don't know what's it's going to become and you're able to develop it any way you want, how is it going to change the outside of the building, what kind of signage is going to be there. We're going to lose control over that. I understand what you're saying, believe me. I understand. With this economy, believe me, we're going to give you every consideration. That's my only fear, the fact we don't know what's going to go in there and what their needs are going to be, how is that going to impact the look of that piece of property.

MR. POMARICO: Well the current signage is totally allowed. There's 125 feet of frontage. Half the equation is about a six-by-five sign that faces both ways, an electric sign. I don't foresee changing that. Any tenant that wants to go there, I would say look, that's your signage, put your number and logo and whatever you want there. Don't put beacons on the roof or whatever, flashing lights. Other than maybe paint and normal upkeep, I'm not really looking to do much to the building because it's just a

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cost issue right now, you know. I would love to stucco the building and show it to you guys and say I'm going to make this a beautiful place to match what's around it. It's an older building. It probably doesn't have the longest lifespan when you think of what's growing around it. Maybe at some point it will become a nice like a Chili's. God willing. That would be great, you know. For the meantime I have to pay the mortgage and the taxes, and I just need somebody in there to take care of it and help carry it essentially. Someone viable. You know, I'm picky too. My own building is right next door. If anybody knows, my own operation is right there. I've had calls for like some of these Asian spas and stuff. I've had some questionable -- I put it on Craigslist thinking okay, to avoid a realtor the first time around. I got all kinds of creepy crawly calls. I operate there myself. I don't want a lot of riffraff. I just want a normal 9 to 5, if you will, type of business. That's what I'm looking for. I've had a few inquiries but I felt like I couldn't entertain them because I kept hitting the roadblock of the

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site plan review and all this, and it just doesn't add up cost wise. I'm trying to see if we can take what is there with the slightest improvements aesthetically, nothing major, and make it fly.

MR. FOGARTY: Thank you.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I'm concerned with the usage. If it is like a restaurant or whatever, I don't think that's going to comply good with the projects that are going to be around you with DOT and traffic going out. I understand for the waiver and trying to do the right thing for retail would be good, but as extra traffic going in and out, there's going to be a lot more coming in around your area there where I'm concerned about that. That's why I'm --

MR. POMARICO: Does the seating capacity impact that at all? It is a limited building. It's not a huge space that's going to be utilized for that.

MR. DONNELLY: It could affect the parking. I'm assuming, AJ, I don't know --

MR. COPPOLA: Restaurant really -- I



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use the word, it's probably the wrong word, he may have a food service establishment with, you know, ten seats which would be more in the mercantile realm than in an assembly realm. I think the way the Town describes it, it's a sit-down restaurant with table service. Usually it's fifty or more seats. That's not what we're looking for.

MR. POMARICO: I don't think we have the capacity.

MR. COPPOLA: We would certainly come back if we had something like that.

MR. POMARICO: I'm looking more like New York Bagel, you know on North Plank Road. That's a small establishment. You walk in, there's a counter, maybe four or five tables. Or a Pete's Hot Dogs. Something where you kind of get it and go or maybe just stop there and have lunch. I don't even know there would be dinner. It would be up to whoever runs it. I'm not looking to put a Steak & Stein by any means, you know.

CHAIRMAN EWASUTYN: This is something new to us, as you know.

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MR. POMARICO: I know.

CHAIRMAN EWASUTYN: And what we're exploring here I think is what was earlier said, the first shot at it we need specifically what someone was doing. I'll play the devil's advocate because I'm not on your good side to begin with.

MR. POMARICO: You are.

CHAIRMAN EWASUTYN: I don't have too much to lose one way or the other.

MR. POMARICO: That's not true.

CHAIRMAN EWASUTYN: I accept that. That goes with my responsibility. What happens is in the real world if you're looking for a tenant, the tenant comes in, this is what they want to do, then the tenant comes back to you and says Michael, I've got to make more money to cover my overhead because my overhead is high, I'd like to do this, I'd like to do this, I'd like to do that, and it begins to grow from what is a simple operation to something that is somewhat more complex. What we're trying to find out is where do we find a balance of this with right now what is really an unknown. I say that

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in fairness because I hear one person saying it's somewhat of an unknown, I hear two other people saying it's an unknown. The tone of it is we want to work with you but we don't have a clarity of what's being presented. I don't know how to solve that. Eventually what happens, Michael, is it falls in the building department's lap and they're left trying to manage this proposed use. I'm not opposed to it. I think we're not quite sure about it.

MR. POMARICO: They're all valid points. I totally understand that. You have a responsibility in the community to make sure that whatever goes there fits, it doesn't have some crazy pink paint on it or something crazy like that.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: I was just going to say that if there were a change of that nature, wouldn't that be within the realm of code compliance and you would then send it back to us? If it was that big of a change.

MR. CANFIELD: Yes. That's what brings this application here. Typically a change of use

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in a B or an IB zone, in a commercial area, constitutes a site plan which would be an application before this Board. The uniqueness of this is that because of the size of the building they're requesting the exemption of that site plan review process. However, I can say this Board has handled a few of these applications but in every case the true identity of the occupant has been known.

I have to say that I caution the Board on leaving things open ended because there's a lot left to be desired.

A couple of issues. Number one, it becomes a very difficult thing for the code compliance department to enforce. Michael Pomarico is a known builder, he's a good builder, we've never had any issues, and I have no problem going on record saying that. However, what this Board does does set a precedence, and in the future, should there be say a less desirable applicant that comes before you, you could be requested to do the same thing and leave an open-ended issue. That could present a problem in the future. So I can say to the Board every

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application of this nature that we've seen, every exemption, we've always had a known tenant so the Board knew exactly what they could expect and what they're agreeing to. I think that's good, sound planning.

MR. POMARICO: Coming into this equation I did have interest from this bridal shop where there was a known tenant. You can pretty much say here is their usage, they have dresses, whatever they do, people come and go. It was a finite amount of detail to address.

MR. MENNERICH: With that example, in the work session when we were talking I think the only comment that was brought up was that you might need to have some striping in the back parking lot. Other than that, nobody on the Board had opposition or had a problem with it. My thinking is once you have a tenant, the process could go very quickly.

MR. POMARICO: Would I need to run it through here again or just see Jerry's department? What would you recommend there?

CHAIRMAN EWASUTYN: I think what we're saying, Michael, is you would have to really come

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back here --

MR. POMARICO: Okay.

CHAIRMAN EWASUTYN: -- because then --  
if we listen to what we're saying to one another,  
if you then run it by Jerry, the next applicant,  
similar to yourself, will give a presentation of  
a possibility and say can I go back before Jerry,  
and then eventually it's out of our hands,  
everybody wants to go to Jerry, and we can't be  
passing that responsibility on to Jerry.

MR. GALLI: I think what Ken is saying  
is if you find a light retail tenant like the  
bridal shop or --

MR. POMARICO: A shoe store.

MR. GALLI: Something light like that.  
What John is saying is you have to come back, but  
at least you can feel more confident as far as  
getting them and signing them. In other words,  
you know the issue already. You know you have to  
stripe the parking lot, clean up the back lot,  
paint your building, whatever you plan on doing,  
knowing that if it's something light in the  
retail end of it, it's not going to impact  
Jerry's code compliance officer to come back for

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site plan, we're pretty confident it's just a matter of doing the paperwork.

MR. POMARICO: Can I ask one thing? If I had a tenant, say whether it was retail or whatever it was, who wanted to take the space exactly how it was and just change his name on the sign, would that be permissible without going through the whole process? Could it be pending the real changes that are going to be made? Then I can see --

MR. CANFIELD: If it's a change of use --

CHAIRMAN EWASUTYN: We'll leave this up to Mike Donnelly and Jerry Canfield.

MR. DONNELLY: The change of use in this zone is one of the site plan triggers. The Planning Board can then grant you the exemption if the building in which there's a change of use is under 2,500 square feet in size. So I think what you're hearing tonight is the Board is favorably inclined to grant the exemption subject to you identifying for the Board the specific tenant or tenants and the nature of the use to make sure that that's within something the

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Planning Board feels is appropriate.

MR. COPPOLA: They'll get you on fast.

MR. POMARICO: I understand. If it were a retail use, isn't that established already, that years ago it was a hearing aid place, people purchased hearing aids, they serviced them. They basically walked in and walked out with the goods in their hands, you know.

CHAIRMAN EWASUTYN: We have to have a foundation for granting a waiver. That's what Michael is saying. Understanding your side of it. What you want to know is you want to be able to say to the proposed tenant I got you what you want and you can do what you want without saying I want to make sure with the Planning Board. You want to put doubt away. They have to be patient with the fact knowing that we just need to --

MR. DONNELLY: If you went from Century 21 to Coldwell Banker, then your theory is obvious, there's no change in use. But I don't know the history of the uses. You're now proposing a different set of tenants and uses that have been there most recently. That's a



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change in use. That's a trigger requiring site plan approval but it also affords, given the size of the building, the Planning Board the opportunity to give you an exemption. The Board is saying we're inclined to do that as long as we know that the tenant and the use is within some contemplation that they can live with.

MR. POMARICO: So if I have a retail -- I'm about to sign with the real estate agent, commercial real estate. They're saying well, I think the best use you could find -- this is what we're talking about, a retail type of store, any type of clothing or whatever it may be. Or they say like a deli or something small like that. If they bring me a client I don't want to say no. There's so much rental space available on the market, if I don't act quick and grab them, they're going to go somewhere else. That's why I'm nervous about going through the process even though I understand where you guys are coming from. I'm thinking the retail use was pretty much the first use the building ever had when it went from residential to commercial. Isn't that pre-established?

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MR. GALLI: I think what the Board is trying to tell you Mike, when you sign a tenant it's thirty days before they move in anyway, by the time you get the building ready and they get the leases and all that stuff. The last time John got you in in three days.

MR. POMARICO: There's ample time.

MR. GALLI: There's ample time to get you back here and I don't think it will be an issue.

MR. POMARICO: Okay.

MR. COPPOLA: You can go ahead.

MR. POMARICO: If I sound like there's urgency, it's been eight or nine months it's been empty and it's like my spurting out of here, you know. I've got to get somebody in there with a pulse that's decent, that's going to take care of the place. That sounds fair without putting the cart before the horse. Once I have someone, you guys can say this looks like the type of thing that works.

MR. COPPOLA: I think you'll be good.

MR. POMARICO: Sounds good.

CHAIRMAN EWASUTYN: We understand time

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is of the essence.

MR. POMARICO: You have a job to do, too. I understand that.

MR. FOGARTY: We're not going to hold you up.

MR. POMARICO: I appreciate it. Like you say, this is not a common thing we're talking about. I appreciate you being open to discuss it. It's heartening for me to know there's a light at the end of the tunnel.

CHAIRMAN EWASUTYN: This is costing you money so I don't want to take too much time. Mike Donnelly will give you a briefing on something we have to act on tonight under Board Business where it's a site plan where it's three years and it's still not ready to be finalized and yet there's a time limit on that.

Mike, real quick.

MR. DONNELLY: Site plan approvals under the Newburgh code are good for two years. They can be extended for another one year. We have an applicant who, a not-for-profit corporation, the grant money that they proposed to use to do the work didn't come through in

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time, their site plan is expired. The difficulty is, the way our code reads, at the end of that three-year period the approval becomes null and void and the applicant has to start over.

MR. POMARICO: Three years from when?

MR. DONNELLY: From when the site plan is approved. It doesn't affect you necessarily here, but the Board is struggling with how did they handle that applicant to make them start over and go through the entire review process, given it only expired two weeks ago. It's a lot of time, effort and money for the applicant who also without doubt, since nothing has changed during the regulatory scheme, get the same approval again. Or does it make more sense for the Board to simply re-approve the very same approval it granted three years ago. They're going to be discussing this issue later. We have tough economic times. The Board has actually suggested to the Town Board that, at least on an interim basis, they consider some other exemptions or streamlinings that try to take care of applicants acting in good faith that are in difficult situations, whether they need to apply

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for amended approvals, do they have to pay the same fee if the amendment was simply driven by the economics of the situation, lapsed approvals, exemptions for projects that perhaps do not impose any great risk of deterioration to the look of the community, or a partial exemption. So I think the Planning Board is sensitive to the issue. They're happy that this provision exists. They think maybe some others could as well, but they're not as easy to implement as you might think at first blush.

MR. POMARICO: Understandable. I guess if there was another realtor that would take it, it would be easy. In this real estate market, they all seem to be imploding here, not branching out.

MR. DONNELLY: I think you heard mentioned one of the things I think the Planning Board would like to see when you get your exemption and you've identified the tenant is to stripe the rear of the parking lot.

MR. POMARICO: That's fine. The entire lot is paved except there's a patch in the back, it's probably about a fifteen-by-fifteen area,

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that I need to --

MR. DONNELLY: Apparently there's no lines in the back.

MR. POMARICO: Right. That's not a problem. Just landscaping. It's not the type you see on a brand new building but it's tastefully done. I've been keeping the grass mowed and everything is clean. There's no litter in the parking lot. Like I say, I'm right next door. I keep an eye on it because I want to put the welcome mat out for anybody that wants to rent it. I'm not looking to scare anybody away. I'm not letting it get disheveled. It's a tough climate now. When I do I'll definitely bring it back through here and hopefully everything is okay with it, you know.

CHAIRMAN EWASUTYN: Thank you, Mike.

MR. POMARICO: Thank you all for hearing me.

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

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

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DATED: May 21, 2012

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

----- X  
In the Matter of

FIDANZA SITE PLAN  
(2011-24)

North Plank Road  
Section 80; Block 7; Lot 7  
B Zone

----- X

SITE PLAN & ARB

Date: May 3, 2012  
Time: 7:40 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
KENNETH MENNERICH  
JOSEPH E. PROFACI  
THOMAS P. FOGARTY  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: ANTHONY COPPOLA

----- X

MICHELLE L. CONERO  
10 Westview Drive  
Wallkill, New York 12589  
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MR. PROFACI: The next item on tonight's agenda is the Fidanza Site Plan and ARB, located on North Plank Road, Section 80; Block 7; Lot 7, located in the B Zone, being represented by AJ Coppola.

MR. COPPOLA: Thank you. I was here a couple months ago for this. This was a revised site plan on North Plank Road.

Just to review real quickly, we had changed the shape of the building, eliminated the drive-through. The configuration of the site basically stayed the same. At the last Planning Board meeting I think the basic site issues were resolved.

The unresolved issues were issues with the sewer agreement with the City of Newburgh, which we have a signed agreement now, which is signed, the outside user status, which we also have a copy of that. That's unexecuted. The owner still has to sign that. We just need documentation from DEC, a letter on that, which is in the file. DOT, the curb cut here was originally approved in 2008. She just basically said that original approval was fine. That's all

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been documented.

The only drawing we changed was the architectural drawing. We raised the parapet all the way around for the rooftop units which we dotted in because the roof slopes front to back. That was just raised two feet. But the rest of the architectural materials that we presented at the last Planning Board meeting, those are all identical. I did add a signage chart. Bryant asked for that.

I think that was basically it. So the change on the architectural drawings and the other documents, the sewer documents, DEC, DOT. The two things I know that are still not done are the outside user agreement has to be signed and the stormwater maintenance agreement has to be signed. Those are the only things I'm aware of.

CHAIRMAN EWASUTYN: Bryant, do you want to give us a summary, please?

MR. COCKS: AJ mentioned every one of my comments. We did receive the DEC letter, the City of Newburgh letter and outside user agreement from Mark Taylor's office. I also received the e-mail from Siby Zachariah Carbone

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on March 20th for the original DOT permit. We already issued a negative declaration and granted ARB approval.

The two small changes to the ARB drawings, as mentioned, were the signage chart. I don't have anything further on this.

CHAIRMAN EWASUTYN: Pat, do you have anything?

MR. HINES: We have nothing outstanding.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. CANFIELD: I have nothing.

CHAIRMAN EWASUTYN: Comments from Board Members. John Ward?

MR. WARD: No comment.

CHAIRMAN EWASUTYN: Tom Fogarty?

MR. FOGARTY: No comment.

CHAIRMAN EWASUTYN: Joe?

MR. PROFACI: No comment.

CHAIRMAN EWASUTYN: Ken?

MR. MENNERICH: No comment.

MR. GALLI: Nothing additional.

CHAIRMAN EWASUTYN: So the motion before us is to grant amended ARB approval?

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MR. DONNELLY: Site plan. We granted the ARB in February.

CHAIRMAN EWASUTYN: So there will be a few changes.

MR. DONNELLY: They were ones that were driven by the approval. They satisfied the conditions of the approval.

CHAIRMAN EWASUTYN: Mike, would you give us conditions of approval in the resolution for amended site plan approval for Fidanza.

MR. DONNELLY: We will need a sign-off letter from the DOT. My notes indicate --

MR. COPPOLA: What's that? The DOT letter she --

MR. DONNELLY: We need a highway work permit.

MR. COPPOLA: That's correct. I'm sorry.

MR. DONNELLY: My notes show that there's a sewer force main routing easement that needs to be reviewed before the plans are signed. That will remain as a condition. You received your sewer flow acceptance letter. It's subject to the conditions of that approval as well as the

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conditions of the out-of-district user agreement entered into with the Town Board. There was a landscape security and inspection fee in the amount of \$2,000 required. There's a stormwater improvement security and inspection fee along with the stormwater control facility maintenance agreement, I think you mentioned earlier, that will have to be signed. We had talked about a condition raising the parapet roof wall but that's been accomplished so I'll remove that condition. We have a standard condition regarding outdoor fixtures and amenities which states that you may only build on the site what is shown on the site plan and no outdoor fixtures or amenities, even a utility box, can be constructed without amended site plan approval. ARB was granted on February 12, 2012.

CHAIRMAN EWASUTYN: Any additions? Any comments from Board Members?

MR. GALLI: Nothing.

MR. MENNERICH: No.

CHAIRMAN EWASUTYN: I'll move for a motion to grant amended site plan approval for the Fidanza Site Plan subject to the conditions

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presented by Attorney Mike Donnelly.

MR. GALLI: So moved.

MR. WARD: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

MR. COPPOLA: Thank you.

(Time noted: 7:45 p.m.)

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

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

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DATED: May 21, 2012

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

----- X  
In the Matter of

COMFORT INN  
(2009-13)

Potential Site Plan Amendment or Field Change

----- X

BOARD BUSINESS

Date: May 3, 2012  
Time: 7:45 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
KENNETH MENNERICH  
JOSEPH E. PROFACI  
THOMAS P. FOGARTY  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: ANTHONY COPPOLA

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MR. PROFACI: We have three items of Board Business. First is the Comfort Inn. The applicant will be discussing a potential site plan amendment or field change to the approved site plan.

MR. COPPOLA: This project, the Comfort Inn, the site plan was signed in August 2010 and they started construction last fall. He's been under construction about six or eight months I think. I think I have a photo with me if anybody is interested.

CHAIRMAN EWASUTYN: Why don't you, for those who haven't seen it.

MR. COPPOLA: My photo is when we actually had snow. It's a big difference in terms of what was approved before. I mean the design will conform back to the early '90s and then this updated facade. I think he's really doing a great job inside and out. So he's probably about halfway done with construction now.

One of the things he's always thought about is an expansion of the lobby because that's where the spaces in these old hotels are really

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tight. They were just designed without enough space. When I first started this project years ago we actually looked into a large lobby addition in the front and purchasing land from the Town. The Town owns a large right-of-way there. He decided not to do that. Basically now we're coming back with the idea to add two small one-story footprints. They're actually going to be behind the columns that are there right next to the vestibule entrance. So there would be seventeen foot four on each side and it is about nine feet deep. So it's just like a one-room addition on one side and a one-room addition on the opposite side of the door. It's going to be kind of very all in keeping with the colors that we've already -- the Board already approved and the architecture that's already there. One side is going to be used for like a mini-mart that will be right next to the lobby desk on the left and on the other side they're going to use that as an office, but an office where he has someone who has visibility to what's going on in the lobby at the front desk. So that's really it.

I think the question tonight is if we

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can do this addition, update the revised drawings to the building department. The updated site plan, the updated building drawings, the mechanical drawings, I guess without going through a whole re-review. There's very little to look at here in terms of anything.

CHAIRMAN EWASUTYN: Jerry, what do you think from the building department perspective?

MR. CANFIELD: I don't see that this creates any new nonconformities with setbacks or anything. They're not increasing the degree of nonconformity in any way. I see no issue with it.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

MR. COCKS: The applicant attended a work session and we didn't see any problem with this. It would just be a matter if it's a field change or a full site plan amendment.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I see no problem at all. As long as it conforms with what you're doing. It looks beautiful now.

CHAIRMAN EWASUTYN: Tom Fogarty?

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MR. FOGARTY: You'll do a site plan?

MR. COPPOLA: Yeah.

MR. FOGARTY: A revised plan?

MR. COPPOLA: Absolutely. We have a site plan. I mean whatever effect it would have on the original site plan drawings, we'll wrap that all up with revised drawings and then a set of building drawings.

MR. DONNELLY: One option, Tom, is to grant it as a field change but require the filing of an as-built plan when it's done so that the file completes itself. That would not require the formality of returning with an amended site plan and going through the review process. That's really the fork we're at, do we allow it as a field change with an as-built drawing or do we require amended site plan.

MR. FOGARTY: I see.

MR. HINES: It's really just filling in two gaps between the portico and the building. There's a space there.

MR. FOGARTY: It will be fine.

MR. DONNELLY: We'll need to have an as-built plan.

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COMFORT INN

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MR. FOGARTY: That's fine. Thank you.

CHAIRMAN EWASUTYN: Joe?

MR. PROFACI: I'm sure with what he's already done he doesn't plan on doing anything that's going to detract. I'm fine with the field change.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I guess since he's already here we might as well do the amended site plan.

MR. COPPOLA: We didn't make a submission, an official submission.

MR. HINES: It's under Board Business.

MR. MENNERICH: Okay.

MR. CANFIELD: They're here for a field change.

MR. MENNERICH: Okay.

CHAIRMAN EWASUTYN: I'll move for a motion to grant a field change to the Comfort Inn subject to the applicant presenting final as-built plans that reflect the field change that's being discussed this evening.

MR. PROFACI: So moved.

MR. WARD: Second.

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COMFORT INN

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

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself.

Thank you.

MR. COPPOLA: Thank you.

(Time noted: 7:51 p.m.)

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

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DATED: May 21, 2012

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

----- X  
In the Matter of

GOMEZ MILL HOUSE  
(2009-01)

Request for a Site Plan Extension

----- X

BOARD BUSINESS

Date: May 3, 2012  
Time: 7:51 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
KENNETH MENNERICH  
JOSEPH E. PROFACI  
THOMAS P. FOGARTY  
JOHN A. WARD

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

----- X

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MR. PROFACI: The next item of discussion is the Gomez Mill House. The applicant is requesting a site plan extension which will run from April 16, 2012 to April 16, 2013.

MR. DONNELLY: As I mentioned during the work session, as much as you might like to grant an extension, the two years plus one year has expired. Your code says that a site plan is only good for that maximum of three years. However, I think you could reapprove the application. I will prepare the same resolution as before and simply indicate reapproved across the top. If you vote upon that now, that would start another two year plus one year clock running.

CHAIRMAN EWASUTYN: All right. I'll move for a motion to reapprove the Gomez site plan and to have Mike Donnelly prepare a letter to the applicant requesting an additional application fee of \$150 and replenishment of the escrow account by \$500.

MR. GALLI: So moved.

MR. WARD: Second.

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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 move for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. Okay.

(Time noted: 7:53 p.m.)

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

----- X  
In the Matter of

ELM FARM  
(2000-09)

Request for an Extention of Preliminary  
Subdivision Approval

----- X

BOARD BUSINESS

Date: May 3, 2012  
Time: 7:53 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
KENNETH MENNERICH  
JOSEPH E. PROFACI  
THOMAS P. FOGARTY  
JOHN A. WARD

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

----- X

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ELM FARM

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MR. PROFACI: The final item on Board Business is Elm Farm. The applicant is requesting an extension of preliminary subdivision approval which will run from May 3, 2012 to November 3, 2012.

CHAIRMAN EWASUTYN: I'll move for that motion.

MR. PROFACI: So moved.

MR. FOGARTY: Second.

CHAIRMAN EWASUTYN: We have a motion by Joe Profaci and a second by Tom Fogarty. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

I'll move for a motion to close the Planning Board meeting of the 3rd of May 2012.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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ELM FARM

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CHAIRMAN EWASUTYN: I have a motion by Frank Galli and a second by Ken Mennerich. Roll call vote.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

(Time noted: 7:53 p.m.)

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DATED: May 21, 2012