

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

----- X
In the Matter of:

COLANDREA SUNSHINE FORD

(2013-24)
40 Route 17K
Section 99; Block 4; Lots 4-11, 23 & 18
IB Zone

----- X

AMENDED SITE PLAN

Date: May 15, 2014
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
PATRICK HINES, P.C.
GERARD CANFIELD, Code Compliance Supervisor

APPLICANT'S REPRESENTATIVE: Shaw Engineering,
Doug Crossley

----- X

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

Reported by: Rosemary A. Meyer

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BOARD MEMBER PROFACI: Good evening, gentlemen.
Welcome to the Town of Newburgh Planning Board meeting may
15, 2014.

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

BOARD MEMBER GALLI: Present.

BOARD MEMBER BROWNE: Present

BOARD MEMBER MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

BOARD MEMBER PROFACI: Here.

BOARD MEMBER DOMINICK: Present.

BOARD MEMBER WARD: Present.

BOARD MEMBER PROFACI: The Planning Board employs
various consultants to advise the Board on matters of
importance, including State Environmental Quality Review
Act, otherwise known as SEQRA issues. I ask them to
introduce themselves at this time.

MR. DONNELLY: Michael Donnelly, Planning Board
attorney.

MS. MEYER: Rosemary Meyer, stenographer.

MR. CANFIELD: Gerry Canfield, Town of Newburgh Code
Compliance.

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

1 - COLANDREA SUNSHINE FORD -

2 BOARD MEMBER PROFACI: Thank you. At this time I'll
3 turn the meeting over to John Ward.

4 BOARD MEMBER WARD: Please stand to say the pledge.

5 (The Pledge of Allegiance was recited.)

6 BOARD MEMBER WARD: Please turn off your phones or put
7 them on vibrate. Thank you.

8 BOARD MEMBER PROFACI: The first item on tonight's
9 agenda is the Colandrea Sunshine Ford, Project 2013-24, 40
10 Route 17K, Section 99, Block 4, Lots 4-11, 23 and 18,
11 located in IB Zone, an Amended Site Plan, being represented
12 by Shaw Engineering, Doug Crossley.

13 MR. CROSSLEY: Good evening. I didn't know we were
14 making a presentation tonight.

15 CHAIRMAN EWASUTYN: Okay. Just a quick overview. We
16 realize that what was outstanding from our last meeting was
17 you were waiting for the Orange County Planning Department
18 to send us a letter. We received that on the 7th of May.
19 Just for the benefit of the Board, summarize the action for
20 the Board this evening.

21 MR. CROSSLEY: Basically, it is in relation to a
22 parking lot expansion that Mr. Colandrea is proposing at
23 Sunshine Ford. It's back off of Putnam Street, and it's
24 increasing the parking storage by 66 spaces.

25 This whole area along Putnam and in through Boulder

1 - COLANDREA SUNSHINE FORD -

2 was rezoned in the Town of Newburgh.

3 As I said, at the last meeting all of closings have
4 occurred and the deeds of transfer. Mr. Colandrea has
5 purchased a Boulder Road extension. And basically, that's
6 it. We have all the approvals from the Town Board. We
7 were waiting, as you, a response from Orange County
8 Planning.

9 CHAIRMAN EWASUTYN: Any final questions from the board
10 members.

11 BOARD MEMBER GALLI: No.

12 BOARD MEMBER MENNERICH: No questions.

13 CHAIRMAN EWASUTYN: Gerry Canfield, Code Compliance.

14 MR. CANFIELD: The only item we have outstanding is
15 just a clean up note from Mr. Shaw. No. 5 on the notes
16 makes reference to previous variances that were possibly
17 needed which have been negated. There's no need for them.
18 So if they could just remove that note.

19 CHAIRMAN EWASUTYN: Pat Hines, drainage consultant.

20 MR. HINES: We have no outstanding comments. We did
21 have the opportunity at Work Session to discuss the County
22 Planning comments, which were advisory in nature. We
23 reviewed each of those at the Work Session.

24 We did receive the bond estimates from Mr. Shaw's
25 office today. The bond for the stormwater is \$45,465 with

1 - COLANDREA SUNSHINE FORD -

2 a \$2,000 inspection fee associated with that. And the
3 bond for the landscaping is \$20,625 with a similar \$2,000
4 inspection fee.

5 But our previous comments have been addressed, and a
6 lot of the work is contained in a developer's agreement the
7 Town Board worked out during the zone change procedure.

8 We have no outstanding comments.

9 CHAIRMAN EWASUTYN: Just to elaborate, Mr. Colandrea,
10 you probably do know it, but for the benefit of all
11 parties, these bonds have to be approved by the Town Board,
12 as they mentioned. Are you familiar with that procedure?

13 MR. COLANDREA: Yes.

14 CHAIRMAN EWASUTYN: And then once they're approved,
15 then I will get a sign off from Pat Hines that I can then
16 sign the Site Plan, and that's what happens.

17 We were discussing that during the Work Session.
18 Sometimes what happens is people feel that once they
19 receive even a conditional approval that they can apply for
20 building permit for the plans that were signed. There's
21 one more phase to this.

22 CHAIRMAN EWASUTYN: Mike Donnelly, would you recite
23 the conditions.

24 MR. DONNELLY: Yes. You have not yet issued a
25 Declaration of Significance. You did Lead Agency back in

1 - COLANDREA SUNSHINE FORD -

2 December. It was final in January. So before you take
3 action you need to issue what appears to be a Negative
4 Declaration.

5 CHAIRMAN EWASUTYN: I move for a motion to declare a
6 Negative Declaration for Colandrea Sunshine Ford Amended
7 Site Plan.

8 BOARD MEMBER WARD: So moved.

9 BOARD MEMBER GALLI: Second.

10 BOARD MEMBER MENNERICH: A question. On April 17th we
11 did make it.

12 MR. DONNELLY: Oh, we did? I didn't see it in my
13 notes. Okay, great.

14 BOARD MEMBER MENNERICH: And we waived the public
15 hearing.

16 MR. DONNELLY: Okay. Sorry about that. April 17th?

17 CHAIRMAN EWASUTYN: I will waive that motion.

18 MR. DONNELLY: Sorry about that.

19 All right. The action, then, is for Site Plan. There
20 is no ARB because there are no structures.

21 We'll need a sign off letter from Gerry Canfield on
22 the removal of the reference, the need for variances that
23 appears on the plan. We will incorporate the terms of the
24 developer's agreement that is signed with the Town Board
25 into this resolution of approval.

1 - COLANDREA SUNSHINE FORD -

2 Similarly, there is a retaining wall maintenance
3 bringing easement that has been prepared and delivered to
4 the Planning Board. And a condition of the approval will
5 be that that is recorded and proof of the recording be
6 delivered to the Planning Board office.

7 We will need a landscape security and inspection fee.
8 The inspection fee is \$2,000; a stormwater improvement
9 security and inspection fee, together with a stormwater
10 control facility maintenance agreement. And then the
11 standard condition that says that no structures may be
12 built other than what is shown on the approved Site Plan
13 without amended approval from the Planning Board.

14 CHAIRMAN EWASUTYN: Any questions? Pat Hines?

15 MR. HINES: Mike, it's also a lot consolidation.

16 MR. DONNELLY: Oh, okay. So they're going to have to
17 deliver the deed for that to Gerry. okay. I'll include
18 that as a condition, as well.

19 CHAIRMAN EWASUTYN: Any further questions or comments
20 on the resolution presented by the Planning Board attorney,
21 Mike Donnelly?

22 (No verbal response.)

23 CHAIRMAN EWASUTYN: Then I move for a motion to grant
24 conditional Site Plan approval subject to the conditions
25 that were presented by Mike Donnelly.

1 - COLANDREA SUNSHINE FORD -

2 BOARD MEMBER WARD: So moved.

3 BOARD MEMBER GALLI: So moved.

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

6 Any discussion on the motion?

7 (No verbal response.)

8 CHAIRMAN EWASUTYN: A roll call vote starting with
9 Frank Galli.

10 BOARD MEMBER GALLI: Aye.

11 BOARD MEMBER BROWNE: Aye.

12 BOARD MEMBER MENNERICH: Aye.

13 BOARD MEMBER PROFACI: Aye.

14 BOARD MEMBER DOMINICK: Aye.

15 BOARD MEMBER WARD: Aye.

16 CHAIRMAN EWASUTYN: Myself. Thank you.

17 (The motion was approved and carried.)

18 MR. CROSSLEY: Thank you. I do have a question on the
19 lot consolidation.

20 MR. HINES: Yes. If this parcel is being added to the
21 -- the parcel with the parking lot at this time is shown to
22 be added to the balance.

23 MR. CROSSLEY: We've already done that with the town
24 assessor. It goes to Orange County and they handle it out
25 there.

1 - COLANDREA SUNSHINE FORD -

2 MR. HINES: They just need that filing as proof.

3 MR. CROSSLEY: Yes.

4 MR. HINES: We can't have parking. It has to be on
5 that lot. Parking with accessory use has to be accessory
6 to the main use. So get that filing. You just need to
7 follow up.

8 MR. CROSSLEY: Okay.

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

10
11 * * * * *

12
13
14
15
16
17
18
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

REPORTER'S CERTIFICATION

I, ROSEMARY A. MEYER, a Shorthand Reporter and Notary Public in and for the State of New York, do hereby certify:

that the foregoing transcript is an accurate record of the proceedings herein, to the best of my knowledge and belief, having been stenographically recorded by me and transcribed under my supervision.

I further certify that I am in no way related to any of the parties to this action and that I have no personal interest whatsoever in the outcome thereof.



ROSEMARY A. MEYER

Date Transcribed: June 7, 2014

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

----- X
In the Matter of:

WFT NY LOT LINE CHANGE

(2014-07)
979 & 983 NYS ROUTE 32
Section 2; Block 1; Lots 42 & 46
RR Zone

----- X

LOT LINE CHANGE

Date: May 15, 2014
Time: 7:09 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
PATRICK HINES, P.C.
GERARD CANFIELD, Code Compliance Supervisor

APPLICANT'S REPRESENTATIVE: CHARLES BROWN, P.E.

----- X

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

Reported by: Rosemary A. Meyer

1 - WFT NY LOT LINE CHANGE -

2 BOARD MEMBER PROFACI: The next item on tonight's
3 agenda is WTF New York Lot Line Change, Project 2014-07,
4 located at 979 and 983 New York State Route 32, Section 2,
5 Block 1, Lots 42 and 46. It's in the RR Zone, and it's a
6 lot line change. It's presented by Charles Brown.

7 MR. BROWN: Thanks, Joe.

8 Since we were here last time, the rear lot was
9 landlocked and we received the document from Mike relating
10 to that. So in response to that, we added a 15-foot wide
11 flagpole to the rear lot that goes all the way to Route 32
12 so that both lots now have frontage on the approved road,
13 New York State Route 32.

14 I had a conversation with Mike today about that. We
15 do have to move the driveway over so that the driveway for
16 the rear lot, Lot 46, is within that 15 foot. And when the
17 other driveway runs up, it'll be a common driveway. At
18 that point, from there down, we'll split the property line
19 there so that the common driveway is half on each of my
20 client's lots.

21 I looked at the grading to do that. That's no
22 problem. We have already met with the DOT and we got the
23 verbal sign off on the intersection. At that point, the
24 sight distance is actually very, very good.

25 And hopefully, tonight we get a referral to the Zoning

1 - WFT NY LOT LINE CHANGE -

2 Board. We need a lot variance for the front lot, Lot No.
3 42, 147 feet versus the 200 required, to give us enough
4 area so we have 15,000 square foot buildable area which is
5 shown here, attached.

6 CHAIRMAN EWASUTYN: Any comments from our consultants?
7 Gerry Canfield, Code Compliance.

8 MR. CANFIELD: We had some question with respect to
9 the 40 feet Charlie flagged for the lot in the rear. The
10 question is is this driveway that you're proposing, is this
11 part of that of 40 feet, or no?

12 MR. BROWN: That's actually only 24 feet. You're
13 talking about the part that's part of the Mc Kerril
14 (phonetic) lot, Lot 47, this here lot. That's not my
15 client's property. That was why we had to provide the
16 flagpole that we've were talking about. We will be moving
17 our driveways onto my client's property, so we won't be
18 using that.

19 MR. HINES: I guess the question with the tax map is
20 that which, for tax purposes, show that to be a 40-foot
21 strip rather than a 24-foot strip.

22 MR. BROWN: Yes. Well, what I have here is based upon
23 Darin's Traygard's (phonetic) field survey and his research
24 and everything else. You know, the deeds are very old,
25 but, you know, I have to -- that shows 40 foot just right

1 - WFT NY LOT LINE CHANGE -

2 at the entrance driveway. This is a valid survey. It was
3 surveyed and that's what he came up with, 24 foot. It does
4 vary a little bit in width. The 44 foot is the minimum.
5 But again, that's not our property.

6 MR. CANFIELD: The other issue is with the access, and
7 I think Michael or Pat will go into it a little further in
8 depth, but from my perspective, whether this becomes a
9 private road or not greatly affects what you're going to
10 Zoning for, the referral, because if it becomes a private
11 driveway or a private road, excuse me, this first lot now
12 becomes a corner lot with two front yards.

13 MR. BROWN: Well, there's no benefit to my client to
14 making this a private road. We have no control over the
15 property in the rear. I understand that may happen. I did
16 shift that house back far enough so that it would meet the
17 front yard setback, but other than that, we have no control
18 over the rear property.

19 MR. CANFIELD: And then lastly, where you've taken
20 your lot width, is that the buildable envelope?

21 MR. BROWN: Yes. If you look at the buildable
22 envelope, the minimum requirement is 15,000 square foot.
23 At that location that gives us 15,137. That's as close as
24 we could get without being under.

25 MR. CANFIELD: Okay. But you can move that to the

1 - WFT NY LOT LINE CHANGE -

2 building line which will lessen --

3 MR. HINES: He needs to show 15,000 buildable area.

4 MR. CANFIELD: But the lot width can still be there.

5 MR. HINES: The building lots on this end, that has to
6 be usable. That has to be usable. If they want to make it
7 usable they need the variance.

8 MR. CANFIELD: It's going to be a greater degree of
9 variance than a building line.

10 MR. HINES: You may want to explain at the zoning
11 level that the building has actually been resited.

12 MR. BROWN: But again, if we're going to the Zoning
13 Board, I want to go for a variance on the 15,000 square
14 foot with more width and create a smaller envelope, I would
15 prefer to go in with this dimension you have here and
16 achieve the 15,000 square foot building envelope. It gives
17 my client a little bit more flexibility, and it also
18 probably even make it a little easier to achieve the
19 variances, since the 15,000 square foot buildable area is
20 relatively new code.

21 MR. CANFIELD: And that's my point. It's not that
22 what you're doing is wrong, it's just that it'll be a
23 lesser degree of variance, lesser feet.

24 MR. BROWN: Well, there's two variances, though; one
25 for the building envelope and one for the lot width.

1 - WFT NY LOT LINE CHANGE -

2 MR. CANFIELD: But that's not the case now.

3 MR. BROWN: Now it's just the width.

4 MR. CANFIELD: Just the width.

5 MR. BROWN: Right.

6 MR. CANFIELD: Correct.

7 That's all I have, John.

8 CHAIRMAN EWASUTYN: Pat Hines, drainage consultant.

9 MR. HINES: The only issues we have with the new
10 proposal for separate driveways is if DOT is going to
11 approve the three driveways all at that location. I only
12 talked to them about this driveway, the single driveway.
13 When you come back, if you're successful with the ZBA, just
14 make sure you have their approval that they'll allow that.

15 MR. BROWN: Yes.

16 MR. HINES: It's going to be a wide driveway entrance
17 there.

18 MR. BROWN: Our driveway will be two lots. These two
19 lots will be serviced by a common driveway which will be
20 centered on the new lot line between the rear lot and the
21 front lot, the intersection of the two driveways out.

22 MR. HINES: There appears to be a culvert right there
23 that will need to be addressed.

24 MR. BROWN: Right, I understand.

25 MR. HINES: When we see you again just make sure that

1 - WFT NY LOT LINE CHANGE -

2 works.

3 MR. BROWN: Yes.

4 CHAIRMAN EWASUTYN: Comments from Board Members. John
5 Ward.

6 BOARD MEMBER WARD: No comment.

7 CHAIRMAN EWASUTYN: David.

8 BOARD MEMBER DOMINICK: No comment.

9 CHAIRMAN EWASUTYN: Joe.

10 BOARD MEMBER PROFACI: Nothing.

11 CHAIRMAN EWASUTYN: Cliff.

12 Mr. BROWNE: Nothing.

13 CHAIRMAN EWASUTYN: Ken.

14 BOARD MEMBER MENNERICH: No.

15 CHAIRMAN EWASUTYN: Mike, For the benefit of the
16 Applicant and the Board Members, can you cite the variances
17 that will be going to ZBA?

18 MR. DONNELLY: There's one variance and that is lot
19 width for Lot 42 which is providing 147 feet where 200 feet
20 is required. It's going to be conditioned upon the
21 Applicant revising the plan to show the straddled driveway
22 going out to Route 32.

23 We have not addressed the issue of SEQRA. If you'd
24 like, I'd suggest to the Zoning Board that they handle
25 SEQRA on a uncoordinated review basis.

1 - WFT NY LOT LINE CHANGE -

2 CHAIRMAN EWASUTYN: Any questions or comments?

3 (No verbal response.)

4 CHAIRMAN EWASUTYN: I move for a motion of the Board
5 to refer this to the ZBA for a lot width.

6 BOARD MEMBER GALLI: So moved.

7 BOARD MEMBER MENNERICH: Second.

8 CHAIRMAN EWASUTYN: I have a motion by Frank Galli and
9 a second by Ken Mennerich.

10 Any discussion of the motion?

11 (No verbal response.)

12 CHAIRMAN EWASUTYN: Move for A roll call vote starting
13 with Frank Galli.

14 BOARD MEMBER GALLI: Aye.

15 BOARD MEMBER BROWNE: Aye.

16 BOARD MEMBER MENNERICH: Aye.

17 BOARD MEMBER PROFACI: Aye.

18 BOARD MEMBER DOMINICK: Aye.

19 BOARD MEMBER WARD: Aye.

20 CHAIRMAN EWASUTYN: Myself.

21 (The motion was approved and carried.)

22 MR. BROWN: Mike, when I revise that plan I'll submit
23 it to the ZBA and a carbon copy to the Planning Board
24 consultants?

25 MR. DONNELLY: Sure.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

- WFT NY LOT LINE CHANGE -

MR. BROWN: Thank you very much.

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

* * * * *

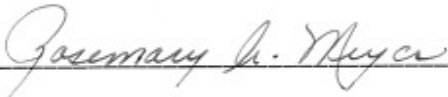
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

REPORTER'S CERTIFICATION

I, ROSEMARY A. MEYER, a Shorthand Reporter and Notary Public in and for the State of New York, do hereby certify:

that the foregoing transcript is an accurate record of the proceedings herein, to the best of my knowledge and belief, having been stenographically recorded by me and transcribed under my supervision.

I further certify that I am in no way related to any of the parties to this action and that I have no personal interest whatsoever in the outcome thereof.



ROSEMARY A. MEYER

Date Transcribed: June 7, 2014

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

----- X
In the Matter of:

JIN KANJANAKIRITUMRONG
(2014-08)
349 Meadow Avenue
Section 66; Block 2; Lot 3
IB Zone

----- X

SITE PLAN

Date: May 15, 2014
Time: 7:18 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
PATRICK HINES, P.C.
GERARD CANFIELD, Code Compliance Supervisor

APPLICANT'S REPRESENTATIVE: VINCENT J. DOCE ASSOCIATES

----- X

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

Reported by: Rosemary A. Meyer

1 - JIN KANJANAKIRITUMRONG -

2 BOARD MEMBER PROFACI: The next item of tonight's
3 agenda is Jin Kanjanakiritumrong, Project 2014-08, 349
4 Meadow Avenue, Section 66, Block 2, Lot 3, located in IB
5 Zone. It's a Site Plan represented by Vincent J. Doce.

6 MR. DOCE: I'm here tonight in place of Darin, my son
7 Darin, who actually did this job. He had to leave for
8 Florida suddenly, and he asked me to present for him.

9 As you can see, it's a parcel, about 16,000 square
10 feet on the south side of Meadow Avenue adjacent to the
11 Dairy Mart that's located the property on Route 300. My
12 client, or Darin's client, would like to put a hairdresser
13 salon in the building, and with the attendant sales of hair
14 products as is common to this sort of business.

15 The parcel is in an IB Zone and requires five area
16 variances. In fact, it requires all area variances that
17 are possible for any parcel of property. That's because
18 everything in this zone is nonconforming. Every parcel of
19 property in this zone is about 90 feet in width; similar
20 setbacks and similar difficulties, that they're being used
21 for primarily businesses now because it's an IB Zone.

22 There is one additional variance that we will require,
23 is a use variance, because personal service businesses are
24 not allowed in an IB Zone. That's a bit confusing because
25 we were under the impression, until up a week or so ago,

1 - JIN KANJANAKIRITUMRONG -

2 that this was a B Zone. And the reason we thought it was a
3 B Zone, several years ago I was asked to submit a report to
4 the Town Board by the present supervisor who was a
5 councilman at the time, because they wanted everything in
6 this side of the street to be in a B Zone because nothing
7 conformed with the requirements of an IB Zone, including
8 use and all the area variances. I sent that report in. I
9 thought it was copied to this board, but I really don't
10 remember. Gill has advised me that they were going use
11 that to get this into the proper zoning. I never followed
12 it up in any way. I had no reason to do so, but I thought
13 that had been done. It really doesn't affect us at the
14 moment because we have to go to the ZBA for variances anyway.
15 Whether we go for a use variance along with the rest of the
16 variances, it's not a problem to us. The Site Plan is
17 pretty well prepared with what we have to work with.

18 We're here this evening to ask for a referral to the
19 ZBA for the necessary area variances along with the use
20 variance.

21 CHAIRMAN EWASUTYN: Thank you.

22 MR. CANFIELD: Well, I think Mr. Doce gave a pretty
23 accurate description of what he needs. He's well aware of
24 the zone. I don't have anything additional to add.

25 CHAIRMAN EWASUTYN: Pat Hines.

1 - JIN KANJANAKIRITUMRONG -

2 MR. HINES: My first two comments have to do with the
3 variances, the area and use variance.

4 As the project moves forward, the topography on the
5 site needs to be provided. What caught my attention was
6 the swale that's draining along the west property line.
7 The east property line. I'm sorry. It seems to cross a
8 couple contours in a strange fashion so it will definitely
9 need to be added.

10 Also, the proposed parking in the front does not
11 comply with the design guidelines. Moving forward,
12 there'll need to be some discussion about how that either
13 can be met or waivers from the Planning Board.

14 The project, I believe there's water, municipal water
15 in Meadow Avenue. It appears that the site is on a well.

16 MR. DOCE: There is sewer but no water.

17 MR. HINES: No water? That's why there is a well.
18 Okay.

19 The buffer requirements have been shown. Then as the
20 project moves forward, we'll need design details on
21 lighting, drainage, pavement, etcetera. If you're
22 successful getting the variances, future plans will need to
23 show that.

24 CHAIRMAN EWASUTYN: For the record, can someone
25 discuss the, you said five area variances?

1 - JIN KANJANAKIRITUMRONG -

2 MR. BROWN: Yes.

3 CHAIRMAN EWASUTYN: Can someone --

4 MR. HINES: I have them listed. I'll go over those.

5 The lot area variance of 40,000 feet is required where
6 16,200 is provided. Lot width, 150 feet required where 90
7 feet is provided. Side yard, 50 feet is required where six
8 feet is provided. Both side yards, 100 feet required; 45
9 is provided. And then there's an accessory structure, ten
10 feet required and only 1.7 feet exists.

11 CHAIRMAN EWASUTYN: You mentioned a use variance.

12 MR. HINES: Yes. The use variance for the personal
13 service in the IB Zone.

14 MR. BROWN: May I just state for the record that all
15 of these variances that are required are because everything
16 is existing in there. We're not creating any kind of a
17 variance, they're all existing.

18 CHAIRMAN EWASUTYN: Thank you.

19 Comments from Board Members. John Ward.

20 BOARD MEMBER WARD: No comments.

21 CHAIRMAN EWASUTYN: Dave Dominick.

22 BOARD MEMBER DOMINICK: No comment.

23 CHAIRMAN EWASUTYN: Joe Profaci.

24 BOARD MEMBER PROFACI: None.

25 CHAIRMAN EWASUTYN: Ken Mennerich.

1 - JIN KANJANAKIRITUMRONG -

2 BOARD MEMBER MENNERICH: Is there any activity towards
3 getting this rezoned to B?

4 MR. DOCE: Well, what I was going to say when you
5 gentlemen were finished, I would be glad to contact Gill
6 and remind him that they wanted this to be a B Zone and
7 that they had my report, and if there's anything that I
8 could to help them get it done, I will be glad to do it.
9 So I will do that. It's kind of ridiculous that's an IB
10 Zone.

11 CHAIRMAN EWASUTYN: Cliff Browne?

12 BOARD MEMBER BROWNE: Nothing.

13 CHAIRMAN EWASUTYN: Frank Galli.

14 BOARD MEMBER GALLI: The one variance is the accessory
15 structure. Why don't you eliminate it, just knock down the
16 shed?

17 MR. DOCE: It is, from what I understand, fairly
18 substantial. Offhand, if it became a requirement at the
19 ZBA I'm sure that she would reconsider. We would like to
20 see if we could keep it there because almost every parcel,
21 I've been there, is sort of identical. The shed is in the
22 same way, everything is in the same place.

23 CHAIRMAN EWASUTYN: Mike, one more time for the
24 record, the referral letter that you'll be preparing to
25 send to the ZBA.

1 - JIN KANJANAKIRITUMRONG -

2 MR. DONNELLY: Sure. There will be the use variance
3 for personal service business in the IB Zone; lot area, lot
4 width, side yard, both side yards, and setback for the
5 accessory structure in the dimensions Pat recited earlier.

6 CHAIRMAN EWASUTYN: I move for a motion to the
7 Board --

8 BOARD MEMBER PROFACI: Would you want to take a look
9 and see if that B Zone would be considered before you go to
10 the Zoning Board?

11 MR. DOCE: Well, we would like to, even though it's
12 more work for us, I wouldn't want to hurt this woman by
13 delaying it for how long it might take. So what I would
14 like to do the application to the ZBA. But at the same
15 time I would be glad to do that, also.

16 CHAIRMAN EWASUTYN: Any further questions?

17 BOARD MEMBER DOMINICK: I think Gerry had a question

18 CHAIRMAN EWASUTYN: Gerry.

19 MR. CANFIELD: John, I have a question for Mike.

20 There's an exception, 185.18, Nonconforming Lots of
21 Record, which this is. Does the Site Plan, the fact that
22 it is a Site Plan, does this lose that protection, as well?

23 MR. DONNELLY: Is that the one that has a step down
24 bulk table? How does that section read?

25 MR. CANFIELD: It allows existing lots. Nothing shall

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

prohibit the use of lots less than the prescribed area or width when such lot is owned individually and separate from any adjoining tract.

MR. DONNELLY: Well, then the lot area and width are probably not needed.

MR. CANFIELD: Correct. If they still maintain that protection.

MR. DONNELLY: Well, the lot does, but that's separate from the use.

MR. CANFIELD: Right.

MR. DONNELLY: We'll identify them as deficient, but suggest that no variance is needed because of 185.19.

MR. CANFIELD: Correct. 18.

MR. DONNELLY: Eighteen. Sorry.

CHAIRMAN EWASUTYN: That's even better at this point.

MR. DOCE: In the past, just to enlighten that, when that came up we were still asked to go to the ZBA to make them aware that it was being addressed.

CHAIRMAN EWASUTYN: Then I'll move for a motion with the corrections to refer to the ZBA that were presented by Gerry Canfield, send this on to the Zoning Board of Appeals.

BOARD MEMBER PROFACI: So moved.

CHAIRMAN EWASUTYN: I have a motion by Joe Profaci.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Do I have a second?

BOARD MEMBER WARD: Second.

CHAIRMAN EWASUTYN: Second by John Ward.

Any discussion of the motion?

(No verbal response.)

CHAIRMAN EWASUTYN: Move for a roll call vote starting with Frank Galli.

BOARD MEMBER GALLI: Aye.

BOARD MEMBER BROWNE: Aye.

BOARD MEMBER MENNERICH: Aye.

BOARD MEMBER PROFACI: Aye.

BOARD MEMBER DOMINICK: Aye.

BOARD MEMBER WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

(The motion was approved and carried.)

MR. DOCE: Now, just so I don't step on my tongue as I often do, when I contact the Town Board I'll say that we were here and it was suggested that that be looked into about the IB. I want to phrase it properly. About looking into changing that IB to a B Zone based on what I have done in the past.

BOARD MEMBER MENNERICH: Not by us it wouldn't.

MR. DOCE: Yeah, no.

BOARD MEMBER MENNERICH: We have no say in it

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

whatsoever.

CHAIRMAN EWASUTYN: Generally, we don't advise the ZBA one way or the other.

MR. DOCE: It's the Town Board.

But when I go to the Town Board, I just don't want to say something that's going to create a problem. I want to say that I was here and I -- obviously, it's an IB Zone when it was intended to be a B Zone in the past. Can I say that it's with your blessing, at least, that I'm bringing it up to them again?

CHAIRMAN EWASUTYN:a I'll poll the board members.

Frank Galli.

BOARD MEMBER GALLI: No.

BOARD MEMBER MENNERICH: Nothing do with it. I mean it's not part of us.

CHAIRMAN EWASUTYN: Cliff Browne.

BOARD MEMBER BROWN: I don't think it should be connected with the board, per se.

MR. DOCE: Okay.

BOARD MEMBER BROWN: I think it should be more on the personal side, your firm addressing it, because that's what you guys do. I don't think it should be as part of the Board saying that. Because again, it's ...

BOARD MEMBER MENNERICH: I mean I think it's good idea

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

but I don't think we can, the Planning Board saying we are in favor of it.

CHAIRMAN EWASUTYN: Joe Profaci.

BOARD MEMBER PROFACI: Without putting our weight behind it, can't we say that it is a suggestion to look into? That's not really saying we endorse it or we don't endorse it. It's a suggestion.

BOARD MEMBER GALLI: It's already been suggested. He did all the paperwork. He just have to revisit it when he talks to the supervisor. He's already done all the legwork so we don't have to really get involved at all. Just say to revisit this now. They have the paperwork.

BOARD MEMBER PROFACI: True. At least I am finding it a suggestible situation.

MR. DONNELLY: You'll ultimately be asked to give a report to the Town Board if they decide to move forward, so you'll have another chance.

CHAIRMAN EWASUTYN: Dave Dominick.

BOARD MEMBER DOMINICK: I agree, it's personal. I agree that that should be personal with the Town Board.

CHAIRMAN EWASUTYN: John Ward.

BOARD MEMBER WARD: I believe you've talk to Gill as a councilman, now supervisor. It should be between you and him. Nothing to do with this board. Because that's

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

hearsay or whatever. We have no proof of anything, so ...

CHAIRMAN EWASUTYN: For now, I guess it would be just up to you to further the conversation.

MR. DOCE: And you understand it doesn't make a difference to us whether it's done or not. We're willing to pursue that as a courtesy.

MR. DONNELLY: It might because getting a use various could be difficult.

MR. DOCE: And next door was a hairdresser and I think that's what precipitated it the first time, that a hairdresser is going in there on the property next door. And that hairdresser was there, it was for years. I think they just moved out recently.

Okay, gentlemen, I thank you very much.

CHAIRMAN EWASUTYN: All right. There being no further items on this evening's agenda, I move for a motion to close the Planning Board meeting of the 15th of May.

BOARD MEMBER GALLI: So moved.

BOARD MEMBER MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by Ken Mennerich.

I ask for a roll call vote starting with John Ward.

BOARD MEMBER WARD: Aye.

BOARD MEMBER GALLI: Aye.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BOARD MEMBER BROWNE: Aye.

BOARD MEMBER MENNERICH: Aye.

BOARD MEMBER PROFACI: Aye.

BOARD MEMBER DOMINICK: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

(The motion was approved and carried.)

(Time noted: 7:33 p.m.)

* * * * *

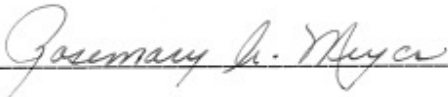
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

REPORTER'S CERTIFICATION

I, ROSEMARY A. MEYER, a Shorthand Reporter and Notary Public in and for the State of New York, do hereby certify:

that the foregoing transcript is an accurate record of the proceedings herein, to the best of my knowledge and belief, having been stenographically recorded by me and transcribed under my supervision.

I further certify that I am in no way related to any of the parties to this action and that I have no personal interest whatsoever in the outcome thereof.



ROSEMARY A. MEYER

Date Transcribed: June 7, 2014