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

----- X

In the Matter of

349 SOUTH PLANK ROAD  
(2019-12)

349 South Plank Road  
Section 47; Block 1; Lot 80.1  
B Zone

----- X

INITIAL APPEARANCE - SITE PLAN

Date: May 16, 2019  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JONATHAN CELLA

----- X

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

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CHAIRMAN EWASUTYN: Good evening,  
ladies and gentlemen. We'd like to welcome  
you to the Planning Board meeting of the 16th  
of May 2019.

At this time we'll ask for a roll  
call vote.

MR. GALLI: Present.

MS. DeLUCA: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. BROWNE: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

MR. DONNELLY: Michael Donnelly,  
Planning Board Attorney, present.

MS. CONERO: Michelle Conero,  
Stenographer.

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

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

CHAIRMAN EWASUTYN: Thank you. At this  
point I'll turn the meeting over to Dave  
Dominick.

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349 SOUTH PLANK ROAD

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(Pledge of Allegiance.)

MR. DOMINICK: Please silence your cell phones.

CHAIRMAN EWASUTYN: For those of you that are here this evening, we will be saying goodbye to Mike Donnelly. Mike Donnelly is stepping down. He's moving on to greener pastures.

Why don't you introduce yourself.

MR. DICKOVER: Rob Dickover. Michael and I have been law partners for many, many years. I will be assuming his role with this Board.

MR. DONNELLY: It will be a big improvement.

(Chuckling.)

CHAIRMAN EWASUTYN: We have three items of business this evening. The last one is a public hearing.

The first item we have is 349 South Plank Road. It's an initial appearance for a site plan. It's in a B Zone and it's being represented by Jonathan Cella.

MR. CELLA: Good evening. I'm Jonathan

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Cella representing the owner.

The existing property is 20,000 square feet, roughly over a half of an acre, and it contains an existing 1,900 square foot building in the B District.

Currently the site is covered with a gravel parking lot. The proposal would be to improve the parking lot by paving it and striping it.

There's also a proposed shed roof on the back that would cover cars.

The proposed use is a transportation service. The owner would have twelve cars parked on site. He has drivers come to the site, drop off a car and pick up one of his fleet cars and drive whoever would use his service wherever they want to go, maybe to airports, any kind of events. He also will have a small van and a small bus as well. The proposed covered parking would be in the rear of the building.

It will require several variances. There's a rear yard setback and a side yard setback variance.

We've met with the New York State DOT

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on site and this is the location of the driveway that they would accept. We're currently submitting to them and looking to get their comments and hopefully an approval letter for such.

We received Mr. Hines' comments and we would look to move the sign to make that conform with the Zoning Ordinance.

The major question would be the proposed use. We felt it would be a personal service that we're offering -- that the owner would be offering, driving services to and from locations.

MR. HINES: We talked about that at work session. Jerry Canfield also weighed in. It is the determination that it does meet that personal service use.

MR. CELLA: Thank you very much.

MR. DONNELLY: What we would like to see is a more detailed narrative of precisely what will and will not be done. If you shift to servicing cars or using those bays, it might be different. We'll hold you to that narrative unless you come back for an amended approval.

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MR. CELLA: I meant to bring that up. I had spoken at length to the owner and the applicant of the property. They would be getting all service of vehicles done off site, and cleaning of the vehicles as well would happen off the site. They might pull a car -- he's got three overhead doors on the existing building for which he might pull a car in during the winter if he's going on an early run or something, keep the snow off the vehicles. Other than that, everything would be done offsite.

MR. DONNELLY: All of that is in the narrative that you have submitted?

MR. CELLA: I believe it was. I think I touched upon all that in my narrative. I can review that. I had written I believe a two-page letter and included that with the original submission.

MR. DONNELLY: What I would recommend to the Board is when you approve this, that we attach the narrative to the resolution and state that's the limit of the use that may be carried out under the approval.

CHAIRMAN EWASUTYN: Questions from the

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Board?

MR. GALLI: Jonathan, at work session we talked about the entrance out front and the landscape that you had out there. John was explaining to us that the landscape that you had out there wouldn't withstand the snow and salt and that kind of stuff because of the species.

MR. CELLA: We're going to get a second opinion -- not a second opinion but we'll get someone involved to specify the proper plantings.

MR. GALLI: Did you think about putting a two-foot stonewall like they did at Mavis? You don't have to get an engineer.

MR. CELLA: Would that be something you want in between the --

MR. GALLI: You have the entrance, --

MR. CELLA: Right.

MR. GALLI: -- then you could do the stonewall instead of shrubbery so there's no maintenance.

MR. CELLA: You'll accept that in lieu of plantings? You'd like a stonewall?

MR. HINES: I think DOT is going to want some form of curbing there. Maybe defining

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349 SOUTH PLANK ROAD

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that with the stonewall may be acceptable to them  
as well.

MR. WARD: On both sides.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: I have nothing.

MR. MENNERICH: Nothing.

CHAIRMAN EWASUTYN: Is there someone  
for a few hours a day that works there in an  
office capacity? I noticed a car and an  
individual going in there. Is there a phone  
service, a booking service?

MR. CELLA: Last I spoke to the owner  
he said he's doing most of it remotely. There  
might be someone going in occasionally. He has  
someone running the business. So yes, they're  
probably going in several hours a day. On the  
plans I have it is a twenty-four hour-a-day,  
seven-day-a-week business. Again, it's not a  
manned office at those hours. That's the car  
hour services.

I know you mentioned the site lighting.  
Right now we're using two existing lights on  
existing telephone poles. He has a lease for  
these lights through the power company. If



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349 SOUTH PLANK ROAD

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that's acceptable. If you would like something to supplement that, or maybe a copy of his lease.

MR. HINES: I only brought it up because the one pole is not on his property.

MR. CELLA: Right. That's not on his property, you're right. The light is leased. Maybe I could get a copy of that.

MR. HINES: That would probably be helpful for the file.

MR. CELLA: That's fine. Before we come back we'll have to go to the ZBA, so we'll look for a referral.

CHAIRMAN EWASUTYN: Questions from other Board Members?

MR. BROWNE: I just wanted to reemphasize Mike's comment about the narrative needs to be specific about what's going to be going on there in case it comes down to an enforcement situation.

MR. DOMINICK: John, the prior owners used to have -- I couldn't recall if there were lifts in the bays. Do the bays still have lifts?

MR. CELLA: I can verify that. We'll take them out if necessary. In the narrative we

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have that there will be no service on site.

MR. DOMINICK: Right.

CHAIRMAN EWASUTYN: John?

MR. WARD: When you were talking about the wall out front, basically we mean both sides of the driveway coming in.

MR. CELLA: So we'll provide it on the west and on the east.

MR. WARD: Yes.

MR. CELLA: Straight across.

MR. WARD: Thank you.

MR. GALLI: Jonathan, also you have a sign there that's not on your property.

MR. CELLA: Yeah, the sign is not on our property. When we come back we'll have a detail for the sign and we'll have that conforming to zoning. I don't want to get a variance for the sign.

CHAIRMAN EWASUTYN: Jerry, Pat?

MR. CANFIELD: Just one thing. Not to beat a horse. Obviously, Jonathan, you can see the Board has a concern that the use is what it is proposed as. You may convey to your client that anything other than what was approved

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349 SOUTH PLANK ROAD

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tonight probably will result in a trip back to this Board.

MR. CELLA: Of course.

MR. CANFIELD: It's important that it becomes what it's proposed as.

MR. CELLA: The owner apologizes for not attending the meeting. He intended to. I believe he's going to try to come to the next meeting.

CHAIRMAN EWASUTYN: Did he need a car to pick him up at the airport?

(Chuckling.)

MR. GALLI: Does he still have the location out on 9W at all?

MR. CELLA: I believe he owns this building now. I believe he's relocating here. I'll verify that.

CHAIRMAN EWASUTYN: When Jonathan Cella first appeared before us many, many years ago he worked for a local engineer, and at that time he still wasn't officially a PE. Over the course of the last several years John has worked for some municipal agencies in New York City and such. We'd like to congratulate him, he recently was

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349 SOUTH PLANK ROAD

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hired by the DEP. John has come a long way.  
Congratulations.

MR. CELLA: Thank you very much. I still need some work on my public speaking and my presentations.

CHAIRMAN EWASUTYN: Mike, would you please give the variances?

MR. DONNELLY: I will write a letter to the Zoning Board referring this matter for consideration of two variances, a rear yard setback 17 feet where 30 feet is required and a side yard setback of 13 feet, which already exists and is proposed to remain, where 15 feet is required. I will suggest to the Zoning Board that if those are not Type 2 actions, that they conduct an uncoordinated review. You will nevertheless need to apply to the Zoning Board.

MR. CELLA: Okay. While we're here is it too early -- I believe we have to get referred to County Planning since we're along --

MR. HINES: The ZBA is going to do that first and we'll follow up with that. I already commented we would declare lead agency. Because the ZBA is involved it's cleaner if they make an

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349 SOUTH PLANK ROAD

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uncoordinated review first.

MR. CELLA: Thank you very much. Have  
a good night.

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 3rd day of June 2019.

*Michelle Conero*

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MICHELLE CONERO

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

----- X

In the Matter of

BRIGHTON GREEN CONDOMINIUMS  
(2019-11)

Brighton Drive & Bainbridge Place  
Section 124; Block 1; Multiple Lots  
R-2 Zone

----- X

INITIAL APPEARANCE - AMENDED SITE PLAN

Date: May 16, 2019  
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  
STEPHANIE DeLUCA  
CLIFFORD C. BROWNE  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: KENNETH LYTLE

----- X

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

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CHAIRMAN EWASUTYN: Our second item this evening is Brighton Green Condominiums. It's an amended site plan. It's located on Brighton Drive and Bainbridge Place in an R-2 Zone. It's being represented by Ken Lytle of Zen Consultants. Ken.

MR. LYTLE: Good evening. The owners hired a builder, a contractor and they have some wells and some pumps they're using for a sprinkler system. The contractor I guess they hired didn't go for any permits for the construction of the building. We're back before you guys to get permits to build those buildings and go back to the building department.

One point that Pat brought up is I guess during the contractor's work I guess he made some modifications to the pond. My understanding is he took out the berm in between the forebay and the main pond.

MR. HINES: That's been my question for a couple of years.

MR. LYTLE: Right. That will be reinstalled as per the original plans.

MR. HINES: That was really one of the

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major reasons to bring this back before the Board, was to find out the impacts to the stormwater management system that occurred. They don't have that in this application and we're looking for that.

MR. LYTLE: Okay.

CHAIRMAN EWASUTYN: Questions from the Board?

MR. GALLI: Did you say the shed was not built?

MR. LYTLE: They are. They're all built.

MR. GALLI: I was going to say --

MR. LYTLE: They're all constructed. 10x10. They did a nice job, they had to blend in with the adjoining building. But no permits.

MR. MENNERICH: Is the installation of the berm the only thing that needs to be done for the water?

MR. LYTLE: I believe so. If you want we can go out and check and make a little assessment and see what has to change. I know the berm got changed. They ripped out the berm in between. They took it out to get more water



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for the sprinklers. I don't know what the modifications are but we can find out for you.

CHAIRMAN EWASUTYN: How do we find that out?

MR. HINES: A survey of the existing facility --

MR. LYTTLE: Okay.

MR. HINES: -- versus the as-built condition that we had previously.

MR. LYTTLE: Okay. Can we get a copy of the as-built from you?

MR. HINES: I don't know the answer to that. I can look. It's been awhile.

MR. LYTTLE: I'll put together a plan to show how it needs to be put back in place.

CHAIRMAN EWASUTYN: Other questions from the Board?

MR. BROWNE: Ken, you're going to provide the report on the ponds the way they currently are and how they should operate as they currently are built?

MR. LYTTLE: Yes.

MR. BROWNE: That's what you need?

MR. HINES: Right.

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MR. LYTTLE: Show them put back in place.

MR. BROWNE: You owe the Board that report?

MR. LYTTLE: Yes.

MR. BROWNE: Okay.

MR. HINES: We're looking for an analysis of the impact, not necessarily they have to put them back. We want to know the difference between the existing pond now and what was designed. If the sediment forebays were removed, then they will have to get put back.

MR. LYTTLE: I can submit those directly to Pat.

CHAIRMAN EWASUTYN: The purpose, for the record, of the sediment forebay is?

MR. HINES: When the water first goes in there, they take the majority of the pollutions and let that settle out so that you don't fill the whole pond, you fill the smaller sediment forebay and then it's easier to maintain.

CHAIRMAN EWASUTYN: Is this one of the detention ponds that the Town has an agreement to

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inspect on an annual basis?

MR. HINES: I think this might have been before that time. I don't know that they have that. I forget the timing of this project but it was a significant time ago.

MR. LYTLE: I think it's '06.

MR. HINES: That was probably before they had the facilities maintenance agreement.

CHAIRMAN EWASUTYN: Now that we're reviewing it and we'll finalize it based upon as-built, will that require them --

MR. HINES: Typically we do require, if they don't have one, to file one of those to show their maintenance of the stormwater maintenance facilities.

CHAIRMAN EWASUTYN: That's something Mr. Lytle will have to bring back to the homeowners association.

MR. LYTLE: Okay.

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

MR. CANFIELD: I think you brought it out very nicely, what's to be done.

MR. LYTLE: Regarding the buildings,

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can we submit plans to the building department to  
get that going?

MR. CANFIELD: Once we get this  
resolved we can deal with the building permits  
and what not.

CHAIRMAN EWASUTYN: I guess that's it.

MR. LYTLE: Thank you.

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 3rd day of June 2019.

*Michelle Conero*

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MICHELLE CONERO

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

----- X  
In the Matter of

A. DUIE PYLE MAINTENANCE BUILDING  
(2019-09)

1000 Corporate Boulevard  
Section 95; Block 1; Lots 69.1 & 79  
IB Zone

----- X

PUBLIC HEARING - SITE PLAN & LOT LINE CHANGE

Date: May 16, 2019  
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  
STEPHANIE DeLUCA  
CLIFFORD C. BROWNE  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: CHUCK UTSCHIG

----- X

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

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CHAIRMAN EWASUTYN: Our last item of business this evening is A. Duie Pyle Maintenance Building. It's a site plan and a lot line change located on 1000 Corporate Boulevard in an IB Zone. It's being represented by Langan Engineering.

It's a public hearing so Mr. Mennerich will 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 and the Municipal Code of the Town of Newburgh, Chapter 185-57 Section K, on the application of A. Duie Pyle Maintenance Building, project 2019-09. The project proposes site plan amendments and a lot line change. The project includes the redevelopment of an existing distribution facility to include a new 8,850 plus or minus square foot maintenance building with expanded employee and truck parking, stormwater management facilities and utility infrastructure. The facility proposes maintenance of trucks

1 including tires, lights, replacement, oil changes  
2 and includes a drive-thru truck wash. The  
3 project also includes a 2.94 plus or minus acre  
4 lot line change between an adjoining parcel to  
5 provide additional area for the expansion of the  
6 distribution facility. The site is served by  
7 municipal water and sewer services located within  
8 Corporate Boulevard. The project is located in  
9 the IB Zone. The premises is located on 1000  
10 Corporate Boulevard, Newburgh, New York and is  
11 known on the Town tax maps as Section 95, Block  
12 1, Lot 69.1. The lot line change parcel, Matrix,  
13 is known on the Town tax maps as Section 95,  
14 Block 1, Lot 79. Matrix is transferring  
15 ownership of 2.94 acres from tax lot 79 to tax  
16 lot 69.1. Said public hearing will be held on  
17 the 16th day of May 2019 at the Town Hall Meeting  
18 Room, 1496 Route 300, Newburgh, New York at 7  
19 p.m. at which time all interested persons will be  
20 given an opportunity to be heard. By order of  
21 the Town of Newburgh Planning Board. John P.  
22 Ewasutyn, Chairman, Planning Board Town of  
23 Newburgh. Dated 29 April 2019."

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25 CHAIRMAN EWASUTYN: Thank you. For the



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record you are?

MR. UTSCHIG: Good evening. For the record my name is Chuck Utschig with the firm of Langan Engineering.

CHAIRMAN EWASUTYN: Thank you.

MR. BROWNE: Before we start the presentation, could you either turn that around for the one interested person in the back, either that or she can come up in the front. Either way so she can see what we're talking about. Thank you.

MR. UTSCHIG: For the benefit of the public I can quickly go through what the public notice said.

This is expanding an existing facility that's been there quite awhile. We are buying approximately 3 acres from the adjoining Matrix site and we're proposing the addition of about an 8,800 square foot maintenance facility that will be used for basically minor truck-related activities, oil changes, tire repairs. There is a truck wash that's a drive-thru. It's not meant for major repairs, just minor. That's fairly consistent with what we presented to the Board

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over the last couple of months.

There's the addition of some parking both for employees and for trailers.

We have a substantial stormwater management system incorporated into this project. We are complying with the criteria to manage 110 percent of the stormwater runoff because of the sensitivity of the receiving waters, Washington Lake.

We have also agreed, although not required because this is what's considered a redevelopment site under the DEC regulations, we have agreed to provide some water quality units in line with the existing drainage system. So there's going to be some improvement in the water quality discharge from the existing facility as part of this.

We do have some outstanding comments from your engineering department which we believe are fairly minor in nature and can we address fairly straightforward.

We know that the County has responded. That's generally the project in a nutshell.

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CHAIRMAN EWASUTYN: At this point we'll turn the meeting over to the public. Any questions or comments?

UNIDENTIFIED SPEAKER: No.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: At the meeting you discussed there was no ARB yet to look at the building, what it's going to look like, the addition.

MR. UTSCHIG: That's correct. We have not done that yet.

MR. GALLI: Okay. That's all I had, John.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: No.

CHAIRMAN EWASUTYN: Ken?

MR. MENNERICH: On the comments from Orange County Planning, what were your thoughts relative to those comments?

MR. UTSCHIG: So there were some interesting comments. Two related to stormwater, one suggested porous pavement. This is considered a hotspot, or we have done so at the suggestion of your consultant. When the site is

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considered to be a hotspot we treat the stormwater runoff more carefully. Porous pavement does not go well with that concept. It can be done. Here we've got one single stormwater management practice and we think we've already gone over and above. We think this is a better solution from a water quality perspective than what the County is suggesting. I'm guessing they didn't look as closely at this design as you might have. We think this is the right solution. They were concerned about being able to see this from somewhere. I'm not sure that you can. We think this plan is a good solution to what's being proposed here.

CHAIRMAN EWASUTYN: For the record can you describe the liner that will be part of this plan?

MR. UTSCHIG: So the primary system here is a bio-retention area which has a filtering medium that's around 30 inches thick, and below that there's an underdrain. Because it's a hotspot we actually line this basin. There's a liner that keeps it from infiltrating into the ground. It goes through the medium,

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which is the place where you get the water quality improvement, it hits the underdrain system, it bleeds out. It's gone through the medium, it's cleaner water as it discharges.

What the liner does -- it's is plastic liner --

CHAIRMAN EWASUTYN: How thick?

MR. UTSCHIG: These are probably just a couple millimeters. They're not very thick. They're really just intended to be a separation between the natural ground and the bottom of the basin and the gravel. What it does is it allows that water to be collected in an underdrain system, which is pipe and gravel, and then discharged out. In this case it will go out into the existing adjacent stormwater management areas.

CHAIRMAN EWASUTYN: Cliff?

MR. BROWNE: Along with that, with the liner, John raised the question, with the thickness of the liner, you said a couple mills?

MR. HINES: It's actually a 60 mill liner. It's very thick actually.

MR. BROWNE: That's considerably more than a couple. I was going to go with what would

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be the longevity of that knowing you would have an ongoing annual report that you have to submit. But with the 60 mill --

MR. HINES: It's typical of something you would use on a landfill, the one they specified.

MR. BROWNE: Okay. I'm good. Thank you.

CHAIRMAN EWASUTYN: Dave?

MR. DOMINICK: No.

CHAIRMAN EWASUTYN: John?

MR. WARD: No.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. CANFIELD: I have nothing.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: We have some technical comments from our April 18th memo but they have to do with the sanitary sewer disposal system, some minor details on the stormwater management.

There will be a need for bonding of the stormwater improvements. A cost estimate will need to be submitted and reviewed prior to the Town Board accepting that amount.

We just noted that the applicant has

1 provided additional water quality improvements  
2 over and above what the DEC would be requiring,  
3 and did note that they are putting in a  
4 proprietary hydrodynamic separator, two of them  
5 actually, on the existing system to provide for  
6 water quality.  
7

8 A stormwater facilities maintenance  
9 agreement will be required for the whole site.  
10 We'll be looking for that.

11 A separate cost estimate for water and  
12 sewer utilities should be provided to Jim  
13 Osborne's office.

14 Because there is a lot line change, the  
15 filing of that lot line change should be part of  
16 the resolution of approval.

17 We have prepared a draft negative  
18 declaration for the project. After reviewing the  
19 Part 1 EAF and Part 2 we've identified that  
20 impacts to land, approximately 3.84 acres of the  
21 property, will be physically disturbed by  
22 construction activities.

23 A stormwater pollution prevention plan  
24 has been prepared.

25 Site grading and drainage plans have

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been reviewed.

The site topography has been taken into consideration by the installation of a retaining wall to reduce the amount of grading to the extent that they need to regrade the site. A rather extensive retaining wall system has been provided.

The impacts to water also addressed the fact that the bio-retention area has been provided.

The site has been treated in compliance with the DEC hotspot regulations.

The addition of those proprietary products will reduce the impacts on the water. The site will be served by municipal potable water for that use.

Impacts on traffic. Ken Wersted weighed in previously regarding the impacts on traffic. It is an existing industrial site servicing several distribution centers. Ken's comments were that the project would not have a significant impact on 17K/Corporate Drive Boulevard. That traffic signal is under the jurisdiction of DOT.



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2                   Threatened or endangered species. The  
3                   EAF identified two potential and endangered  
4                   species, one being the bat species which will  
5                   limit the tree clearing times on the site, the  
6                   other being the Upland Sandpiper which is  
7                   associated with the airport use next door and the  
8                   large grassland area there. We don't believe  
9                   there will be any impact to those based on the  
10                  site being previously cleared and previously  
11                  impacted with human activities. It's a  
12                  redevelopment site. Tree clearing will be  
13                  limited to the time period to protect the bats.

14                  There are no historical resources on  
15                  the property. In reviewing the Office of Parks,  
16                  Recreation & Historic Preservation website, it  
17                  does not identify any of those.

18                  Impacts on energy. There will be a  
19                  slight impact on use of energy during  
20                  construction, however only a slight increase will  
21                  occur. The structure will be designed to meet  
22                  New York State Energy Code to be compliant with  
23                  energy use.

24                  The Planning Board will require the  
25                  architectural review of the building and has

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reviewed the site with regard to the aesthetics and landscaping.

Based on that we would recommend a negative declaration. We'll provide the written declaration to the Board.

CHAIRMAN EWASUTYN: Comments from the Board Members?

MR. GALLI: No additional.

MS. DeLUCA: No.

MR. WARD: What's taking so long for the ARB?

MR. UTSCHIG: I think we're ready. We're going to come back as quick as we can.

MR. WARD: That's why I'm asking. You've been in front of us. Thank you.

CHAIRMAN EWASUTYN: Okay. Since there are no questions or comments from the public, I'll move for a motion to close the public hearing on A. Duie Pyle Maintenance Building, the site plan and lot line change.

MR. DOMINICK: I'll make a motion.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: Motion by Dave Dominick, second by Frank Galli. Roll call vote,

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please.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried.

Mike Donnelly, where are we now in the review process?

MR. DONNELLY: I believe you're in a position to grant site plan and lot line change approval. We do not yet have the architecturals to grant ARB. Within the resolution I will propose here in a moment I will note that ARB is not yet being approved.

The resolution will reflect that you issued a negative declaration this evening.

We are required, when the County recommends disapproval of the action based upon a jurisdictional comment, to explain our position if we're not able to adhere to it, and then the resolution will require a vote of the majority

1 plus one of the membership of the Board. I've  
2 taken the comments that Pat had in his memo and  
3 added some of the discussion that we had during  
4 work session.  
5

6 In terms of our position I will recite  
7 that the application has been referred to the  
8 Orange County Planning Department for review and  
9 report. The Planning Department has recommended  
10 disapproval in comment number 1, watershed  
11 protection. The Planning Board has reviewed that  
12 report and recommendation and makes the following  
13 determination in regard thereto: First, the  
14 jurisdictional recommendation contained within  
15 comment 1 has been fully incorporated into this  
16 approval to the maximum extent possible, however  
17 those recommendations have not been fully  
18 complied with. Next, the Planning Board has  
19 reviewed the project with regard to it's location  
20 and the Washington Lake watershed. The applicant  
21 designed the stormwater treatment system to treat  
22 110 percent of the water quality volume in  
23 compliance with Town of Newburgh. The stormwater  
24 plan has been designed to consider the site as a  
25 stormwater hotspot in compliance with New York

1 State DEC design regulations. A bio-retention  
2 filtering practice has been incorporated into the  
3 plan with an impervious liner and underdrain  
4 system. The soils are not conducive to the  
5 infiltration practices recommended by the  
6 Planning Department.  
7

8 Next, the applicants have evaluated the  
9 existing drainage system with regard to  
10 retrofitting the system with regard to water  
11 quality improvements. The applicants have added  
12 two proprietary hydrodynamic separator devices  
13 within the existing stormwater conveyance system  
14 to provide additional water quality benefit to  
15 the project.

16 Lastly, the stormwater facility  
17 maintenance agreement will be required to be  
18 executed for the entire site that will provide  
19 long-term operation, maintenance and monitoring  
20 of the stormwater facilities on site.

21 In terms of conditions, we'll need a  
22 sign-off letter from Pat Hines on the items in  
23 his memo of May 10th that incorporate those from  
24 the April memo as well.

25 The resolution will recite that the

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City of Newburgh flow acceptance letter has been received and this approval, your Planning Board approval, will incorporate any condition in that approval as set forth herein at length.

Pat, is there any landscaping bond that's needed?

MR. HINES: There is not.

MR. DONNELLY: It's existing?

MR. HINES: Because of the industrial nature of the site.

MR. DONNELLY: We do need a stormwater improvement security and inspection fee, an executed stormwater control facility maintenance agreement.

Our standard condition regarding lot line change which means the note has to be on the map, it may be already, that to the best available knowledge there are no buried utilities in the area of the transferred property.

You'll need to submit one reproducible mylar and one copy of the lot line change plat properly signed by the applicant and owner.

You must file your map with the Orange County Real Property Tax Service, and no deed may

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be recorded until the map is filed.

You'll need to copy the Planning Board on your letter transmitting the map to Real Property Tax Service for filing.

You shall provide the Planning Board with any return correspondence reflecting either acceptance or rejection of the plat.

You will also copy the Planning Board on your letter transmitting the deed of the conveyed property to the Orange County Clerk for recording.

After filing and recording the applicant shall provide the Planning Board with two copies of the lot line change plats, certified by the office of the Orange County Clerk, together with liber and page of the recorded deeds.

We will note that we're holding back on ARB approval until you return to the Board.

The Board's standard condition that says you can't build anything on the site that isn't shown on the approved site plan without getting amended site plan approval from the Board.

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A. DUIE PYLE MAINTENANCE BUILDING

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CHAIRMAN EWASUTYN: So then the action would be to --

MR. DONNELLY: Site plan and lot line change.

MR. HINES: And the negative dec.

CHAIRMAN EWASUTYN: The negative dec we acted on?

MR. HINES: We have not.

CHAIRMAN EWASUTYN: Okay. So I'll move for a motion to declare the first action, a negative declaration on the site plan and lot line change for A. Duie Pyle Maintenance Building.

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: Motion by Frank Galli, second by Ken Mennerich. May we please have a roll call vote?

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.



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CHAIRMAN EWASUTYN: Aye.

And now our motion for site plan approval and lot line change. We are acting on the conditions that Mike Donnelly, Planning Board Attorney, just presented to the Board. Would someone make a motion for that, please?

MR. MENNERICH: So moved.

MR. BROWNE: Second.

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

(No response.)

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Let the record show that the Board, which is seven people, all approved the site plan and lot line change.

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Thank you.

MR. UTSCHIG: Thank you very much.

CHAIRMAN EWASUTYN: Jerry, at this point in time, Pat, I assume they're going to be knocking on your door for a clearing and grading permit.

MR. HINES: They have to do all the conditions because they didn't do a separate clearing and grading permit application.

CHAIRMAN EWASUTYN: Is that understood, Chuck?

MR. UTSCHIG: Yes.

CHAIRMAN EWASUTYN: Okay. That gives you a breather when they show up tomorrow morning, Jerry.

MR. CANFIELD: I'm off tomorrow.

(Chuckling.)

CHAIRMAN EWASUTYN: We'll do ARB at a formal meeting.

MR. UTSCHIG: We can get on the agenda for your next meeting to do the ARB?

CHAIRMAN EWASUTYN: Are you telling me or asking?

MR. UTSCHIG: Asking.

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CHAIRMAN EWASUTYN: Depending upon when you get everything in.

MR. UTSCHIG: Okay. Thank you.

CHAIRMAN EWASUTYN: Michael, thank you for all of your time.

MR. DONNELLY: You were the finest Planning Board I've ever been associated with or appeared in front of. You all get it right and I'm proud to have been part of your work group.

MR. GALLI: That's because we had a good attorney.

MR. DOMINICK: Thanks for your years of service, Mike.

CHAIRMAN EWASUTYN: That being said, does someone want to make a motion to close the Planning Board meeting for the 16th of May?

MR. GALLI: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: Motion by Frank Galli, second by Stephanie DeLuca. I'll ask for a roll call vote.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

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MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 7:37 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 3rd day of June 2019.

*Michelle Conero*

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MICHELLE CONERO