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

----- X

In the Matter of

SPRINT (CROWN CASTLE USA)
(2015-11)

7 Meadow Hill Road
Section 15; Block 1; Lot 10
IB Zone

----- X

PUBLIC HEARING
PANEL ANTENNA REMOVAL/REPLACEMENT

Date: July 16, 2015
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
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: DANIEL LAUB

----- X

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

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CHAIRMAN EWASUTYN: Good evening,
ladies and gentlemen. I'd like to welcome you to
the Town of Newburgh Planning Board meeting of
July 16, 2015.

At this time we'll call the meeting to
order with a roll call vote starting with Frank
Galli.

MR. GALLI: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

CHAIRMAN EWASUTYN: The Planning Board
and the Town of Newburgh have consultants that
make recommendations to the Planning Board. At
this time they'll introduce themselves.

MR. DONNELLY: Michael Donnelly,
Planning Board Attorney.

MS. CONERO: Michelle Conero,
Stenographer.

MR. CANFIELD: Jerry Canfield, Code
Compliance Supervisor.

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

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SPRINT (CROWN CASTLE USA)

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MS. CALTA: Stacy Calta with HDR
Engineering, Wireless Consultant.

CHAIRMAN EWASUTYN: Okay. At this time
I'd like to turn the meeting over to Dave
Dominick.

MR. DOMINICK: Please stand for the
Pledge of Allegiance.

(Pledge of Allegiance.)

MR. DOMINICK: Just a reminder, please
have your cell phones on silent or vibrate.
Thank you.

CHAIRMAN EWASUTYN: The first item is
Sprint (Crown Castle) located on Meadow Hill Road
in an IB Zone. It's a public hearing for panel
antenna removal and replacement. The law firm of
Cuddy & Feder is the representative. I think
it's Daniel Laub who will be here speaking this
evening.

At this time Ken 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

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SPRINT (CROWN CASTLE USA) 4

public hearing pursuant to the Municipal Code of the Town of Newburgh Chapter 185-57 Section K and Chapter 168-16 Section A of the Town Law on the application of Crown Castle/Sprint, project 2015-11, for a site plan and special permit for the installation of three new Sprint 2.5 antennas, three new RRH units and an additional equipment cabinet within the existing compound on premises 7 Meadow Hill Road in the Town of Newburgh, designated on Town's tax map as Section 60, Block 3, Lot 35.1, in the IB Zone. Said hearing will be held on the 16th day of July 2015 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 June 19, 2015."

CHAIRMAN EWASUTYN: Thank you.

Dan, would you come forward, please.

MR. LAUB: Sure. Good evening, Mr. Chairman, Members of the Board. For the record, Daniel Laub with the firm of Cuddy & Feder on

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SPRINT (CROWN CASTLE USA)

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behalf of Crown Castle and Sprint. Crown Castle owns the actual tower and Sprint owns the facility.

I was here before you a few weeks ago for a similar facility upgrade. This is one of those occasions where I think the notice almost completely sums up what we're proposing.

This is essentially an upgrade and further enhancing wireless services. It's to enable users to use state-of-the-art digital equipment on the facility. It adds speed and capacity to the facility so that users have a better, more rich experience. The people are using more and more information and data through their phones, so that requires upgraded facilities to do so.

It's three additional antennas, three remote radio heads, or RHs, behind them on the tower. There is also additional cabling that will link down to an additional equipment cabinet at grade but it will be on the existing Sprint platform. There's really no excavation needed. Nothing outside of the existing equipment compound.

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SPRINT (CROWN CASTLE USA)

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I know your Wireless Consultant issued a memo regarding some other technical factors. Essentially this is a very minor upgrade to the existing facility.

CHAIRMAN EWASUTYN: Stacy, would you discuss with the Board and the public your memo in reference to your review?

MS. CALTA: Sure. We have reviewed the application. As Dan said, the new panel antennas, they're a comparable size to what is existing there on the tower. Sprint is the top company that's on the top of the tower.

We reviewed the radiofrequency levels and found that the exposure was calculated correctly at 2.4 percent of the general public maximum exposure limit.

The structural analysis was completed and certified using the appropriate guidelines and codes for that.

For the aesthetics, it's noted that the new antennas and cables should be color matched to the existing tower cables and antennas.

It was brought to my attention earlier that the landscaping around the bottom of the

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SPRINT (CROWN CASTLE USA)

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compound might be a little overgrown from what was originally proposed and accepted with the certificate of occupancy from the original site plan with the tower. I think we'd ask that the tower owner go back and look at, you know, doing some regular maintenance on the landscaping.

The other recommendations are that the security fencing around the ground-based equipment and the signage should be routinely maintained and inspected. Again, that the panel antennas, RH units and the cables should be color matched to the existing tower, and that all operations should be maintained in accordance with the Town's Wireless Code, including recertifications and so forth.

CHAIRMAN EWASUTYN: Thank you. At this point I'd like to open up the meeting to the public. If you have any questions or comments, please raise your hand and give your name and your address.

(No response.)

CHAIRMAN EWASUTYN: At this time there doesn't appear to be anyone in the audience here for the public hearing, so I'll turn to Pat Hines

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SPRINT (CROWN CASTLE USA)

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with McGoey, Hauser & Edsall.

MR. HINES: We have no outstanding comments on this.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: Just one comment. Should the Board choose to accept the Consultant's recommendations on the landscaping, at the work session we briefly discussed it, we were discussing returning the landscaping to it's original state. I'd offer my department, if the Board chooses to go that route, to monitor that and see to it that the landscaping is what it's supposed to be.

MR. LAUB: Is it essentially trimming back? It's overgrown?

MR. CANFIELD: It's becoming quite overgrown. Perhaps if you could give me a little scope of what you propose to do to clean it up so to speak.

MR. LAUB: Okay.

MR. CANFIELD: Then we have a guideline or a benchmark of what to look for.

CHAIRMAN EWASUTYN: Is this Board in

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SPRINT (CROWN CASTLE USA)

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agreement with that?

MR. GALLI: Yes.

MR. MENNERICH: Yes.

MR. DOMINICK: Yes.

MR. WARD: Yes.

CHAIRMAN EWASUTYN: Fine.

MR. LAUB: That's fine.

CHAIRMAN EWASUTYN: John Ward, any
questions?

MR. WARD: No.

MR. DOMINICK: No.

MR. MENNERICH: No.

CHAIRMAN EWASUTYN: Okay. If there's
no one in the audience tonight with any questions
or comments, then I'll move for a motion from the
Board to close the hearing on the Sprint (Crown
Castle) panel antenna removal and replacement.

MR. GALLI: So moved.

MR. DOMINICK: Second.

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

MR. WARD: Aye.

MR. DOMINICK: Aye.

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SPRINT (CROWN CASTLE USA)

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MR. MENNERICH: Aye.

MR. GALLI: Aye.

CHAIRMAN EWASUTYN: Myself. Motion carried.

Mike, I know we received in the last week the response from the Orange County Planning Department. I'm not certain, did we declare a negative declaration?

MR. DONNELLY: We did on June 18th.

CHAIRMAN EWASUTYN: So at this point in time can you give us conditions, Mike Donnelly, Planning Board Attorney, for approving the Sprint application?

MR. DONNELLY: It's for amended site plan approval.

Dan, when I look at the maps it says that the owner is a company known as Crown Atlantic Company, LLC, not Crown Castle. We'll include that in the heading.

MR. LAUB: It's a subsidiary that owns that particular asset.

MR. DONNELLY: As mentioned, the negative declaration was issued. The conditions are as follows: The applicant shall at all times

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SPRINT (CROWN CASTLE USA)

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maintain it's operation in accordance with the Town's Wireless Ordinance and all relevant provisions of the Town Code. The proposed antenna mounting structures and coaxial cables should be color matched to the existing tower colors. Next, the applicant shall file an annual letter as to NIER levels to show that they're within the threshold levels adopted by the FCC. Routine inspection of all the equipment. What we just spoke about, and that is a requirement that the landscaping be returned to it's original proposed condition and maintained thereafter. Finally, the standard condition that nothing may be built on the site that is not shown on the approved site plan.

CHAIRMAN EWASUTYN: Thank you.

Having heard the conditions for the amended site plan presented by Attorney Mike Donnelly, I'll make a motion for someone to move for that.

MR. MENNERICH: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich, a second by John Ward. I'll ask

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SPRINT (CROWN CASTLE USA)

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for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. Motion
carried.

MR. LAUB: Thank you very much. Have a
good evening.

(Time noted: 7:08 p.m.)

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

I, Michelle Conero, a 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.

DATED: July 31, 2015

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

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In the Matter of

HUDSON VALLEY CHRYSLER DODGE JEEP RAM
(2015-01)

200 Auto Park Place
Section 97; Block 2; Lot 11.2
IB Zone

----- X

SITE PLAN

Date: July 16, 2015
Time: 7:08 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
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: JOSEPH SARCHINO

----- X

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

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2 CHAIRMAN EWASUTYN: The second item
3 on this evening's agenda is Hudson Valley
4 Chrysler Dodge Jeep Ram. It's a site plan
5 located on Auto Park Place. It's represented
6 by John Meyer Consulting. Joe Sarchino is
7 the applicant's representative.

8 Joe.

9 MR. SARCHINO: Thank you. Good
10 evening. Nice to be before the Board again.
11 We've been busy since the time we've been here,
12 going to the ZBA for a few of the variances that
13 we needed for the project.

14 We made a recent submission which
15 addressed the remaining comments that we had from
16 Mr. Hines and Creighton, Manning's office, if the
17 Board recalls, an easement in this location,
18 which is off site, to provide access into the
19 rear portion of the building for trucks to unload
20 cars. We submitted an easement agreement that
21 has been prepared which will be fully executed
22 upon receiving approval, if and when we do, from
23 the Planning Board.

24 The other item that we submitted was
25 there's a fence encroachment slightly off the

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site right here. We had a license agreement prepared to allow that. That was also submitted to the Board.

We submitted the sewer acceptance letter from the City of Newburgh. That was one of the other comments that we had.

I'm happy to report we were successful with the Zoning Board in obtaining the variance for the front yard where there's existing cars that would remain.

The landscaping buffer there, and there was also a landscape buffer on the side. We received those two comments.

At the public hearing, which was fully advertised, no one spoke against the project. I just want to note that. We received those two variances.

CHAIRMAN EWASUTYN: At this time I'll turn to Pat Hines.

MR. HINES: As the applicant's representative said, our previous comments have been addressed. The irrevocable license for the fence and the easement for access and maintenance need Mike Donnelly's office's approval.

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There's a requirement that a landscape bond be posted for those improvements shown on the plans.

Stormwater bonding is not required as all construction activities are taking place in existing impervious areas.

The Planning Board should determine whether or not to hold a public hearing on the project or if it wants to waive that.

Then Ken Wersted's traffic comments I believe have been addressed. He's not here tonight but I don't think he has any outstanding issues.

So the public hearing, waiving or not, and the landscaping bond are the only outstanding issues.

CHAIRMAN EWASUTYN: I'll poll the Board Members if they want to hold a public hearing.

John Ward?

MR. WARD: No.

MR. DOMINICK: No.

MR. MENNERICH: No.

MR. GALLI: At the Zoning Board nobody came, so --

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

Jerry Canfield?

MR. HINES: I don't know if you did ARB yet either on this.

CHAIRMAN EWASUTYN: I don't remember. Did we do ARB on this?

MR. SARCHINO: We submitted everything. I have the architect here tonight just in case there were some questions. They made a full presentation at one of the meetings.

MR. DONNELLY: I don't think you took action.

MR. SARCHINO: I don't know if it was officially approved yet. We did make the presentation to the Board.

CHAIRMAN EWASUTYN: Let me finish with the site plan with Jerry Canfield to see if he has any comments and then we'll do the ARB presentation.

Jerry?

MR. CANFIELD: Just one comment with the landscape bond. There's an inspection fee

1 that's affiliated with that.

2 MR. DONNELLY: \$2,000 I would assume.

3 MR. CANFIELD: It would be the minimum,
4 I would assume, for this.

5 CHAIRMAN EWASUTYN: Can we do an ARB
6 presentation?

7 MR. SARCHINO: Sure.

8 MR. KOZLOWSKI: Good evening. My name
9 is Michael Kozlowski from Claris Construction in
10 Newtown, Connecticut. I'm the project architect
11 for Hudson Valley Chrysler.
12

13 As you may know, the project is an
14 existing 14,000 square foot dealership which we
15 are proposing to add a 3,000 square foot
16 addition, conventional steel, to the showroom,
17 and then around a 5,000 square foot service drop
18 off and detail area to the back part of the
19 building. Basically all we're doing is adding a
20 few more offices and giving the facility an
21 upgrade based on the recommendations from the
22 corporate Chrysler group.

23 Here you'll see on the rendering that
24 we are going to maintain the clear anodized
25 aluminum window system that's going from the

1 existing facility, extending it to the addition
2 over to the side. Above we have white alucobond
3 panels, also consistent with the Chrysler
4 corporate look. In the front is what they call a
5 millennium arch. It's the feel of art deco that
6 goes back to the Chrysler building when Chrysler
7 was started.
8

9 On the back here you see a little bit
10 of the service drop off area. It's a
11 pre-engineered metal building that is clad with
12 block that's painted white to match the rest of
13 the facility.

14 CHAIRMAN EWASUTYN: Okay. Comments
15 from Board Members. Frank Galli?

16 MR. GALLI: No additional.

17 CHAIRMAN EWASUTYN: Ken?

18 MR. MENNERICH: No questions.

19 MR. DOMINICK: A lot of automobile
20 companies are going to a standard design. You
21 know, the Jeep dealership, et cetera. Is this
22 similar to that or down the road will we have to
23 approve --

24 MR. KOZLOWSKI: No. This is the up-to-
25 date facility. They call it the image upgrade.

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This is up to date. I don't believe that it's going to happen within the next twenty years. I can't say that for sure. You know, the corporate companies, they change.

MR. DONNELLY: You might hope that they do.

MR. KOZLOWSKI: What's that?

MR. DONNELLY: You might hope they do.

MR. KOZLOWSKI: I think this ends up great. It works out for us, so --

MR. DOMINICK: Thank you.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: On your picture itself it shows it extended out in the back.

MR. KOZLOWSKI: In the back, yeah. The service drop off does extend back. I forget the exact --

MR. HINES: It's going to square off the building. Right now there's an indent in the building.

MR. WARD: That's why I'm asking.

MR. KOZLOWSKI: Pretty much we needed a little bit more room inside the building to cue up some cars as they're getting written up for

1 service. It also bumps out the service back
2 there just a little bit so people can see it as
3 they're coming by on the road. Typically a
4 Chrysler dealership, they want to have the
5 showroom up front and then probably ten feet back
6 -- set back from there they want the service, the
7 garage doors right there. On this site and the
8 way we were going to do the addition, it made
9 sense to do it over here. Since we have the main
10 frontage of road over here and then Auto Park
11 Place over here, we wanted to bump it out to make
12 it a little more prominent.

14 MR. WARD: Thank you.

15 MR. SARCHINO: I remember hearing
16 somewhere that the new image is supposed to look
17 like the Chrysler building in Manhattan.

18 MR. KOZLOWSKI: Art deco.

19 MR. SARCHINO: It's something they were
20 going after.

21 CHAIRMAN EWASUTYN: Jerry Canfield, any
22 questions or comments on the ARB?

23 MR. CANFIELD: I think we discussed it
24 earlier on but I just want to reiterate that the
25 size of the repair facility is not increasing;

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correct?

MR. KOZLOWSKI: No.

MR. CANFIELD: This would be separate,
so to speak, from the --

MR. KOZLOWSKI: Yes.

MR. CANFIELD: -- shop area?

MR. KOZLOWSKI: It is.

MR. CANFIELD: Okay. There's a 12,000
square foot separation -- a 12,000 foot plateau
for the sprinkler requirements, which would be
quite costly in this building.

MR. KOZLOWSKI: Yup.

MR. CANFIELD: That's not going to
apply.

MR. KOZLOWSKI: We're not increasing
the service department.

MR. CANFIELD: I have nothing else,
John.

One other comment while we're waiting.
Building architecturals, obviously with all this
glass are you going to upgrade the heating system
throughout?

MR. KOZLOWSKI: Yes. We're replacing
the rooftop units that are existing on the

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facility and adding the required amount for both the front addition and the rear addition. They'll all be submitted.

MR. CANFIELD: With the new rooftop units should we be talking about screening or what's there will facilitate screening requirements?

MR. KOZLOWSKI: The parapet up here comes up about three feet. Where the rooftop units are set back onto the roof you can barely see them. You can barely see them now with the conditions. With the additional parapet that's going up a little bit, you won't be able to see them.

CHAIRMAN EWASUTYN: Pat Hines, do you have any comments?

MR. HINES: No.

CHAIRMAN EWASUTYN: All right. At this point I'll move for a motion from the Board to grant ARB approval for the Hudson Valley Chrysler Dodge Jeep Ram site plan.

MR. WARD: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: I have a motion by

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John Ward, a second by Dave Dominick. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. Motion carried.

Mike Donnelly, can you give us conditions for the amended site plan for Hudson Valley Chrysler Dodge Jeep Ram?

MR. DONNELLY: The resolution is amended site plan and ARB. We'll reflect the earlier issued negative declaration. In terms of conditions, we will recite that the ZBA granted the variance on May 28th. I have been provided with the access easement and I have reviewed it. We'll include a condition that requires that it be recorded as part of the approval. Similarly, the irrevocable license agreement for the fence. While that doesn't need to be recorded, I will reflect in the resolution that it has been reviewed and approved. We'll reference the City of Newburgh flow acceptance letter. We'll have

1 the standard ARB condition which means that
2 nothing can be built that isn't consistent with
3 the renderings that were approved here tonight.
4 There's a required landscape security and
5 inspection fee. That inspection fee is in the
6 amount of \$2,000. Finally, no fixtures or
7 amenities may be built on the site that are not
8 part of the approved site plan.

9
10 CHAIRMAN EWASUTYN: Any additions or
11 comments from Jerry Canfield or Pat Hines?

12 MR. HINES: No.

13 MR. CANFIELD: Nothing.

14 CHAIRMAN EWASUTYN: Okay. Then I'll
15 move for a motion to grant site plan approval for
16 Hudson Valley Chrysler.

17 MR. WARD: So moved.

18 MR. GALLI: Second.

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

22 MR. GALLI: Aye.

23 MR. MENNERICH: Aye.

24 MR. DOMINICK: Aye.

25 MR. WARD: Aye.

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CHAIRMAN EWASUTYN: Myself. Motion
carried.

MR. SARCHINO: Thank you very much.

MR. KOZLOWSKI: Thank you.

(Time noted: 7:20 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.

DATED: July 31, 2015

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

----- X

In the Matter of

MAVIS/MIXED USE
(2015-03)

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

----- X

SITE PLAN & ARCHITECTURAL REVIEW

Date: July 16, 2015
Time: 7:20 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
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: ROBERT OSTERHOUDT

----- X

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

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CHAIRMAN EWASUTYN: The third item on this evening's agenda is the Mavis/Mixed Use site plan. It's located on Union Avenue in an IB Zone. It's being represented by Bohler Engineering.

Michael, is it you or --

MR. MANES: Pardon?

CHAIRMAN EWASUTYN: Are you giving the presentation?

MR. MANES: Rob is.

CHAIRMAN EWASUTYN: Would you introduce yourself?

MR. OSTERHOUDT: Yes. Good evening. Rob Osterhoudt with Bohler Engineering, here representing the applicant with the proposed project, Mavis, and what we have recently disclosed as the Buffalo Wild Wings restaurant at the rear of the site, and some undisclosed tenant space for retail at 1413 Union Avenue.

What we are here for this evening with the Board is to walk through the revised submission that we submitted. That includes the phased approach that we discussed at the last Planning Board meeting that we attended.

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2 Essentially what we're doing is the same layout
3 that the Board had previously seen. We've
4 identified a phasing line on our plans to show
5 that the Mavis Tire facility would be constructed
6 as part of phase 1. What you see on this exhibit
7 here, and hopefully it's visible to you from a
8 distance, we've got a red dashed line around the
9 limits of phase 1 here. So as part of phase 1
10 we're proposing to construct the Mavis, the
11 access onto Union Avenue, we're proposing to
12 close off the two existing access points at
13 either end of the site and consolidate those into
14 a single access point in the middle of the site.

15 All of the demolition of the existing
16 site, the building, pavement -- I should say the
17 buildings because there's two buildings on the
18 site, all of that, the impervious surface on the
19 site today would be removed under phase 1. The
20 plan would be to construct the Mavis facility,
21 construct the access drive to get us out to the
22 mall road here, and then everything else would be
23 seeded and -- top soiled and seeded so that
24 there's green space on the site. The site would
25 be considerably more presentable than it is

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today.

As part of the phased development we're building the stonewall along the front of the Mavis parking here that we had previously discussed, along with the landscaping.

We submitted phased utility plans, the landscaping plans, the grading plans, all of that in that recent package.

Like I said, the layout is the same that you had previously seen. No substantial changes there.

We also submitted some information to the Board relative to signage. We had discussed signage in the past. We did not have the information pulled together for signage. Since the last meeting that we attended the applicant has worked with the Buffalo Wild Wings restaurant to determine what their signage package would involve. We submitted that information. We will be applying to the Zoning Board in the near future, so we would like to discuss that with the Board tonight to get a referral to the Zoning Board.

At the last Planning Board meeting we

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did ARB for the Mavis. We talked about Mavis being phase 1 here. We have elevations that we submitted to the Board for the Buffalo Wild Wings. Now that we have some more firmed up details on that, I want to just ask the Board if that would be something that would be considered this evening, ARB for the restaurant use? Not for the retail but for the restaurant use. And then discuss the next steps.

With that, I'll open it up to any questions you might have.

CHAIRMAN EWASUTYN: So let's talk about the phasing aspect of it first and if that meets the requirements of the building department and if Pat Hines agrees. We'll start with Jerry Canfield.

MR. CANFIELD: If the Board entertains the phasing concept with what was presented tonight, it's manageable for the building department. Our biggest need is to have a start and finish point. The applicant is willing and it appears they have a handle on what they are proposing to you and what the remainder of the site will look like prior to construction of the

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other buildings. Essentially we're talking about grading and seeding, which is pretty straightforward. I'm not too sure about only doing half of the front landscaping. I don't know. That's the Board's call. They have provided definitive phasing lines which are easy for us to follow. I guess pretty much at this point that's all I can comment on.

To answer your question in short, will it be manageable for the building department. My answer to that would be yes. However, I do have other concerns that perhaps can come up later on in the discussion, and reiterate some of Pat's comments as well with what are we doing here, phasing or not?

But to answer your question in short, I think I did.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: We're going to look for a little more detail on the final stabilization. The phase 1 -- to use an example, the phase 1 grading plan I think shows grading across the whole site, although it's -- it stops on the phase lines.

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MR. OSTERHOUDT: Right. I can clarify that, too Pat, if you want right now before you move on to your next point.

MR. HINES: That's fine.

MR. OSTERHOUDT: Essentially what we've done is we've taken the grading plan for the master development, I'll call it, and we've incorporated the same phase line throughout the grading plan. So the limits of construction, if you will, for the roadway would be this line, however there's some fill material on the site. There would be grading outside of this red dashed line that you see here to tie that back into existing grades. We had some notes that we added onto the plan to identify that condition to the contractor to make sure that there were temporary grades established to tie back into existing on the edges of the phasing line.

MR. HINES: But in order to do that -- so you're not showing a plan that shows a tie back to the existing?

MR. OSTERHOUDT: That's right. We're identifying it with labels that they have to do that. We're not identifying exactly how they do

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that. That would be more of a methods and means type of approach from the contractor. We do have a notation on there that they have to, you know, provide that transition and provide positive drainage as well.

MR. HINES: That's what I was going to say. You could end up with grading a river or a lake on this site.

MR. OSTERHOUDT: Yup.

MR. HINES: So we're going to have to take a look at that further.

The Board can't take action tonight on the project because the City of Newburgh flow acceptance letter has not been received. So their hands are going to be tied with that.

Similarly, details for what those disturbed areas are going to look like. We're going to look for a detail, how much topsoil, seeding specification on the plans. Should subsequent phases not come, we have to be sure phase 1 stands alone and can remain without the other phases.

I'm still a little concerned about tying in the grading. Behind the proposed

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Buffalo Wild Wings there's significant fill that doesn't look like it grades out until it's on the opposite side of there. So I don't know where that -- how that's going to tie in or function.

MR. OSTERHOUDT: If that's a concern, Pat, we can certainly adjust the grading plan for the phased approach and identify how those grades would tie in.

MR. HINES: Or make phase 1 grading of the entire site. I don't know how that works either.

MR. CANFIELD: That's what I was going to suggest. If we could include that.

MR. OSTERHOUDT: I'll talk with our client about that. We'll look through it and see what we come up with. That might be the way to do it. I just don't want to commit to it tonight without looking at it further.

MR. HINES: It begs the question why is it a phased plan. Is there a tenant issue with the other occupancies?

MR. OSTERHOUDT: That's exactly what it was. The tenants weren't locked down yet. We wanted to move forward with the project and not

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be, you know, stymied by the lack of commitment on the tenant's part. We wanted to at least move forward with at least the Mavis portion of the project.

MR. HINES: I thought you were firmed up with the restaurant.

MR. OSTERHOUDT: It is now.

MR. HINES: I provided the applicant's representative with the comments on the stormwater pollution prevention plan for the entire site.

That's another issue with just building phase 1. This wouldn't meet the intent of the DEC stormwater regulations until the entire stormwater pollution prevention plan was implemented. You need 25 percent of the water quality volume to be treated. There is no treatment under phase 1.

MR. OSTERHOUDT: Just the phase 1. Right. That was part of our phase 2 or a different portion of the master plan.

MR. HINES: One of the main comments I had is there was the creation of this swale between the Newburgh Mall property. It looks

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like it's going to potentially discharge to the Newburgh Mall. You have that as a comment which I know you're going to address in the future. That swale along the south side seems to be more defined. And the discharge point for the stormwater pond also seemed to look like they're going to want to discharge to the adjoining property rather than to the wetland, which I think is your intent. I know you're kind of constrained by your existing property lines but we do have to make sure that drainage doesn't come off the site.

Then I did receive a plan, and I know the Board also did, regarding the movement of the retail store. Can you discuss that? Is that still in the mix? It's potentially requiring a variance. I don't know if the Board wants to address that now.

CHAIRMAN EWASUTYN: I think it would make sense to talk about the other possibilities that you're considering, that way at a later point we'll be more familiar with it and comfortable.

MR. MANES: We're negotiating with a --

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MR. CANFIELD: Can we have your name?

MR. MANES: Michael Manes with Mavis
Tire.

We're negotiating with a couple of
people. One is a professional office use, like
optometry or dentistry. The issue here with
Buffalo Wild Wings is that they're not happy with
the view corridor. It's a little claustrophobic
in here. Initially we've come pretty far down
the garden path to get site plan approval for
this, and once we do that, lock up this tenant,
or at least come closer than we currently are, go
for a variance to see if we can push this
northward, perhaps as far back as the tenant
setback line.

We were wondering if the Board would
support that?

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: That's phase 2. I mean I'd
have to see how it would all work out on the
plans. We're not looking at the phasing tonight.

MR. DONNELLY: Let me see if I can
understand what you want to do. You want to get
this site plan approved in two phases, or three,

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whatever, and then separately apply for an amended site plan that would show that building moved to another location, and with that application under review ask this Board to refer that to the Zoning Board for consideration of the setback variance?

MR. MANES: Yes. We have a time constraint. I have to get site plan approval shortly.

MR. DONNELLY: Okay.

CHAIRMAN EWASUTYN: Okay. Ken Mennerich, do you have a position one way or the other on the location of the building moving ten feet?

MR. MENNERICH: Not really. I think that's a ZBA decision.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Michael, if visibility is an issue with Buffalo Wild Wings, why not flop the two buildings?

MR. MANES: We've explored that. They use considerably more parking and I think they wouldn't have enough -- a large enough parking field in here. It would sort of choke this entry

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point. The other issue is we couldn't put anything back here. There would be no visibility to the rear of the site. So whatever GLA we had available would be worthless back there.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I had one question in reference to phase 1. With 300 you'd only landscape half of it you were saying?

MR. OSTERHOUDT: Yes.

MR. MANES: We're not doing this portion.

MR. OSTERHOUDT: Right. We're proposing to construct the access drive and the landscaping in front of the Mavis parking here. We did not include in that phasing approach the stonewall, the landscaping on the north side of the access.

MR. WARD: Here's my view of it. We've had other projects like this and they end up doing it later. I don't mean the wall. I believe you should do all of 300 landscaping because, God forbid, you don't get that site done in two years or whatever, at least the presentation of everything looks --

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MR. MANES: Good point. I tend to agree.

MR. OSTERHOUDT: That's a good point.

MR. WARD: If it was damaged you could fix it under the construction.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: First Rob, thank you for incorporating my steps to connect the properties of your neighbors there.

MR. OSTERHOUDT: You're welcome.

MR. DOMINICK: Going off what John is saying about grading and seeding, will that area of phase 2, let's call it, be maintained then, so you're going to be maintaining 20 plus thousand square feet of area every week, mow it, cut, or are we going to seed it and let it grow?

MR. MANES: We're going to cut it. I'm guessing that's what you want to hear.

MR. DOMINICK: That's what I want to hear.

MR. CANFIELD: We appreciate your honesty.

MR. DOMINICK: It took a little bit but that's what I want to hear.

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MR. GALLI: We have a couple other things that we want to hear.

CHAIRMAN EWASUTYN: Okay. Do you want to discuss ARB at this point for the restaurant building?

MR. OSTERHOUDT: That would be great.

MR. MANES: The design in terms of amassing the heights of the parapet, the materials, some of the details, the crown molding, the nature of the windows, the window openings are consistent among all three buildings.

The challenge was to, you know, maintain a certain consistency and let each tenant have it's own identity. So the moldings are the same as on Mavis as on the retail building. The vertical siding is consistent among the three properties. The EIFS colors, the brick, the pilasters, the horizontal band. I think this will be steel but on the other buildings it will be EIFS, an EIFS band. There's a base on this building, there's a base on Mavis, a base on the retail building. We have another one with all three.

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Did you bring that? It's a little small but you can see what we tried to do in terms of carrying the lines through, a similar massing, the pilasters, the horizontal bands running through.

MR. GALLI: The restaurant in the front, how high is that?

MR. MANES: This one here?

MR. OSTERHOUDT: These are consistent with all three buildings. The lower level is 22 feet and change. On the restaurant, this is 34.

MR. MANES: Buffalo has the --

MR. OSTERHOUDT: We've got 22 across Mavis, 22 on the front of Buffalo, 34 at the highest, 22 on the retail building, and then with the arched front, that gets up about another 5 feet to 27.

CHAIRMAN EWASUTYN: Comments, questions from the Board Members?

MR. MENNERICH: I would just consider architectural review for the restaurant.

CHAIRMAN EWASUTYN: The restaurant?

MR. MENNERICH: That's fine with me.

CHAIRMAN EWASUTYN: Dave?

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MR. DOMINICK: No.

CHAIRMAN EWASUTYN: John?

MR. WARD: The question I have is the one in Middletown has like an atrium extended out that you can sit out. It's enclosed but is it the same design?

MR. MANES: We haven't really gotten too far into the architectural with the tenant. I do have a covered eating area --

MR. WARD: That's what I'm asking.

MR. MANES: -- on the south side. That would be this thing here.

MR. OSTERHOUDT: On the site plan that would be this area here.

MR. MANES: Facing the mall.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: If there are no questions or comments from the Board, I'll move for a motion to grant ARB approval for the proposed restaurant.

MR. MENNERICH: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich, a second by Frank Galli. I'll ask

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for a roll call vote starting with John Ward.

MR. WARD: Aye.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

MR. GALLI: Aye.

CHAIRMAN EWASUTYN: Aye.

Okay. Jerry, you had some questions earlier in the evening you wanted to bring up. Now is a good time to do it.

MR. CANFIELD: Pat brought pretty much all of it up.

Back to the phasing as far as the site grading and all of that, we would need to see that.

I'll be honest with you John, at this point I'm a little confused as to what actually is the Board reviewing. You're looking at the whole site or still looking at the phasing? If we're looking at the phasing, I think early on we had the question as well as far as if you're looking at a phased plan, then how do you refer to the ZBA for the signage that they're looking for for the whole site?

CHAIRMAN EWASUTYN: Mike, do you have

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an answer?

MR. MANES: I do, yes. That's a good question. To clarify what we're doing -- we had initially presented a plan that showed development of the entire site as one phase. What we're trying to do at this point is to pursue site plan approval for the Mavis only so we can get that going. However, from a SEQRA perspective we would like the Board to consider SEQRA for the master plan, I'll call it, or the overall development so that we're looking at traffic, we're looking at utilities, we're looking at stormwater for the overall project. And obviously signage. We want to go to the Zoning Board, we want to get a variance once. We've been there once but we want to go back one more time for the signage and wrap that up. Our approach is to try and look at this as a master plan approach, address SEQRA from a master plan perspective, but only pursue site plan approval from the Planning Board for phase 1 at this point. Hopefully that clarifies.

MR. CANFIELD: A question to Mike. Do we need a new short form for phased?

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MR. DONNELLY: If you think there are environmental issues that are different from the phasing, it should at least be amended or corrected if not a new one.

CHAIRMAN EWASUTYN: Pat, what's your position?

MR. HINES: I believe the one that's submitted has it as a single phased project. That at a minimum should be updated.

MR. OSTERHOUDT: So that particular portion of the EAF, Pat, would be updated to identify the phasing. Is there any issue or concern from anyone relative to seeking a SEQRA determination for the master plan?

MR. HINES: That's the way you should do it.

MR. DONNELLY: I think that's a good idea. I think some of the traffic issues are unresolved.

MR. OSTERHOUDT: Right. Right. Understood.

MR. HINES: They just received the traffic report on Monday.

MR. OSTERHOUDT: I just wanted to

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clarify it.

MR. DONNELLY: I think that makes sense.

MR. HINES: As a suggestion, I'm looking at some of the phased grades here. It looks like there may be some ponding issues created. I'm wondering if you shouldn't take a look at grading the entire site based on that plan and then bring that to a stabilized grass/lawn condition.

MR. MANES: Based on our discussions tonight I'm thinking mass grading the entire site.

MR. OSTERHOUDT: For stormwater.

MR. MANES: Once we're open I don't think we want trucks rumbling by, and excavators. Just mass grade the whole site. Okay. I agree.

MR. HINES: I think that will work with your utilities and your whole phasing plan.

CHAIRMAN EWASUTYN: Jerry, are you comfortable with that?

MR. CANFIELD: Yes, provided we see an as-built when completed --

MR. MANES: Okay.

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MR. CANFIELD: -- to assure that elevations are where they are and when it comes pad time we don't run into further issues.

CHAIRMAN EWASUTYN: Okay. So they're going to grade the entire site, they're going to amend the EAF. What else do we have that's outstanding? Traffic?

MR. HINES: Traffic with DOT and Ken Wersted's office. I've provided the applicant with comments on the stormwater pollution prevention plan that need to be addressed. The City of Newburgh flow acceptance letter is a hurdle that you have to overcome. The Board can't act until that is received. I don't know what the status of that is.

MR. OSTERHOUDT: You'll have that very quickly. We submit that to you?

MR. HINES: That goes to Jim Osborne's office with a narrative report on the project based on the anticipated hydraulic loading, building square footage or the uses, which ever one proves out. Jim submits that to the City of Newburgh and that gets circulated. It can be time consuming if you don't pursue it with the

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MAVIS/MIXED USE

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City of Newburgh. Sometimes there's a disconnect between when it leaves the Town and goes to the City and when we get it back.

MR. OSTERHOUDT: Okay. But it's fine if we follow up with them?

MR. HINES: I would recommend it.

MR. OSTERHOUDT: Very good. Very good.

We do have with us this evening Paul Going from Atlantic Traffic Engineers. Paul prepared the traffic assessment for the project. We were prepared to have Paul give the Board a summary of the traffic investigation.

CHAIRMAN EWASUTYN: Why don't we wait to get a response from Ken Wersted, --

MR. OSTERHOUDT: Okay.

CHAIRMAN EWASUTYN: -- if you don't mind, and have them two put their heads together, and then we'll hear from our Traffic Consultant as far as the summary.

MR. OSTERHOUDT: Sounds good.

CHAIRMAN EWASUTYN: We're only hearing a partial side of it. We're not prepared for it.

MR. CANFIELD: John, one other question. Did we concede -- did you concede that

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you're going to landscape the whole front in phase 1?

CHAIRMAN EWASUTYN: Yes.

MR. OSTERHOUDT: Yes.

CHAIRMAN EWASUTYN: John Ward raised the question and they agreed. That's that.

MR. CANFIELD: Okay.

CHAIRMAN EWASUTYN: Anything else?

MR. OSTERHOUDT: The referral to the Zoning Board for signage.

CHAIRMAN EWASUTYN: Why don't you give a presentation of what you're looking for, Mike Donnelly will make note of that, and then we'll refer it on to the ZBA. I know you outlined that in your submission letter, but for the record.

MR. GALLI: John, I have a question on that. You're going back to the Zoning Board for signage and then you're going to go back to the Zoning Board again to move the building?

MR. OSTERHOUDT: We don't know how that's going to work out with the retail building at this point. That's something that's in negotiation with the tenant. We want to talk about it tonight in case it comes up. We didn't

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want there to be a surprise or have anybody looking at us later saying how come this wasn't brought up if you knew about it. We don't know if it's going to pan out but we at least wanted to discuss it with the Board.

As far as the signage goes, our submission included a summary. We'll kind of walk you through a quick summary on the signage that we're looking at.

Actually, I'm going to start with the site plan here and talk about the free-standing sign. We've got a free-standing sign out front. That sign is 48 -- a little under 49 square feet per side. It identifies the three facilities. This is the elevation view of the tenant sign or of the pylon sign. We're talking about a 15 foot height. The upper position on the sign would be for Buffalo Wild Wings. That's a little shy of 4 feet and a little bit wider than 5. Mavis would be 2 foot 8 inches high and 4 feet wide, and the tenant sign matches the Mavis sign.

So we had looked at this and we thought about putting another free-standing sign at the back of the site, at the mall road, because of

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the access from the mall road. I know code only allows one free-standing sign. We talked that over with the client and decided to only pursue the single free-standing sign as part of the application even though we do have that access point back here that's an egress. We felt it would be asking for a bit much if we tried to include another free-standing sign. So the only free-standing sign is up by Route 300.

As far as the signage on the buildings is concerned, I'll flip to --

MR. DONNELLY: Is there any variance required for the free-standing sign?

MR. OSTERHOUDT: No. I believe we're compliant with the free-standing sign.

MR. GALLI: What's the overall height of it?

MR. OSTERHOUDT: 15 feet.

MR. GALLI: The total sign is 15 feet high?

MR. OSTERHOUDT: Right. 15 to the top of Buffalo Wild Wings.

As far as the building signage, we've broken it down by use. The Buffalo Wild Wings

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has a total of six signs, one, two, three, four, five and six, for a total of 283, almost, square feet. The Mavis building has the three signs. So we've got the same sign on each of three sides of the Mavis building. Those are at 70 square feet each for a total of 210 square feet.

Then on the retail there's two signs proposed on the retail space. We've got one on the south elevation and we've got one on the east elevation. That would total 180 square feet.

So overall the signage package includes almost 771 square feet of signage. Allowable signage for the site, because we have a very narrow yet deep site, we've got roughly 286 lineal feet of frontage along 300 and then we've got the 50 feet of frontage along the mall road. That equates to roughly 168 square feet of allowable signage. It's fairly limited given the geometry of the site.

So the relief we're asking for from the Zoning Board is fairly substantial but it's similar to the application that was previously before the Board for this project -- site. Not for this project but for this project site. We

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understand we need a variance from the Zoning Board for that. We would respectfully request that the Board consider granting us a referral to the Zoning Board this evening so we could pursue that.

CHAIRMAN EWASUTYN: Mike, do you want to give us a presentation on that?

MR. DONNELLY: Sure. You have a letter, John, that you gave to me from the applicant dated July 13th. It outlines the sign variances that are required in terms of area. What I will do on behalf of the Board is attach this to my letter and simply put the total sought and the total allowed but the break down would be in the letter. With your direction I will send that letter to the Zoning Board.

You will still, of course as before, need to apply directly to the Zoning Board but they would have a letter from this Board.

We still have the issue of SEQRA, but they could, as they did before, handle it on an uncoordinated basis.

CHAIRMAN EWASUTYN: Is the Board in agreement?

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MR. GALLI: Are there any interior signs?

MR. OSTERHOUDT: Window signs?

MR. GALLI: Road signs.

MR. OSTERHOUDT: There will be some directional signage, yes.

That's exempt I believe, Jerry?

MR. CANFIELD: No. The signage ordinance does have square footages allowable for directional signs, but you should include them.

MR. OSTERHOUDT: Okay.

MR. CANFIELD: It's a good point, Frank. I'm sure the Zoning Board will pick up on that and question you on that.

MR. MANES: So that will come out of --

MR. CANFIELD: The total.

MR. MANES: It will be additional?

MR. WARD: Like one way, do not enter.

MR. HINES: Those don't count.

MR. WARD: I'm teasing.

MR. HINES: If they're a certain size then they don't count. If you read the ordinance you'll see. I think it's 2 square feet or directional signs don't count.

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MR. GALLI: That's all.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Nothing.

MR. DOMINICK: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: I'll move for a motion then that Mike Donnelly prepare a letter to the ZBA for the necessary signage variance, and that's based upon the submission letter received from Bohler Engineering. What's the date on that letter?

MR. DONNELLY: July 13th.

CHAIRMAN EWASUTYN: July 13, 2015.

MR. DOMINICK: So moved.

MR. WARD: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

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Okay, gentlemen.

MR. DONNELLY: John, do I have this letter in my packet or can I hang on to it?

CHAIRMAN EWASUTYN: You can hang on to it.

MR. OSTERHOUDT: So I guess before we wrap up, if I could just steal another couple minutes of your time and talk about next steps. It sounds like we need to address some comments and as far as the venue to do that.

Pat, does it make sense to maybe come in for the consultant workshop meeting to go through some of that stuff, discuss the grading? We can bring in the grading for the phasing plan, maybe go through that?

MR. HINES: We can do that. Ken Wersted may be available at that time to have traffic comments, if any.

CHAIRMAN EWASUTYN: What's the date on that now?

MR. HINES: It will be Tuesday.

MR. OSTERHOUDT: The 26th is it?

CHAIRMAN EWASUTYN: I seem to remember the 27th.

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MAVIS/MIXED USE

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MR. DONNELLY: The 28th of July.

MR. HINES: The 28th.

CHAIRMAN EWASUTYN: Okay. Mike, are you available?

MR. DONNELLY: I'm not but I'm sure they can do it without me.

CHAIRMAN EWASUTYN: Then we'll move for a motion to set this up for a consultant work session for the 28th of July.

MR. MENNERICH: So moved.

MR. GALLI: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

MR. HINES: That will be at 1:00 --

MR. OSTERHOUDT: 1:00.

MR. HINES: -- here.

MR. OSTERHOUDT: Very good. Thank you.

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MAVIS/MIXED USE

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I think that covers it.

MR. MANES: That's it.

MR. OSTERHOUDT: Thank you for your
time.

(Time noted: 7:55 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.

DATED: July 31, 2015

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

----- X
In the Matter of

DLE HOLDINGS, LLC
(2015-13)

5310 Route 9W
Section 23; Block 1; Lot 1
B Zone

----- X

SITE PLAN

Date: July 16, 2015
Time: 7:55 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JOHN FULLER

----- X

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

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CHAIRMAN EWASUTYN: The fourth item of business this evening is DLE Holdings, LLC. It's a site plan located on Route 9W in the B Zone. It's being represented by John Fuller.

MR. FULLER: Good evening to the Board. Again my name is John Fuller, I'm a civil engineer representing the application before you this evening.

With me tonight from Quality Bus is Mike Martucci, one of the owners of Quality Bus. He's here tonight to answer any questions that you might have.

Since we were last here approximately a month ago we took a lot of the feedback that we were given as well as comments from the Consultants to make changes to the plans. I'd like to take a moment to just introduce the changes that we've made for you this evening.

The premises. Previously it was an existing bus service that was there. It was George M. Carroll. Quality Bus bought the building and the facility there and will continue to service the Marlboro School District out of that location.

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The existing site, as the Board probably knows in driving by it, there's an existing 2,400 square foot building there. That's what we call a pre-engineered building. That will be in a fully fenced in area which is entirely a parking area.

There were a number of comments from Mr. Hines which we addressed from the last meeting, as well as the Board. I'd like to just introduce what we've changed.

One comment was the proposal that the site be entirely paved. I spoke with the applicant about that and they are willing to do that, pave the entire site. Although Mr. Hines does have a comment on his most recent review tonight that maybe the Board might consider something as a compromise to that. The applicant is in agreement to pave the entire site.

Also they would look to do an entire new fenced-in area around it because of the condition of the existing fence as being somewhat dilapidated.

In the process of doing that, in contacting Central Hudson, because we are aware

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from the history that there is a gas main that runs right along the front of the property, actually just inside the right-of-way of 9W, Central Hudson came back to us and actually requested that the applicant move the fence entirely into the property, which will help benefit the application relative to landscaping. Historically the fence line was on the property line, slightly off into the right-of-way a little bit, by a foot or so here at this end. They have now requested that the fence line be entirely within the property. The applicant is proposing it be ten feet into the property, which would afford us the opportunity to enhance the landscaping, which was a major comment from the Board Members last month.

So what we propose to do, as we've indicated on the most recent submission, is to do landscaping across the front of the fence line as well as across this area which was not reflected in these plans but will be in a future submission. So there will be entirely landscape bed areas along the front of 9W, which will be a mix of trees as well as shrubbery which we've

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indicated in a planting schedule on the drawings.

Those were the major comments which we had discussed with you last month at your meeting.

We've also included, in our recent submission, ARB forms with some photographs of what their current facility looks like in Goshen which we would look to mirror as far as the type of materials that will be proposed here. Again, it's a pre-engineered building. We've provided architectural renderings of what the building would look like. Again, most of the facade and the roof line is a metal composition. In our application we've indicated the theme that they used in the past at the other facility, and it's in the application materials I've given you, is a tan building with accent green trim, what we call a Galvalume roofing material, which is kind of a silver material. Due to the pitches of the roof, most of the roofing would not be seen from the right-of-ways.

Also, we've selectively indicated window locations to make the building more appealing and look more -- other than just a

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square box, which is what it currently looks like. Obviously the building is in somewhat rough condition.

One other change. We had indicated previously an addition off the side and an addition off the front. Based on the comments, specifically in regards to Mr. Hines' comment about the location of the septic and the need to possibly move the septic, we've decided that based on the square footage that they need to pick up in order to continue the operation and to enhance it, we would look to do just a 10 by 60 addition across the front of the building instead of coming out towards McCall Place. In doing so, we think not only it will enhance the building's look a little bit but it also will solve some of our issues relative to other engineering things, such as the septic location, which at present we understand is fully functioning and has no history of failure or anything of that nature.

So with that introduction, I'll turn it back over to the Chairman.

CHAIRMAN EWASUTYN: Thank you. Frank Galli, any questions or comments?

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MR. GALLI: I rode by the site today. You said you're proposing fencing. It looks like there's a new fence up.

MR. FULLER: I think part of the issue, and Mike can speak to it, they're in a time constraint to get ready for the new school year. Clearly the condition of the fence was --

MR. GALLI: The site was cleaned up. It looked pretty decent. A lot of work to do but it looked a lot better than it did the last time we were here.

On the building itself, are you still entertaining to raise that building, the old building?

MR. FULLER: Correct. Again, the original building is a steel building that's actually in fairly good condition, the foundation and slab as well. So in order to get fully functioning lifts inside the building to service the buses, we're looking to propose a four-foot raise in elevation of the existing building where the garages are -- where the buses are pulled into the garage. So that's what we would be looking to do, yes.

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MR. GALLI: That's fine. That's all I had.

MR. MENNERICH: I think the applicant has done a very good job with addressing the questions the Board had and should be commended for that.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: John, a much better presentation. Thanks for taking our things into consideration.

We discussed at workshop that paving the entire facility might be a little too excessive. Maybe just where the buses park on that upper north quadrant I believe, that might be acceptable.

MR. FULLER: Yeah. I think we -- a gravel base parking area would be appropriate. Actually, if you've -- you're welcome to visit the Goshen facility. It's a similar situation where all the employee parking in the area in and around the building is currently paved but the whole back half of the site is actually gravel. That was for similar reasons, for stormwater concerns, on that particular project.

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MR. DOMINICK: Proper drainage and so forth whereas all asphalt might cause more problems than good.

Pat?

MR. HINES: I included that as a comment. I know we talked last time about paving it. I have a concern about maybe creating some additional runoff by paving the entire site. The site does drain back towards -- in kind of a northeast direction towards where the buses are staged. I don't have a problem if the publicly accessible and passenger type vehicle areas are paved and then the stacked storage parking areas are left in a gravel condition. It's up to the Board, though.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I have no more comments. The blacktopping I was pushing, when it comes to stormwater and everything else. Pat pointed out something that school buses are required to be maintained over a period of time for --

MR. HINES: I know your concern was about fluids leaking from the vehicles. I really don't see that as an issue. I think their fleets

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are maintained in an adequate condition. It's not a fact where they have buses that are twenty, thirty years old. It just doesn't happen.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Jerry, do you have any questions or comments?

MR. CANFIELD: Just one comment with respect to that drainage issue. McCall Place and that drainage course that's to the east of the property historically has been a problem. I think to contribute to that wouldn't be a good suggestion. I think Pat's concern is very valid. Over the years there's been a historic flooding issue in that area on McCall Place. Generally it's because of the maintenance, which is not this property's problem but it's the maintenance of that drainage swale. It gets backed up and trees get caught up in there. Anything that would contribute to that I think would be troublesome for everyone.

CHAIRMAN EWASUTYN: So the discharge that you're concerned about, would that come from this site or do you want to minimize the discharge from this site into that streambed?

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MR. HINES: It's an existing condition in that area. Although paving of the publicly accessible areas is certainly something the Board requires, I think if we can minimize it in that area of the storage of the buses it will help alleviate that concern. It will also help it return back to sheet flow as it hits that gravel.

CHAIRMAN EWASUTYN: John, does your design reflect minimizing the impact on that streambed?

MR. HINES: It would have to be changed.

MR. FULLER: We're open to that. Again, originally we were looking to do minimal paving.

CHAIRMAN EWASUTYN: I think at our last meeting we discussed paving the employee parking, and that was the example we left off on. It wasn't the entire site.

MR. FULLER: I think the applicant would be happy to do that as far as doing what needs to be paved for the public access and employee access, and the actual bus parking areas can be gravel.

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CHAIRMAN EWASUTYN: So do you want to summarize where we are doing this evening? We can't act on the site plan, as you know, because we haven't gotten it back. Did you try calling the County?

MR. FULLER: I did. I did not get a response in the last two days.

CHAIRMAN EWASUTYN: We'll put it up under Board Business for the meeting -- I think it's the 6th of August is our next meeting. Whatever that Thursday is. By that time the thirty-day time period will be over.

MR. DONNELLY: It is the 6th.

CHAIRMAN EWASUTYN: It is the 6th, Michael. Yeah.

If you could revise your plans --

MR. FULLER: Yup.

CHAIRMAN EWASUTYN: -- based upon the comments tonight, get them to Pat Hines and we'll wait for Pat to come back.

Pat, he'll revise his plans based upon the comments tonight. He'll forward them on to you.

MR. HINES: Yes.

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CHAIRMAN EWASUTYN: We'll set this for Board Business for the meeting of August 6th.

MR. HINES: It hasn't gone to the County yet. It has to go to the County.

CHAIRMAN EWASUTYN: We did send it to the County.

MR. HINES: We haven't heard back.

CHAIRMAN EWASUTYN: That's why we can't make a decision. That's how we left off. As a matter of fact, we had the extra set that evening I believe. Correct?

MR. FULLER: Yes. We took care of that.

CHAIRMAN EWASUTYN: All right?

MR. HINES: Yes.

CHAIRMAN EWASUTYN: Okay.

MR. MARTUCCI: Thank you.

MR. FULLER: Very good.

CHAIRMAN EWASUTYN: Do we want to do ARB on the building?

MR. FULLER: It's here. I would like to do that.

In our ARB form -- again, you're welcome to visit the Goshen facility.

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DLE HOLDINGS, LLC

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What's the name?

CHAIRMAN EWASUTYN: Do you have a bus that will pick us up?

MR. MARTUCCI: We have lots of those.

MR. FULLER: What's the name of the road?

MR. MARTUCCI: Cannon Hill Drive.

MR. FULLER: Cannon Hill Drive is actually one of the newest installations. I represented them for the Town of Goshen application.

In your ARB form, again as I've indicated, it's a steel building construction. The existing building, including the addition, would be entirely skin with new metal. The metal is colored tan. I brought with me, if it's your pleasure you can pass it around, this is a color chart from Essex steel which is large steel company in New York which the applicant has used their products in the past. We again would use the primary skin which would be exposed to the public on McCall and 9W would be of a tan color, and then the trim, the accent trim, would be a green.

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MR. GALLI: That tan?

MR. FULLER: Yes. The accent trim would be green. Again, we've included -- attached to the ARB form are a couple photographs of the current facility in Goshen, which actually the building looks very good when they're done. The paints that come with these metal products have a twenty-five year paint warrantee, so they have a no fade. Obviously keeping them clean and preventing buses from driving into them is critical as far as damage is concerned.

They would and they will propose putting a sign on the front of the building.

The windows, which I have included, again we put the -- selectively placed them so the building would have some more of an appeal as being an actual building, not so much a metal building that's a square box that, you know, everybody drives by.

With the sloping roof with the addition coming out and the shed format, we think the building will have somewhat of a nice appeal.

The windows. Right now we're proposing just vinyl windows. Even the existing ones will

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be fully replaced. They'll be like a white vinyl.

A green awning over top of the main entry door where the employees go into and out of the facility.

I think that's about it. I don't know if there's any other questions with regard to what we're proposing as far as the look of this.

CHAIRMAN EWASUTYN: Do the Board Members have any questions?

MR. DOMINICK: Any interior modifications or upgrades?

MR. FULLER: I mean other than the fact there will be an addition on the inside. The fact that we're going to have the benefit of re-skinning the building, new insulation will be installed as well as new HVAC equipment for energy code compliance. So that will all be addressed as part of this.

MR. MARTUCCI: We're also proposing some energy efficient lighting inside the building. The lighting in the building is very antiquated. And a new heater system as well. The heating system that is there is thirty years

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old.

MR. FULLER: In effect it will be a new building to a large extent.

MR. GALLI: Signage, is that the only sign? No exterior sign? The sign on the building says Quality Bus Service?

MR. FULLER: Correct. There will be no other sign. Obviously the nature of their business is pretty much them and their customers and the employees. There will be a sign on the building to identify it.

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

MR. CANFIELD: Nothing.

MR. HINES: Nothing.

CHAIRMAN EWASUTYN: I'll move for a motion to grant ARB approval to the DLE Holdings located on Route 9W.

MR. GALLI: So moved.

MR. DOMINICK: Second.

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

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MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So
carried.

We'll move for a motion to set this up
for Board Business for final site plan approval
for the 6th of August.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself.

Thank you.

MR. FULLER: Very good. Thank you.

(Time noted: 8:13 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.

DATED: July 31, 2015

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

----- X
In the Matter of

TARSIO FAMILY SUBDIVISION
(2015-08)

283 Fostertown Road
Section 39; Block 1; Lot 21.1
R-2 Zone

----- X

FIVE-LOT SUBDIVISION

Date: July 16, 2015
Time: 8:13 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
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: KENNETH LYTLE

----- X

MICHELLE L. CONERO
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CHAIRMAN EWASUTYN: The fifth item of business this evening is the Tarsio Family Subdivision. It's a five-lot subdivision located on Fostertown Road in an R-2 Zone. It's being represented by Zen Design. Ken Lytle is here to discuss it.

MR. LYTLE: Good evening. As the Chairman mentioned, we're here for a five-lot subdivision located on Fostertown Road and Wells Road.

Since our last meeting we went to the ZBA. We attended the ZBA meeting and received the required zoning variances for the existing barn located in the front of the larger parcel to remain with the existing house.

Pat has actually given us some comments. One of the comments was again just to confirm that we are in the sewer district. We did get that confirmation finally yesterday. I'll send a copy over to Pat.

We're here tonight hopefully to schedule a public hearing.

MR. HINES: As the applicant said, they have the variances they required.

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We need the sewer flow acceptance letter for lots 2 and 3.

Common driveway access and maintenance agreements are required for lots 2 and 3. They're sharing the entrance drive.

Just a confirmation that the project is in the sewer district.

MR. LYTLE: I just received that yesterday.

MR. HINES: Submit that.

Orange County Public Works approval for the driveways to Fostertown Road are required.

The Board did at work session discuss whether lot 5 could be serviced by the existing driveway, I don't know if you want to comment on that, to reduce the number of driveways there.

MR. LYTLE: I can address that. We had talked to the County and he actually had okayed and looked at and verified three separate driveways would be better for him. The final plan that he signs off on says it will be okay to have three separate driveways.

MR. HINES: We need the County details added to the plans with the County notes.

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It requires a public hearing.

We would recommend a neg dec. We reviewed the septic systems that are proposed on the two lots that are serviced by the Town sewer system and I have no issue with a negative dec being issued and a public hearing scheduled.

CHAIRMAN EWASUTYN: Any comments from Board Members as far as the five-lot subdivision for the lands of Tarsio?

MR. GALLI: I have none.

MR. MENNERICH: No questions.

MR. DOMINICK: No questions.

MR. WARD: It was brought up at the workshop about the driveway going down, a common driveway.

MR. LYTLE: Again, we had originally talked about that with the County. When I was meeting with the County gentleman in the field he recommended to do individual driveways because common driveways are sometimes a hassle down the road. So it's presented as three separate driveways. The County will give us a sign off on that.

CHAIRMAN EWASUTYN: Jerry Canfield, any

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questions or comments?

MR. CANFIELD: Nothing. I think at one point, one other submission, we had asked to show the actual setbacks.

MR. LYTLE: Okay.

MR. CANFIELD: You show it complies 40 plus.

And lot 4, the front yard setback on a County road is 60 feet.

MR. LYTLE: Okay.

CHAIRMAN EWASUTYN: I'll move for a motion to declare a negative declaration and set the 20th of August for a public hearing for the Tarsio Family five-lot subdivision.

MR. GALLI: So moved.

MR. WARD: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself.

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Motion carried.

MR. LYTLE: Thank you.

(Time noted: 8:17 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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STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH PLANNING BOARD

----- X
In the Matter of

MOZO PROPERTIES, LLC
(2015-17)

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

----- X

SITE PLAN

Date: July 16, 2015
Time: 8:17 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
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: STEVEN DRABICK

----- X

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CHAIRMAN EWASUTYN: The sixth item of business this evening is Mozo Properties. It's an initial appearance for a site plan. It's located on North Plank Road in a B Zone. It's being represented by Steven Drabick.

MR. DRABICK: Good evening. My name is Steve Drabick, I'm a licensed land surveyor and I'm here this evening representing the applicants, Mozo Properties, LLC. They're basically a landscaping company.

When the applicant had purchased the property he looked to further develop it, to expand and use it for his landscaping company with the idea of minimally impacting the site as it exists currently. When he bought the parcel there was an existing single-family house and an existing framed garage on site, as well as a small gravel area in the front lower left-hand corner. He proceeded to clear, or re-clear the area immediately behind the house, which at some point at a previous time had been cleared, and laid down a shale surface to be utilized for a staging area for parking of his landscaping equipment, albeit without going through the

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necessary permit process to do it.

The site plan I'm bringing in here is basically for an initial presentation to get feedback so that we can bring the use of the site into compliance with what he'd like to do with it.

In discussing it with him, he had decided that he would further like to expand the business which would entail an additional clearing of the other half of the property, 137,000 square feet, which this area would be used to stage the landscaping equipment that he uses on a daily basis in his business as well as provide an area where he would make available similar type of landscaping equipment for rental by the general public.

The area previously cleared on the site would be occupied with concrete bins to contain various landscaping materials, mulch, decorative rock, that sort of thing, gravel, for both use by him during his regular business and also being available to the general public to buy.

CHAIRMAN EWASUTYN: Thank you.

Questions from Board Members. Frank

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Galli?

MR. GALLI: The existing house and the garage is still there?

MR. DRABICK: Yes, that's correct.

MR. GALLI: The house is going to be used as a house and the garage as a garage?

MR. DRABICK: The house is going to continue to be used as a caretaker residence. He's looking to have an employee in that house so that there is somebody there to watch the site with the equipment and the garage. The garage will remain there. We were looking at possibly utilizing a small portion of the rear of the garage for an office area, a 10 by 20 foot area, which would basically just be an area for a counter, register and recordkeeping.

MR. GALLI: You said he re-cleared the area behind the house. It was cleared before?

MR. DRABICK: The area immediately behind the existing house.

MR. GALLI: It was cleared once before and it all grew back?

MR. DRABICK: It was well grown over.

MR. GALLI: Big trees and all grew back

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that quick?

MR. DRABICK: Mostly the smaller stuff.

MR. GALLI: That's all I had.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I'll defer until Pat talks about his comment sheet.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: No questions.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I'll wait until Pat is done.

CHAIRMAN EWASUTYN: At this point we'll turn the meeting over to Pat Hines with McGoey, Hauser & Edsall.

MR. HINES: There are two zoning issues on the site. Number one, the existing framed garage that's going to be converted with an office, as a framed garage it met zoning. When it becomes the office it becomes I believe the principal permitted use on the site with the dwelling, then it becomes accessory to that use. So that doesn't meet the side yard setbacks for that use.

And then the front yard setback along the State highway is 60 feet, not the 40 feet

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shown in the bulk table. That also loses it's protection by bringing it before the Board now as a commercial site plan. So those two issues will need variances.

Structures to be removed require demolition permits and notes regarding the need for demolition permits.

Similar to the bus garage we just talked about, the Planning Board requires sites such as this to be paved and curbed. A gravel parking lot on commercial sites just isn't something that is entertained by the Board. If it's going to operate as a commercial site, it needs to function as a commercial site.

Compliance with the Town of Newburgh design guidelines needs to be addressed regarding parking in the front yard setback. Currently there's proposed customer parking right up to the front yard. Not the front yard setback but the front yard itself. The design guidelines require parking not be in the front yard setback.

Site lighting and landscaping is required by the design guidelines.

Water service to the parcel should be

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depicted.

Water and sewer service to the proposed office needs to be displayed. I see there's a septic system for the existing house. There doesn't look to be any system to support the office use.

Compliance with the Town and DEC stormwater management needs to be documented. The cumulative impacts and grading on the site certainly are greater than the one-acre requirement, so compliance with those Town and DEC standards will need to be depicted.

The Town is a regulated MS4 community and has a permit which requires them to enforce those regulations.

The Planning Board had discussed at the work session what a proposed landscaping tool and rental area is. They're not real clear on what that is and how that use fits in the zone. Maybe some additional narrative detail of what that use is and how much equipment, the types of equipment could be included in the future submissions.

The quantity of landscaping materials on the site should be identified. These sites

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2 tend to grow as the businesses grow. I see you
3 have storage bins but there's nothing proposed
4 outside the bins. Notes pertaining to either no
5 storage outside the bins or a quantity of
6 material and where it's going to be stored.

7 DOT approval for the access drive.
8 Currently the access drive does not meet DOT
9 requirements, and this Board will need to submit
10 to the DOT. They'll be requiring a commercial
11 access drive to the site.

12 Orange County Planning review would be
13 required after the more detailed plans are
14 developed.

15 Steve, I have a copy of all that if
16 you're furiously writing down.

17 MR. DRABICK: I have those comments.

18 CHAIRMAN EWASUTYN: Jerry Canfield?

19 MR. CANFIELD: I think Pat pretty much
20 covered it. I don't have anything additional.

21 CHAIRMAN EWASUTYN: Steve, what we
22 would do at this point would be to refer you to
23 the Zoning Board of Appeals for the necessary
24 variances that the Planning Board discussed.

25 The other question I raise is based

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upon your frontage, which you may require a variance which you could seek now or at a later date for signage?

MR. DRABICK: I believe -- I believe the proposed signage we would use would be complying with what we've got with road frontage. We wouldn't be looking to go any larger than that. I think under that ordinance --

MR. CANFIELD: It's about 90 feet.

CHAIRMAN EWASUTYN: How many feet?

MR. CANFIELD: 90 feet. He's got 187. Half of that.

MR. DRABICK: So we wouldn't go any larger with that.

With regard to pavement, I would just like the Board's feedback. I think the applicant is willing to pave the initial customer area but we're not looking to pave the areas behind this that would be utilized by the landscaping equipment, both the rental and the storage, and obviously the area that's going to be used with the landscaping materials. Understandably, the proposed parking area that we show in the front which would be utilized by customers and also the

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residents of the house we would have paved.

CHAIRMAN EWASUTYN: Steve, can we address that at a later date when you define your site plan to indicate more of what you mean by landscape tool rental and your amount of bulk storage?

MR. DRABICK: Right.

CHAIRMAN EWASUTYN: I think we're not really certain as to what we're going to see sited there.

MR. HINES: Does the landscape material support his business or a customer is going to come in with dump trucks and pick up, too?

MR. DRABICK: We're looking for both scenarios.

MR. HINES: That's going to need to be addressed.

CHAIRMAN EWASUTYN: Parking for people who come in and also the bulk storage and use.

MR. HINES: Right now the connection by the gate looks like it's only about 10 feet wide. I'm just guessing but --

CHAIRMAN EWASUTYN: Interior circulation could be a concern on the site,

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trailers coming in or tri-axles or --

MR. DONNELLY: Jerry, the limitations and buffering requirements on outdoor storage of materials apply at this site?

MR. CANFIELD: Yes.

MR. DONNELLY: You'll need to look at those. There's some requirements for that.

CHAIRMAN EWASUTYN: Thank you, Michael.

MR. CANFIELD: Isn't it your proposal, Steve, that the Planning Board look at the existing vegetation as what they're looking for buffering? Are you looking to put in additional plantings for buffering?

MR. DRABICK: With regard to the buffer zones?

MR. CANFIELD: Correct.

MR. DRABICK: With regard to the buffer zones, we're looking just to maintain what's there now as existing.

MR. CANFIELD: I believe that's at the Board's discretion should they choose to accept what's there.

MR. HINES: Normally what the Board has done for applicants that do that, the Hudson

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Valley Dodge dealership was here earlier, they provided some documentation of the type and density of the vegetation there. Being this is a B Zone up against an R-2 Zone.

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

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Michael, can you give us a presentation on the two variances? One I believe is a front yard variance for a one-story framed dwelling.

MR. DONNELLY: Did we decide they were definitely needed?

MR. CANFIELD: Yes.

MR. DONNELLY: Front yard for the existing framed dwelling --

MR. HINES: And it's going to be side yard for the office.

MR. CANFIELD: Front yard for the house and side yard for the office.

MR. DONNELLY: Okay. With your permission I'll send that letter.

CHAIRMAN EWASUTYN: I'll move for a motion for Mike Donnelly to prepare a letter for

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the two variances necessary for Mozo Properties
to the ZBA.

MR. WARD: So moved.

CHAIRMAN EWASUTYN: I have a motion by
John Ward.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself.

(Time noted: 8:30 p.m.)

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

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DATED: July 31, 2015

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

----- X

In the Matter of

DOMINGUES/HICKORY HILL ROAD SUBDIVISION
(2011-17)

Request for a Ninety-Day Extension of
Conditional Final Approval

----- X

BOARD BUSINESS

Date: July 16, 2015
Time: 8:30 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
DAVID DOMINICK
JOHN A. WARD

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

----- X

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CHAIRMAN EWASUTYN: We have two items of Board Business this evening.

We received a letter from Charles Brown. At this time he's requesting a ninety-day extension for the Domingues - Hickory Hill Road subdivision.

MR. GALLI: So moved.

CHAIRMAN EWASUTYN: It's a ninety-day extension.

I have a motion by Frank Galli.

MR. WARD: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

(Time noted: 8:31 p.m.)

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

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DATED: July 31, 2015

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

----- X

In the Matter of

56 NORTH PLANK ROAD - FIDANZA
(2011-24)

Field Changes to Site Plan

----- X

BOARD BUSINESS

Date: July 16, 2015
Time: 8:31 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
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: ANTHONY COPPOLA

----- X

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CHAIRMAN EWASUTYN: All right. We have before us tonight AJ Coppola.

AJ, you're going to be discussing with us two items, one being the 56 North Plank Road - Fidanza site plan, project number 2011-24. There's been some changes and a retaining wall.

MR. COPPOLA: Yes. Thank you, Mr. Chairman.

Before I start I want to make mention of one thing. I want to thank the Board. I was on the agenda last month, the first meeting in June, for the small site plan change for the Comfort Inn conversion to the Starwood project. We had a small site plan change. I actually missed the meeting. I was traveling from New York City. I found out the next day that the Board approved the site plan change. I just wanted to thank the Board for doing that even though I missed the meeting. I know a lot of other planning boards that wouldn't have done that. I wanted to just appreciate you for doing that for me.

So that being said, for Fidanza this site plan is under construction on North Plank

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Road. It was approved by the Board in 2012, August of 2012. It's for a relatively small retail building, one-story retail building of 4,410 square feet. The building is up.

Two changes that we're asking for tonight. There was an error in the topo in the surveying. Basically that's causing the retaining wall that was on the original site plan to be increased in size and increased in height. So that retaining wall is coming closer to Route 32 and extending further back in the back. It is being higher than what was originally detailed. So those details for the revised retaining wall and the block design for that retaining wall have been done by Mark Day Engineering. That's the first change.

The second change is we'd like to make a very small addition to the footprint of 8 feet wide by 3 feet deep, basically a mechanical room closet in the rear corner of the building. We're just going to use that for the sprinkler system and the backflow preventer, that kind of mechanical equipment that goes along with that, instead of taking out a space of -- one of the

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interior retail spaces. So we'd like permission to do that.

I checked the parking. The 24 square feet doesn't impact the parking at all. It's an increase to the retaining wall and the footprint addition for the mechanical room closet in the rear of the building.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance, questions or comments?

MR. CANFIELD: I have no outstanding issues. Like Anthony had said, there were site issues that required this retaining wall to be expanded. With that, it did require for this Board to see it as an amendment or a field change. I think it's more along the lines of an amendment, especially with the increased footprint.

I have nothing else outstanding, though.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: The change in the wall would require the submission of a building permit to Jerry's office, which is what landed us back here.

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The Mark Day plans contain the updated topo now; correct?

MR. COPPOLA: I don't think it does. I can get that to you. That topo I don't think is updated. The wall detail is updated.

MR. HINES: The wall was transposed.

MR. COPPOLA: Right. We can get you an updated.

MR. HINES: They're going to need that; right?

MR. CANFIELD: Yes.

MR. COPPOLA: And a separate building permit application.

MR. CANFIELD: Yes. For this wall.

MR. HINES: For the wall.

MR. COPPOLA: Sure.

MR. CANFIELD: And stamped drawings from -- I guess Day is going to do the wall.

MR. COPPOLA: Mm'hm'.

CHAIRMAN EWASUTYN: So then we're approving the retaining wall and the addition to the building under the amended site plan?

MR. WARD: We were mentioning about the wall being so high and possibly a fence.

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MR. HINES: During work session we discussed the fact that the wall is approximately ten feet high in some locations, at least based on the sections that Mark Day provided.

MR. COPPOLA: We did not resubmit our landscaping plan. It's the original plan from 2011 or 2012. There's a significant amount of landscaping back there and along the northeast side of the property, this side here.

MR. GALLI: I think they're talking about on top of the wall.

MR. COPPOLA: Oh, I'm sorry.

MR. HINES: A vehicle concern and that pedestrians don't walk off this wall.

MR. COPPOLA: Oh, that's sensible.

MR. HINES: Anything higher than four feet, really much higher than the three feet they were showing, should have a protection for both.

MR. COPPOLA: Okay.

MR. WARD: For safety.

MR. COPPOLA: Yup. We will add that.

MR. WARD: Thank you.

MR. HINES: The other suggestion -- I mean we just said amended site plan. Amended

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56 NORTH PLANK ROAD - FIDANZA

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site plan would require resubmission to the County. I don't know if you want to handle this as a field change.

CHAIRMAN EWASUTYN: A field change.

MR. HINES: Approve it subject to Jerry's office.

MR. CANFIELD: I have no problem with that either.

MR. COPPOLA: We'll just resubmit all that in our building permit.

CHAIRMAN EWASUTYN: We should have plans that reflect the guardrail on top. We should have something that submits the bump out on the building.

MR. HINES: We should get the topo, too.

MR. COPPOLA: I got that. Agreed. We can do that.

CHAIRMAN EWASUTYN: Mike, if I remember something recently that came up where I think it was AJ's office looking for the Comfort Inn and you reminded his office that for field changes we don't do resolutions.

MR. DONNELLY: Generally we have not

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when Jerry brought them to the attention of the Board. If they're complicated enough where you feel it's necessary to have one, I can draw a resolution for a field change.

CHAIRMAN EWASUTYN: Jerry?

MR. CANFIELD: I'm okay with that.

MR. DONNELLY: Do you want a resolution or you don't need one?

MR. CANFIELD: No. I think just we have minutes on it. It's documented what the presentation will be and what the Board requested and it's going to be complied with.

CHAIRMAN EWASUTYN: I remember calling later on looking for the Comfort Inn for the resolution.

MR. COPPOLA: Okay. So there was no resolution. Okay. That's fine.

(Time noted: 8:38 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.

DATED: July 31, 2015

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

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In the Matter of

DISCUSSION BY ANTHONY COPPOLA

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BOARD BUSINESS

Date: July 16, 2015
Time: 8:38 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
DAVID DOMINICK
JOHN A. WARD

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

----- X

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

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CHAIRMAN EWASUTYN: Let's take an opportunity. You have one other item?

MR. COPPOLA: I do have one other item that will take five minutes of the Board's time. I have my client Dolores right here. I'm looking for direction. We've been referred to the Planning Board for this project which is basically a two-family house.

Just to go over the quick history. The quick history is this existing house was approved as an accessory apartment I believe several years ago. Dolores' mom lives here and Dolores and her family live on the left side which is currently -- basically each of these is a one-and-a-half story house, left and right.

So I had spoken to Joe about this before we started the project. I kind of thought we were going to end up -- I knew it was going to be an expansion of an existing accessory apartment. I thought we'd end up back at the Zoning Board. Joe basically checked the zoning ordinance. We have actually been referred to the Planning Board for this use -- for this proposed use. It's actually an allowable use.

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So I personally never -- I'm used to doing -- being involved with commercial site plans. I understand what the Board obviously wants for that. I'm looking for direction on this type of project for a two-family house which is -- you know, it's residential in nature. It's in a residential area. This is on North Dix Avenue, so it's -- I think it's all residential in that area. What the Board would expect of me, I mean just in a general sense, and my applicant to move forward with this.

CHAIRMAN EWASUTYN: Pat, do you want to respond to that for a site plan for a two-family?

MR. HINES: A site plan for two-family requires showing that the sanitary sewer disposal system is adequately sized for that, that there is sufficient parking for the two units. It will need -- four parking spaces have to be depicted on the plans.

MR. COPPOLA: Okay. We are municipal water and sewer, and I don't think either of them would need to be upsized.

MR. HINES: That should be sufficient.

MR. COPPOLA: Yeah. So that's kind of

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taken care of.

MR. HINES: You have to prove out the parking. It would require a public hearing by the Board for the two-family residence. It is a special use site plan or special use --

MR. CANFIELD: It's not a special use. It's a site plan, though.

MR. COPPOLA: Okay. Pat, do you normally look for topo on something like this? We don't have topo now.

MR. HINES: If it's all existing condition and there's no construction proposed, I think the Board could waive it.

MR. COPPOLA: All right.

MR. CANFIELD: I believe it may be a good candidate because the construction is the second story. There's no additional grading.

MR. COPPOLA: That's a good point. Thank you, Jerry. There's no expansion of the footprint. It's just the second story here.

Dolores, your driveway, I can't remember if it's paved or not paved.

DOLORES: It is paved.

MR. COPPOLA: So we would have to

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demonstrate --

DOLORES: There's one parking spot that has like a gravel or shale that I use to park sometimes as well.

MR. COPPOLA: Okay. So demonstrate the parking but not really -- nothing in terms of a normal site plan, landscaping, site lighting.

MR. HINES: There's not a requirement for that. A bulk table that shows the two-family requirements.

MR. COPPOLA: We'll show that.

MR. HINES: And then the Planning Board has the architectural review approval under 185-59.

MR. COPPOLA: We're going to do that anyway. We'll show all that.

MR. GALLI: The fees involved.

CHAIRMAN EWASUTYN: It's a \$1,500 site plan, \$150 public hearing fee and a \$2,000 escrow fee.

MR. COPPOLA: Okay.

CHAIRMAN EWASUTYN: The balance of the escrow will be released within thirty days after approval.

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MR. COPPOLA: Okay. All right. I'm clear.

Dolores, any other questions?

DOLORES: I don't think so.

MR. COPPOLA: Thank you for that direction.

CHAIRMAN EWASUTYN: Thank you.

I'll move for a motion to close the Planning Board meeting of July 16th.

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli, a second by Ken Mennerich. Roll call vote starting with John Ward.

MR. WARD: Aye.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

MR. GALLI: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 8:42 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.

DATED: July 31, 2015