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

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In the Matter of

BJ'S WHOLESALE CLUB - NEWBURGH
(2019-07)

Route 17K & Auto Park Place
Section 97; Block 2; Lots 44, 45 & 46.2
IB Zone

----- X

SHOPPING CENTER/MIXED USE
SITE PLAN

Date: September 5, 2019
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: ROBERT J. DICKOVER, ESQ.
SHAWN ARNOTT
KAREN ARENT
GERALD CANFIELD
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: JOHN CAPPELLO

----- X

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

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CHAIRMAN EWASUTYN: We'd like to welcome everyone here this evening to the Town of Newburgh Planning Board meeting of the 5th of September. We have four items on the agenda.

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

MR. GALLI: Present.

MS. DeLUCA: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. BROWNE: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

MR. DICKOVER: Rob Dickover, Counsel to the Planning Board, present.

MS. CONERO: Michelle Conero, Stenographer.

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

MR. ARNOTT: Shawn Arnott, McGoey, Hauser & Edsall, the Board's Consulting Engineers.

MS. ARENT: Karen Arent, Landscape Architectural Consultant.

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MR. WERSTED: Ken Wersted, Creighton,
Manning Engineering, Traffic Consultant.

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

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

(Pledge of Allegiance.)

MR. DOMINICK: Please remain standing
for a moment of silence in honor of Senator
William J. Larkin.

(Moment of silence.)

MR. DOMINICK: Thank you. Silence your
cell phones as well, please.

CHAIRMAN EWASUTYN: Our first item of
business this evening is BJ's Wholesale Club -
Newburgh. It's a shopping center and a mixed use
site plan located on New York State Route 17K and
Auto Park Place, it's in an IB Zone and it's
being represented by Maser Consulting.

MR. CAPPELLO: Good evening. I'm not
with Maser Consulting. I'm John Cappello from
Jacobowitz & Gubits. I'm here as a pinch hitter
for Larry Wolinsky who is on vacation. I have
with me Justin Dates from Maser Consulting; Peter

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Russillo, the Traffic Engineer from Maser Consulting; Adrian Goddard, the project sponsor; and Mr. Barton.

I know our consultants have met with the Planning Board's consultants to iron out the details of the project. We're here to respond to any remaining questions the Board may have. If you want us to present what we've done, we will leave it up to you. We hope we're at the end of the process now. We respectfully request if the Board can consider adopting a negative declaration under SEQRA for this project and also a conditional approval. There are a few items that we will need to address as conditions, including the final DOT approval for the access. I believe we've analyzed both alternatives, with a light and without. We also responded to the comments from your consultants. If there's any clarification or questions, I would be happy to try to answer. If they're hard ones, I'll give it to the consultants, the guys who know the answers.

CHAIRMAN EWASUTYN: Thank you, John.

At this time we'll turn to Shawn Arnott

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who is working on behalf of Pat Hines. He's part of the firm that we employ. That's McGoey, Hauser & Edsall.

MR. ARNOTT: Since the last time DOT has provided their feedback on the traffic light -- the proposed traffic light for 17K which Mr. Wersted can discuss a little later. I think we'd like to see their feedback before proceeding forward, and the other things that I have on my list for tonight.

County Planning, the referral was sent but that timeframe has lapsed as I understand and we have not received any comments.

The Planning Board has made a request that Auto Park Place be milled and repaved since a significant amount of traffic has been proposed to use that roadway. Maybe that should be a topic of discussion tonight.

A negative declaration draft version has been provided to the Board for discussion tonight.

Lead agency has lapsed so the Board should declare it's intent to serve as lead agency for SEQRA should they choose to.

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CHAIRMAN EWASUTYN: Ken Wersted, will you speak with us as far as traffic and the DOT?

MR. WERSTED: Certainly. The applicant met with DOT and submitted materials. We received a letter back from the Department of Transportation on July 30, 2019 indicating a couple of comments, namely "We're not inclined to allow another signal to go in between the existing signals at Unity Place and Target Plaza," and they had asked the applicant to prepare an analysis of the project with a right in/right out as the main site driveway onto Route 17K. Subsequent to that Maser Consulting had provided a technical memo dated August 29, 2019 in which they had analyzed a very similar driveway configuration. They did include a left turn in because the geometry out on 17K there is sufficient to be able to provide that. Reviewing that material indicated that approximately 40 to 70 trips would be diverted from the main driveway as left turns going westbound on 17K over to the Unity Place driveway and from Unity Place onto 17K. That would result in very minor changes to the intersection of Unity Place and 17K and not

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cause any substantial changes in level of service for the operations of those intersections. Based on that we think that the SEQRA portion of the traffic has been satisfied. There still is the question of the site plan relevant to what changes might occur at the main site driveway onto 17K and whether a left turn is allowed out by DOT or not. With that we think we can proceed forward with that portion of SEQRA, and then subject to the Board's direction either look at the site plan that they have in front of us or consider an alternative based on DOT's comments. I haven't talked to them directly but I believe they would come back, based on these results, and suggest that the alternative being that left turn out be restricted onto 17K would be their preferred plan. The site plan doesn't currently reflect that but it doesn't seem to be a substantial change to make that happen and reflect it on the site plan.

CHAIRMAN EWASUTYN: Peter, I'm sorry, I may not pronounce your last name correctly. Would you like to speak on what Ken Wersted just spoke about?

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MR. RUSSILLO: Russillo is the way it's pronounced.

CHAIRMAN EWASUTYN: Thank you.

MR. RUSSILLO: We were asked to do that. The State said look at that. They said they were not inclined to. They didn't say they wouldn't accept it. We feel with the park and ride across the street, that there's probably a likelihood for pedestrian crossing. If we put a signal in we would propose putting pedestrian indications in as well. I think there's a rationale for having a signal. Besides that it doesn't meet warrants. I think we can discuss with the State the effective interconnecting signals from the Target up through 300. In fact, the State, as Ken mentioned, in the letter they gave mentioned there are other intersections also that are -- would have to be interconnected as well. You wouldn't just look at this as an isolated location, you would have to look at the system itself. We of course would do that if the signal were permitted. We do think the rationale with the park and ride, and the crosswalk, and the sidewalks that are going to be put in front

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of the site really lends itself to signalization.

CHAIRMAN EWASUTYN: Do any of the Board Members have a question for Ken Wersted or for Peter?

MR. WARD: I go in the park and ride every day. People go out to go left, eastbound, and they're sitting there for at least five minutes to ten minutes. You don't realize how much traffic is there. I can't imagine coming out of there, making a left to go westbound from BJ's. That's my input. Numbers show you one thing but reality, seeing it and being there --

MR. RUSSILLO: Our suggestion is a signal. That is our position, that a signal is warranted there. The State always seems to attempt to have -- they don't want to have to maintain it. If it isn't there it doesn't have to be maintained. The fact that there's a public use across the street, it is State property across the street, we feel that we can make a convincing argument that it should be installed. If for some reason they say no, we've demonstrated that it works anyway even if you were to eliminate the left turn.

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MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Ken Wersted?

MR. WERSTED: The topic of the signal came up during work session. Would this be a permit signal or --

MR. RUSSILLO: That's hard to say. It probably would. A permit signal would be the applicant would be responsible for the maintenance. That is effectively writing a check to the State every year. It's about \$1,300 a year. That ensures that the signal is maintained properly, if a bulb goes out or a detector fails. The decision whether it's a PS, a permit signal, or State signal would be based upon who is the higher generator. It's likely that BJ's would be the higher generator even though the other side of the street is a public way. That goes for if there was a signal at a public road and then a shopping center came in or an office came in opposite that was a higher generator it would be a PS. I think it would be a PS signal, permit signal.

MR. WERSTED: Thank you.

MR. BROWNE: Part of your submission to

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the State for the light is the fact that you would also include the other lights and then you or whoever would be responsible to maintain that?

MR. RUSSILLO: No. We would only be responsible for the PS signal. The State would be responsible for their signals. We would incorporate ours into --

MR. BROWNE: The timing and all that?

MR. RUSSILLO: The State would maintain the timing. The State is the one that programs the controller. The applicant pays for the controller. It's programmed at the State shop and it's delivered to the contractor for insertion into the cabinet.

MR. BROWNE: Thank you.

CHAIRMAN EWASUTYN: Karen Arent, Landscape Architect.

MS. ARENT: We discussed at work session the ornamental trees being only an inch-and-a-half to two inches. We also discussed the lack of shrubbery in the islands. The way the Zoning Code is written, there's really nothing that says you have to put shrubbery in.

CHAIRMAN EWASUTYN: Karen, can you

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 speak a little bit louder?

 MS. ARENT: We discussed at work session the smaller ornamental trees being placed and the fact that they're going to be most likely branched low and there's not a lot of room to move underneath them or anything. I didn't find any requirement to make them two, two-and-a-half.

 We also discussed the lack of shrubs in the islands. We were just wondering if there's anything that you could possibly do to try to make the islands a little distinctive from the ground or the pavement around it. Again, there's no requirement to provide shrubs in the landscaped islands.

 All the other comments we discussed over the phone, Justin and I.

 CHAIRMAN EWASUTYN: Any questions or comments from the Board?

 MR. DOMINICK: Justin, can you discuss a little further what Karen was just saying, your position and what you plan to do?

 MR. DATES: The islands themselves, I just want to point out for the most part there are shrubs and perennials or -- I'm sorry. I'll

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start over again. There are shrubs and perennials, or shrubs and ornamental trees, or shade trees within the majority of the islands on the site. We have islands that run along the east side of BJ's here. These all have a shrub or perennial planting. On this side, the previous rendition of the plan we did not have any trees in those islands. That was a comment from the Board. We did add some flowering ornamental trees to these islands. We also added some shade trees to the islands where they are directly adjacent to the east side of the bank here. That's where we picked up more ornamental or shade trees in the islands.

The couple of spots I think that Karen is referring to is over in this area, which is kind of tucked behind the bank and in front of the fueling area here. There are some gaps within the islands. Again, they're not completely barren of shrubs. There's massings or clusters of them as you step across the island areas there.

Again, we looked to the islands all along Auto Park Place and we did beef that up a

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little bit more with shrubs on this new plan.

As we talked in the past, the main frontage along 17K with the display pads, which we provided the rendering to show kind of what those would look like, you know, we have a good massing of different shrubs and perennials along those to kind of really dress up the frontage there.

MR. DOMINICK: With what Karen is talking about, increasing the caliber size to two-and-a-half, can you do that for us?

Karen, do you want to specify where that would be?

MS. ARENT: Just the ornamental trees, increase in caliber from one-and-a-half inch to two. The One-and-a-half to two inch and two to two-and-a-half inch? They'll be branched higher. You can purchase them like that. McDonald's just put in a whole bunch of trees, Eastern Red Buds that are branched. They're two, two-and-a-half. Actually, some of them are two-and-a-half to three. You can purchase those.

MR. GALLI: Where do you want those, Karen?

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MS. ARENT: They're the ones along the bank and along the drive.

MR. DATES: In these islands here are some of those ornamentals. We have a couple in here on the islands and a couple up here.

MR. GALLI: So they're all on the west side?

MR. DATES: That's correct. No. They're kind of spread out on the site. Those are the ornamentals. We have Hawthorns, we have Japanese Lilacs, we have River Birch.

MS. ARENT: The River Birch you can't really specify. It's better to just leave them clumped. They're not in the parking areas. The ones in the parking areas are more important so when people are getting in and out of the cars they aren't poking themselves in the eyes with the branches.

MR. DATES: There would be about thirteen trees.

MR. GODDARD: Going from one-and-a-half to two, two to two-and-a-half, that's okay. We can do that.

MR. DATES: We'll change those to

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increase the size.

MR. DOMINICK: Thank you.

CHAIRMAN EWASUTYN: Any additional
comments from the Board Members?

MR. WARD: Yes. I see you have the car
displays. We didn't get that picture in our --

MR. GALLI: We did. It's in our
packet.

MR. WARD: I didn't see it.

MR. DATES: Do you want that copy?

MR. WARD: Yes, please. My question is
what is the bar that's above that?

MR. DATES: That's a light pole.
They'll each have a light to accent the vehicle.
From a security point they'll have cameras on
them.

CHAIRMAN EWASUTYN: That's a twelve-
foot light post?

MR. DATES: That's correct.

CHAIRMAN EWASUTYN: Each one of those
ten along 17K will have one?

MR. DATES: That's correct.

CHAIRMAN EWASUTYN: The two along Auto
Park Place will have them; correct?

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MR. DATES: That's correct.

CHAIRMAN EWASUTYN: My only question is to Ron Barton. Are you here this evening, Ron?

MR. BARTON: Yes.

CHAIRMAN EWASUTYN: Ron, these light posts, they'll be lit up throughout the night? Is there a frequency of them being on or off?

MR. BARTON: They'll be LED. They'll be on during the dark hours, not only to highlight the car but also for security.

MR. BROWNE: Do you have cameras on there as well?

MR. BARTON: Yes.

MR. BROWNE: I was concerned in some other presentations there might be some degree of vandalism out there. I was kind of concerned from that perspective as far as how long you may want to maintain having cars placed out there. If you have vandalism you may end up taking the cars away and not doing it. It sounds like you addressed it pretty good.

MR. BARTON: Thank you.

MR. WARD: My note, you've come a long way. It looks great.

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MR. BARTON: Thank you.

CHAIRMAN EWASUTYN: Ken?

MR. MENNERICH: Did you get any feedback from Transit Orange about the light, in support of the light on 17K?

MR. GODDARD: Transit Orange, I --

MR. GALLI: For people to pull in the site or --

MR. DATES: The traffic light?

MR. GALLI: Transit Orange is the bus.

MR. DATES: I wasn't sure if you were talking about the traffic light or the site lighting.

MR. MENNERICH: I was talking about whether Transit Orange came in and gave any feedback on your proposal to put a light there, a traffic light.

MR. RUSSILLO: No. We never heard anything.

CHAIRMAN EWASUTYN: Any additional questions?

(No response.)

CHAIRMAN EWASUTYN: I think we'll start out -- we're undecided as far as reviewing the

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site plan. We may need another meeting. Pat Hines, who isn't here this evening, suggested that we give it a little bit more time for the DOT. He wasn't prepared to, and I think no differently than Mr. Dickover, to list what the conditions of approval might be in a final resolution.

At this point in time, from what I'm hearing Shawn say, I think it's appropriate for the Board to declare ourselves lead agency. Can I have a motion for that?

MR. MENNERICH: So moved.

MR. DOMINICK: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

At this point in time I'm going to ask

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2 Ken Wersted to read the negative declaration into
3 the record before we act on it.

4 MR. WERSTED: This negative declaration
5 is for the Town of Newburgh Planning Board for
6 the BJ's Wholesale Club Shopping Center/Mixed
7 Use. Determination: Please take notice that in
8 accordance with the provisions of NYCRR Part
9 617.7, the Town of Newburgh Planning Board as
10 lead agency, having considered the criteria for
11 determining significance set forth in Part
12 617.79(c) and having reviewed and evaluated an
13 environmental assessment form, plans, SWPPP,
14 traffic reports, architectural renderings and
15 other supplemental information, has determined
16 that the action as cited and described below will
17 not have an adverse impact on the environment,
18 and the Planning Board has therefore adopted a
19 resolution to this effect. The lead agency being
20 the Town of Newburgh Planning Board. The contact
21 person is Mr. John Ewasutyn, Chairman. As for
22 SEQRA, this is an Unlisted action with a
23 coordinated review. The location is Route 17K
24 adjacent to Unity Place and Auto Park Drive. The
25 tax map parcel is Section 97; Block 12; Lots

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2 27.32, 44, 45 and 46.2. The Town project number
3 is 2019-07.

4 The project description, background and
5 reasons for supporting this negative declaration
6 are as follows: The proposed project involves
7 the addition of an 89,225 square foot BJ's
8 Wholesale building on the proposed shopping
9 center use. Existing uses on other parcels
10 include an auto dealership and a bank. The
11 project includes display of vehicles in
12 association with the auto dealership along Route
13 17K and the intersection of Unity Place and Auto
14 Park Drive. The project involves a lot
15 consolidation of two of the existing lots
16 comprising the BJ's portion of the shopping
17 center. The BJ's portion of the shopping center
18 will include three loading docks, a trash
19 compactor, a vehicle fueling facility for six
20 pumps, a manned kiosk and a propane storage and
21 dispensing facility. The BJ's use will also
22 include a tire shop for vehicle services and
23 repairs associated with the wholesale warehouse
24 use.

25 The mixed use project is located on an

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2 approximate 15 acre parcel of property. The
3 project is located in the Town's Interchange
4 Business Zoning District. The wholesale
5 warehouse will add 374 parking spaces. New
6 stormwater management facilities will be
7 constructed to provide water quantity and quality
8 control. The site is served by existing water
9 and sewer services which will extend as laterals
10 into the site. The site proposes a new traffic
11 light at the access point of 17K across from the
12 existing Shortline Bus terminal. The traffic
13 light and other improvements will require review
14 and approval by New York State Department of
15 Transportation. A pedestrian sidewalk has been
16 proposed parallel to Route 17K. The proposed
17 construction will create an approximate 8 acres
18 of additional impervious surface.

19 The impact on land. The application
20 proposes to develop approximately a 90,000 square
21 foot wholesale facility with a shopping center
22 use. Combined total parcel size is about 15
23 acres. The project proposes approximately 8
24 acres of impervious surface within the site.
25 Soil erosion and sediment control plans as well

1 as a stormwater pollution prevention plan have
2 been developed for the site in compliance with
3 New York State DEC and Town of Newburgh
4 requirements. Landscaping plans have been
5 developed to identify revegetation of areas that
6 are disturbed and are not proposed to be covered
7 with impervious buildings or parking lots. The
8 site has taken advantage of the use of an
9 underground stormwater treatment system in
10 conjunction with conventional treatment ponds to
11 reduce the amount of grading required for
12 stormwater pollution prevention. Native plant
13 materials are identified to the greatest extent
14 practical in order to provide a mix of indigenous
15 species on the site. Erosion and sediment
16 control plans have been developed which will
17 implement best management practices. The new
18 stormwater management facilities have been
19 incorporated into the previously approved
20 business park/auto park development.

22 The impact on water. The existing site
23 is served by the Town of Newburgh's municipal
24 water system. Potable and fire protection water
25 will be provided by the Town's municipal system.

1 The project site is also served by the Town's
2 sanitary sewer collection system. The Town of
3 Newburgh's sanitary sewer collection system is a
4 separate sanitary sewer system with no combined
5 sewage and drainage pipes. The project has
6 developed a stormwater pollution prevention plan
7 in order to provide for both water quantity and
8 water quality control. Existing drainage from
9 the site is collected in a stormwater detention
10 pond and conveyed via a closed pipe drainage
11 system from the parcel. The newly proposed
12 drainage system recreates the existing drainage
13 pattern and provides for both water quantity and
14 quality treatment control through the
15 implementation of engineered best stormwater
16 management practices. Portions of the site are
17 considered a stormwater hotspot by the New York
18 State DEC guidelines due to the location of the
19 vehicle fueling facility on the site. Areas
20 upgradient of the vehicle fueling facility have
21 been provided with a proprietary filter practice
22 which will serve to mitigate potential petroleum
23 discharge from the site's stormwater collection
24 system. The Town of Newburgh will require a
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1 stormwater facilities maintenance agreement be
2 provided for all lots involved in the shopping
3 center/mixed use project. This maintenance
4 agreement requires annual inspection review and
5 maintenance of the stormwater system.
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7 The impact on traffic. The applicant
8 proposes to install a traffic control signal at
9 the site access that is proposed to be
10 constructed at New York State Route 17K opposite
11 the access to the park and ride facility.
12 Additionally, the applicant proposes re-striping
13 of westbound Route 17K to provide a separate
14 left-turn lane for westbound entering traffic on
15 a portion of the proposed two-way left-turn lane
16 that exists today. With such in place the
17 proposed intersection will operate at a level of
18 service A for each of the weekday a.m., p.m. and
19 Saturday peak hours.

20 The proposed signal installation is
21 subject to NYSDOT approval. The applicant's
22 representatives have identified numerous reasons
23 to allow such an installation, i.e. intersection
24 safety and efficiency, and particularly
25 considering the location of the park and ride

1 facility across from the proposed development
2 and the reasons identified to provide the traffic
3 control signal. The approval and installation of
4 the traffic control signal are in the
5 jurisdiction of NYSDOT. NYSDOT will determine
6 based on a review of the traffic studies,
7 supporting documentation, accident history and
8 traffic volume analysis whether the facility
9 meets State warrants and/or otherwise is required
10 to be permitted at the site. The applicant has
11 provided an alternative analysis assuming traffic
12 signaling is not permitted but rather the project
13 driveway access movements will be limited to
14 right in/right out and left in only at the main
15 Route 17K access point. The left-turn exiting
16 movements would be restricted and redirected to
17 the proposed site access on Unity Place and then
18 onto Route 17K. Supplemental analysis provided
19 has demonstrated that a shift in the left-turn
20 traffic from the proposed 17K driveway will not
21 have any significant adverse impact on the
22 adjacent signalized intersection operations and
23 will continue to function at acceptable levels of
24 service.
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2 The impact on wildlife, threatened or
3 endangered species. A review of the EAF
4 submitted identifies potential habitat for
5 threatened bat species. An evaluation of the
6 site identifies that no wooded vegetation exists
7 on the project site. The lack of wooded
8 vegetation negates impacts to habitat associated
9 with the threatened bat species. No other
10 threatened or endangered species or their habitat
11 have been identified on the project site.

12 Relative to the impact on historic
13 resources. The proposed project will have no
14 impact on cultural or archeological resources.
15 No cultural or archeological resources have been
16 identified on the site. The site has been
17 significantly altered by human activities in the
18 past, extensive regrading and filling operation.

19 Relative to impact on energy, noise,
20 odor and public health. With the exception of
21 noise during construction, there will be no
22 impact on any of the above-identified issues.
23 Due to the location of the project in the
24 Interchange Business Zone, no sensitive receptors
25 have been identified for noise and odor.

1 Existing traffic levels generate noise above that
2 which will be experienced by any equipment
3 proposed on the site. Construction of the
4 project will be limited to those hours permitted
5 by the Newburgh Town Code. No odor producing
6 equipment has been identified and no sensitive
7 receptors for noise and odor have been identified
8 within the project area. The proposed building
9 will comply with the New York State Energy Code
10 requirements.
11

12 Relative to impact on aesthetic and
13 community resources. The Planning Board has
14 reviewed the plan in regard to aesthetic and
15 community resources. The Planning Board has
16 reviewed the project with regard to compliance
17 with the Town's design guidelines. Keeping with
18 the Town's guidelines, a sidewalk is proposed
19 along Route 17K. Landscaping of the parking lot
20 has been provided in accordance with the Town
21 Code. Architectural review by the Town's
22 Planning Board has been undertaken during the
23 Planning Board review process. The Planning
24 Board has found that the project is acceptable
25 and in harmony with the surrounding structures.

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The date of the action is today,
September 5th.

The other involved agencies with this
action would be the Town of Newburgh Planning
Board, New York State Department of
Transportation, and also the City of Newburgh.
Interested agencies being the Orange County
Department of Planning.

CHAIRMAN EWASUTYN: Thank you, Ken.

Any questions or comments from Planning
Board Members?

MR. GALLI: Are we going to look at the
architectural review tonight?

CHAIRMAN EWASUTYN: Let's first
conclude if we are declaring a negative
declaration before we move on to other items.

No further questions or comments?
Shawn?

MR. ARNOTT: The only other item that
maybe wasn't discussed was Auto Park Drive.

CHAIRMAN EWASUTYN: Let's act on the
SEQRA determination and then we'll revisit Auto
Park Drive.

Rob Dickover, any questions or comments

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at this point?

MR. DICKOVER: No. Not on that.

CHAIRMAN EWASUTYN: Okay. Jerry
Canfield?

MR. CANFIELD: Nothing regarding the
negative dec or anything.

One item we did speak about during work
session was the signage package. The Town of
Newburgh's signage law requires shopping centers
to have a comprehensive signage plan package to
be reviewed and approved by the Planning Board.
What we have that was submitted is specific to
just BJ's. There are some issues there that need
to be addressed, a level of detail. The package
reveals that you intend to utilize a message
board. Our new sign ordinance also addresses
message boards as a special use permit that needs
to be addressed at this level. Before I can make
a recommendation to the Board on it we need some
level of detail on that message board, and then
the Board has the option of whether they will or
will not require a public hearing because it's a
special use permit. I can speak with Justin, or
whoever is involved in that signage package, as

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far as what additional details we're looking for.
Thank you.

CHAIRMAN EWASUTYN: Thank you. Having heard from Ken Wersted reading the negative declaration for BJ's Wholesale Club shopping center/mixed use, project number 2019-07, requesting comments from others, Consultants and Planning Board Members, at this time would someone make a motion to adopt the negative declaration as written?

MR. GALLI: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second, I believe -- was that John Ward?

MR. WARD: Yes.

CHAIRMAN EWASUTYN: Second by John Ward. Any discussion of the motion?

(No response.)

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

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MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

There are two items of discussion now.

One, are you prepared for an ARB?

MR. DATES: I'm sorry?

CHAIRMAN EWASUTYN: Do you have renderings for ARB approval?

MR. DATES: We had provided them to the Board.

CHAIRMAN EWASUTYN: Do you have them to put up?

MR. DATES: I do not have them on the board.

CHAIRMAN EWASUTYN: Frank, I think we should have them displayed.

That would be part of what's outstanding as far as the site plan.

MR. DATES: Okay.

CHAIRMAN EWASUTYN: Adrian, do you want to talk about who is responsible for the maintenance of BJ's Wholesale Club and is there an interest in milling and paving Auto Park Place

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where it comes out onto Unity Place, milling and paving that up to 17K? Is there an interest in doing that?

MR. GODDARD: We're obligated to provide first-rate access to BJ's as part of our lease with them. Probably the construction will cause some damage to that road. When we turn it over to BJ's it will be pristine. I don't think there's any major defects in it at the moment but it will be taking more traffic. We are obligated to maintain it in a first-class manner.

CHAIRMAN EWASUTYN: Ron Barton, I think currently you originally put in this private road --

MR. BARTON: Back in 1985.

CHAIRMAN EWASUTYN: Okay. So it's safe to say that the road was constructed in 1985. How many years back is that?

MR. GODDARD: Thirty plus.

CHAIRMAN EWASUTYN: Excuse me?

MR. GODDARD: Thirty plus.

CHAIRMAN EWASUTYN: I think as an industry standard it probably is ready for milling and a wearing course of an inch-

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and-a-half, something that's thirty plus years of age.

MR. BARTON: The base on this, John, is significant. It was repaved in 2001. When Watchtower completed Unity Place back to 2007 we also had that road refinished. At some point a topping I would think might be necessary. I don't think it's necessary now.

CHAIRMAN EWASUTYN: When do you think it might be necessary? I guess the question, Ronnie, is with all this you have a site that's becoming -- will become an active site. There will be vehicular traffic going in all directions. Do you want to do it while you have the opportunity to do it or do you want to shutdown the road when it's an active shopping center?

MR. BARTON: The only question I would have is the milling.

CHAIRMAN EWASUTYN: Milling is a standard operation. Milling of a road and putting an inch-and-a-half of binder, it's a standard operation.

Shawn, do you want to speak on that?

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MR. ARNOTT: I think you covered it.
It's done every day.

MR. BARTON: What are you milling?
Just the top inch-and-a-half off?

MR. ARNOTT: I think that's what you're
suggesting. Just a wearing course.

CHAIRMAN EWASUTYN: The top inch-
and-a-half and you put down a wearing course on
that, that way it binds and holds in place.

MR. BARTON: I think we can make it
work.

CHAIRMAN EWASUTYN: I think it benefits
the facility.

MR. GODDARD: It clearly would. We
need to present this as well as we can. We have
very clear responsibilities under the lease,
which is the predicate for this entire activity
to do that. I think it's a reasonable request.

MR. ARNOTT: I would like to note
there's three access points to Auto Park Place
from the proposed site.

MR. GODDARD: Right. And we have to
make those work well.

CHAIRMAN EWASUTYN: I think it would

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benefit the overall lease arrangement.

MR. BARTON: It's not going to hurt it, that's for sure.

CHAIRMAN EWASUTYN: Right.

MR. GODDARD: That's a yes.

MR. WERSTED: If I could add, there's also going to be a time after all the heavy lifting and the heavy construction is done and the lighter stuff interior that they'll be loading in, that might be the opportune time that -- the heavy traffic of construction is over but the store isn't quite open yet.

MR. GODDARD: That would be the time. When we're doing the finished course in the parking lot would be the time.

CHAIRMAN EWASUTYN: Okay, Ronnie?

MR. BARTON: Yes.

CHAIRMAN EWASUTYN: Is the Board in favor of that?

MR. GALLI: Yes.

MS. DeLUCA: Yes.

MR. MENNERICH: Yes.

MR. BROWNE: Yes.

MR. DOMINICK: Yes.

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MR. WARD: Yes.

MR. CAPPELLO: Just to clarify the condition, you mean prior to issuance of the CO?

CHAIRMAN EWASUTYN: I think we'll tie that into the final resolution.

MR. DICKOVER: You can do it as a condition, put a note on the plan, because the plan is going to be modified anyway with respect to what that detail would look like. At that point if it's on the plan we don't need to put it on as a condition but we can.

CHAIRMAN EWASUTYN: I would like to make a suggestion, Peter, if the Board is in favor, you begin speaking with Ken Wersted and also with McGoey, Hauser & Edsall's office as to how we can move forward for the conditional final approval, that being based upon whether there would be a warrant or there isn't a warrant. I think that would be the next meeting. Pat Hines will be prepared for it, Rob Dickover would be prepared for it as far as the verbiage of a resolution. The Board I think is in agreement it will be prepared to act on it. We have the ARB to look at. Signage, as you know, doesn't have to

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be -- Jerry, correct me if I'm wrong, doesn't have to be approved during this action. Signage could come at a later date. You could come before the Planning Board and we could approve the signage.

MR. CANFIELD: You're a hundred percent correct. We've had other commercial sites that have progressed, received approval and then addressed the signage.

CHAIRMAN EWASUTYN: I think our next meeting is the -- it's fourteen days out from today would bring it to where?

MR. ARNOTT: The 19th.

CHAIRMAN EWASUTYN: Would you be prepared to come back before us with what you believe the site plan is that you're looking to approve? Realizing that you could come back at a later time to amend that site plan approval which would show the traffic light if you do receive it.

MR. GODDARD: I'm sure we can do that. I think it's a very minor adjustment with the notion that the studies support either action that the DOT can take. The physical changes to

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the site as between one and the other are very minor.

CHAIRMAN EWASUTYN: Okay. So do you think you're willing to wait until the 19th, which I don't think you really are but it will help us tie all the knots together. I know in speaking with Pat Hines, and I was thinking you were moving in this direction, Pat sort of thought we should hold back and wait to tie this all together.

MR. GODDARD: I mean I guess that makes sense. I don't know how long it's going to take us to find out actually from DOT what they prefer.

CHAIRMAN EWASUTYN: I agree with you. I think that's why we're saying the likelihood or the probability of what we're going to be approving on the 19th is the site plan the way it's pretty much shown now without the traffic light. What we'll be ready to do at that meeting is Rob Dickover, Larry Wolinsky, Pat Hines and others will be working out some of the details which are important details, Jerry Canfield, as far as the conditional final resolution.

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MR. GODDARD: I mean that makes sense, coming back. If we do get a traffic light maybe we could cover that at that meeting so we wouldn't have to actually -- if we're successful in getting a traffic light, if we show you a plan which has a left in but not a left out and we get the signal, which way would we be addressing --

CHAIRMAN EWASUTYN: I'm not prepared to answer that. I think this is the dialogue and discussion the Board agrees can be worked out with our consultants.

MR. CAPPELLO: We'll try to move it as far as we can between now and the 19th, and then we will come and ask you for approval of one or the other knowing that there's a potential that a slight modification might have to occur in the future just for that issue if the DOT does come through.

CHAIRMAN EWASUTYN: Is that okay?

MR. GALLI: Yes.

MS. DeLUCA: Yes.

MR. MENNERICH: Yes.

MR. BROWNE: Yes.

MR. DOMINICK: Yes.

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MR. WARD: Yes.

CHAIRMAN EWASUTYN: Whatever submittals you might have for ARB, Justin, you know that. Ron Barton, are you satisfied at this point?

MR. BARTON: Yes.

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

(No response.)

CHAIRMAN EWASUTYN: I'll move for a motion to set this up for the Planning Board agenda for the 19th of September.

MR. GALLI: So moved.

MR. DOMINICK: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

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CHAIRMAN EWASUTYN: Aye.

Thank you for your cooperation.

MR. CAPPELLO: Thank you. Have a good evening.

(Time noted: 7:44 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 17th day of September 2019.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

SERVISS
(2019-10)

Easterly side of Union Avenue
Section 34; Block 1; Lot 25.2
R-2 Zone

----- X

FOUR-LOT SUBDIVISION

Date: September 5, 2019
Time: 7:45 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: ROBERT J. DICKOVER, ESQ.
SHAWN ARNOTT
KAREN ARENT
GERALD CANFIELD
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: JAMES DILLIN

----- X

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

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SERVISS

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CHAIRMAN EWASUTYN: Our second item of business this evening is the Serviss four-lot subdivision. It's located on the easterly side of Union Avenue, it's in an R-3 Zone and it's being represented by James Dillin.

MR. DILLIN: Good evening. We have a new plan before you from the comments in the engineer's letter and our last Planning Board meeting. I wrote a letter summarizing all the changes.

The largest change that we've done is to lot number 3 where we moved the septic system from the front of the lot to the rear. You can see it on the plan right here. The septic system is located in the back. That was to free us up more area so we can be away from the Federal wetlands and we can leave that alone without disturbing it. That's the biggest part of it.

We've added a few notes as required.

One of the buildings had to be staked out prior to construction.

We've changed the details to conform to the Newburgh Water Department. That's really all we've worked on.

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SERVISS

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I sent a letter out and I contacted Serviss's attorney to prepare the road dedication and also the common driveway easement between lots 2 and 3. I don't know if you got contacted.

MR. DICKOVER: We made contact. I'll work with them on that document -- both of those documents.

MR. DILLIN: So he's got everything. I wrote all the legal descriptions and everything. That's in progress now.

CHAIRMAN EWASUTYN: You're still waiting to hear back from the highway department?

MR. DILLIN: Yes. Is that something that you submitted or was I supposed to submit it?

CHAIRMAN EWASUTYN: I think that's something -- I as a matter of record give them a copy of many of the items before us, no different than I cc'd the highway department today along with others on the negative declaration. The reason being in that case Unity Place is a Town road.

MR. DILLIN: Right.

CHAIRMAN EWASUTYN: As a matter of

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SERVISS

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practice I normally circulate to eighteen people throughout the Town. It's not our responsibility I believe to follow up with the highway department. I think it's your responsibility. At this point I had suggested earlier in the evening that Shawn with McGoey, Hauser & Edsall try to make contact with the highway department.

MR. DILLIN: Okay. I honestly thought because they got the maps they would respond. I can contact them also.

CHAIRMAN EWASUTYN: Shawn, how do you suggest we do this? Who should make contact?

MR. ARNOTT: We can both make contact if he'd prefer.

CHAIRMAN EWASUTYN: At this point in time two is better than one.

MR. DILLIN: Okay. One of the driveways is existing and it's going to be shared by lot 2. There is a new driveway being put in. This was used for the access with the logging operation that Serviss did. We're on the outside of the curve and we enjoy sight distance for the speed there.

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SERVISS

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CHAIRMAN EWASUTYN: Thank you.

Shawn, you've reviewed the subdivision plans?

MR. ARNOTT: Correct.

CHAIRMAN EWASUTYN: Your advice to the Planning Board?

MR. ARNOTT: That would be to schedule the public hearing that's required for a subdivision. Secondly, that a negative declaration be prepared.

CHAIRMAN EWASUTYN: Are you in agreement we can schedule a public hearing for the 3rd of October?

MR. ARNOTT: The 3rd of October.

CHAIRMAN EWASUTYN: Rob, do you have any comments?

MR. DICKOVER: We would need the negative declaration first.

CHAIRMAN EWASUTYN: Comments from Board Members?

(No response.)

CHAIRMAN EWASUTYN: Would someone like to make a motion to declare a negative declaration on the four-lot subdivision for

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SERVISS

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Serviss located on the eastern side of Union Avenue?

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Would someone make a motion to set the 3rd of October for a public hearing?

MR. DOMINICK: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: Motion by Dave Dominick, second by Stephanie DeLuca. Can I please have a roll call vote starting with Frank?

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

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SERVISS

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MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Jim, your office will work with McGoey,
Hauser & Edsall as far as the mailing.

MR. DILLIN: Okay. Yes. Thank you
very much.

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 17th day of September 2019.



MICHELLE CONERO

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

----- X
In the Matter of

349 SOUTH PLANK ROAD
(2019-12)

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

----- X

SITE PLAN

Date: September 5, 2019
Time: 7:51 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: ROBERT J. DICKOVER, ESQ.
SHAWN ARNOTT
KAREN ARENT
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: JONATHAN CELLA

----- X

MICHELLE L. CONERO
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Newburgh, New York 12550
(845)541-4163

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CHAIRMAN EWASUTYN: The third item of business this evening is 349 South Plank Road, it's a site plan located in a B Zone. It's being represented by Jonathan Cella.

The application was before the ZBA. Rob Dickover, the Planning Board Attorney, reminded us that there was a discussion of a narrative in the letter as far as the proposed use of the property.

MR. CELLA: We'll provide that. I have Karen's letter.

We received all the required variances. State Route 52, it's a 60 foot front yard requirement and we requested to obtain that variance as well because we have a 7 foot existing setback. That was added to the variances requested.

We'll provide the written narrative and we'll address McGoey, Hauser & Edsall's comments.

CHAIRMAN EWASUTYN: The action that we're nearing is to circulate to the Orange County Planning Department.

MR. CELLA: Yes.

CHAIRMAN EWASUTYN: Shawn will speak on

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that. He's suggesting we're in a holding pattern until --

MR. ARNOTT: The previous comments are addressed, which would include the water and sewer utilities be depicted on the site plan.

MR. CELLA: Is that something I have to come back to the meeting to get the --

CHAIRMAN EWASUTYN: I think if the Board is in agreement you could supply that information to McGoey, Hauser & Edsall and McGoey, Hauser & Edsall will then move forward as far as the Orange County Planning Department.

I think between then and now it would be good if you could e-mail us, when you have the time, the narrative letter as far as the use.

MR. CELLA: All right.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. CANFIELD: Jonathan, I have a question. At the work session we discussed some activity taking place at or near the retention area to the west of this project. It's uncertain if it was actually on the Senior Horizons property. Do you know if that's affiliated with your project at all?

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MR. CELLA: Not that I'm aware of. I could look into it but I'm not aware of anything related to us. I'll ask the owner.

MR. CANFIELD: We'll look into it also. Thank you.

CHAIRMAN EWASUTYN: I think that was everything for now.

MR. DICKOVER: Mr. Chairman.

CHAIRMAN EWASUTYN: Thank you.

MR. DICKOVER: Declare intent?

CHAIRMAN EWASUTYN: Two great minds.

I was reminded that this would be the right time for the Planning Board to make a motion to declare intent for lead agency for 349 South Plank Road. Can I have a motion for that?

MR. MENNERICH: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: Motion by Ken Mennerich. The second by, was that John Ward? I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

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MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. CELLA: Thank you.

(Time noted: 7:55 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 17th day of September 2019.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

11 BALMVILLE ROAD
(2019-17)

11 Balmville Road
Section 84; Block 5; Lot 26
O4 Zone

----- X

AMENDED SITE PLAN

Date: September 5, 2019
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
CLIFFORD C. BROWNE
STEPHANIE DeLUCA
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: ROBERT J. DICKOVER, ESQ.
SHAWN ARNOTT
KAREN ARENT
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ

----- X

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

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CHAIRMAN EWASUTYN: The final item that we have this evening is 11 Balmville Road.

MR. WINGLOVITZ: Good evening. For the record, Ross Winglovitz with Engineering & Surveying Properties. I'm here with Jim Connelly representing the applicant.

We were here before you in July, we presented the amended site plan for the office building at 11 Balmville Road.

We have reduced the impact of the parking on the significant tree buffer at the rear.

We have a few comments that we had responded to. We provided lighting, landscaping, drainage plans since then that have been reviewed. We do have comments from Karen and McGoey's office. We'd be glad to discuss them.

I know that the landscape architect has been in touch with Karen already regarding some additional plantings that she was looking for. We don't have a problem with that.

The other substantive comment, the lights in the front of the building especially, they're more of a modern fixture all the way

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around. We need to have that, especially in the rear, to get the throw across the parking lot. In the front we really don't. It was a good comment. We're going to provide colonial style fixtures at the front of the building so that will be more in keeping with the building itself.

CHAIRMAN EWASUTYN: Karen, do you have any additional comments at this point? Are you satisfied?

MS. ARENT: Yes, I'm satisfied.

CHAIRMAN EWASUTYN: Shawn?

MR. ARNOTT: The only thing we have suggested -- I should say two things. SEQRA. Since the applicant is proposing significantly less disturbance, tree clearing, et cetera, the SEQRA consistency review should be discussed by the Board.

Final approval could be discussed tonight with Mr. Dickover for the conditions.

The previous securities were posted and could remain in effect if so chosen to approve it tonight.

CHAIRMAN EWASUTYN: Rob, your advice on the SEQRA consistency determination?

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MR. DICKOVER: I think because the impervious surface has been reduced on this modified plan and additional landscaping has been also suggested, and I also think maybe the parking area has been moved back from the road --

MR. WINGLOVITZ: I think moved back certainly from 84, the potential visibility from 84, and there's less impervious area.

MR. DICKOVER: At least for those three reasons the Board could consider a consistency statement and reaffirm the previous negative declaration that was issued.

CHAIRMAN EWASUTYN: All right. If someone would move for a motion for a SEQRA consistency determination and to reapprove the original site plan approval.

Correct, Rob?

MR. DICKOVER: Yes.

MR. MENNERICH: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: Motion by Ken Mennerich. Second by John Ward. May we please have a roll call vote?

MR. GALLI: Aye.

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MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Thank you for the light fixtures. That was probably the only real topic that we discussed at the work session.

MR. WINGLOVITZ: No problem. They're looking to do a good job up there. I think it will be something everybody will be proud of when it's done.

MR. WARD: The pipe, has that been taken care of?

CHAIRMAN EWASUTYN: We have to still give you site plan approval. The gas pipe fixture that was on the wall which Karen pointed out, you're extending the landscaping.

MR. WINGLOVITZ: Yes. In front of the building.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Jerry Canfield, any

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11 BALMVILLE ROAD

61

questions or comments?

MR. CANFIELD: Nothing.

CHAIRMAN EWASUTYN: Mr. Dickover, can you go through the resolution and conditions of approval?

MR. DICKOVER: Yes, sir. The resolution would recite the nature of the application, the property involved, the zoning district, the plans that have been presented as well as a drainage analysis now presented, the history of the application. The 239 referral I believe has timed out. The reaffirmation of the negative declaration. Typical findings for site plan approval with the following conditions: A landscape and security inspection fee as well as a stormwater improvement security and inspection fee have previously been deposited. It would be my suggestion that the amount of the deposit be reviewed and adjusted if need be, either up or down. The amounts that are on deposit now are sufficient.

MR. WINGLOVITZ: That was I think Pat's note, that they're more than sufficient because there was a lot more complex plan in place. I

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don't know that -- we would be leaving it in place until we're finished.

MR. CANFIELD: If I may, that may be a good suggestion in the essence of time because what needs to happen, if they are lowered it's a Town Board action to approve that. New cost estimates need to be put in, submitted to the Town Board.

MR. WINGLOVITZ: Leave it as is.

MR. DICKOVER: So the conditions would be repeated, there would be a deposit and we know the condition has been fulfilled. There's a stormwater management facility agreement required to be filed, an outdoor fixtures and amenities provision would be added as a condition, and the other general conditions with respect to mylars and fees being paid. Those would be the conditions.

CHAIRMAN EWASUTYN: Any questions or comments from our Consultants or Board Members?

(No response.)

CHAIRMAN EWASUTYN: Would someone like to move for a motion to grant final site plan

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11 BALMVILLE ROAD

63

approval --

MR. WARD: So moved.

CHAIRMAN EWASUTYN: -- subject to the conditions presented by Planning Board Attorney Rob Dickover in the resolution?

We have a motion by John Ward. Do we have a second?

MR. GALLI: Second.

CHAIRMAN EWASUTYN: Second by Frank Galli. I would ask for a roll call vote.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. WINGLOVITZ: Thank you.

CHAIRMAN EWASUTYN: I'll move for a motion to close the Planning Board meeting of the 5th of September.

MR. GALLI: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: Motion by Frank

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11 BALMVILLE ROAD

64

Galli. Second by John Ward. We'll have a roll
call vote.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 8:02 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 17th day of September 2019.

Michelle Conero

MICHELLE CONERO