

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

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

----- X

In the Matter of

SHOPPES AT UNION SQUARE  
(2018-10)

Corner of Union Avenue & Orr Avenue  
Section 96; Block 1; Lot 6.2  
IB Zone

----- X

AMENDED SITE PLAN

Date: September 6, 2018  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JEREMY SECARAS

----- X

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

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

CHAIRMAN EWASUTYN: Good evening, ladies and gentlemen. We'd like to welcome you to the Planning Board meeting of the 6th of September. This evening we have four agenda items.

At this point 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. DOMINICK: Present.

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

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield, Code Compliance Supervisor.

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

CHAIRMAN EWASUTYN: Dave Dominick will lead the meeting at this point.

(Pledge of Allegiance.)

MR. DOMINICK: Please silence your cell

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

phones.

CHAIRMAN EWASUTYN: The first item of business this evening is the Shoppes at Union Square. It's an amended site plan located on the corner of Union Avenue and Orr Avenue in an IB Zone. It's being represented by Langan Engineering.

MR. SECARAS: Good evening. My name is Jeremy Secaras, S-E-C-A-R-A-S, with Langan Engineering.

As the Chair just mentioned, we're back for the amended site plan for Shoppes at Union Square.

The site is located at the corner of Orr Avenue and Route 300. It is Block 1; Lot 6.2.

As we described at the last meeting, we made revisions to the central portion of the site which we are calling the phase 2 portion of the overall development.

Since the last time we were here we made a couple of improvements towards the site plan approval process. We provided an internal landscaping figure which shows the internal

1  
2 landscaping in the parking lot exceeds the Town's  
3 minimum requirements.

4 We submitted to Orange County  
5 Department of Health for water supply permitting  
6 and received confirmation that they received it  
7 and will review it.

8 Our team completed a site walk and  
9 confirmed there are no wetlands adjacent to the  
10 former phase 2 portion of the project.  
11 The New York State DEC confirmed that they  
12 classify the stream as a class C stream.

13 We reviewed the sanitary allocation for  
14 the project and provided a calculation showing  
15 that the sanitary demand is about 800 gallons  
16 less than the allocation originally approved by  
17 the City of Newburgh for this project.

18 We made minor revisions to the site  
19 plan to address Town comments, such as adding  
20 benches between the buildings and adjusting some  
21 of the soil erosion measures.

22 In addition, earlier today we completed  
23 a site inspection of the stormwater management  
24 system during and directly after today's storm  
25 event, which was pretty timely. We will be

1  
2 filing a memo with your consulting engineer with  
3 our findings, but in general our observations are  
4 that the visual components of the stormwater  
5 management system are designed to exceed the  
6 State standards by 110 percent, appear to be well  
7 maintained and functioning as designed.

8           Furthermore, we would note the minor  
9 modifications we made to the phase 2 portion of  
10 the project will reduce the overall impervious  
11 area for the phase 2 portion, and that will be  
12 treated by the existing stormwater management  
13 system. This effectively increases the amount  
14 that the system is being treated. In effect we  
15 will be exceeding the State requirement by over  
16 and above the 110 percent that it was originally  
17 designed for for quantity and quality.

18           We did receive comment letters from the  
19 Board's consultants. I believe at this time  
20 we've addressed the bulk of their concerns or  
21 have acknowledged that they are in the process of  
22 being addressed. For example, Orange County and  
23 the stormwater memo I just mentioned.

24           That's all I have for you tonight.

25           CHAIRMAN EWASUTYN: Jeremy, thank you.

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

At this point we'll turn the meeting over to Pat Hines who reviewed the application site plan. Pat.

MR. HINES: Yes. We did provide the applicants with a copy of our comments. Our first comment has to do with the engineer's evaluation of the operation and maintenance of the existing phase 1 stormwater improvements. We'll be looking to receive that report. We do concur that the original design and compliance with the Town of Newburgh policy for projects in the Washington Lake watershed was over-designed for water quality treatment. It was designed -- the requirement was for 100 percent of the water quality volume to be treated through the sand filter on the site. The Town's policy requires 10 percent in addition to that. It's 10 percent more of the required water quality volume. By the slight reduction in disturbance for the revised phase 2, as the engineer just said, it will be somewhat slightly higher than the 10 percent over and above the DEC requirements. That is unique. It's a policy of the Town of Newburgh to do that in areas tributary to the

1 City of Newburgh, I guess former watershed. So  
2 that has been incorporated into the design of the  
3 plan. We do concur that that was done. All of  
4 those improvements were installed during the  
5 phase 1. Stormwater quantity control was  
6 installed and then the water quality sand filter  
7 was installed as well in phase 1, designed to  
8 support both phase 1 and phase 2.  
9

10 The second one identifies that the  
11 amended phase 2 site plan, originally it was  
12 approved for an 18,102 square foot office  
13 building. That was originally designed or  
14 identified as a Staples office supply. The  
15 project is before the Board tonight for a  
16 revision to the site plan proposing 19,190 square  
17 feet of retail in two separate buildings rather  
18 than the previous one building. So it's about a  
19 1,000 square foot increase. There's also a fast  
20 food component and a drive-thru that has been  
21 added.

22 A City of Newburgh flow acceptance  
23 letter dated 20 June 2008 was received for the  
24 original project with hydraulic loading of 13,809  
25 gallons per day. The revised project, due to

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

changes in the hydraulic loading and the revisions to the plan, now has a hydraulic loading of 13,085 gallons, a reduction of 804 gallons per day to the sanitary collection system.

We previously reviewed the long form EAF. At the last meeting it was stated that we would be receiving information from the project's environmental consultant, Ecological Solutions, Mike Nowicki. We have since received that correspondence regarding the potential presence of threatened or endangered species. Each of those endangered species have been addressed in that report, three of which do not have habitat on the site, and the two bat species are being addressed consistent with the Fish & Wildlife Services standards for protection of threatened or endangered species. Tree cutting will be limited to the winter months when those potential bat species are hibernating. They hibernate in caves and no where near this site. The Fish & Wildlife Service has allowed tree cutting at certain times of the year to protect them.

Supplemental traffic information has



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

been received and reviewed by Ken Wersted's office showing, because of the addition of the fast food restaurant, a slight increase in peak p.m. Saturday trips. I think it's two per hour actually on the peak p.m. hour for Saturday. Two in and two out.

The Federal jurisdictional wetlands were reconfirmed on the site. Ecological Solutions reevaluated the presence of Federal wetlands on the site. We did receive that revised delineation. No Federal wetlands or DEC wetlands are impacted within the phase 2 area of the project.

We are looking for that DEC correspondence regarding the change from class A to class C stream standards. I think you said you had an e-mail from them confirming that. If you could submit that for the Board's information as well.

Architectural plans have been submitted for the Board to review.

A part 1 full environmental assessment form has been prepared identifying the changes to the project which we have reviewed. This Board

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

previously issued a negative declaration for the project and then issued a SEQRA consistency determination for a revision to the project that came along many years ago.

The Planning Board should determine whether to hold a public hearing on the project. We believe the submission is now complete for submission to Orange County Planning, which is a procedural matter that needs to be undertaken.

CHAIRMAN EWASUTYN: Okay. Jerry Canfield, Code Compliance?

MR. CANFIELD: I have nothing additional.

CHAIRMAN EWASUTYN: Board Members?

MR. GALLI: Nothing. I'm all set.

MS. DeLUCA: Nothing.

CHAIRMAN EWASUTYN: Mike Donnelly?

MR. DONNELLY: I have nothing to add except you need to decide whether or not to hold a public hearing.

CHAIRMAN EWASUTYN: Do we make a SEQRA determination?

MR. HINES: Yes. You had previously issued a negative declaration for this project

1  
2 and have reaffirmed that negative declaration  
3 once. The applicants have submitted additional  
4 environmental information. I have part 2 of the  
5 full environmental assessment form filled out. I  
6 can review that with the Board with our suggested  
7 answers for the Board's concurrence with regard  
8 to potential environmental impacts.

9           Item 1 is impact on land. The proposed  
10 action may involve construction on or physical  
11 alteration of land surface on the project site.  
12 We suggest that that be checked yes. The first  
13 bulleted item under that is the proposed action  
14 may involve construction on land where depth to  
15 water table is less than three feet. There are  
16 certainly portions of this project that have  
17 depth to water table of less than three feet.  
18 We're suggesting that's a small to moderate  
19 impact.

20           Item E under that item, project  
21 involves construction that continues for more  
22 than one year or in multiple phases. Clearly  
23 this project is a three-phase project, and the  
24 Board has always reviewed it as such.

25           Letter F, the proposed action may

1 result in increased erosion, whether from the  
2 physical disturbance or vegetation removal.  
3 We're suggesting that that would be a yes with a  
4 small to moderate impact noting the applicants  
5 have developed a stormwater pollution prevention  
6 plan which also has a soil erosion and sediment  
7 control plan as a component of the project.  
8

9 Item 2 is impact on geological  
10 features. There are no significant geological  
11 features identified in that item, so we suggest  
12 that that be a no.

13 Impacts to surface water is item 3.  
14 The proposed action may affect one or more  
15 wetlands or other surface water body. We're  
16 suggesting that that would be checked as a yes.

17 Item B under that, project action  
18 involves construction within or adjoining a  
19 freshwater or tidal wetland or the bed and banks  
20 of any other water body. We're suggesting that's  
21 yes, and that's a small to moderate impact.  
22 There are no impacts on phase 2 of the project.  
23 Phase 3 does have a proposed -- two proposed  
24 crossings of the stream which have been  
25 previously permitted by the DEC when that stream

1  
2 was classified as a class A stream. If in fact  
3 that class C determination proves out, it becomes  
4 an unprotected stream under the DEC regulations.

5 Item E under that, proposed action may  
6 cause turbidity in the water body, either from  
7 upland erosion, runoff or disturbing the  
8 sediment. We're suggesting that's also a yes.  
9 Consistent with the stormwater pollution  
10 prevention plan and erosion sediment control  
11 plan, those issues have been addressed on the  
12 site and identified as a no or small impact.

13 Letter H under that same item, impacts  
14 to surface water. The proposed action may cause  
15 soil erosion or otherwise create a source of  
16 stormwater discharge that may be siltation or  
17 other degradation. We suggest that would also be  
18 a yes, a small to moderate impact based on the  
19 information provided.

20 Letter I, the proposed action may  
21 affect water quality and any water body within or  
22 downstream of the project site. Again there is  
23 that potential. We're suggesting that that would  
24 be a yes with a small to moderate impact.

25 Item 4, impacts to groundwater. There

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

are no impacts to groundwater on this site. The project does not use groundwater for any use on the site.

Number 5 is impact to flooding. The project does not result in any flooding impacts. The project is not located in any designated floodway, floodplain. We're suggesting that that answer would be a no.

Item 6, impacts to air. Proposed action may include a State regulated air emission source. That is not the case. This project does not have that.

Item 7, impacts to plants and animals. We're suggesting that that would be a yes. Based on the bulleted item B, proposed action may result in reduction from degradation of any habitat used by a rare, threatened or endangered species as listed by New York State or the Federal Government. The project sponsors have provided the Ecological Solutions report on threatened or endangered species. I know the Board received it. Our office has reviewed it. They're proposing the mitigation measure of limiting tree cutting to times of the year where

1  
2 there would be no impact to the potential bat  
3 habitat. The majority of Orange County is  
4 identified as potential bat habitat based on the  
5 transient use of the site by those two potential  
6 bat species.

7           Item 8, impact on agricultural  
8 resources. We're suggesting that's a no. There  
9 are no agricultural soils or agricultural  
10 operations in the vicinity of this project.

11           Item 9, impact on aesthetic resources.  
12 That item says land use of proposed action are  
13 obviously different from or in sharp contrast to  
14 current land use patterns between the proposed  
15 project and a scenic or aesthetic resource.  
16 We're suggesting that that's a no. This project  
17 is consistent with the Town's zoning and other  
18 commercial development in this area.

19           Item 11, impacts on open space and  
20 recreation. We're suggesting that there is no  
21 impact regarding recreation and open space.

22           Item 12 is impacts on critical  
23 environmental areas. The project is not located  
24 in a designated critical environmental area, so  
25 we're suggesting that that would be a no.

1  
2                   Impacts on traffic. The proposed  
3 change may result -- the proposed action may  
4 result in a change to existing transportation  
5 systems. The Board has had numerous traffic  
6 studies prepared over time and has the updated  
7 traffic study which was reviewed by your traffic  
8 consultant identifying no changes in the level of  
9 service at the intersections and identifying that  
10 the modification to the phase 2 project will have  
11 an insignificant traffic increase.

12                   Item 16 is impacts to human health.  
13 The proposed action may have an impact on human  
14 health from exposure to new or existing sources  
15 of contamination. We're suggesting that is a no.  
16 This project will not have any potential sources  
17 of contamination.

18                   Item 17, consistency with community  
19 plans. The project is consistent with the Town  
20 of Newburgh's zoning and their comprehensive  
21 plan, so we're suggesting that would be a no  
22 impact.

23                   The final item is 18, consistency with  
24 community character. The proposed action is  
25 inconsistent with the existing community



1 character. We're suggesting that would also be a  
2 no based on the interchange business zoning.  
3 This action is permitted based on that zoning  
4 with no required variances and is consistent with  
5 other projects in that corridor.  
6

7 Based on that information provided, we  
8 would recommend that the project -- the Board  
9 reaffirm it's previous negative declaration on  
10 the project, and we will provide, if the Board  
11 desires, a written elaboration of the reasons for  
12 that as identified today.

13 CHAIRMAN EWASUTYN: Questions from  
14 Board Members?

15 MR. GALLI: Nothing additional.

16 MS. DeLUCA: No.

17 MR. MENNERICH: No.

18 MR. DOMINICK: No.

19 CHAIRMAN EWASUTYN: Okay. Having heard  
20 from our consultant, Pat Hines, and the reading  
21 of completion of part 2 of the EAF, I would move  
22 for a motion to reaffirm the negative declaration  
23 previously issued for the amended site plan for  
24 the Shoppes at Union Square.

25 MR. DOMINICK: So moved.

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

MR. GALLI: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Aye. Motion carried.

I'll move for a motion to hold a public hearing on the 1st of November and to circulate to the Orange County Planning Department.

MR. MENNERICH: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: Motion by Ken Mennerich. 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. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Aye. Motion

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

carried.

Thank you.

MS. CITERA: Was the public hearing set for November or October?

CHAIRMAN EWASUTYN: November.

MR. HINES: The first meeting in November. It's November 1st.

CHAIRMAN EWASUTYN: Pat Hines will work with you on the notice of hearing.

MS. CITERA: I'm sorry?

CHAIRMAN EWASUTYN: Pat Hines will work with you on the notice of hearing.

MS. CITERA: Okay. Very well.

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

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

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 15th day of September 2018.

*Michelle Conero*

---

MICHELLE CONERO

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

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

----- X  
In the Matter of

BRACKEN 17 VENTURES, LLC  
(2018-25)

Fleetwood Drive  
Section 87; Block 2; Lot 1.2  
R-1 Zone

----- X

INITIAL APPEARANCE  
TWO-LOT SUBDIVISION

Date: September 6, 2018  
Time: 7:15 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: DARREN DOCE

----- X

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

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

CHAIRMAN EWASUTYN: The next item of business this evening is Bracken 17 Ventures. It's an initial appearance for a two-lot subdivision located on Fleetwood Drive in an R-1 Zone. It's being represented by Vincent J. Doce.

MR. DOCE: Good evening. I'm Darren Doce, I represent the applicant on this project.

The applicant is proposing a two-lot residential subdivision of a 2.7 acre parcel located off of Beechwood Court which is off of Fleetwood Drive in the Fleetwood Manor Subdivision.

Access to the lots will be through a small common drive which will split off into individual driveways.

We're proposing connection to the Town of Newburgh water and sewer systems which are located in Fleetwood Drive.

The parcel is in an R-1 Zone. The proposed lot sizes are 1.3 and 1.7 acres, and all the other bulk regulations will be met.

That's really all I have. I can answer questions.

CHAIRMAN EWASUTYN: Pat, I think you

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

BRACKEN 17 VENTURES, LLC

23

had a few questions.

MR. HINES: I do. The status and ownership of Beechwood Court in the Town of Montgomery, what is that? Is that a Montgomery Town road?

MR. DOCE: I spoke with Montgomery a few weeks ago. Montgomery says it's not a town road. They don't even really claim ownership of Fleetwood Drive.

MR. HINES: My concern is what is that and does this project have access to a town road.

MR. DOCE: They say it's a private road. Fleetwood Drive is a Town road which --

MR. HINES: In the Town of Newburgh I guess.

MR. DOCE: I guess. Town of Newburgh, I spoke to the highway super, they plow and they sand it as a courtesy to the Town of Montgomery. That's what they say. The Town of Montgomery really doesn't acknowledge that that's a Town of Montgomery road.

MR. DONNELLY: Do you have ownership of it?

MR. DOCE: Ownership of?

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

MR. DONNELLY: The roadbed.

MR. DOCE: Beechwood?

MR. DONNELLY: Well the disputed portion. We don't know if it's a municipal street at all.

MR. DOCE: When they did purchase it they included it just in case they do --

MR. DONNELLY: Are you proposing then to improve it and dedicate it as a Town road? Here's the issue: If not, you have a 280-A problem because your access is by easement to a qualifying street. You would need to petition the Town Board to create an open development area if that was your proposed access. If you were instead to improve that to a Town road specification and dedicate it to the Town of Montgomery, you would not need an open development area, then the portion within that could be a shared common driveway.

MR. HINES: It may already be approved for that. It looks like a road, only the neighbors are using it as a parking lot.

MR. DOCE: We're talking about Beechwood?



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

MR. HINES: Beechwood.

MR. DOCE: I mean it was paved by the Town of Montgomery but they say it's a private road.

MR. DONNELLY: A private road may qualify as well if it was a road shown on a filed map as a private road. You need to show us that map to demonstrate that.

MR. DOCE: Okay. I mean this small portion of Beechwood is shown on the Fleetwood Drive subdivision.

MR. DONNELLY: That's helpful. Right up to your property line?

MR. DOCE: Yeah. Our property has that small lag to it.

MR. DONNELLY: Well then --

MR. DOCE: I have the subdivision map.

MR. DONNELLY: It would be good for us to have a copy of that so we understand it.

The other thing is what specification are you to improve it to? Is it going to meet the Town's private road specification?

MR. DOCE: Beechwood?

MR. DONNELLY: Yes. If not, you'd need

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

a variance --

MR. DOCE: I'm sure it does.

MR. DONNELLY: If not, you'd need a variance on the condition of that qualifying roadway.

MR. DOCE: Okay.

MR. HINES: I think we're going to need some history and to do some research, find out what it is, maybe get something from Montgomery. I don't know what it is. We really can't do a subdivision with no access.

MR. DOCE: I'm not sure anyone knows.

MR. HINES: Now's our chance to figure it out.

A County Planning referral will be required in the future because the Town line is coterminous with this front yard lot line.

The water and sewer lateral design, if you want to take a look at that. I'm concerned you're putting the bulk water line and one trench -- I want to make sure you're putting in two separate sewer laterals.

MR. DOCE: They're all separate, water and sewer. I was just trying to keep them from

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

running the full length of pavement.

MR. HINES: I would like to see some separation between those, even on the detail.

MR. DOCE: Okay.

MR. HINES: The concern is if you get a water line leak and you don't know whose it is, who fixes it and who is going to dig it up, and when you dig it up are you going to dig both up. That needs some work. Maybe Jim Osborne can consult with you on that.

There was no scale on the plans. I just need that added.

The building envelop for lot 1 needs to be shortened up. The house is in the proper location but the building setback starts where the lot meets the 150 foot lot width.

MR. DOCE: I took care of that.

MR. HINES: I think the Board should see now and formerly the Bruno lot. I want to see the structures on that lot. I think we're going to hear from those folks at the public hearing. They have a little sidewalk that you're going to have to dig the water and sewer across, and the location of that house should be shown.

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

That's what we have for now.

At work session the Board discussed the fact that your client, Bracken 17 Ventures, LLC, owns numerous parcels around here, some of which may or may not be landlocked. We're not sure based on this map.

MR. DOCE: They own the parcel to the north which has a strip out to Colden Hill Road, and then --

MR. HINES: What about the one to the rear?

MR. DOCE: Yeah. That's unusable really.

MR. HINES: Are there wetlands there or something?

MR. DOCE: Yes.

MR. HINES: The Board was thinking of taking a look at -- kind of a comprehensive look at this. If you can give them reasons why it's not developable. We weren't sure what had access to where. You only showed within 200 feet of the lot.

MR. DOCE: The lot to the north has access to Colden Hill, and that's contiguous with

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

the one to the east. The other one has frontage on North Drury.

MR. HINES: What about these other front --

MR. GALLI: North Drury?

MR. DOCE: Well these small lots, which are not buildable because they don't meet the Town of Montgomery zoning, in the future they may be combined. They all front on North Drury.

MR. HINES: If you can just give the Board a narrative of how those lots could be valid lots. If the one is fully wetland, maybe it could be combined with one in the future. Maybe get an overview tax map that you can submit to the Board and show everyone where that is.

That's what we have right now. I think that we need to work out that access, Beechwood Court ownership before we send it to County Planning. I think we'll get the same comment back from them if we send it now.

CHAIRMAN EWASUTYN: Okay. So you want to hold on that?

MR. HINES: Yes.

CHAIRMAN EWASUTYN: Circulating to the

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

Town of Montgomery?

MR. HINES: I think you can declare yourself lead agency and we'll do a lead agency circulation. That may help us get some information on their opinion of those two roadways. It's interesting the Town has sewer lines that appear to encroach into the Town of Montgomery.

MR. DOCE: The Town of Newburgh sewer lines are in the Town of Montgomery, and some of the houses in the Town of Montgomery are connected to those sewer lines.

CHAIRMAN EWASUTYN: Jerry Canfield, any comments?

MR. CANFIELD: Nothing at this time.

CHAIRMAN EWASUTYN: Mike Donnelly?

MR. DONNELLY: No.

CHAIRMAN EWASUTYN: Board Members?

MR. GALLI: None.

MR. DOCE: Is it too soon for me then to approach Jim Osborne about the sewer flow?

MR. HINES: No. I think you should. I think you should talk to him about that sewer flow acceptance letter as well as the layout of

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

the utilities there that we discussed.

CHAIRMAN EWASUTYN: Then I'll move for a motion to declare ourselves lead agency for Bracken 17 Ventures, LLC and to also circulate this to the Town of Montgomery.

MR. GALLI: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: Motion by Frank Galli. Second by Stephanie DeLuca. Roll call vote, please, starting with Frank.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Aye. Motion carried.

MR. DOCE: Thank you.

(Time noted: 7:25 p.m.)

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

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 15th day of September 2018.

*Michelle Conero*

---

MICHELLE CONERO



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

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

----- X  
In the Matter of

39 SOUTH PLANK ROAD  
(2018-16)

39 South Plank Road  
Section 72; Block 13; Lot 5  
B Zone

----- X

INITIAL APPEARANCE  
SITE PLAN

Date: September 6, 2018  
Time: 7:25 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JUSTIN DATES

----- X

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

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

39 SOUTH PLANK ROAD

34

CHAIRMAN EWASUTYN: The third item of business this evening is 39 South Plank Road. It's an initial appearance for a site plan. It's in a B Zone. It's being represented by Maser Consulting. Justin Dates is the representative.

MR. DATES: Good evening. Justin Dates with Maser Consulting. We're representing the applicant for 39 South Plank Road.

If everyone has the maps, north is up on the page and South Plank is on the top there.

It's an existing parcel, about .3 acres in size. It has frontage on South Plank Road. It is substantially improved with an existing two-story structure, a little over 1,000 square feet in size, as well as driveway, parking areas and some utilities.

It's in the Town's water and sewer district. It is connected to Town water but does have an on-site septic down in the rear of the lot there.

It is within the Town's B Zoning

1  
2 District. We have a couple of pre-existing  
3 nonconforming situations as you get to the bulk  
4 table. Lot area in the B, the minimum is  
5 15,000 square feet and we're at 13,335. Lot  
6 width, minimum is 100 feet and our current  
7 width is 50 feet. The front yard setback --  
8 because it is fronting on a State highway, 52,  
9 the minimum setback is 60 feet and we are  
10 currently at 30.1 feet. And then side yards,  
11 minimum side yard is 15 feet and we have a  
12 minimum of 4.4 feet. That's over on the east  
13 side of the lot, the existing building to the  
14 property line. And then both side yards is a  
15 minimum of 30 feet and we are at 21.8 feet. So  
16 those are all some of the existing conditions  
17 that don't comply with the B bulk table.

18 The applicant is looking to renovate  
19 the space for personal service to a licensed  
20 massage therapy and cosmetologist office. They  
21 would have two employees. All of the  
22 appointments -- all of the clientele will be  
23 coming in by appointment. No just drive-ins.

24 Based on the Town Code, personal  
25 service use is one parking space per 150 square

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

feet. Based on the size of the building, we're required to have seven spaces. We have proposed five, utilizing fully the existing driveway and parking areas that exist on the site today. So that would be a two-space variance that we would be looking to get as well.

MR. HINES: That's only the first floor square footage?

MR. DATES: No. Both floors. It's a small -- it's small. It's a former residential home. Based on the available data, the total square footage is 1,064 square feet.

MR. HINES: I just bring that up because your map says 1,450.

MR. DATES: I did see that. That's an error on the map. I apologize. Sorry about that.

MR. CANFIELD: What's the total square footage, both floors?

MR. DATES: 1,064. The second floor isn't a full second floor. You can almost walk down the middle and it has the side eaves.

CHAIRMAN EWASUTYN: Jerry Canfield, questions or comments?

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

MR. CANFIELD: Just a comment. The reason why I was questioning the total square footage is for the requirements of a sprinkler system. It's under 2,500 square feet, it's exempt. That's all I have.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: My first comment just mentions that it's a professional services in the B Zone.

Item 2 gives the bulleted items for the six variances that they are seeking.

I will note that at the work session the Board was concerned about the number of parking spaces. With, as you said, two employees it leaves very little parking left for anyone else.

That leads into Jim Osborne, the Town Engineer, has identified that the cross road sewer district trunk main runs through the rear of the property and that the septic system should be abandoned at this time and the facility connected to the Town sewer that is available now at the rear of the property, which may free up some area to provide some additional parking as

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

you look at that.

MR. DATES: I did speak with Jim. I actually got some record maps from him today that show it going through that easement area. It looks like they did set a stub to connect to that. I didn't have any evidence when we were out there but it looks like that could be in place to hook up.

MR. HINES: With that, a City of Newburgh flow acceptance letter would be required to do that.

This needs to go to DOT as a change of use along their roadway. The easement is rather wide there, DOT's easement. I don't know what they're going to do. That may be an issue for a DOT commercial driveway.

The only thing the Board could do tonight is to refer it to the Zoning Board of Appeals for those variances, although I know you have some discussion about that needed parking.

CHAIRMAN EWASUTYN: Justin, the days of the week that the business will be open and the hours of operation?

MR. DATES: The applicant is here.

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

39 SOUTH PLANK ROAD

39

This is Mr. Chen, the applicant who will be occupying the space.

MR. CHEN: My name is Brian Chen. I have been a licensed massage therapist since like ten years ago, in 2008. We have several locations in Fishkill, in Dutchess County almost six years. I have a facility in Poughkeepsie Galleria Mall and one in the Fishkill Town. We want to try to make opening in another location close by for our patients for the Newburgh Town.

Generally we open hours like 10:00 to 8:00 depending on the location. In the mall we're open 10:00 to 9:30 and Sunday will be 11:00 to 6:00. This location, probably 10:00 until 8:00 roughly.

CHAIRMAN EWASUTYN: Seven days a week?

MR. CHEN: Yes, seven days a week. We generally take appointments. Not much for the walk in. We do a lot on line. We take appointments just by the phone call.

CHAIRMAN EWASUTYN: Questions from Board Members?

MR. GALLI: I don't have anything additional.

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

MS. DeLUCA: No. Not at this time.

MR. DOMINICK: Did you say there will be a nail salon as well?

MR. DATES: Cosmetologist.

MR. CHEN: We don't do the nail. We do skin care. We do facial and body scrubs and stuff like that. We have the massage therapy. That's what we're doing.

MR. DOMINICK: The only other question I think Pat touched on in work session was parking. Parking seems to be at a minimal. With the septic system to tie in with the Town system -- you have a septic; right?

MR. HINES: Right now the parking kind of stops at where the septic system is, which would make sense. You wouldn't want to put parking over a subsurface sanitary sewer system. With that being eliminated there may be room to develop the parking spaces that you need. I know the Board was concerned if you have two employees park there and one is a handicap space, you really only have two spaces left.

MR. DATES: What we had discussed when we were putting it together was the fact that it



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

was by appointment only so he can kind of gauge. Yes, two for the employees and that leaves two for each of their appointments, leaving one space available.

MR. MENNERICH: The concern there is that you talk about the second floor in the building. You may use that in the future for therapy?

MR. CHEN: No. Kind of like office. Like documents and stuff, or something like equipment, the facial equipment and stuff. Like storage on the second floor. I will say like therapy room; so far, no.

MR. MENNERICH: Okay.

CHAIRMAN EWASUTYN: How feasible is it to put in the two additional parking spaces in the rear?

MR. DATES: There's somewhat the flatter section and then the grade starts to drop off as you get towards the sewer easement. Some fill will be brought in to create those spaces, the asphalt. There's an existing planting box, kind of a bed there that has to get removed. So not without some cost. The applicant was kind of

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

hoping that he could minimize his site costs so they could get in as soon as possible.

CHAIRMAN EWASUTYN: Is the Board satisfied with that?

MR. GALLI: He's got to go to the Zoning Board and you have to hook into Town sewer. I'm sure that's going to have to happen.

MR. DATES: Correct.

MR. GALLI: You're probably better off doing the parking now instead of waiting. That's my own opinion. Most of those places along that stretch all have parking in the rear on the hill, if you look behind them, all the way down to --

MR. DATES: Behind --

MR. GALLI: -- the City line. So they all have that same issue. But to get two parking spots out of that shouldn't be that big of an issue back there. You can probably get one just by moving the planter box and the rail. You have to create one more.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: No.

MR. MENNERICH: I agree with what Frank has said about adding two spaces, and other

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

people have mentioned.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: I agree with Frank and Ken. Even in the narrative, you're looking at the future to grow, offices and space.

MR. DATES: Okay. We'll look to add those two spaces then.

CHAIRMAN EWASUTYN: Thank you.

MR. DATES: Mr. Chairman, can I just ask one question? In the code, when we're dealing with the nonconforming bulk requirements, there's a section that has a threshold of 2,500 square foot for a building and the Planning Board can discuss the determination of a full site plan review. I'm paraphrasing. Mr. Donnelly will correct me if I'm wrong. Is that an option for the Board for this application?

CHAIRMAN EWASUTYN: For what? I'm sorry.

MR. DONNELLY: You've had one or two of these. There's a 2,500 square foot discretionary exemption for the need for site plan approval. It's applicable in the B Zone even when a site has existing noncompliance with bulk. It would

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

still of course need the variances, but you could dispense with the need of site plan approval if you thought that it was warranted under that section. You need not do so but you may.

CHAIRMAN EWASUTYN: Since you do have to go back to the ZBA and you then have to come here, can we wait until we have additional Board Members so as the majority we could make a decision on that?

MR. DATES: Okay. So we'll go to the ZBA --

CHAIRMAN EWASUTYN: Right --- -

MR. DATES: -- address all of our nonconforming issues. We would agree the parking one is not going to be part of our referral. We'll come out of that and then be before your Board with the final determination from the ZBA?

CHAIRMAN EWASUTYN: Would the Board agree with that?

MR. GALLI: Also, while you're looking into that, you might want to see if that's hooked into City water or Town water. You might be hooked into the City water. Check the bill.

MR. DATES: Yeah. That wouldn't

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

impact --

MR. GALLI: No. I think it's City water up there.

MR. DATES: Got you. Okay.

CHAIRMAN EWASUTYN: Pat, the motion before us today is to refer this to the Zoning Board of Appeals for lot area, lot width, front yard setback, one side yard setback and both side yard setbacks?

MR. HINES: Yes.

CHAIRMAN EWASUTYN: And do we circulate or just declare ourselves lead agency? The DOT is involved.

MR. HINES: I think once we start that process then the train will have left the station on the site plan.

MR. DONNELLY: I think you may want to wait, let the Zoning Board do an uncoordinated review first and then decide whether you -- if you issue your notice of intent now and you later decide that you're going to waive the requirement of site plan, then --

MR. HINES: We're going to get a nasty letter from DOT.

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

MR. DONNELLY: -- we've got a vacancy  
at the lead agency spot.

CHAIRMAN EWASUTYN: The motion before  
us is to refer to the Zoning Board of Appeals.

MR. MENNERICH: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: Motion by Ken  
Mennerich. Was that Stephanie?

MS. DeLUCA: Yes.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DATES: Thank you.

(Time noted: 7:40 p.m.)

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

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 15th day of September 2018.

*Michelle Conero*

---

MICHELLE CONERO

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

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

----- X  
In the Matter of

RAM HOTELS - HILTON GARDEN INN  
(2016-21)

Unity Place  
Section 97; Block 2; Lot 37  
IB Zone

----- X

AMENDED SITE PLAN

Date: September 6, 2018  
Time: 7:40 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: LAWRENCE MARSHALL

----- X

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



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

CHAIRMAN EWASUTYN: The fourth and last item of business this evening is RAM Hotels - Hilton Garden Inn. It's an amended site plan on Unity Place in an IB Zone. It's being represented by Larry Marshall

MR. MARSHALL: Good evening. As mentioned by the Chairman, this is a modification to the previously approved site plan for the RAM Hotels application for a Hilton Garden Inn.

The modification is twofold. I'd like to start just with the subdivision modifications. The changes that are being proposed are outlined in the comment letter from Mr. Hines. Basically the only modifications that are proposed to the subdivision plan are modifications to the easement. There are cross access and cross grading easements associated with the proposed subdivision. Due to a modification in the site layout, the easements are being modified as well.

There are no proposed changes to the property lines that are dividing -- the property line that is dividing lot 1 and lot 2. It's just the associated easements for those areas.

MR. HINES: Because the driveway

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

location moved.

MR. MARSHALL: Exactly. Basically we shifted the driveway, we need to shift the easements. I'll go through that a little bit further with the modification to the site.

As was previously presented, the site plan shows that the hotel footprint was about 6 feet longer than is being presented this evening. With that we were about 5, 6 feet back from the minimum setback lines for the front and side yards. With that proposal we had two small intrusions into the on-site Federal wetlands. After discussing those intrusions and making an application to the U.S. Army Corp of Engineers, Brian Marzella had recommended that we move those intrusions. We did so by modifying the building footprint by approximately 6 feet and proposing two segmental retaining walls along the areas that we couldn't simply grade out without intruding into those wetlands. We shifted the building forward slightly, still within the setback lines by about half a foot and .4 feet, and then we modified the proposed entrance. We shifted it approximately 15 feet to the south so

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

that it's essentially located entirely on proposed lot 2 as opposed to straddling that property line as it was before.

Those changes resulted in some minor modifications to where the various parking spaces are proposed. We've shown that on the plans. We show no modification to the number of parking spaces. There are still 143 parking spaces. The number of parking spaces required are associated with the number of rooms and the public spaces within the facility. There's no modification to the number of rooms, so there's no modification to the number of required parking spaces.

We have provided to the Board revised lighting and landscaping plans for consideration. The lighting proposed is identical to the previous approval. The only modification is just the shifting of those lights to accommodate the revision to the building locations -- the building location as well as the parking and the driveways. All the lights are identical, the same fixtures as was previously considered.

The landscaping plan obviously had to be modified as well to again shift for the

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

proposed building relocation. The total number of plants being proposed to be planted has actually slightly increased over the previous approval -- previous plan. We had to modify some of the locations and just the overall counts of some of those plants to accommodate for slightly smaller or larger planting beds.

The overall amount of impervious surface proposed on the site is actually slightly lower, so we didn't submit a revised stormwater pollution prevention plan as the drainage is primarily the same and the impervious surface is slightly lower.

I think that pretty much recaps the modification.

CHAIRMAN EWASUTYN: Thank you. Jerry Canfield, comments?

MR. CANFIELD: Nothing.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: We had some comments. The Army Corp of Engineers jurisdictional determination, we're still looking for that. There's a note 6 on the plan that says that will be submitted.

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

MR. MARSHALL: That's the only comment -- only one of your comments I would like to discuss, if that's okay.

MR. HINES: Sure.

MR. MARSHALL: Note 6 says that we have -- we've provided the delineation by Ecological Solutions, by Jim Bates. We don't reference any sort of jurisdictional determination to be provided.

MR. HINES: Right. I guess basically you made an application to the Army Corp. If you can show us something that says they're okay with this plan.

MR. MARSHALL: Okay. That's what I was really concerned about, not necessarily -- the Army Corp of Engineers has already indicated to us that they would be providing us a letter stating that they've reviewed the site plan and no permit is required. You have not received that yet.

MR. HINES: That's the intent of my comment.

MR. MARSHALL: Okay.

MR. DONNELLY: That was a condition in

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

the resolution before.

MR. HINES: Previously they needed approval, or at least a nationwide permit. They reduced the footprint to avoid any impact to the Federal wetland, so that removes that. We just need sign off from the Army Corp that the wetlands as depicted on the plan, that they concur with that.

MR. MARSHALL: Thank you for the clarification.

MR. HINES: The stormwater management facilities, we concur the slight decrease in the footprint does not warrant revisions to the stormwater pollution prevention plan. We're all right with that.

Water and sewer utilities while relocated are serving the building in a similar matter. They're just shifted over, consistent with their moving of the building.

I have a comment from Ken Wersted. We did receive Ken Wersted, the traffic consultant's comment, and he takes no exception to the revisions in the plans.

Karen will review the landscaping plan

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

as a matter of course.

There are some larger segmented block retaining walls, I think the highest one is ten feet now, in order to modify the grading to avoid any wetland impacts. Those will need to have stamped plans submitted at building permit. I believe there are notes on the plans to that.

There have been guide rails depicted above all the new retaining walls that have been shown as well as along the, I guess it's the northerly parking area prior to the large bio-retention area which we had previously requested.

We noted the subdivision sheet has been revised. You gave us a concept plan for a 9,375 square foot office to do kind of a worst case analysis. I just want to make sure that the 50 parking spaces were okay to support that. There's no calculation there to identify that.

Also, the bulk table for the lot shows maximum building height as a percentage. It should just be in feet. That's a typo.

The Board needs to determine whether or not a public hearing is required, if the Board is

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

going to hold one on the amended site plan. That's a condition for the Board. Again the footprint is smaller, there's nothing being expanded here. The building has been relocated, the square footage has been reduced by that 6 feet. It's really up to the Board. It is a subdivision also. There is a lot 2. The lot lines for that subdivision haven't changed. As Mr. Marshall said, the easement and the access road have been revised. The entire southerly access road is not located on the adjoining lot and the easements will be revised accordingly.

MR. DONNELLY: Was the earlier subdivision map filed?

MR. MARSHALL: No.

MR. HINES: It was still subject to those conditions.

MR. DONNELLY: We don't need to give amended subdivision approval, just an authorization to file the map?

MR. HINES: Right.

CHAIRMAN EWASUTYN: I'll poll the Board Members. Would you like to have a public hearing on the RAM Hotels?



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

MR. GALLI: Yes.

MS. DeLUCA: Yes.

MR. MENNERICH: Yes.

MR. DOMINICK: Yes.

CHAIRMAN EWASUTYN: Okay. Pat, the 4th of October, is that available?

MR. HINES: Yes. This does not go to County Planning, so that's certainly doable. It's not within any of the 500 foot areas.

MR. DONNELLY: Does it make sense to reaffirm the negative declaration at this point?

MR. HINES: I see no significant environmental impacts coming from the reduction in the building footprint or reduction in the disturbance. I would recommend the reaffirmation of the previously issued negative declaration. The project is smaller in scope slightly.

CHAIRMAN EWASUTYN: Based upon the comment received from Pat Hines, our consultant, I'll move for a motion to reaffirm the negative declaration that was granted for the amended site plan.

MR. GALLI: So moved.

MR. DOMINICK: Second.

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

CHAIRMAN EWASUTYN: Motion by Frank  
Galli. Second by Dave Dominick. I'll move for a  
roll call vote starting with Frank.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Aye.

I'll move for a motion to set the  
public hearing --

MR. HINES: October 4th.

CHAIRMAN EWASUTYN: -- for October 4th.

I have a motion made by?

MR. GALLI: So moved.

CHAIRMAN EWASUTYN: Frank Galli.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Aye.

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

Motion carried.

I'll move for a motion to close the  
Planning Board meeting of the 6th of September.

MR. GALLI: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: Motion by Frank  
Galli. Second by Stephanie DeLuca. I'll ask for  
a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 7:52 p.m.)

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

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 15th day of September 2018.

*Michelle Conero*

---

MICHELLE CONERO