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

----- X
In the Matter of

McDONALD'S
(2017-26)

65 North Plank Road
Section 1; Block 1; Lot 76
B Zone

----- X

INITIAL APPEARANCE
AMENDED SITE PLAN

Date: November 2, 2017
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: MICHAEL H. DONNELLY, ESQ.
PATRICK HINES
GERALD CANFIELD
KAREN ARENT

APPLICANT'S REPRESENTATIVES: MATTHEW DUDLEY, ESQ.
BRAD BOHLER

----- X

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

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CHAIRMAN EWASUTYN: I'd like to welcome everyone to the Town of Newburgh Planning Board meeting of the 2nd of November. This evening 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. 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 Engineers.

MS. ARENT: Karen Arent, Landscape
Architectural Consultant.

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CHAIRMAN EWASUTYN: At this time I'll
turn the meeting over to John Ward.

MR. WARD: Please stand to say the
Pledge.

(Pledge of Allegiance.)

MR. WARD: Please turn off your phones
or on vibrate. Thank you.

CHAIRMAN EWASUTYN: Our first item on
the agenda this evening is McDonald's. It's
located on North Plank Road in the B Zone. It's
an amended site plan. Harris, Beach and Bohler
Engineering.

MR. DUDLEY: Good evening, Mr.
Chairman, Members the Board, Town Staff. My name
is Matt Dudley and I'm an attorney with Harris,
Beach. We represent the applicant, McDonald's,
for a site plan application for it's restaurant
located at 65 North Plank Road, otherwise known
as Route 32. That's located in between
Gardnertown Road and Gidney Avenue.

McDonald's is proposing that it
demolish the existing structure and redevelop the
site so as to modernize it and increase and cure
the traffic flow around the restaurant,

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particularly with respect to the drive-through aisle. One of the main features that McDonald's proposes is a dual aisle system where there are two points to order, there's two menu boards. Those two aisles will cue into one aisle at which the customers in their vehicles can go to the payment window and then to the pick-up window. This is designed to improve the traffic flow in and around the parking lot of the restaurant.

The building that's proposed is slightly smaller in square feet than the existing structure. It's approximately 400 square feet smaller in size.

The proposal does require a number of area variances from the Zoning Board, five of which were outlined in our October 11, 2016 letter, the sixth of which was noted in the engineering consultant's recent comments which is for an increase in overall square footage of the signage on the property. The proposal will also require approval from the Architectural Review Board.

Our hope is that this Board will refer us to the ZBA for the requisite area variances in

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addition to declaring it's intent to be lead agency for SEQRA purposes and referring the project to the County Planning Department pursuant to General Municipal Law 239-M, as well as the New York State DOT since it abuts a State road.

I have Brad Bohler here from Bohler Engineering tonight to answer any questions you may have, as well as Phil Weisberger who is the construction manager for McDonald's and Dan Hickey who is the operator of the restaurant. So unless you have any questions for me, I would like to hand it over to Brad to explain some more of the specifics of the project.

CHAIRMAN EWASUTYN: Makes good sense. Brad, welcome.

MR. BOHLER: Thank you. I will show the survey first. We were here probably four years ago or so. It's a little bit of a different application.

Just to, I guess, refresh the Board's memory on the current site, there's currently a McDonald's existing on North Plank Road. The entrance to the site is through the northern side

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of that property. Parking is on the north side, west side, and then also on the south side. In that location there's about ninety parking spaces on site. There's no recirculation lane on the site right now, so anyone that wants to use the drive-through currently has to use the North Plank Road entrance. People actually do come off Gidney Avenue and do an illegal turn around back there. As part of our proposal we would be going through and trying to make that more efficient in our application.

One of the requests at the last hearing was to determine whether or not we could rebuild the McDonald's with regard to the existing nonconforming use. The Zoning Board, probably three years ago, had a determination we could rebuild the McDonald's within the existing footprint of the current McDonald's building as long as we didn't increase the setback to North Plank Road or the square footage of the building. Our proposal tonight is to do that.

This is the rendering for the site and a site plan and landscape plan shown on it. Essentially we're proposing a 450 square foot

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smaller building within the current footprint of the building. It's set back 30 more feet from the right-of-away along North Plank Road and incorporates parking spaces along the north side of the building, which is the non drive-through side, as well as re-striping and reconfiguring spaces to the south.

We did implement the same drive-through configuration that we had shown last time. I know it's been a while. It's a side-by-side drive-through. It allows for more efficient maneuver through the drive-through configuration. Currently there's one lane at that location. It will allow people to process their orders more quickly through that process and then allows them to exit to North Plank Road.

We also provide a recirculation lane, which we don't currently have, that allows for customers, if they want to enter off Gidney or Gardnertown Road, to circulate the proper way into the drive-through or also go back to those roads, unlike the current conditions where you have to exit right onto North Plank Road.

That's the summary of our changes for

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the proposal tonight.

CHAIRMAN EWASUTYN: Questions from
Board Members?

MR. GALLI: You said that was a
landscape plan also?

MR. BOHLER: It's the landscape plan
superimposed. Yes.

MR. GALLI: Do you want to go over that
maybe?

MR. BOHLER: We did enhance the
landscaping on the site. There's deciduous
evergreen shrubs along the front of the building,
also a hedgerow along the north side of the
building as well where the neighboring property
is. We provided some additional trees on the
site. Currently on the south side of the
property we did provide deciduous trees.
Anywhere that's disturbed we would plant back
with grass essentially.

MR. GALLI: That's all I have right
now.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: No.

CHAIRMAN EWASUTYN: Ken?

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MR. MENNERICH: Will you be repaving everything once you build the new building?

MR. BOHLER: The majority of the site will be repaved. The areas that we can try to save we'll topcoat with a sealant and then re-stripe so it looks the same color. The light gray areas are those areas that would be sealed. The dark gray are the areas that would be proposed new pavement.

MR. MENNERICH: In the light gray areas would you be changing the light fixtures that are there?

MR. BOHLER: We propose to do new light fixtures. There will be LED lights on the site. Some of the light fixtures stay where they are, we'll replace the heads, but some of the new features will have new lights around the site.

CHAIRMAN EWASUTYN: Why wouldn't you at least overlay the existing asphalt with an inch-and-a-half of asphalt rather than paint it with black paint?

MR. BOHLER: It's really a pavement evaluation. If we get the feel when we go to build it and --

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CHAIRMAN EWASUTYN: What if we make a recommendation that you mill it and put an inch-and-a-half of top on it? I mean it's kind of like going out in a new suit and pulling a tie out of your closet that's fifteen years of age. I mean no matter how good you look, the tie is going to blow your whole image. Okay. So let's end it on that. Really, painting something black is -- it's just not our business as to what it's going to cost to do this but that's not heard of.

MR. WARD: Especially after construction.

CHAIRMAN EWASUTYN: And another thing. Ken Wersted, our Traffic Consultant, suggested -- made a recommendation that you have a sidewalk along North Plank Road which would be compatible with what was done at Walgreens, Orange County Trust. We're going to make that part of the condition that you do put in a sidewalk.

MR. BOHLER: That's not a problem. Just along North Plank only? Okay.

CHAIRMAN EWASUTYN: That's my final thought. Cliff?

MR. BROWNE: Are you still proposing to

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leave the dumpster location where it's at?

MR. BOHLER: Yes. It will function the same way it does currently.

MR. BROWNE: Okay.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Brad, from breaking ground to completion, what is the estimate in time, do you think, for this?

MR. BOHLER: I'll say it's dependent kind of on what's in the building from a remediation perspective and utility disconnect. Ballpark, about 120 days from shutdown to open. It fluctuates a couple weeks here and there based on utilities, if it takes a little while for the utility to cut power or whatever it may be.

MR. DOMINICK: I'm done.

MR. WARD: At work session we met and we were talking in reference to your lights. Across the street, like we say, we're trying to keep it low. The lights they have for the parking lot, if you could possibly go with the flow with that. Karen will hit that more later in reference to it.

John said about the sidewalk. I'm

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recommending, for design purposes, looking at the landscape, a stonewall with the sidewalk. A 24-inch stonewall to match your fascia, the stone that's beyond the building.

When you came in front of us four years ago, where the Sycamore tree is on the corner, --

MR. BOHLER: Here?

MR. WARD: -- you were proposing like a picnic area or something like that at the time. You were going to have a dumpster there. That's back where it should be.

MR. BOHLER: Right.

MR. WARD: What I'm saying is you could have like picnic tables or something. You were proposing that at that time.

MR. BOHLER: Okay.

MR. WARD: All right. Thank you.

MR. BROWNE: Also at the work session we were talking about the delivery, the trucks coming in for deliveries. How do you propose to do that when there's basically no access for deliveries?

MR. BOHLER: There's a striped area between the drive-through and the aisle. It's

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about 12 feet wide, a little bit more than that.
We would like to see it proposed to go there.
The other option is they do come on off-peak
hours so there's generally not a lot of people.
We could cordon off a couple parking spaces on
the north side of the building and they could
just enter in the loading area. It would be
preferred to use that because it's closer to
where the freezer and cooler doors are.

MR. BROWNE: When you say generally
they come in at off peak hours, is that generally
like 95 percent or is that generally like 30
percent?

MR. BOHLER: Like 95 percent.

MR. BROWNE: Okay.

MR. BOHLER: I'll say 99 percent.
Every once in awhile they might hit a little bit
of a breakfast peak. That's about it.

CHAIRMAN EWASUTYN: The hours of
operation for the public, what are the hours?

MR. BOHLER: There's no change to the
hours right now.

CHAIRMAN EWASUTYN: I'm not familiar
with the hours.

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MR. HICKEY: The lobby is 6 in the morning until 11 at night and the drive-through is 24 hours.

CHAIRMAN EWASUTYN: Thank you.

For the record, you are?

MR. HICKEY: Dan Hickey. I work for the owner/operator.

CHAIRMAN EWASUTYN: Any more questions from the Board?

(No response.)

CHAIRMAN EWASUTYN: Jerry Canfield, questions?

MR. CANFIELD: Just one question. Did I hear you say start to finish 120 days?

MR. BOHLER: Yes.

MR. CANFIELD: What type of construction is that for the new building?

MR. BOHLER: Is it made of wood, steel, is that what you're asking?

MR. CANFIELD: Prefabbed panel or --

MR. BOHLER: It's stick built. There's a concrete foundation.

MR. CANFIELD: It's all stick built, truss configuration?

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MR. BOHLER: Yes.

MR. CANFIELD: That's an amazing
turnaround time.

MR. BOHLER: They're very efficient.

MR. CANFIELD: That's all I have, John.

CHAIRMAN EWASUTYN: Thanks. Karen
Arent is our Landscape Architect. She has some
comments to make.

MS. ARENT: So it would be nice to
match the lights that are at the Walgreens and
the Orange County Trust, the style of the
lighting --

MR. BOHLER: Okay.

MS. ARENT: -- and the poles. I
believe the height of those lights are 16 but I
will double check that.

MR. BOHLER: Do you have a detail you
could send us?

MS. ARENT: I think I might have the
details of the lights. I have to look that up.

MR. BOHLER: We can look at that.

MS. ARENT: And if you're finding it's
much more efficient to have the 24 foot pole,
that would be acceptable in the middle of the

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parking lot but around the perimeter where it's really visible it would be nice to have the pole height match what's across the street.

And the sidewalk along Route 32, that was spoken about.

And then you can also look at the walls that are along Route 32 at the Walgreens and the bank. It's important for the stone to match those stonewalls. It would be great for your stone on your building to match. It's not going to match perfectly but at least the colors and the sizes of the stones could match.

It's going to be cultured stone, correct, on the building?

MR. BOHLER: That's what we propose right now.

MS. ARENT: There is some cultured stone that really matches those buildings -- the local stonewalls very nicely. It would be important to try to match that.

I was looking at the site plan. It looks like people are going to be going across the landscaping and across the traffic to get into the building from the parking area. If you

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can show crosswalks. Maybe they're decorative or nicely painted.

MR. BOHLER: We can paint some crosswalks.

CHAIRMAN EWASUTYN: Could they do a stamped asphalt?

MS. ARENT: They could do a stamped asphalt, too. Something interesting.

CHAIRMAN EWASUTYN: Maybe a stamped asphalt with color and then the borders be another color. The United States Military Academy at West Point, they do the stamped asphalt and, for simple words, a red and then the border in white. They actually added the white border in the last year or so because they felt that highlighted the pedestrian safety.

MS. ARENT: You could see it better. It doesn't have to be red. It could be a color that coordinates with the building or something.

MR. DONNELLY: I know you guys like yellow.

MR. BOHLER: McDonald's is red, so we'll take it.

MS. ARENT: I'm sorry, I forgot about

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that.

CHAIRMAN EWASUTYN: What was that?

MS. ARENT: McDonald's is red so they're going to go for it.

There should be street trees along all the streets, not just North Plank Road. I was thinking maybe -- I don't know what's in the point created by Gardnertown and Gidney but maybe some nice landscaping there to kind of announce -- just make it look nice so that -- that's a very visible point. It would be like you might need to combine it with some kind of stormwater management. That could be a nice -- stormwater management plantings don't have to look ugly, they can look really beautiful. Consider somehow creating a beautiful point there.

And then your outdoor dining space. If you're going to make something, maybe it looks like something that you landscape or put trees around.

Coordinate the trash cans and the site furniture. Try to make that all look coordinated and nice.

Also, if you can show cut sheets of

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what you're proposing and include that in the details.

And then another thing. I was looking, it would be great to kind of soften the view of the cars from all the roads, the parked cars. Maybe put some hedging or something.

MR. BOHLER: We captured that in some of the areas. We can certainly look.

MS. ARENT: I did see some of that in the front, which is great. Being there's roads on all sides, it would be great to kind of soften that view. It also might help with people cutting through. Maybe they can't see where they're going and maybe they won't cut through.

Then I didn't look to see if the dumpster area was screened. If you could just show screening.

CHAIRMAN EWASUTYN: Pat Hines is going to bring you along. There's a project that we'll soon be signing the site plan.

Pat, discuss with him Gardnertown Commons and the improvements there also.

MR. HINES: Down Gidney Avenue, at the intersection of Gidney and Gardnertown, there's a

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164 unit apartment complex proposed. It's going to be under construction in the near future. At that intersection there is proposed to be a stop light added and some lane improvements to channel that traffic better than it is now. That will serve to dress up that area as well. I guess it's to the south of you there.

Along with Karen's comments regarding the stonewall, the Town has design guidelines. Realizing that you're upgrading an existing site, one of the design guidelines is that parking is not permitted in the front yard setback. That's difficult for you when you have three front yard setbacks on the roads. One of the mitigating measures the Town has in the past accepted, similar to your neighbors across North Plank Road, is that small stonewall feature to screen the front of the cars, as well as Karen mentioned the large parking area on Gardnertown Road there, to screen that. The Town Planning Board often considers a waiver of that design guideline.

Similar with the lights. The design guidelines address the lighting. If you can look at Karen's comments regarding that, that would be

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a waiver that the Board could also consider. It requires pedestrian scale lights ,whether they're 16 feet or lower. You're proposing 20 foot. I think it's important to match across the street, whatever height those are. That's where those comments come from. We do have the design guidelines.

A demolition permit will be required. You have a demolition plan. A note on that demolition plan just requires a permit from the building department.

You had mentioned the variances. Just to put them on the record, the front yard setback is proposed on Route 32, 60 feet is required, 57.1 is proposed. There's a variance needed for the entrance and exit to off-street parking, 150 feet from an intersection where 120.8 is provided. One off-street loading site is required where you're proposing no off-street loading. I'm sure Ken Wersted in the future, our Traffic Consultant, will address that. There may be a note required on the plans regarding deliveries if that moves forward. I think your deliveries are made by tractor trailers. That

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could certainly affect the operation of this site and the traffic circulation.

There's a requirement that drive-through aisles exit into parking areas. You'll need a variance for that because your drive-through is aimed directly at Route 32. That will be an interpretation by the Board as well because you really don't directly discharge there. Since you're going to the ZBA anyway, we'll have you address that.

And then signage which I picked up on. Our allowable signage based on your calculations is 766 plus or minus half a foot there and you're proposing 833.1. So those are the variances that you'll need.

The Town of Newburgh has double striped parking areas. I can provide you with that detail. Since you're redoing the entire parking lot, that Town required double striping is required.

We discussed the crosswalks that I had mentioned in my comment.

We do identify the referral to County Planning. I think the plans are in okay shape

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for that at this point.

County Planning as well as my future other comments are going to look at stormwater on the site. I don't know -- you're close to that acre. I don't know if you're at the acre. The Town of Newburgh also has more stringent requirements than the DEC. We are going to need a stormwater pollution prevention plan.

Along with that I noted you have an 18-inch pipe proposed directing stormwater into the Town's 12-inch diameter pipe. There may be a need for analysis of that 12-inch diameter pipe.

MR. BOHLER: We'll look at that.

MR. HINES: We'll be needing that.

We can't send it to County Planning until we have the stormwater pollution prevention plan. They're going to send it back as incomplete. The sooner you can get that to us we can have the County referral done.

We do concur that lead agency can be declared tonight and the plans can be sent to DOT. You aren't changing any drainage out to DOT but you are changing the traffic flow.

The water service. You're proposing a

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separate fire and potable water line. The Town requires that be a single line. The arrangement has to be such that if the fire flow is terminated to the building, the potable water is also terminated to the building. That works very well for us because the fire lines don't stay off very long when there's no potable water in the building. I can provide you with that detail as well.

MR. BOHLER: Can we go back to the signs real quick, just so I have clarification? You noted the variance required. We went through the ordinance and the directional signs were excluded from that calculation. The tally we have is for the free-standing and building mounted signs which is below that requirement, the 768 square foot plus or minus. The jump up is through the directional signs on the site, many for the enter/exit. If those are included I'm okay in asking for the variance. I want to make sure I have clarification.

MR. HINES: I'm not real clear. I just went based on your calculation. I don't know if the menu board is a directional sign either.

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MR. CANFIELD: The directional signs permissible are 2 square feet.

MR. HINES: Yours are 4.

MR. CANFIELD: You've got like an additional 60 square feet. That's a lot of directional signs.

MR. BOHLER: Most of them are how to get through the drive-through, et cetera. We counted the menu boards as a directional sign. It's not advertising.

MR. HINES: I think you're going to the ZBA. If that was the only reason to go to the ZBA I think it would warrant further analysis. Since you're going there, I think you can get that clarified and get it out of the way. We don't want you trying to get your building permit and not have signs be declared directional. I don't know what they look like but if it has an M on it for McDonald's or something, that may not be a directional sign.

MR. DONNELLY: You can certainly argue to them --

MR. BOHLER: Just a clarification. We're good.

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MR. HINES: I have technical comments I was skipping over. I know you have my comments.

You're trying to preserve the parking, a small piece of the parking lot at Gidneytown but you're showing that as a stabilized construction entrance. That may have to be torn out to put the stabilized construction entrance in. I think you're going to be repaving the site anyway from what I heard earlier.

Concrete thrust blocks are shown on your water mains. The Town requires restrained joint pipe, not concrete thrust blocks. If you need those details I can provide them as well. There will need to be a restrained joint pipe chart put on there.

We have a comment the survey shows ownership to the center line of the road throughout. If it's a subdivision we would require dedication. I don't know if that's a typical site plan requirement. They own to the center line of Gardnertown and Gidney Avenue.

MR. DONNELLY: It must be a road by use.

MR. HINES: It could be a road by use

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McDONALD'S

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but I don't know if at this point it would be appropriate to send it to the highway department to see if they would like a dedication.

MR. CANFIELD: It's existing.

MR. HINES: It's an existing condition.

MR. DONNELLY: I don't know. Often with residential subdivisions we request dedication. I don't know that that's necessary here.

MR. HINES: I think this is one of the first commercials we've seen where it goes to the center line, just because of the age of the facility I believe.

CHAIRMAN EWASUTYN: You'll have the same construction people building this as they built other McDonald's in the area for you? The point I'm getting at is building during the winter -- building in general in this area and the traffic and vehicles coming out, it would be good if you could provide someone along the road when you have trucks backing in and pulling out just for the safety of that busy intersection.

MR. BOHLER: I understand. They go out to bid but they can use local contractors so

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McDONALD'S

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they'll be familiar with the area.

CHAIRMAN EWASUTYN: I'm not so concerned whether they're local or they're not local. What I'm concerned about is having a flag person --

MR. BOHLER: Okay.

CHAIRMAN EWASUTYN: -- at the construction entrance, whether it be a concrete truck coming out or a stone truck coming in back and forth. I know the trades. Trucks are going to just be running in and out of there and it's going to create a safety issue and possibly a liability issue as far as tracking on the road.

MR. BOHLER: Sure.

CHAIRMAN EWASUTYN: So we'll go on record as stating that now. In the future if people start complaining, we'll realize that no one took that serious.

MR. BOHLER: Right.

CHAIRMAN EWASUTYN: The most difficult job in the trades is directing traffic. The most dangerous. Again, you have a tough area to work in.

MR. WARD: Under construction is it

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McDONALD'S

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going to go out the back way?

MR. BOHLER: I don't think we figured that out yet.

MR. HINES: Initially in the first phase there is a stabilized construction entrance off of Gidney Avenue. There are other plans that show a stabilized construction access as well at the southern end of the Route 32 access, which that may be a difficult way to access the site.

CHAIRMAN EWASUTYN: Be careful there. It's a great location. It's a great project. There again, this was one of the hamlets that was discussed many years ago. There's fifteen hamlets in the Town. We're trying to still maintain that hamlet identity, whether it be with streetlights, sidewalks or stonewalls. It's a hamlet of the Town.

Okay. Anything else?

(No response.)

CHAIRMAN EWASUTYN: So at this point we would -- help me along with this. We'll ask the Board if they would grant conceptual approval, we'll declare our intent for lead agency and refer it to the DOT. Mike Donnelly will prepare

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McDONALD'S

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the letter to the ZBA listing the variances.

MR. DONNELLY: Correct.

CHAIRMAN EWASUTYN: Then I'll move for a motion that we grant conceptual approval, that we declare intent for lead agency, we do a referral to the DOT and Mike Donnelly prepare a referral letter to the Zoning Board of Appeals.

MR. DOMINICK: Motion.

MR. WARD: Second.

MR. HINES: John, it needs to go to County Planning. I can't send it until we get the stormwater --

CHAIRMAN EWASUTYN: I did say that.

MR. HINES: Because they have to go to the ZBA, there would be some time if they want to submit that. If you want to approve it --

CHAIRMAN EWASUTYN: We'll make that motion now.

MR. HINES: Just include that. When we get the SWPPP we can send it, otherwise we'll be waiting a couple months. The County does want the stuff early.

CHAIRMAN EWASUTYN: I'll amend that motion. I think as Matt said earlier, 239-M of

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McDONALD'S

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the Municipal Law, we'll refer it to the Orange County Planning Department.

Pat, as far as the notice of adjoining property owners within the next ten days, do you want to explain that?

MR. HINES: The Town has a requirement to notify properties within 500 feet ten days from the appearance at this meeting. You can't come back to a Planning Board meeting before then. So I will prepare a notice and I will get the addresses from the assessor which I will provide to you, you will address the envelopes, stamp the envelopes, stuff the envelopes and bring them to the Town supervisor's office.

CHAIRMAN EWASUTYN: You'll bring them to the personnel department. Charlene Black will be the responsible person. Charlene is in her office between the hours of 7 and 3. We would ask that you give her 24 hours notice that you plan on coming in.

MR. DUDLEY: Sure.

MR. HINES: They're just first class mail stamps. The Town does the mailings. It saves that certified mail. You'll be doing a lot

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McDONALD'S

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of mailings. Then you'll have the ZBA and potentially a public hearing at this Board as well.

CHAIRMAN EWASUTYN: Okay. Anything else?

(No response.)

CHAIRMAN EWASUTYN: We had a motion made by Dave Dominick, a second by John Ward. We had discussion. We added the referral to the Orange County Planning Department. At this point I'll move for approval starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried.

Thank you.

MR. DUDLEY: Thank you very much.

(Time noted: 7:31 p.m.)

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McDONALD'S

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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 14th day of November 2017.

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

MOBILITIE
(2017-23)

6 Orr Avenue
Section 96; Block 1; Lot 11.1
IB Zone

----- X

WIRELESS FACILITY
SITE PLAN

Date: November 2, 2017
Time: 7:32 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: MICHAEL H. DONNELLY, ESQ.
PATRICK HINES
GERALD CANFIELD
KAREN ARENT

APPLICANT'S REPRESENTATIVE: PAUL COSTA

----- X

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

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CHAIRMAN EWASUTYN: The next item of business is Mobilitie on Orr Avenue in the B Zone. It's being represented by Paul Costa. It's a wireless facility site plan.

MR. COSTA: So I guess during the last hearing you had asked for a survey. We had sent that but had some comments that it wasn't a proper survey. We're getting an additional survey done to show that it is in the right-of-way, as well as working with Central Hudson and Verizon to determine that pole is in the right-of-way. We'll have that to you.

I guess the other comment was the height. Actually, it was an error on the drawings. It's not 22 feet at the top of the pole. We did a structural analysis and it's 30 feet 2 inches. The total structure height would be 33 feet and 6 inches with the antenna on the top.

MR. HINES: That's a number that we don't have. We have three other numbers but not that one.

MR. COSTA: The 38 feet is supposed to be 3 feet 4 inches. The 29 feet was incorrect.

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MOBILITIE

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We have -- we did a structural --

MR. HINES: The drawings showed 26.2.

MR. COSTA: That's incorrect. I apologize. We did a structural and I have that for the Board that shows the 30 feet and 2 inches.

CHAIRMAN EWASUTYN: Do you want to hand that out now?

MR. COSTA: Sure. In there also we have a structural analysis and emissions report, plus the waivers. You can just see it. This is Central Hudson and the Verizon pole actually.

CHAIRMAN EWASUTYN: Jerry, you'll have a request -- when he applies for a building permit, what kind of study do you want?

MR. CANFIELD: We'll request to see the NEIR certification, compliance with the FCC requirements and the RF remittance.

MR. COSTA: Our report is there. It shows it's well below the --

MR. CANFIELD: That's in here?

MR. COSTA: Yeah, it's in there. It's included. And we have a structural too showing the pole is sound and can handle the equipment.

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CHAIRMAN EWASUTYN: At this point we have to circulate to the Orange County Planning Department, Pat?

MR. HINES: Yeah. I need a new submission, though. I need the correct height.

As far as the survey goes, when I got the other survey I pulled out plans for the South Union Plaza that I have. If your surveyor wants to contact me I can get him those plans. I believe that the pole is in the right-of-way, but I do want your surveyor to put the metes and bounds. If he wants to contact me I can provide him with a section of the property there.

MR. COSTA: I told him this time to get the metes and bounds.

MR. HINES: I have that information. I can assist him with that.

MR. COSTA: Great. That will be helpful.

MR. HINES: It does need to go to County Planning. We need that 33.4 height consistent on the plans. If you'd get me that and the Board is okay with it, I can submit that once we get it.

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The other issue is the numerous waivers you're requesting. I've identified them on the plans. I think there's a need to waive some of the requirements in Section 168-6(F). There's 1 through 24 items that need to be in the application. One of them was the RF review that you submitted. If you want to just take another look at those items that you haven't provided and identify those as waivers as well.

MR. COSTA: So each one outside of the emission report and the structural?

MR. HINES: Structural. Yup. Those are two that are included in that section. With receiving that tonight you may have complied with the rest of them. If you want to just review that.

MR. COSTA: Sure.

MR. HINES: We talked about the waivers that you are requesting from the Board at work session. As this moves forward the Board can address that.

At some point I believe you need approval from the Town Board to place this facility within the Town right-of-way. There was

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MOBILITIE

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a discussion at work session of when that would occur, that referral to the Town Board.

CHAIRMAN EWASUTYN: Michael, how would that work?

MR. DONNELLY: I think you can just approach the Town Board and explain that this is a pole that's in the Town right-of-way, it's a road by use and you'd like permission to install it, unless you have some recorded documentation that shows that there's an authorization that extends beyond Central Hudson and Verizon.

MR. COSTA: Sure.

MR. DONNELLY: I think he can approach the Town Board directly. I don't know that we need to refer him.

MR. COSTA: Could we move I guess in parallel paths?

MR. DONNELLY: Sure.

CHAIRMAN EWASUTYN: That's what we're hoping to do.

I'll make a motion from the Board to refer this to the Orange County Planning Department.

MR. GALLI: So moved.

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MR. WARD: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried.

You'll provide Pat with the information.

MR. HINES: This plan is fine. I need the appropriate information.

MR. COSTA: Sure. We'll provide Pat with that information and reach out to the Town Board.

MR. DONNELLY: How are we handling this under SEQRA? How did we have the other small cells? Were they Unlisted or Type 2? I think we called them Unlisted.

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MOBILITIE

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MR. HINES: I think we called them
Unlisted.

MR. DONNELLY: There are no other
agencies involved?

MR. HINES: No other agencies involved.
You had submitted an FAA report. I
don't know if you heard back from them yet.

MR. COSTA: I'll check with regulatory.

MR. HINES: It's right in the flight
path.

MR. COSTA: I'll get that. The FCC
makes us do a bunch of regulatories. That is
included. I'll get that.

CHAIRMAN EWASUTYN: Okay.

MR. COSTA: Thanks.

(Time noted: 7:40 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 14th day of November 2017.

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

ALL GRANITE & MARBLE
(2011-14)

Brookside Farm Road
Section 97; Block 1; Lot 20.2
IB Zone

----- X

PROJECT STATUS DISCUSSION
SITE PLAN

Date: November 2, 2017
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
CLIFFORD C. BROWNE
STEPHANIE DELUCA
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: TAYLOR PALMER

----- X

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

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CHAIRMAN EWASUTYN: The next item of business is All Granite & Marble. It's a site plan here for a project status update. It's being represented by Taylor Palmer.

MR. PALMER: Good evening, Mr. Chairman. For the record, my name is Taylor Palmer, I'm with the law office of Cuddy & Feder on behalf of the applicant, All Granite & Marble Corp. This evening I'm joined by my colleague Justin Dates of Maser Consulting, and on behalf of the owner, Robert Ross.

If I may, Mr. Chairman. While we are all here in suits this evening, ours ties may not be vintage but they are all striped.

We appreciate the Board considering this as a Board Business item this evening. We are here to request a six-month extension of the existing site plan approval for the property. With the submission that we provided to the Board this evening, we provided a copy of what we consider to be a fully executable water line easement agreement and a CCR letter agreement which were the two outstanding conditions of this approval. Our client continues to work with the

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adjacent property owners to proceed with this agreement.

Ultimately last November we had gotten to a point where we expected to be able to sign these easement agreements. There was a sewer line that was located outside of an existing easement that had been on a prior subdivision map. Our client, through their own accord, has been able to locate that sewer pipe and has been working with Brook Trust in order to readjust the easement in that area. So there was a third agreement. Ultimately, before the adjacent property owner would agree to sign the two other agreements, which are the water line agreement and the CCR letter agreement, we still have to provide them with a third agreement which will all be signed at one time.

At this time we're respectfully requesting a six-month extension so as to coordinate the third agreement to get the other two signed.

CHAIRMAN EWASUTYN: Mike Donnelly has something he would like to add at this point.

MR. DONNELLY: We didn't know that you

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were this close to the finish line, if we can use that. My suggestion was going to be since I know the frustration your client is experiencing, by the same token the Town is frustrated by the fact that the site has not been stabilized and it's been in an inappropriate condition for a lengthy period of time. We discussed at work session granting the extension for six months but requiring as a condition of it that by May 15th if your site plan isn't going to be signed and the site isn't stabilized, we're not going to extend it further. It can't go on forever.

MR. PALMER: Understood. Again, the applicant has been in consultation with Maser Consulting to try to do additional mechanisms to remedy further site stabilization. I know Maser Consulting has been on site and can provide further details.

MR. DONNELLY: I know there was a meeting and it was going to happen, but it was going to happen before the October 15th date at which it could be done. Now it can't be done until next spring. The report from Pat Hines says it could be accomplished by May 15th. We're

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going to impose that as a condition. If you're not going to come in and get your site plan signed and get to work, you're going to have to get that site stabilized before May 15th or you're not going to get a further extension. That would be very difficult given how long it's taken you to get where you are.

MR. PALMER: Understood. We intend to move expeditiously. We appreciate the comments and we'll work to address that.

CHAIRMAN EWASUTYN: I'll move for a motion from the Board to grant an extension for All Granite & Marble to May 15, 2018.

Mike Donnelly, the conditions?

MR. DONNELLY: One condition, that the site is stabilized to the satisfaction of the Town of Newburgh's representatives.

CHAIRMAN EWASUTYN: Having heard that, I'll move for a motion.

MR. GALLI: So moved.

MS. DeLUCA: Second.

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

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MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. CANFIELD: John, just one thing.

For clarity, stabilization of the site, I believe we discussed a permanent solution which may entail regrading the site to eliminate the cuts and not just --

MR. HINES: Stockpiles.

MR. CANFIELD: -- another attempt at temporary stabilization. Just for clarity. I mean it's severe work.

MR. HINES: We did have that meeting on the site. Your consultant is familiar with what we're looking for as stabilization.

MR. PALMER: Thank you again.

(Time noted: 7:43 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 14th day of November 2017.

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

BERETTA SUBDIVISION
(2017-21)

Old Post Road & River Road
Section 8; Block 1; Lot 38.2
AR & I Zones

----- X

TWO-LOT SUBDIVISION

Date: November 2, 2017
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: MICHAEL H. DONNELLY, ESQ.
PATRICK HINES
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: JUSTIN DATES

----- X

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

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CHAIRMAN EWASUTYN: The final item of Board Business this evening is the Beretta Subdivision. It's a two-lot subdivision on Old Post Road. It's in both an AR and I Zone. It's being represented by Justin Dates of Maser Consulting.

Justin, you went before the ZBA.

MR. DATES: Yes. We went before the ZBA and received all of our variances. They are on lot 1 -- Old Post Road is on the top of the page, River Road is on the bottom, lot 2, lot 1. Lot 1 we got a variance for lot area, lot width, single side yard and both side yards. Lot 2, again on the bottom, we got lot area, front yard setback and a side yard accessory setback variance. So all seven that we were looking to get we did receive.

Now we're back in front of the Board to continue the minor subdivision process.

CHAIRMAN EWASUTYN: Two different dwelling units all together?

MR. DATES: That's correct. On a single lot right now.

CHAIRMAN EWASUTYN: So then Pat, a

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SEQRA determination?

Mike Donnelly, a SEQRA determination and then set it for a public hearing?

MR. HINES: We would recommend a negative declaration. There's no new construction proposed. It's simply dividing two existing single-family residences that are currently on one lot and permitting them to be on individual lots.

They've addressed our previous comments, showed the septic systems that we requested. A note has been added identifying the 28th September zoning variance granted.

CHAIRMAN EWASUTYN: Having heard from Pat Hines, I'll move for a motion to declare a negative declaration on the Beretta Subdivision and schedule it for a public hearing on the 7th of December.

MR. WARD: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: Motion by John Ward. Second by Dave Dominick. Roll call vote starting with Frank Galli.

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.

Justin, you may have heard earlier but if you didn't, Charlene Black now is helping -- Cindy Martinez retired. She's in the personnel department. Again her hours are between 7 and 3. If you'd give her 24 hours notice when you're coming with the mailings, she'd appreciate that.

MR. DATES: Mr. Hines had sent the mailing list to come back before the notice. It was also checked as a public hearing. I assume I can use that same list to redo our mailings that we just sent out?

MR. HINES: Yes. I will provide the public hearing notice. That mailing list is still current.

MR. DATES: They need to be a minimum of 14 days prior to the meeting mailed out?

MR. HINES: 10 days.

MR. DATES: 10 days.

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MR. HINES: 14 works too. We'll get it out as soon as possible.

MR. DATES: Okay.

CHAIRMAN EWASUTYN: Are we cutting it too close?

MR. HINES: No. That's fine.

MR. DATES: Thank you, everyone.

(Time noted: 7:48 p.m.)

(Time resumed: 7:58 p.m.)

MR. DATES: The applicant is looking -- for the Beretta subdivision, they're looking to sell lot number 2 once it's subdivided off, they have someone interested in it, would it be possible for the Board to entertain moving the public hearing up to the 16th meeting? I would have to have the mailings out by Monday at the latest. Would they entertain that change?

CHAIRMAN EWASUTYN: Do me a favor. In the future -- did you just learn about this tonight?

MR. DATES: What's that?

CHAIRMAN EWASUTYN: What you're presenting to us.

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MR. DATES: I know they've been trying to sell it.

CHAIRMAN EWASUTYN: Did they just pop in tonight or did you know about it two or three days earlier?

MR. DATES: I missed it during my presentation.

CHAIRMAN EWASUTYN: What I'm saying to you is if you had knowledge of this earlier it would be good to bring it up earlier, discuss it with Pat Hines, see if it's timely. I understand what you're looking to accomplish but there's a lot that you're asking others to do. Justin, you have a tendency to sort of push. In general, Justin. It's not there when it's supposed to be dropped off so we have to sort of adjust our makeup somewhat.

Pat?

MR. HINES: I don't know that I can get it published in time.

CHAIRMAN EWASUTYN: Thank you. I apologize. We would do it but there's a timing with all this. I guess what we're saying is if we knew a week earlier we would have somehow

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tried to coordinate it with everyone to say okay and then we'll act on it tonight, but we just don't have that kind of timeframe.

MR. HINES: I don't think we could get it published in the paper. We would have to get in to them by the 7th. I think they publish on Thursday, which is the 9th.

CHAIRMAN EWASUTYN: I apologize.

MR. DATES: Thank you for your consideration.

CHAIRMAN EWASUTYN: It's a nice site. The building -- I know the white frame house is vacant. I happen to like that house.

MS. BERETTA: It's for sale.

CHAIRMAN EWASUTYN: I don't have two sticks to rub together. That's my problem. I can only dream.

MS. BERETTA: We'll make a deal.

MR. HINES: Do we want to do it contingent on getting it published? I can try.

MS. BERETTA: If you could it would help. The prospective buyers are unable to do title searches, they don't have a handle on what the property taxes are going to be like. The

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prospects that come through and look at the lot are concerned because it hasn't been subdivided yet and, you know, they're nervous buyers. They want to see it done, they want to know what they're looking at for tax reasons.

MR. DONNELLY: Will you give us your name for the record?

MS. BERETTA: Brenda Beretta.

MR. HINES: I have a person in my office that coordinates with the newspaper.

MS. BERETTA: We appreciate the effort.

CHAIRMAN EWASUTYN: Then I'll move for a motion that we close the Planning Board meeting of the 2nd of November.

MR. GALLI: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: Motion by Frank Galli. Second by Stephanie DeLuca. Roll call vote.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

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MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

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

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

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for and within the State of New York, do hereby
certify:

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I further certify that I am not
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interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 14th day of November 2017.

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

TRINITY SQUARE
(2006-53)

Request for a Six-Month Extension
from November 2, 2017 until May 2, 2018

----- X

BOARD BUSINESS

Date: November 2, 2017
Time: 7:49 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: MICHAEL H. DONNELLY, ESQ.
PATRICK HINES
GERALD CANFIELD

----- X

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Newburgh, New York 12550
(845)541-4163

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CHAIRMAN EWASUTYN: At this point we'll turn the meeting over to Ken Mennerich.

Let me stop for a second. As far as the Board Business, we have three items that we want to discuss. Should we add the discussion for the Ridge?

MR. HINES: I was going to suggest that when you were done.

CHAIRMAN EWASUTYN: Let's start with what we do have listed. Ken Mennerich will read those, please.

MR. MENNERICH: The first letter is dated October 23, 2017, addressed to John P. Ewasutyn, Planning Board Chairman, Town of Newburgh Planning Board, 308 Gardnertown Road, Newburgh, New York regarding Anthony Cocchi Junior (Trinity Square Site Plan), South Plank Road/Route 52, Section 60; Block 2; Lot 4.1, Application 2006-53. Dear Mr. Ewasutyn, at the April 20, 2017 Planning Board meeting the preliminary site plan approved for the Trinity Square project, project 2006-53, was given an extension that expires November 17, 2017. Mr. Cocchi is requesting another six-month extension

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TRINITY SQUARE

62

of this approval. If you have any questions or comments, please feel free to contact our office. Thank you for your time and consideration. Respectfully, Darren C. Doce.

CHAIRMAN EWASUTYN: Would someone make a motion to grant the approval for the extension as read by Ken Mennerich?

MR. MENNERICH: So moved.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich. Do I have a second?

MR. WARD: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried.

(Time noted: 7:50 p.m.)

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

----- X
In the Matter of

DIXON SUBDIVISION II
(2014-15)

Request for a Ninety-Day Extension
until February 2, 2018

----- X

BOARD BUSINESS

Date: November 2, 2017
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: MICHAEL H. DONNELLY, ESQ.
PATRICK HINES
GERALD CANFIELD

----- X

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MR. MENNERICH: The second item is the Dixon Subdivision. The letter is dated November 1, 2017, Town of Newburgh Planning Board, 308 Gardnertown Road, Newburgh, New York 12550, attention John Ewasutyn, Chairman. Regarding approval extension Dixon Subdivision II (two lots), Planning Board project number 2014-15, the section, block and lot is 3-1-103.31, job number 13074-PEI. Dear Chairman and Members of the Board, at this time we are requesting a ninety-day extension for the above-referenced project which was given a conditional final approval on August 4, 2016. The owner is securing signatures from the neighbor. Respectfully submitted, Charles T. Brown, PE, President, Talcott Engineering.

CHAIRMAN EWASUTYN: Thank you. Again I'll take a motion from someone to grant this extension as read.

MR. DONNELLY: The date should be -- this is a conditional final and the State statute authorizes extensions in ninety-day increments, unlike preliminaries and site plans. It should

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be to February 2, 2018.

CHAIRMAN EWASUTYN: Thank you.

A discussion by Mike Donnelly allowing this extension to be noted to February 2, Michael, --

MR. DONNELLY: Yes.

CHAIRMAN EWASUTYN: -- 2018?

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.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 7:53 p.m.)

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Michelle Conero

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

----- X
In the Matter of

HURLBURT SUBDIVISION
(2017-09)

Request for a Ninety-Day Extension
until February 2, 2018

----- X

BOARD BUSINESS

Date: November 2, 2017
Time: 7:53 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: MICHAEL H. DONNELLY, ESQ.
PATRICK HINES
GERALD CANFIELD

----- X

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

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MR. MENNERICH: The next letter is dated November 1, 2017, Town of Newburgh Planning Board, 308 Gardnertown Road, Newburgh, New York 12550, attention John Ewasutyn, Chairman, regarding approval extension, Hurlburt Subdivision (two lots), project 2017-09, SBL 4-2-41.22, job number 17020-MEH. Dear Chairman and Members of the Board, at this time we are requesting two ninety-day extensions for the above-referenced project which was given a conditional final approval on June 1, 2017. We are waiting for sign off from the Planning Board Engineer. Respectfully yours,
Charles T. Brown, PE, President, Talcott Engineering.

MR. DONNELLY: I know he's asking for two ninety-day extensions. I don't recommend we do that. A single one is what the law authorizes. So February 2, 2018.

CHAIRMAN EWASUTYN: I'll take that motion to grant a ninety-day --

MR. WARD: Pat?

MR. HINES: I'm listening. I have no

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idea what that means.

MR. WARD: For the record I want to make sure. He's indicating for something to be signed.

MR. DONNELLY: I think that's a word processing letter from another file.

MR. HINES: I don't know. I'll follow up on that. I don't know what he's waiting for.

MR. WARD: Thank you.

MR. HINES: Typically it's the other way around.

CHAIRMAN EWASUTYN: I'll move for a motion to grant a ninety-day extension until the date of February 2, 2018.

MR. MENNERICH: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: Motion by Ken Mennerich, second by Frank Galli. Roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

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MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 7:54 p.m.)

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

----- X
In the Matter of

THE RIDGE
(2017-01)

Removal of Abandoned Structures
on Brookside Road and Construction of Cul-De-Sac

----- X

BOARD BUSINESS

Date: November 2, 2017
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: MICHAEL H. DONNELLY, ESQ.
PATRICK HINES
GERALD CANFIELD

----- X

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CHAIRMAN EWASUTYN: Pat, do you want to discuss with us the consideration for The Ridge project?

MR. HINES: Last week we had a pre pre-construction meeting with representatives that are developing what was formerly known as The Marketplace project, then The Loop, now The Ridge. Part of that meeting was to discuss some of the outstanding conditions of approval, one of which is completion of the removal of the abandoned structures on Brookside Road, one of which fronts on Route 52 as well, and the construction of the cul-de-sac at the new location on Brookside Road.

The condition of approval issued by this Board stated that that work had to be done in the year 2017 by December 31st. Based on that discussion I requested that the applicant provide us plan sheets delineating that work area. We received, via e-mail, plans from Divney, Tung & Schwalbe identified as SP-1.5 and SP-1.8 dated September 24, 2014, last revised April 4, 2017, which identified the three structures to be removed and the construction of the new

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cul-de-sac. Those plans are identified as demolition plan Brookside Avenue and layout plan Brookside Avenue respectively. They identify that work that is required by the Planning Board by that date certain. The applicants wish to undertake that work in a timely manner before the other conditions of approval can be resolved. They're looking to start that work as soon as possible.

At that meeting we told them that's a decision of the Planning Board, if that work would be allowed prior to stamping of the plans. It makes sense because they do have a date certain in that approval resolution.

This same work was on each of the previously approved site plans as well and needs to be undertaken.

The reason the Planning Board set the date was that that neighborhood has had those abandoned structures in place for I would say a decade now. That road work hasn't been accomplished. The Board was concerned that that be one of the first things that occurs with the project to restore that neighborhood and those

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people impacted by the abandoned structures as soon as possible.

We would recommend the Board allow that work to be undertaken, coordinated with the building department. I believe the condition would be that the applicant identify that no additional work on the site would occur other than work shown on the two referenced plans prior to the plans being stamped as approved.

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

MR. CANFIELD: No. I attended the meeting with Pat and I agree.

CHAIRMAN EWASUTYN: Mike Donnelly?

MR. DONNELLY: I think that's fine.

CHAIRMAN EWASUTYN: Okay. So I'll take a motion from the Board to grant that activity on The Ridge site, is what we're calling it?

MR. HINES: Yes.

MR. WARD: So moved.

MR. GALLI: Second.

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

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Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. HINES: I think it's your Town job
number 2017-01.

(Time noted: 7:57 p.m.)

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

----- X
In the Matter of

GARDNERTOWN COMMONS
(2016-03)

Dumpster Location Change

----- X

BOARD BUSINESS

Date: November 2, 2017
Time: 7:57 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: MICHAEL H. DONNELLY, ESQ.
PATRICK HINES
GERALD CANFIELD

----- X

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CHAIRMAN EWASUTYN: The last thing we discussed during the work session was Gardnertown Commons, a change to the dumpster location.

MR. HINES: They previously had a more conventional dumpster location that had just block walls and a swing gate. They're proposing to, for lack of a better term, upgrade the dumpster enclosure to a larger facility with a roof in order to keep the various garbage and recyclables that they're required to separate out of the weather. It's a nicer feature.

The Gardnertown plans, which were last revised 31 October 2017, have been revised to show the details per the architect. The project architect has designed this upgraded dumpster enclosure. It's larger but it certainly becomes more of a site feature than a typical dumpster enclosure that doesn't have a roof and just has chain link type swing doors. People actually walk into this enclosure and deposit the materials in the appropriate containers rather than just having the swing gate. It's more accessible to the people in the units than the previous one.

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I think that that would be more considered a field change at this point. We have the chance to have the Board approve it.

CHAIRMAN EWASUTYN: Is the Board in agreement, we'll accept the field change?

MR. GALLI: Yes.

MS. DeLUCA: Yes.

MR. MENNERICH: Yes.

MR. BROWNE: Yes.

MR. DOMINICK: Yes.

MR. WARD: Yes.

CHAIRMAN EWASUTYN: Let the record show that the Board approved --

MR. BROWNE: Could I have one suggestion on it? Would you suggest that they possibly put light fixtures in the dumpster so they do not become a hang out, --

MR. HINES: Motion activated lights.

MR. BROWNE: -- a safety issue at night?

(Time noted: 7:58 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 14th day of November 2017.

Michelle Conero

MICHELLE CONERO