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

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In the Matter of

119 OLD SOUTH PLANK RD LLC
GRACE Community Church
ROUTE 300 REALTY, LLC
Project No. 2015-30

128 Old South Plank Road
Section 64; Block 2; Lot 22
B Zone

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INITIAL APPEARANCE
AMENDED SITE PLAN

1496 Route 300
Newburgh, New York 12550
November 19, 2015
7:48 p.m.

BOARD MEMBERS: JOHN EWASUTYN, Chairman
FRANK GALLI
CLIFFORD BROWNE
KENNETH MENNERICH
DAVID DOMINICK
JOHN WARD

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

APPLICANT'S REPRESENTATIVE: DARREN DOCE

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

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MR. BROWNE: Our next item of business is Route 300 Realty, LLC, project number 2015-30. This is an initial appearance for an amended site plan being presented by Vincent Doce Associates, Darren Doce.

MR. DOCE: Good evening. I'm Darren Doce. I also have Pastor Scott of the church, a member of the church, with me tonight.

The site in question was previously approved in February of 2005 as an office use with an attached bank. The site has been built out with the exception of the landscaping, which is yet to be installed, and the enclosure around the dumpster location.

Since the time of the approval the building owner has been trying to find a tenant, an office tenant for the site, and until this time has been unsuccessful. The church has been interested in leasing space, and that's the reason we're here, to get an amended site plan for the change in use from

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the office use to a place of worship.

The design of the site is going to obviously not change other than the landscaping being installed as per the previously approved plan.

As a result of the change in use, the bulk requirements are different for that, a place of worship and an office. The side yards increase to require 50 feet. The lot width increases to require 200. As a result of the change of use we're going to need a number of area variances.

CHAIRMAN EWASUTYN: Pastor, would you be kind enough just to talk to us about your operation just so -- it's always more --

PASTOR SCOTT: Sure.

CHAIRMAN EWASUTYN: Thank you.

PASTOR SCOTT: We have our main campus in Washingtonville. We have three other campuses. There's one in Warwick, one in Middletown, one in Newburgh. Presently we're at Anthony's Pier 9 at the present time. We thought that it would be very easy to find a building to rent. We've been trying for two-and-a-half years

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to find one that fits us. We looked at some buildings that were too big, too small, too rundown. This one seems to be perfect for us. It's about the right size, pretty much ready to go. That gives a little background.

CHAIRMAN EWASUTYN: You would be working at the building or using the building seven days a week? How does your operation work?

PASTOR SCOTT: Typically from Monday through Saturday there would be several folks in the building, maybe six to seven folks, doing paperwork, phone calls, prepping for the services on Sunday, and then our first service will start at 9:00 in the morning, our second service would be at 10:30. That would be a typical week. And then several times during the week we might have twenty or thirty people at the church at night for some special event or bible study or something like that. Then on Sunday evenings once a month we would have our communion service, so we would have another service as well on Sunday evening.

CHAIRMAN EWASUTYN: Weddings on Saturday or Sunday?

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2 PASTOR SCOTT: Very minor. We might
3 have a couple during the year.

4 CHAIRMAN EWASUTYN: Questions from the
5 Board Members?

6 MR. GALLI: How many people are in your
7 congregation?

8 PASTOR SCOTT: Our total congregation,
9 we're about 3,000 total. Our campus right now,
10 for adults we're probably around 200. Of course
11 we have the kids and so forth on top of that.

12 MR. BROWNE: Your evening activities,
13 what time would they normally start?

14 PASTOR SCOTT: Generally they're
15 probably 6 to 9. Something like that typically.

16 CHAIRMAN EWASUTYN: Ken Mennerich?

17 MR. MENNERICH: No questions.

18 CHAIRMAN EWASUTYN: Dave Dominick?

19 MR. DOMINICK: I have a question on the
20 site plan. I know there's three significant
21 areas of concern, wildlife, privacy and
22 landscaping. They seem to be addressing that. I
23 want you to really keep that in mind when you do
24 the final landscape or final project for this,
25 especially for the residents on Shady Lane.

1 They're really concerned that it used to be a
2 wooded area and now it's open. It's going to be
3 used/occupied seven days a week. They're losing
4 some of the privacy, especially in the
5 summertime.
6

7 MR. DOCE: Right. The landscape plan
8 was approved previously. We plan on adhering to
9 the previously approved landscape plan.

10 MR. DOMINICK: Okay.

11 CHAIRMAN EWASUTYN: John Ward?

12 MR. WARD: Nothing.

13 CHAIRMAN EWASUTYN: Pat Hines?

14 MR. HINES: My first comment is just
15 that the project is here for a change of use.

16 The project will require several zoning
17 variances based on the change of use and the
18 different bulk tables for the use. Jerry has
19 them analyzed. I'm sure he'll hit on them.

20 Dovetailing on Dave's comment, the
21 landscaping for the site was never complete based
22 on the original plan, so that landscaping -- the
23 original proposal should be depicted on the
24 plans.

25 There has been concern that the

1 neighbors along Shady Lane had some issues. The
2 site was kind of vacant. There were some
3 vehicles congregating in the back there, and
4 there were some concerns at one point brought to
5 the Board regarding those vehicles back there,
6 and also the visibility of the back yards along
7 Shady Lane. As you look at the landscaping plan,
8 take a look at if something can be done to
9 enhance the rear. It could even involve
10 potentially moving some of the plants. Maybe not
11 looking for more landscaping but maybe targeting
12 some of the plants that were there to screen the
13 residences. It's going to be up to the Board
14 ultimately but that may be a way to address the
15 neighbors' impacts and not cause a big change to
16 the project.

17
18 The parking calculations need to take
19 into account the entire building. I believe
20 right now the narrative report that you gave us
21 identified parking for the place of worship and
22 not the other portions of the structure. So it
23 needs to take a look at the calculations based on
24 that.

25 I think there's 2,200 plus or minus

1 square foot of seating. The whole building is
2 15,000 square feet. We need to take a look at
3 the parking requirements for the whole structure
4 including the 2,200 square foot utilized for
5 seating.
6

7 There's a proposed dumpster to be added
8 to the site plan. We're looking for details on
9 that. That's probably a good addition that
10 wasn't there before.

11 We will need to send the amended site
12 plan to DOT and Orange County based on it's
13 location on a State highway.

14 The project had the stormwater
15 management facilities installed during an initial
16 construction. The Town has a requirement for a
17 stormwater control agreement. I don't know if
18 this project predates that. If it doesn't
19 predate it, a stormwater facilities control
20 agreement will need to be executed for the
21 amended site plan. It requires long-term
22 operation and maintenance of the stormwater
23 improvements. If it was executed, then we're
24 going to look for a report based on the current
25 status and any maintenance that's required over

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the time since it's been installed.

Note 11 identifies that any requirements of the initial site plan will be installed. We're just looking for you to list any of those other items that were not installed that will be installed under this proposal.

CHAIRMAN EWASUTYN: Ken Mennerich, you looked at the traffic counts. I mean Ken Wersted. I apologize.

MR. WERSTED: Yes. We went back to the original traffic study that was provided in 2005 with the original site plan and compared it to the operations that are being proposed now. Overall I think the site would have less of a traffic impact if you look at it as a whole week because much of the activity is going to be limited to Sundays whereas as an office, I think one of the previous tenants was going to be a bank, that would be operating five to six days a week, particularly during the peak times. So I did a comparison of the traffic volumes on Route 300 on a Sunday morning versus that during the week. A Sunday morning, say 10:00, would be approximately 12 percent less than the traffic

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you would see on a weekday morning and about 28 percent less than you would see on a weekday in the afternoon peak rush hour.

We would expect, however, that particularly at the end of a service as people get out and come back to their cars and they are heading home, that there will be a concentrated departure and that traffic would be backed up from the parking lot, you know, out onto Old South Plank Road and then up to Route 300. So with the concentration of traffic exiting, people are going to be waiting on that road. Give it fifteen minutes and it's going to have dissipated and then it will be kind of like any other Sunday morning.

I don't think we really had anything else other than that. That was the extent of our comments.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: Just to reiterate, Pat and Darren identified there will be four variances required.

CHAIRMAN EWASUTYN: Can you speak to

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them?

MR. CANFIELD: The change of use --

CHAIRMAN EWASUTYN: You want to speak out loud on them one more time?

MR. CANFIELD: Okay. There will be four variances required. One will be a lot area, the second would be lot width, a side yard setback and both side yard setbacks.

Darren, you're going to have to identify the exact footages, on here we have plus or minus, so we can do the referral and be specific.

MR. DONNELLY: Engineers always do that.

MR. DOCE: We also had lot surface coverage. Did you --

MR. CANFIELD: We did not do that.

MR. DONNELLY: What are the dimensions on the plus or minus basis? The side yards are what?

MR. DOCE: The side yards are required to be 50. We have 41.3 and 44.6.

MR. DONNELLY: Lot width?

MR. DOCE: Lot width is 200, we have

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174.

MR. DONNELLY: Area?

MR. DOCE: Area is fine.

MR. DONNELLY: Lot area is fine? No.

MR. CANFIELD: Area is 2 acres. In
your narrative you identified it --

MR. DOCE: We have 2.1.

MR. CANFIELD: You show 2.1 plus or
minus. You identified it in your narrative so I
didn't know if you --

MR. DOCE: Okay. If we don't need area
I can --

MR. CANFIELD: If you don't need it
just show us that you don't.

MR. DONNELLY: Lot surface coverage?

MR. DOCE: Required --

MR. CANFIELD: The previous site plan
showed the overall site was I think 91,827 square
feet. That was the previous site plan. Maybe
just take a look at that.

MR. DOCE: Okay.

CHAIRMAN EWASUTYN: So it is or isn't
required, lot area?

MR. HINES: 91,000 would be fine.

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MR. CANFIELD: Correct.

MR. DOCE: Surface coverage is 50 max and we have 60 percent.

MR. DONNELLY: Okay.

MR. DOCE: Total side yards, 100 and we have 85.9.

We also have another question. The buffer between the B and the R-3 is half the minimum required side yard, which would be 25 feet if we use this use. We have portions of this drive that would fall within that. I'm not sure if that's a variance or --

MR. DONNELLY: The buffer --

MR. HINES: It's up to the Board. I think you can propose screening to address the buffer. The building is not in that area. If you increase --

MR. DONNELLY: But the driveway is.

MR. HINES: The driveway is. The Board has, in the past, looked at what screening is existing to make sure that it meets the intent. Or if you can add screening in that buffer area to meet that intent. I don't have the landscaping plan in front of me here. It's up to

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the Board to make that call, if in fact the buffer is adequate to meet that.

MR. CANFIELD: I think what we're talking about --

MR. DOCE: So if the driveway is within the buffer, though, that's the question.

MR. CANFIELD: That triangular piece, which is basically a vacant parking lot for the car wash is what's there.

MR. DOCE: There will be a small portion of this parking area and this drive that would be in the required 25 feet. So is that a variance required? That's the question I have.

MR. CANFIELD: That's at the Board's discretion.

MR. DONNELLY: It's a Board waiver, not a Zoning Board variance.

MR. DOCE: Okay.

MR. DONNELLY: But it has to be based upon existing landscaping; right? I think that's how it reads. Then you can add more to it. In other words, if it's existing and it's sufficient, you don't need to plant more. If you have some but you need more -- you don't have to

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show it tonight --

MR. DOCE: Yeah. If the Board requires more landscaping we'll provide it.

MR. DONNELLY: Show us what you can do in your next plan submission.

CHAIRMAN EWASUTYN: I think from now until the next time you appear before us, if the Board Members have time we'll go out and do a visual site inspection of the driveway so we'll be better prepared to make a decision or offer a waiver.

Mike, for the record one more time would you present --

MR. DONNELLY: With your permission I'll send a referral letter to the Zoning Board.

Darren, you'll have to apply, nevertheless.

In terms of side yards, you need two side yard variances, one of 41.3 feet where 50 is required. The other is 44.6 where 50 feet is required. A total side yard variance of 85.9 feet where 100 feet is required. Lot width, you need a variance for the 174 feet you're showing where 200 is required. You exceed the lot

1 surface coverage maximum of 50 percent because
2 you're showing 60 percent of lot coverage.

3
4 CHAIRMAN EWASUTYN: Thank you.

5 Having heard the area variances that
6 will be needed for this use presented by Attorney
7 Mike Donnelly, I'll move for that motion to refer
8 the letter on to the Zoning Board of Appeals.

9 MR. WARD: So moved.

10 MR. MENNERICH: Second.

11 CHAIRMAN EWASUTYN: I have a motion by
12 John Ward. I have a second by Ken Mennerich.
13 I'll ask for a roll call vote starting with Frank
14 Galli.

15 MR. GALLI: Aye.

16 MR. BROWNE: Aye.

17 MR. MENNERICH: Aye.

18 MR. DOMINICK: Aye.

19 MR. WARD: Aye.

20 CHAIRMAN EWASUTYN: Aye.

21 Pat, what additional plans do you need
22 to circulate? You have to circulate to the
23 Orange County Planning Department; correct?

24 MR. HINES: Yes. And for lead agency.
25 I guess it will have to go to DOT as well.

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MR. WARD: I have one question. Jerry, with the change of use, how does that affect the inside for the sprinklers and everything else?

MR. CANFIELD: Very little. The building is sprinklered. The occupancy that's proposed, the church and the daycare, is a low hazard. The sprinkler design for the original building was an office occupancy which was also a low hazard. So minimal. No change pretty much.

MR. WARD: Thank you.

(Time noted: 8:06 p.m.)

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

STATE OF NEW YORK)

: SS.:

COUNTY OF ULSTER)

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

That the proceedings hereinbefore
set forth is a true record.

I further certify that I am not
related to any of the parties to this action 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 9th day of December 2015.

Michelle Conero
MICHELLE CONERO