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

----- X

In the Matter of

CVS PHARMACY/STORE
(2015-23)

Corel Place
Section 60; Block 3; Lot 5.2
B Zone

----- X

SITE PLAN

Date: December 3, 2015
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
MARK EDSALL

APPLICANT'S REPRESENTATIVE: ANTHONY MORANDO

----- X

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

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CVS PHARMACY

2

CHAIRMAN EWASUTYN: Good evening,
ladies and gentlemen. I'd like to welcome you to
the Town of Newburgh Planning Board meeting of
the 3rd of December.

We'll start with a roll call vote.

MR. GALLI: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

CHAIRMAN EWASUTYN: The Planning Board
has professionals that represent us. I'll ask
that they introduce themselves.

MR. DONNELLY: Michael Donnelly,
Planning Board Attorney.

MR. EDSALL: Mark Edsall, McGoey,
Hauser & Edsall Consulting Engineers.

MS. CONERO: Michelle Conero,
Stenographer.

CHAIRMAN EWASUTYN: At this time I'll
turn the meeting over to Ken Mennerich.

MR. MENNERICH: Please rise for the
Pledge.

(Pledge of Allegiance.)

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CVS PHARMACY

3

MR. MENNERICH: Please put your cell phones on vibrate or turn them off.

CHAIRMAN EWASUTYN: We have four items of business this evening. The first one is CVS Pharmacy/Store. It's a site plan located on Corel Place/Route 52. It's in the B Zone. It's being represented by Cuddy & Feder.

MR. MORANDO: Good evening. My name is Anthony Morando, I'm an Attorney with the law firm of Cuddy & Feder and I'm here on behalf of CVS Pharmacy. Also here is Patrick O'Leary, he's the project engineer on this project. John Canning, the traffic engineer, is also here this evening.

Doug, if you would introduce yourself.

MR. BRUNER: Doug Bruner with PK Architects.

MR. MORANDO: We brought the full team tonight. We also have Tracey Roll from TMC.

As you know, at our last meeting the Planning Board proceeded to declare itself lead agency and move the SEQRA process forward.

We also resolved the building location question that had come up.

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Since that last meeting we submitted a detailed application package to this Board which your consultants have now had a chance to take a look at.

Just for the record, as part of that package we provided additional engineering, and traffic analyses, and memos which included a supplemental stormwater management memo.

We also submitted a signage plan as requested, which we believe is code compliant. We can discuss that if needed.

We've also submitted a revised site plan, which Patrick is going to walk you through the changes that we made which we do believe were responsive to the comments that we received so far but we will detail that.

We also provided a rendering. We also have an additional rendering tonight to show you as far as the architecture goes, the design of the site, which is illustrative of what the project will look like when it's developed.

Our goal this evening is to, one, address your comments and find out any other questions or comments you or you staff have.

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Additionally, we'd like to set a date for a public hearing, or alternatively get a decision that you do not want a public hearing, which we're always open to. In that case we would like to move forward with setting a date for a public hearing and proceeding with notice if that's acceptable to this Board.

At this point I'll hand it over to Patrick who can start walking you through the plan.

MR. O'LEARY: Thank you very much. Once again, Patrick O'Leary, Principal with VHB, P.C., White Plains, New York.

Mr. Chairman, I do have some handouts, if I may approach.

CHAIRMAN EWASUTYN: Yes.

MR. O'LEARY: Similar to last month, the existing conditions are on the cover sheet. I'll dispense with discussing the existing conditions. I don't think much has changed in the past month.

The primary changes that have occurred with respect to the site plan, most of which have been requested and suggested by the Board, very

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good ideas, particularly with respect to repositioning the seating area and the bike racks. When I presented the plan, which is shown below here, last month we had a seating area outside the store and a bike path area for pedestrians to rest, congregate, place their bikes. There was a suggestion from the Board to seek an alternate location for that. The proximity between the drive aisle for the drive-through and drive aisle for the access way here seemed a bit congested and it would be better served to move that seating area away from those areas. We removed two parking spaces over here in this area and we reconfigured the bike path, bike rack and seating area and we have it shown there. This reduces the overall parking count now to seventy-two spaces which we believe is more than adequate. If you look at the traditional retail world from a parking standpoint, they're looking at around sixty-eight spaces. Somewhere in that area. We have seventy-two. Understanding the volumes behind CVS in conjunction with the parking configuration itself, it's good to have a couple extra spaces

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out there. We think seventy-two is an appropriate number, and we certainly hope the Board agrees with us.

In addition, we placed sidewalks across the entire front of the site. We did not have that. We tried to keep it as curb linear as possible. You can see down in this section we pick up with a tangential piece, we curb it around the catch basins, bring it back out towards South Plank Road. Of course we have the interconnection with the site sidewalk itself over on this side to the west.

The ornamental fence hopefully is clearly visible. I know it was hard to see around the basins last time. Hopefully we brought it out with greater clarity and you can see around all the rain gardens and basins, as well as along the retaining walls we've provided fencing and guardrail.

One note. There was a comment and a suggestion down here along the rain gardens that we provide a guardrail. It does not show on the colored site plan but if you look on the revised plans it was incorporated there. It just becomes

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CVS PHARMACY

8

too congested on these plans to show it graphically.

We think they are very good suggestions from the Board. It takes a good project and makes it a better project. We hope we have captured your intent with what your suggestions and comments were.

Mr. Chairman, I'll turn it back to you, or I can turn it over to Mr. Canning to touch on traffic, as you desire.

CHAIRMAN EWASUTYN: Sure. It's your team, bring them forward.

MR. MORANDO: Mr. Canning.

MR. CANNING: Thank you, Mr. Chairman, Members of the Board. For the record, my name is John Canning, I'm a professional engineer licensed to practice in the State of New York, and I've been practicing traffic engineering and transportation planning for over twenty-five years.

We performed a detailed traffic study which we submitted to this Board and it was reviewed by your consultant. The consultant has acknowledged that the study was conducted

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according to industry standards.

The proposed convenience store would generate up to a hundred and thirty-five trips. Approximately half of these trips are convenience trips from people passing on the street who would already be passing, they'll turn in and get whatever they need to and carry on. They're not new trips to the local roadway network. As a result, the project action is projected to add sixty peak hour trips to the roadway network or just over -- just about one trip per minute. The impacts to the local roadway, in particular to the signalized intersection of Route 32, Route 52 and Route 300, are mitigated greatly by the fact it has two access points, one on either side of the intersection. Many of the vehicles to access the site don't actually have to go through the intersection. As a result, the proposed action is projected to add at any single location approximately thirty-two vehicles or one trip every two minutes.

An analysis of the signalized intersection of 300 and 52 revealed that the addition of approximately thirty trips at this

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intersection will increase delays between two and four seconds during the peak hours. We believe this is not a significant increase.

The site's location and the driveways on either side of the intersection, this site will be afforded access that is as good as and better than most in the area. On Route 300, generally speaking, the signal will stop traffic southbound, so it shouldn't be a problem to make left turns into the site. Left turns out of the site onto Route 300 via the easement and access driveway will be difficult but we believe most of them will actually come out here and make a right turn and make a left. We've modeled it that way because it's convenient.

The Route 52 driveway is slightly further from the signal than the access easement driveway, and the traffic volumes during the peak period are lower on Route 52. That makes access out of the site and into the site on 52 slightly easier than it would be on Route 300.

We just received yesterday I believe the latest comments from your consultant who asked that we detail the crosswalks striping. We

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will do that as the plans progress.

The second comment from the consultant was the traffic study represents a conservative analysis. I'd just like to note that.

The third comment was a request that the capacity analysis be, the word is revised to reflect HCM methodologies. It's like French and English. There's Synchro which does capacity analysis and there's HCM which is the highway capacity manual. We presented it in Synchro and he asked that it be translated into HCM. We'll be happy to do that.

He also asked that we update the analysis to reflect increased capacity on the westbound approach. Basically the westbound approach is a left through and a right-turn lane. If everybody obeyed the traffic law, every time somebody stopped to make a left turn to wait for opposing traffic the through vehicles would wait behind them. In practice people see somebody waiting to make a left turn, they move over to the right turn lane and they pass. So there's more capacity than the intersection capacity analysis indicates.

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The final comment from your consultant was the applicant has initiated the DOT review process. We submitted the package to the DOT. We followed up with them and asked them could we get some comment back from them. Basically what they said was that we have to go through the formal process and they have a lot of other applications in front of us. I did receive an e-mail from Michael Sassi with the DOT who said from a traffic perspective the access configuration is fine. I'd be happy to share that with the Board and your consultant.

I'd be also happy to answer any questions you may have as to potential traffic impacts or traffic flow at the project.

CHAIRMAN EWASUTYN: Thank you.

Any questions from Board Members on traffic?

MR. GALLI: So the access private drive is locked in? You definitely have that?

MR. CANNING: That's a good question. I'll hand it to Anthony.

MR. MORANDO: What we have is an agreement with the property owner to have an

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easement. There's no formal easement filed yet or prepared because, quite frankly, we can't record an easement for a project that's not yet moving forward. In other words, the easement wouldn't make sense if this project didn't go anywhere. We're prepared to --

MR. DONNELLY: We'd like to make it a condition of approval, and the site plan won't be signed until you deliver proof of recording.

MR. MORANDO: Absolutely. I think we noted that in our memo. Yes, that's fine.

MR. GALLI: Very good.

MR. DONNELLY: On the DOT issue, the Town's traffic consultant has made a suggestion, that the DOT has now endorsed, that a traffic study be done one year later, or an accident history report be done and the DOT would leave open the possibility of altering the configuration.

CHAIRMAN EWASUTYN: Michael, I think that was --

MR. DONNELLY: That's Dunkin Donuts. Sorry. Never mind.

CHAIRMAN EWASUTYN: So traffic, at this

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CVS PHARMACY

14

point we're moving in the right direction then
Michael?

MR. DONNELLY: Yeah, I believe we are.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I was wondering your
thoughts on -- Ken Wersted said that the
eastbound approach to Route 52 -- on Route 52 to
Route 300 and then split the distance in the left
and through right lanes as what's being done now.
Cars are making the right turn there, they're
doubling up. Do you feel that the DOT would
allow that because of the reduced lane width you
would have?

MR. CANNING: The DOT would consider
restriping the intersection provided that they
can get standard maintenance and that it improves
the operation of the intersection. Obviously they
want to make a change that makes it better, but
they have to comply with the standards. From a
practical perspective, if they can't determine it
meets those two criteria and they leave it as it
is, it would continue to function basically the
way it does.

MR. MENNERICH: Thank you.

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CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Right now with the light at 52 and 300, cars heading north, when that light is red cars back up all the way past your access road, probably to or just before the light by Stop & Shop.

MR. CANNING: I've been there. It's busy at 5:00 in the evenings.

MR. DOMINICK: How is turning into the access road -- are we going to create more of a backup/traffic jam in this area?

MR. CANNING: I don't believe so. It's a relatively modest volume of traffic. Let me put a peak number on it for you if you'd give me a moment.

So in the evening peak hour we're projecting eight vehicles turning left, coming north on 52 turning left into the site. On the Saturday midday peak hour it's seven. It's not a major volume of traffic. As I mentioned, the signal here, basically it regulates the flow of traffic and creates gaps so that if you were -- if there wasn't a signal you could get a constant stream and you might be able to make a left turn.

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Vehicles may have to wait here for five or ten seconds, or they may not. We don't believe that small number of vehicles added to that movement is going to increase delays significantly on the northbound turn movement. I do recognize that it is a very busy movement, particularly in the p.m. peak hour.

MR. DOMINICK: Okay. Thank you.

MR. CANNING: Thank you.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: My concern is both exits providing you get the easement to come out and the main entrance making left turns. I can see the easement road, making a left there where it merges into two lanes. That's the merge. Where I can see a car getting stuck is not being able to get into the lane making lefts there. It's going to backup the light.

MR. CANNING: This left turn?

MR. WARD: Yes.

MR. CANNING: We believe -- I'll see if I can find it quicker. We believe not many people are going to do that. I'm in here somewhere. I have to come out at this point. If

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CVS PHARMACY

17

I want to go this way or this way, which is why I would make a left turn here, we believe that people are going to do that or that. We are projecting one vehicle in the peak hour making this movement. We're working with DOT, as I say. If it's a very strong opinion of this Board, I'm sure the applicant would consider potential measures here. This access point is not our access point. We don't have any control over it.

MR. WARD: Right.

MR. CANNING: We don't believe it would be an issue. Why go that way when you can go a better way?

MR. WARD: The left turn going the other way, the same -- you're going home on 52 --

MR. CANNING: Right.

MR. WARD: -- and you want to make a left, what do you do?

MR. CANNING: There isn't the same option. Obviously if you want to go left you have to go left. The analysis indicates -- again the numbers are eight vehicles and seven vehicles in the a.m. and p.m. peak hour. The analysis indicates that the delay on that movement will

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be, at the proposed site driveway, an average of twenty-five seconds in the p.m. peak hour. So, you know, it's a half a minute. We believe that the capacity is there and that if motorists use due caution they'll be able to exit. It's really no different than the driveway here or many of the other driveways on 52.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Do you have someone here to do some ARB with us?

MR. MORANDO: Yes.

CHAIRMAN EWASUTYN: Your name one more time?

MR. BRUNER: My name is Doug Bruner and I'm with PK Architects.

Mr. Chairman, I brought a couple of smaller versions of the renderings I'm about to show. With your permission I can hand them up.

I think first I'd like to start with the retaining wall. We were asked to take a look at the retaining wall and try to do something a little bit more appealing to the eye. This is what we came up with. We basically looked at the entire area of Newburgh, especially going over

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the bridge. It's a very layered Town, the hills and mountains. You have several different use groups, you've got industrial, you've got commercial and you've got residential. We basically tried to impose that layering into the retaining wall with materials and colors. Down here we have the Hudson River. The red band is representative of the red brick that's mostly prominent throughout Newburgh. A little bit of gray area, that's supposed to represent almost like a sky appearance. We feel the -- I don't know how you feel about it but this is a good way to basically show the layering of the area basically.

 This is the entryway coming in off of South Plank Road. This is the building. CVS retail typically has a cornered entrance. I like to use clear anodized aluminum. They have two windows flanking on either side. Basically one serves as the cashier and one serves basically as just overall shelving essentially.

 The building materials are split faced in two different colors as you can see here. The facade is broken up into basically a visual

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pilaster. It's a different color. The top is banded by a classical decorative cornice that serves two purposes; one, to act as a decoration, and one to screen the rooftop units.

The entry has a fabric canopy to basically aid people coming into the pharmacy without them getting wet. And of course the CVS design element over the entry to basically tie the two elements together.

Over here we've actually also shown the sitting area that's just outside facing South Plank Road.

I've brought for you tonight a couple of the materials so you can take a look at the colors and what not.

MR. MORANDO: One thing I'll just add while he's grabbing materials is the team took a particular focus on providing vibrant landscaping. The landscaping, as you can see when you come in, when you enter the store from Route 52 you'll notice there's the rain gardens. We've added a number of trees to create sort of a screening effect and provide as much landscaping toward the street as possible. I know Doug can

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CVS PHARMACY

21

elaborate on that a little bit. The same thing we tried to provide around the sitting area. We created almost a parklike setting where a customer could be sitting there and having a beverage. That's one of the focuses we had after our last discussion and when we presented this project to you the first time.

MR. BRUNER: As Anthony said, that's the landscaping along here. There's more trees, more fencing just to basically lift it up a little bit.

These are the two samples of the block. Primarily the yellow is the field broken up by the red bands as you can see through here. We have the face here. Where the signage is it's called an exterior insulation and finish system called EFIS. It's basically this color here. It's kept light to basically make the red signage stand out a little bit more. The decorative cornice is called a peachy beige. Basically it's a nice element between the red and yellow to meld the two together. I'll pass these around if you'd like.

So that is our CVS Pharmacy. I welcome

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your questions, comments.

MR. GALLI: I have a question, John.

CHAIRMAN EWASUTYN: Please, go ahead.

MR. GALLI: The stonewall. When you look at the stonewall, because it looks nice in the picture without landscape, the stonewall is going to look like that?

MR. BRUNER: Well the colors might look a little bit different, lighter or darker, because of the way it transposes. We were unable to get the samples in time for this meeting. We are obtaining them. We can bring them back next time so you can actually see the colors.

MR. GALLI: It's not going to be far off?

MR. BRUNER: It shouldn't be far off.

MR. GALLI: And then the landscape going up the road there, that same drawing you're on, that's what you're proposing for it to look like also?

MR. BRUNER: Yes.

CHAIRMAN EWASUTYN: I wouldn't say it's representative of that. Even as you describe around the bench, in your illustration it shows

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CVS PHARMACY

23

one type of planting and your planting schedule talks about another. It has Junipers and there's no Junipers in this rendering.

MR. MORANDO: Okay.

CHAIRMAN EWASUTYN: So it's --

MR. MORANDO: We can modify that.

CHAIRMAN EWASUTYN: I'm just saying it's decorative but it may not be accurate.

MR. MORANDO: We'll certainly confirm that.

MR. GALLI: A lot of times we see the picture and then --

CHAIRMAN EWASUTYN: It's not a point to argue. It's representative of what's here. What's shown here, there is a difference.

MR. MORANDO: Okay.

CHAIRMAN EWASUTYN: No different than there is a difference coming up as far as the tree planting. You know, it's not the end of the world but it's what happens with these.

MR. MORANDO: We'll certainly provide a modified version to make sure it's consistent.

CHAIRMAN EWASUTYN: Anthony, all we're really saying is if this is what you're

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CVS PHARMACY

24

proposing, then that's what we expect to see. If this is what you're proposing, this is what we expect to see.

MR. MORANDO: Understood.

CHAIRMAN EWASUTYN: That's all.

MR. MORANDO: Okay. Understood.

CHAIRMAN EWASUTYN: Sorry, Frank.

MR. GALLI: That's okay. I just wanted to make sure --

CHAIRMAN EWASUTYN: It's close.

MR. GALLI: It looks really nice. If that's what you're proposing, as John said --

CHAIRMAN EWASUTYN: There's not the same number of trees as shown here as what's shown on this schedule.

MR. MORANDO: Right.

MR. GALLI: I saw that.

MR. MORANDO: So the number of trees here is --

MR. GALLI: I'm just saying a lot of times with the big box stores in corporate locations we see nice renderings and nice plants. We're fortunate enough that we have someone really good at plants on the Board. When it's

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built we get into an argument -- not an argument but a discussion with the building department it's there, it's not there. We just want to make sure we're on the same page beforehand so we don't have a problem afterwards.

MR. MORANDO: These renderings are supposed to replicate what's on the plans, the full size plans before you. They are illustrative, as you know better than anybody. We'll certainly go back and make sure if there are any inconsistencies they're corrected.

MR. GALLI: That's fine.

MR. MENNERICH: On the south side of the building is there going to be a sign similar to the north side?

MR. BRUNER: This side right here?

MR. MENNERICH: Yes.

MR. BRUNER: I believe there will be a sign on the opposite side. Over here most likely. There are usually two signs, which I believe is compliant with code.

MR. MENNERICH: And the block you're using for the wall, do you know what type of block it's going to be?

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MR. BRUNER: It looks like it's going to be either a split faced or -- yeah, it's a split faced block. The same material as the building.

MR. MENNERICH: Okay. Thank you.

MR. BRUNER: You're welcome.

CHAIRMAN EWASUTYN: Dave?

MR. DOMINICK: Thank you, Patrick, for taking our suggestion and moving the bike rack and benches more into the compound and in a tranquil area. It looks very nice. That's all I had.

Talking about the illustrations, let's make sure the illustrations are an accurate representation of what's on the plans. You left out a bike rack. A very simple thing. That was a sticking point.

MR. BRUNER: You're right. We'll put the bike rack in.

MR. WARD: A few things. The dumpster, where is the location?

MR. BRUNER: It's around the corner of the building.

MR. WARD: What's surrounding that?

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CVS PHARMACY

27

MR. DOMINICK: Bollards.

MR. MORANDO: One of the changes that I think, and Patrick --

MR. WARD: That was an issue.

MR. MORANDO: That was one of the changes we made.

MR. CANNING: The dumpster area is right over here, fully enclosed with fencing. You can see we have a row of evergreens here to block the view from the intersection over here. In addition, there are two deciduous trees which will naturally overtake this row of deciduous trees. These are what I'm going to call short-term, two, three, four-year period, and then I would expect these deciduous trees to simply overtake it and you won't see these dumpsters whatsoever at this point.

MR. WARD: I'm happy you did because people sit at the picnic tables with Dairy Queen and everything else. That was a big issue. Plus seeing it from 300.

MR. CANNING: They're right down in this area where the Dairy Queen is. Yes.

MR. WARD: The wall on the Dairy Queen

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CVS PHARMACY

28

side, what's the slope on that?

MR. CANNING: I apologize, I wasn't --
the wall over here?

MR. WARD: Yes.

MR. CANNING: It's a cambered wall.
It's about an eighth of an inch per foot --

MR. WARD: Okay.

MR. CANNING: -- tilted.

MR. WARD: I want to make sure you're
not climbing up it.

MR. CANNING: Earth moves and over a
period of time that wall will actually move
itself out a little bit and you'll lose a little
bit of the cambering, but it shouldn't be
noticeable.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Mark Edsall, do you
have any advice or comments as far as the wall
and what we should be looking for design wise?

MR. EDSALL: The retaining wall. I
think how Pat is handling it is very appropriate.
Under his comment 4 he's requiring that any wall
over four foot, which would include this wall,
would require a submittal to the code enforcement

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officer. Normally boards ask for that submittal before. The manufacturer hasn't been selected at this point, so deferring that to the code enforcement officer allows them to take the specific manufacturer and have the appropriate design information submitted.

As far as having the wall cambered, that is a very common practice. I'm sure that that will be the manufacturer's recommendations when it's submitted to code enforcement.

CHAIRMAN EWASUTYN: Would you, for the benefit of the public and the Planning Board, go through Pat Hines' comments?

MR. EDSALL: Sure. Pat's first comment is just acknowledging the continued need to have the City of Newburgh's flow acceptance letter obtained and submitted to this Board.

Comment 2, he touches on the need to close out the issue of the private drive, which has been addressed, as being considered as a condition of final approval which would be required before stamping of the plans.

Pat's comment number 3 notes that the soil permeability testing for the infiltration

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practices, appendix D of the State's stormwater regulations, require that be on-site testing. It can't be off-site laboratory testing. That's an open issue.

He does comment under number 4 about the submittal to the code enforcement officer.

Also under comment 6 he suggests that the Board review the renderings and discuss the wall finishes, which you've done.

Comment 5, there are some standard notes for water and sewer that the Town requests be on the plans.

The applicant had added full sections of the Town code. Pat says that's fine but add the standard notes. Pat indicates he's provided them to the applicant.

The last two items. The stormwater maintenance agreement needs to be executed with the Town.

A security and inspection deposit needs to be submitted to the Town for the stormwater improvements and landscaping.

A lot of other issues Pat indicated had been addressed and are resolved.

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CHAIRMAN EWASUTYN: Mike, I have one question for you. The applicant is proposing I think seventy-two parking spaces. As we did similar with the other part of Town, do we have to come to a decision as to why we're allowed that many --

MR. DONNELLY: The way the code reads, it has specific uses and number of spaces assigned to them. For ones that aren't specifically listed you're allowed to use the ITE manual and affix the appropriate number of spaces. Usually you look to Ken Wersted to give you an opinion on that. I forget what his report said on that one.

CHAIRMAN EWASUTYN: That was the earlier report. I don't remember myself.

MR. DONNELLY: My memory was that he was satisfied with the parking the last time. We only lost two spaces, so I think we'll be all right.

MR. CANNING: For clarity relative to the storm drain testing, we did conduct on-site testing for the percolation. There was a reference to the laboratory analysis beyond just

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testing the area on-site for the percolation rate. We also did other soil borings in the area. Those borings were taken back to the laboratory, an analysis was run on those borings compared with the results that were obtained on the institute testing here. Just to demonstrate that across the site this wasn't a small area that had good permeability rates, we tested other areas without doing the percolation but doing sieve analysis to verify that the materials were similar and moved across the site in a relatively uniform matter. We will provide an additional comment to clarify that. It may not have been clear when we responded to the comments. Our apologies to the staff if we weren't clear with that.

CHAIRMAN EWASUTYN: Thank you. I guess that's it for tonight. Right?

MR. DONNELLY: You could issue a negative declaration if you think that's appropriate, and either set it for a hearing or decide whether one is necessary.

CHAIRMAN EWASUTYN: Let me first poll the Board Members to see if they want to have a

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CVS PHARMACY

33

public hearing.

MR. GALLI: Yes.

MR. MENNERICH: No.

MR. DOMINICK: No.

MR. WARD: Yes.

CHAIRMAN EWASUTYN: I would say no. At this point we won't be having a public hearing.

The next question to the Board is to declare a negative declaration.

Mark Edsall, I think you have Pat Hines' --

MR. EDSALL: Pat felt at this point, based on the information submitted, the Board could consider adopting a neg dec.

CHAIRMAN EWASUTYN: I'll move for a motion to declare a negative declaration for the CVS Pharmacy/Store.

MR. DOMINICK: So moved.

CHAIRMAN EWASUTYN: I have a motion by Dave Dominick.

MR. WARD: Second.

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

(No response.)

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CVS PHARMACY

34

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

At this point you'll have to resubmit plans. We can't take any action.

Michael, would you explain?

MR. DONNELLY: Our agreement with the City of Newburgh prevents us from granting any approvals until the sewer flow acceptance letter is received. Until that happens we can't do anything.

MR. MORANDO: Okay. We will follow up and certainly get that.

CHAIRMAN EWASUTYN: As I mentioned to you in an e-mail, I have an escrow statement here (handing).

MR. MORANDO: Thank you.

MR. MENNERICH: Would that motion to --

CHAIRMAN EWASUTYN: Thank you. Mr.

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CVS PHARMACY

35

Mennerich, would you bring that motion to the floor?

MR. MENNERICH: I'll make a motion that we approve the ARB for the building that was presented tonight.

MR. GALLI: I'll second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich for ARB approval and a second by Frank Galli. Any discussion of the motion?

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

You understand we have a form that has to be completed that lists all the detailed information, what the materials are?

MR. MORANDO: We'll get that form in.

CHAIRMAN EWASUTYN: I guess that's it for now. Have a merry Christmas.

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MR. MORANDO: You as well. We'll file
the requested documents as soon as possible.

Thank you very much.

(Time noted: 7:37 p.m.)

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

I, Michelle Conero, a Shorthand
Reporter and Notary Public within and for
the State of New York, do hereby certify
that I recorded stenographically the
proceedings herein at the time and place
noted in the heading hereof, and that the
foregoing is an accurate and complete
transcript of same to the best of my
knowledge and belief.

DATED: December 24, 2015

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

----- X
In the Matter of

DUNKIN DONUTS
(2014-02)

301 NYS Route 32
Section 14; Block 1; Lot 43
IB Zone

----- X

SITE PLAN/ARB

Date: December 3, 2015
Time: 7:38 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
MARK EDSALL

APPLICANT'S REPRESENTATIVE: WILLIAM NORTON

----- X

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

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CHAIRMAN EWASUTYN: The next item of business this evening is Dunkin Donuts, site plan and ARB. It's located on Route 32 in an IB Zone. It's being represented by --

MR. NORTON: William Norton from Mercurio, Norton, Tarolli & Marshall.

Good evening. We're here tonight to discuss the revised site plan. I'll go over some of the main changes and discussion since the last meeting.

There was some discussion over the access, the entrance and exit to the site off of Route 32. We decided to use the existing location, the entrance that it is now.

There was quite a lot of discussion about the stone fence along both Route 32 and the adjoining properties. Once we submitted the plans and the details to the DOT, they informed us that a stone fence, or any fence of any nature, is not allowed within a thirty-foot right-of-way strip to the State right-of-way. With that in mind, we added some more landscaping in the way of some ornamental grasses along the front as well as some trees and shrubs in this

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area along Route 32 to mitigate some of the aesthetic qualities that we might have lost by not having the stonewall. We did resubmit it to the DOT and they gave their blessings as far as agreeing that that was the safest entrance and exit for the site. They did, however, ask us to put a qualifying note on the plan that said they were going to look at it in a period of time and see whether in fact there were any problems with accidents or any other details because of this entrance and the traffic flow, and that if there was a problem that they may require some further restrictions at a later date. We added that plan note, and that has been reviewed by the town engineer as well.

Along with that, we were also asked to show an area for the placement of snow. We all hope we don't get as much as we got last year. In the northwest corner of the property we show this area here as an area for snow placement. There's also a note on the map that if in fact we had a very large amount of snow, that if this did not handle the amount of snow from the parking area, that it would have to be removed from the

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site or trucked away from the site.

Basically those are the main changes.

One other point I would like to make is the applicant had originally planned on resurfacing a large part of the existing paved parking. He has since decided to rip that all up, utilize pretty much the same grading that is existing and replace it with new asphalt.

CHAIRMAN EWASUTYN: Thank you.

Mark Edsall, would you take the time to review Pat Hines' comments, please.

MR. EDSALL: Sure. Pat's first comment acknowledges what was a part of the presentation, that DOT has required that the stonewalls be removed and the landscaping be modified within the right-of-way. Those new landscaped treatments are shown on sheet 4. Pat suggests the Board just indicate if they have any additions or modifications they would like to see included.

Comment number 2 notes that the division, as it may be, between the town court facility and the site continues as -- there's an intent not to promote pedestrian traffic between

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DUNKIN DONUTS

41

the two areas so they haven't been altered. That has not been removed.

Relative to the DOT, under comment 3 Pat acknowledges the full turning movement and the DOT's intent to continue to review the operation of the access.

There's a note 8 on the plans on sheet 1, but in reviewing it I note that as far as I can see the time period that's been discussed by the Board as far as the either twelve months or eighteen months, whatever DOT wants, isn't really reflected in that note. So I would suggest that Mike advise us if it should be part of the plan notes, I think it makes sense, or if it just needs to be included in the approval resolution.

CHAIRMAN EWASUTYN: Michael?

MR. DONNELLY: It's certainly better to have it both. We'll include it in the resolution and we'll have Pat Hines send the Board a letter that says the applicant has revised the note to correspond to the resolution.

MR. NORTON: That's fine.

MR. WARD: Do you want to clarify twelve months or eighteen?

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CHAIRMAN EWASUTYN: Michael?

MR. DONNELLY: During our work session discussion, based upon Ken Wersted's memo the condition will require the accident study for the period of one year from the time it opens until the end of one year. That will be delivered to the DOT and they'll take direction.

MR. EDSALL: My suggestion is the note specifically say twelve months from the issuance of the CO so there's no doubt what the count is from. Not building permit or site plan approval. Twelve months from the CO. That's the cleanest way to keep track.

CHAIRMAN EWASUTYN: Thank you.

MR. EDSALL: Comment 4 from Pat's notes just indicates that a snow storage area has been depicted on the northwest portion of the site. You have to operationally be careful using it because of some physical barriers and complexities. The area has been reserved.

Last but not least, the revisions requested to the subsurface sanitary sewer system have been included in the plans and Pat feels it's now acceptable.

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So it's moving along.

CHAIRMAN EWASUTYN: Comments from Board Members. John Ward?

MR. WARD: I think it should be clarified which stonewall is being removed and which one is staying. The one you're putting in for the courthouse side, just to make sure it's the north wall, whatever you put down on the plans.

MR. NORTON: It's shown on the plan here. This is the wall along these parking spaces here. Basically that whole length will be a stonewall. It will stop right at the last parking space and then give a little bit more landscaping in that corner.

MR. EDSALL: The remaining wall is in front of the eight northerly parking spaces on the plan.

MR. WARD: Yes.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: No questions.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I just want to be clear about the DOT. They said that they reserve the

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DUNKIN DONUTS

44

right to restrict the entrance if operations or difficulties arise. That's not to be judged by the study in a year. This could happen at any time. Is that correct?

MR. NORTON: I would guess they have say over anything like that, yes. They could restrict it beyond what the Planning Board restricts. It's their right-of-way.

MR. MENNERICH: Okay.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: All good.

CHAIRMAN EWASUTYN: Michael, did we do ARB?

MR. DONNELLY: Yes. On June 4th.

CHAIRMAN EWASUTYN: Okay. So the motion before us, Michael, would be?

MR. DONNELLY: Final site plan approval.

The conditions are as follows: First, we'll need sign-off letters from Pat Hines' office indicating or reporting that the map note will dovetail with condition number 3 regarding the DOT authority, which I'll refer to in a moment.

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The moment is here. I'll read it. New York State Department of Transportation has granted approval of the site access conditioned upon the applicant's engineer conducting a follow-up study documenting the site's trip generation and summarizing accident records from the period from issuance of a certificate of occupancy until one year thereafter. Should the New York State Department of Transportation, based upon that study, require changes in either location or configuration from what is shown on the plans, the applicant must return to the Planning Board for further review.

We'll tie into the ZBA granted variance.

We'll have the standard ARB condition.

There's a requirement for a landscape security and inspection fee. The inspection fee will be in the amount of \$2,000.

And finally, our standard condition that says no outdoor fixtures, amenities or structures may be constructed on the site that are not depicted on the approved site plan.

CHAIRMAN EWASUTYN: Mark Edsall, do you

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DUNKIN DONUTS

46

have anything you'd like to add to that?

MR. EDSALL: No.

CHAIRMAN EWASUTYN: Any questions or
comments from Board Members?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a
motion to grant final site plan approval for
Dunkin Donuts with the conditions that were
presented by the Planning Board Attorney Mike
Donnelly.

MR. GALLI: So moved.

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.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried.

Thank you.

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

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

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

DATED: December 24, 2015

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

----- X
In the Matter of

WESTPORT MANAGEMENT
(2015-12)

Gardnertown Road
Section 47; Block 1; Lot 70
R-1 Zone

----- X

FOUR-LOT SUBDIVISION

Date: December 3, 2015
Time: 7:50 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
MARK EDSALL

APPLICANT'S REPRESENTATIVE: WILLIAM NORTON

----- X

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

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CHAIRMAN EWASUTYN: The next item of business this evening is Westport Management. It's a four-lot subdivision located on Gardnertown Road in an R-1 Zone. Again it's being represented by William Norton.

MR. NORTON: On this particular site we received a variance for a front yard setback on the existing farmhouse on Gardnertown Road.

We were out in the field reviewing the drainage from the shared driveway and had come to an agreement with the town engineer to install a catch basin at the intersection of the two new driveways with Gardnertown Road and tighten the stormwater across the street to an outlet which will be on part of the same property that's attached to lot 1.

Along with that, the existing entrance to the existing farmhouse was right next to the home. We relocated that so that lot number 1 is going to share with lot number 4 a driveway, thereby eliminating the existing driveway to the farmhouse, sliding it down about 75 feet and giving it a better sight distance.

I think that's about the majority of

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the changes on the map.

CHAIRMAN EWASUTYN: Mark Edsall,
please.

MR. EDSALL: Sure. Pat's comment 1
acknowledges the field meeting that was held to
discuss the drainage and the installation of a
catch basin to collect stormwater on the east
side of the road and convey it to the west side
of Gardnertown Road on part of lot 1.

The notes relative to the field meeting
also indicate that there was an agreement reached
that some existing dead tree limbs and tree
removals are included in the work to be
accomplished in that area of the proposed access
to Gardnertown Road. That is shown on the plans
but it should be acknowledged for the record that
those improvements are also required as part of
the construction activities for the construction
of the subdivision.

CHAIRMAN EWASUTYN: And the
accomplishment of those removals would be --

MR. DONNELLY: Sight distance I
believe.

CHAIRMAN EWASUTYN: But prior to the

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signing --

MR. DONNELLY: Prior to the signing of the plans. Yeah.

MR. EDSALL: So that covers comment 1 and 2 as combined issues relative to the access and the field meeting.

The common driveway access and maintenance agreement should be submitted to Mike Donnelly for review and acceptance.

Pat notes that the Board could move forward on scheduling the required public hearing at this point.

Based on the information submitted to date, Pat believes that the Board could consider a neg dec in preparation of the public hearing.

CHAIRMAN EWASUTYN: Comments from Board Members. John Ward?

MR. WARD: No comment.

MR. DOMINICK: No comments.

MR. MENNERICH: No questions.

MR. GALLI: No questions.

MR. DONNELLY: You issued a notice of intent to be lead agency in June. No one has contested that, therefore your lead agency status

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is final. You're in a position to issue a negative declaration and schedule a hearing.

CHAIRMAN EWASUTYN: I'll move for a motion to declare a negative declaration on the four-lot subdivision for Westport and to schedule January 21st for a public hearing.

MR. DOMINICK: I'll make the motion.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Either yourself or Larry will work with Pat Hines as far as the mailing list and everything else.

MR. NORTON: Absolutely. Thank you.

MR. MENNERICH: I have one question about the connection of the property on the -- between Route 52 and Gardnertown Road. It's

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going to be connected to lot 1?

MR. NORTON: Yes.

MR. MENNERICH: In one of the letters from your company they said that, you know, because of the steep grades and the water flood there would be no room for a septic system. I think municipal septic runs right along Route 52 in that area.

MR. NORTON: Mm'hm'.

MR. MENNERICH: I'm wondering if that was -- the septic was the only reason or if the septic was to go on the municipal system, is it still non-buildable?

MR. NORTON: That's a good question. I will certainly have an answer for you at the public hearing, if not before.

MR. MENNERICH: Thanks.

MR. NORTON: I know there are some other details. There's a flooding zone there and setbacks. I'm not sure it's buildable. I didn't think it was but it may be with a septic line. I'll find out.

MR. MENNERICH: Thank you.

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

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

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

DATED: December 24, 2015

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

----- X
In the Matter of

VILARDI TWO-FAMILY
(2015-32)

2103 Route 300
Section 3; Block 1; Lot 82
AR Zone

----- X

SITE PLAN

Date: December 3, 2015
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
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
MARK EDSALL

APPLICANT'S REPRESENTATIVE: ANDREW FETHERSTON

----- X

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CHAIRMAN EWASUTYN: The last item of business this evening is Vilardi Two-Family, initial appearance. It's located on Route 300 in an AR Zone. It's being represented by Andrew Fetherston from Maser Consulting.

MR. FETHERSTON: Andrew Fetherston, Maser Consulting.

We submitted a site plan package for property at 2103 Route 300, Newburgh, tax lot 3-1-82. It's about a twenty-four and-a-half acre site. It's located on the south side of Route 300, a little bit west of Rock Cut Road. There's one residence on the site and it's a two-family home. The Town's records list the home as being a single-family home.

What we did was -- I had a number of conversations with Jerry as to how to resolve this, how to have the house listed as what it actually is, which is a two-family home. Back and forth, he said you've got to come to the Planning Board, make a submittal. We've done that.

My office went out and we looked

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for evidence of a two-family home. We were allowed to go inside the home. We saw the separation, a separate door for entrance to one unit, a separate door for an entrance to the second unit. We saw separate electrical meter boxes that were indicating separate bills were going to separate units.

What I understand happened was years back there was another residence on the property and there was a fire. The firemen came out, they extinguished the home that was -- that had ignited and they wrote on their report that there's another single-family home on the property. The fact that they wrote that there was another single-family home on there went into the records of the Town of Newburgh. They didn't write that there was another two-family home on the property. That's what I understand happened here.

So we're looking to have the record corrected that this be shown as a two-family home.

It's in the AR district which does

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permit two-family homes, and it's the only structure -- the only residence on a twenty-four and-a-half acre site.

Nothing is proposed to be improved on this property.

MR. DONNELLY: Andrew, if your historical evidence is an attempt to convince the Town that this is a protected nonconforming pre-existing use, that's not an issue this Board can decide.

MR. FETHERSTON: It's not nonconforming.

MR. DONNELLY: It doesn't have approval. If you're trying to show that it existed since before the requirement that it had site plan approval came into existence, you've got to make that pitch to Jerry. We understand it's here because you can't have a two-family home without site plan approval. We're prepared to review it and give you site plan approval. We can't do anything else.

MR. FETHERSTON: I understand site plan approval would change the record in Jerry's office. I wish he was here.

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MR. DONNELLY: It would certainly correct the problem. What I'm hearing you say is that your argument is it's always been a two-family home, --

MR. FETHERSTON: Yes.

MR. DONNELLY: -- and it was before there was a requirement that you had site plan approval. That you need to demonstrate to Jerry. This Board can't make that determination.

MR. FETHERSTON: I have no relevance to site plan approval. All I'm saying --

MR. DONNELLY: You can't have a two-family home under the current code without site plan approval. There's no record in the town hall that it ever received site plan approval.

MR. FETHERSTON: Yeah. The cart before the horse.

MR. DONNELLY: It could have been a two-family home before the code was written, in which case you have a good argument, but not to this Board. That's to Jerry's office. You can continue on that front, but if you'd like the Board to review your site plan so that we can give you the site plan approval to correct the

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problem, the Board is prepared to do so.

MR. FETHERSTON: Right. That's how I was being advised to do it with Jerry was to come -- I needed to come before the Planning Board, period. He normally sits on your Board. I wish he was here tonight to help me out or to further explain or provide clarification.

Okay. What I would like to do is Pat had a couple of comments, one of which was that this would have to go to County Planning, which would mean I would have another visit here anyway. So I'd like the Board to take any steps that it needs to act on this, where something would be startinh to move so if we had to come back next month we could do that.

I don't know if you need to have a public hearing on this or if that could be waived on something like this.

MR. VILARDI: Gentlemen, I'm sorry, I'm Mario Vilardi. I have owned the property for thirty years. When I bought it it was two two-family houses. There was a fire that burned down the two-family house. The fire department asked me if they could come and destroy the

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property as a -- the house as a training exercise. I did that. On the records that the Town has it had two-family house and then the fire chief wrote down one-family remaining. He didn't actually look at the structure to see that all of the things that were there have been there all the time.

Jerry Canfield had a sit-down meeting with me and he told me he can't do this. He said I have to go to the Planning Board for something I've owned for thirty years. I never changed anything. I'm in an awkward position because this is costing a fair amount of money for something that's a clerical error that happened a long time ago. Now to, you know, have this put off and -- it's just a clerical error. It was always that way. If you look at the electric boxes you will see they are very old. The wiring is very old. It's never been changed.

MR. FETHERSTON: Could I ask Mike to have a conversation with Jerry and I get a game plan here?

MR. DONNELLY: I will. All I can tell you here, and you can talk with Mark Taylor, the

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Town Attorney, the Planning Board processes applications for site plan, special permits, subdivisions. We don't have any jurisdiction to make the determination and direct the correction of the records in the town hall. Jerry's office and the town attorney might be able to accommodate you if they were satisfied that that is the state of facts, but not this Board. We can continue to process your site plan application, which is what is before us.

MR. FETHERSTON: Yeah.

MR. DONNELLY: If you've solved it you could with withdraw it.

MR. FETHERSTON: I definitely want you to continue because there's a time element also with it having to go, at the very least, to County Planning.

Is a public hearing required for this use?

CHAIRMAN EWASUTYN: For site plans, yes.

MR. FETHERSTON: Could we possibly schedule that now so it would coincide? SEQRA?

MR. DONNELLY: Type 2. It's a Type 2

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action.

MR. FETHERSTON: Okay. I guess --

MR. DOMINICK: What year was the fire?
How far back are we going?

MR. VILARDI: It was a long time. It was more than twenty-five years ago. I don't actually have the date exactly in my mind but if you look at the record it had a little line -- it has two-family circled then it has a one-family on it. It was just a mistake. This has been an ongoing problem for -- I made a plea to Jerry to fix this because it's nothing more than a clerical error, and he said we had to come here. So I engaged Maser Consulting, who has done a nice job, but we're still, you know, not resolving it.

MR. FETHERSTON: Could I ask that maybe I seek a conference call between you, Jerry, Mr. Vilardi and myself?

MR. DONNELLY: Probably Mark Taylor. He's the town attorney. One other thing you may want to do is see when the requirement of site plan and special permit approval for a two-family home came into the code. If that came into the

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code twenty years ago and the fire was
twenty-five years ago, your case is strengthened.

MR. FETHERSTON: I'm sorry I brought
you such an oddball tonight. This is a tough
one. Okay.

CHAIRMAN EWASUTYN: For now then I'll
make a motion --

MR. EDSALL: Mr. Chairman, if the
electrical service had existed years ago showing
that there were two services to the building,
maybe Central Hudson has records.

MR. VILARDI: Because of the privacy
act, they won't -- I wanted to have the records
to show how far the bills have gone back as one
of the evidences of proof.

MR. EDSALL: Who are they protecting if
you own the property?

MR. VILARDI: The tenants pay the bill.
That was the stumbling block.

MR. GALLI: The third meter you have is
the landlord meter?

MR. VILARDI: That's the landlord
meter, yes.

MR. GALLI: That's yours. That didn't

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come into effect --

MR. VILARDI: It doesn't prove it was always a two-family. It proves I've always been paying the electric on that meter. That meter is only for the water pump and outdoor lighting.

CHAIRMAN EWASUTYN: Any other questions or comments?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a motion to circulate to the Orange County Planning Department and to get plans to Pat Hines and set January 21st for a public hearing.

MR. DOMINICK: So moved.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Until we hear otherwise, that will be

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our procedure at this point.

MR. FETHERSTON: Good. Thank you,
John.

(Time noted: 8:10 p.m.)

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

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

DATED: December 24, 2015

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

----- X
In the Matter of

HEALEY KIA
(2015-25)

Final Approval

----- X

BOARD BUSINESS

Date: December 3, 2015
Time: 8:10 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
MARK EDSALL

APPLICANT'S REPRESENTATIVE: JOSEPH SARCHINO

----- X

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HEALEY KIA

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CHAIRMAN EWASUTYN: We have three items of Board Business this evening. The Kia car dealership received a City flow acceptance letter.

At this point I see we have Joe Sarchino in the audience, who is the engineer that represents them.

We'll have Mike Donnelly present the conditions for final approval.

MR. DONNELLY: The resolution is for site plan. The ARB was approved by you in November.

The first condition will tie into the ZBA granted approval. The second is the approval is conditioned upon the DOT issuing it's work permit. There's a need for demolition permits to be issued. The resolution will reflect that the flow acceptance letter was received. Our standard ARB condition. A condition that says no retaining wall above four feet in height may be constructed except upon presentment and approval of plans stamped by a licensed professional engineer. A landscaping security and inspection fee. The inspection fee is \$2,000. A stormwater

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HEALEY KIA

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improvement and inspection fee together with the stormwater control facility and maintenance agreement will need to be submitted. The standard condition that no structures may be built on site that are not shown on the approved site plan.

CHAIRMAN EWASUTYN: Any questions or comments from Board Members?

(No response.)

CHAIRMAN EWASUTYN: Then I'll move for a motion to grant final site plan approval for the Kia car dealership.

MR. WARD: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward. I have a second by Frank Galli. Any discussion of the motion?

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

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HEALEY KIA

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CHAIRMAN EWASUTYN: Aye.

Thank you.

MR. SARCHINO: Thank you very much.

(Time noted: 8:12 p.m.)

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

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

DATED: December 24, 2015

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

----- X
In the Matter of

LONG VIEW FARMS - SUMMER KIM
(2006-39)

Extension of Preliminary Approval
from December 4, 2015 until June 4, 2016

----- X

BOARD BUSINESS

Date: December 3, 2015
Time: 8:12 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
MARK EDSALL

----- X

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CHAIRMAN EWASUTYN: We received a letter from Tom Depuy. They are looking for a --

Dave, would you read the letter please?

MR. DOMINICK: The letter is dated November 9, 2015. "Dear Mr. Chairman, the preliminary approval for the above-referenced project is due to expire on December 4, 2015. On behalf of Summer Kim Corp and Kyra Corp we wish to be placed on the December 3, 2015 agenda to request another extension for this project to be granted. Realty subdivision approval from the Orange County Health Department has been obtained. The two entities indicated that financial restraints and the marketing condition have prevented finalization of the project; however, they anticipate moving forward with the project. If you have any questions please do not hesitate to contact us. Thank you. Very Truly Yours, Thomas Depuy."

CHAIRMAN EWASUTYN: Michael, that would be a standard six months?

MR. DONNELLY: Six months because it's

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preliminary. Yes. June 15, 2016.

CHAIRMAN EWASUTYN: Okay. Then I'll
move for a motion to grant the six-month
extension to June 15th based upon the letter read
by Dave Dominick.

MR. MENNERICH: So moved.

MR. WARD: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 8:13 p.m.)

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

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DATED: December 24, 2015

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

----- X
In the Matter of

HICKORY HILL SUBDIVISION
(2011-17)

Ninety-Day Extension of Approval

----- X

BOARD BUSINESS

Date: December 3, 2015
Time: 8:14 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
MARK EDSALL

----- X

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CARLOS DOMINGUES

76

CHAIRMAN EWASUTYN: The last item we have; Frank Galli, I'll ask you to read the letter from Talcott Engineering.

MR. GALLI: "Dear Chairman and Members of the Board." It's dated December 2, 2015. "At this time we're requesting a ninety-day extension for the above-referenced project which was given conditional final approval on June 6, 2013. The this extension will expire on February 21, 2016. Mr. Carlos Domingues is working on obtaining a road bond for the improvements for this subdivision. If you have any questions or concerns, please do not hesitate to contact me at the above number. Very Truly Yours, Charles T. Brown, PE, Talcott Engineering & Design, President."

CHAIRMAN EWASUTYN: I'll move for a motion to grant that approval.

MR. WARD: So moved.

MR. DOMINICK: Second.

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

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CARLOS DOMINGUES

77

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried.

I'd like to thank you all for tonight's meeting.

We'll move for a motion to close the Planning Board meeting of December 3, 2015.

MR. GALLI: So moved.

MR. WARD: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 8:16 p.m.)

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

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DATED: December 24, 2015