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**TOWN OF NEWBURGH  
PLANNING BOARD  
TECHNICAL REVIEW COMMENTS**

**PROJECT: BJ'S WHOLESALE CLUB-NEWBURGH**  
**PROJECT NO.: 19-07**  
**PROJECT LOCATION: SECTION 97, BLOCK 2, LOT 44, 46.2 & 45**  
**REVIEW DATE: 15 MARCH 2019**  
**MEETING DATE: 21 MARCH 2019**  
**PROJECT REPRESENTATIVE: MASER CONSULTING, P.A.**

1. The project is being proposed as a shopping center. The proposed shopping center consists of an existing bank, an existing car dealership and the proposed 90,000 +/- square foot BJ's facility. The Town of Newburgh Zoning Ordinance contains a definition of shopping center "a group of stores, shops or similar commercial establishments otherwise permitted within the zoning district, including eating and drinking places, developed or intended to be developed as a unit on one lot, which may be constructed as a single structure or adjoining structures or neighboring structures but which shall be designed and built as an architectural unit and shall have associated facilities for off street parking, loading and pedestrian circulation. A shopping center shall be designed to be operated and maintained as a unit, in single ownership and or control, sharing certain facilities in common, such as open space, yards and off street parking and loading facilities."

Input from the Code Compliance Office as to the proposed nature of the shopping center should be received. Three separate lots are proposed where currently four lots exist on the proposed shopping center. Code Enforcements interpretation of this definition in relationship to the site should be received by the Planning Board as to guidance for compliance with the shopping center definition. It is noted that the Stop n Shop facility on NYS Route 300 functions in a similar fashion with lot lines included within the "shopping center" for financing purposes. The Stop n Shop facility operates under a "unified site plan" which was included as a covenant or other legal document on each of the lots to assure common maintenance and operation of the shopping center.

2. The Applicants have proposed new car sale displays on the Route 17K frontage and the private roadway off of Unity Place.

3. The project will require variances in its current form:
  - for rear yard setback: 60 feet required where 53.2 is proposed
  - side yard setback: 50 feet required where 36.5 feet (fueling canopy) is proposed
  - side yard setback both: where 100 feet is required and 93.4 feet is proposed.
  - Landscaping requirements in accordance with Section 185-18 #4(c) requiring the first 35 feet of front yards for all properties fronting on Route 17K from the City of Newburgh west to the Town of Montgomery shall be landscaped. Private service or marginal roads (except for access driveways) and the parking of vehicles shall not be permitted in these landscaped areas. The thirty-five foot dimension shall be expanded to forty-five feet for all property on Route 17K which lie within three hundred fifty feet of the intersections of center lines of intersecting streets.
  - In addition it is noted that the side yard setback identified in the Bulk Table for the fuel canopy is actually a front yard setback based on the definition of corner lots Section 185-17A.
4. City of Newburgh Flow Acceptance letter is required for the project.
5. Orange County Planning review of the project is required.
6. NYSDOT review of the project is required.
7. The Planning Board may wish to consider evaluating sidewalks along the Route 17K frontage consistent with recent plans along the Route 300 corridor.
8. Additional review will undertaken once detailed site plans have been prepared.

Respectfully submitted,

***McGoey, Hauser and Edsall  
Consulting Engineers, D.P.C.***

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Patrick J. Hines  
Principal  
PJH/kbw



