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TOWN OF NEWBURGH
TOWN CLERKS OFFICE

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

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In the Matter of

COLANDREA SUNSHINE FORD LINCOLN
(2015-24)

40 Route 17K
Section 99; Block 4; Lot 23.2
Section 99; Block 1; Lot 17.2
Section 99; Block 4; Lot 1
IB Zone

----- X

INITIAL APPEARANCE
SITE PLAN/ADDITION

Date: September 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
CLIFFORD C. BROWNE
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: GREGORY SHAW

----- X

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

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CHAIRMAN EWASUTYN: The next item on the agenda is Colandrea Sunshine Ford Lincoln. It's a site plan for an addition located on Route 17K in an IB Zone. It's being represented by Greg Shaw.

Welcome. I know you have to catch a plane and get back down south.

MR. SHAW: For the record, my name is Gregory Shaw from Shaw Engineering. Tonight I'm representing Colandrea Sunshine Ford Lincoln.

Before I get into the project before you tonight, I think maybe I ought to touch on a little history of this parcel of land. We came before the Town about three years ago for a zoning change and we petitioned the Town Board to move the zoning line, which was an R-3/IB Zone, in a northerly direction so it's final disposition would sit in the middle of Putnam Street. The idea at that time was with that relocation Mr. Colandrea, who is with us tonight, would be able to construct on his property a car storage area and a stormwater detention area to detain the stormwater which would be generated by that construction. At that time the property

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consisted of approximately 3.9 acres and a building of about 17,500 square feet. We negotiated with the Town Board with respect to that zoning change and they implemented some safeguards with respect to the neighbors. Again, they didn't want the neighbors impacted by the visual of the cars. They had us install a four-foot high berm along Putnam Street and a six-foot high PVC vinyl fence. Also with respect to the lands of Fayo, they had a concern about what she would visually see, and they had us install again an eight-foot high PVC vinyl fence, again to mitigate her visualization of the site. Upon that the agreement was signed and Mr. Colandrea built and installed all the improvements. As you ride up and down Putnam Street it looks quite well.

Oh, one final thing. In the developer's agreement the two parcels of land, okay, that fronted on Boulder Road and Boulder Road itself, which was owned by the Town, was conveyed to Mr. Colandrea. So he owned the two lots. The piece of Boulder Road between the lots was conveyed by the Town to Mr. Colandrea. So

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now his parcel area went from 3.9 acres to 4.4 acres. The line of the R-3/IB is now in this particular area. So it comes along Putnam, drops down and goes along the line, the common line between Fayo and Colandrea, which brings in the separation distances with respect to buffers and commercial and residential property. If you come up to this blowup which I prepared, you'll see the setbacks that are required with respect to the buffer landscape setback and commercial residential setbacks. We're close but we've maintained them.

So what we're proposing is to construct two additions, one is on the southwest corner which is going to be a second story addition of 3,434 square feet. That is going to be for offices. Mr. Colandrea is expanding his offices and also relocating his offices. The office space down below is going to be utilized for a showroom. The addition, which is going to be on the east and the north, is going to be for service and new car preparation. That's going to be a total of 8,503 square feet. That is exactly as I've described, it will service the cars as

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they come in.

So now we have to look at the lands of Granato. We are obligated to maintain a rear yard setback of sixty feet and we are not providing that. We are providing forty feet. So with that we have to go to the Zoning Board of Appeals. I may point out that twenty feet may sound substantial but when you figure the amount of area that is within that sixty-foot setback, the amount of area of the building, it's only 602 square feet. So that's going to be our pitch to the ZBA, not this Board, obviously, because you don't grant variances. It really is not substantial.

We need a secondary variance which is the front yard setback with respect to the building on 17K. The building was built somewhere in the late '80s. The front yard setback at that time was fifty feet. It was built to fifty feet. The zoning was changed to sixty feet since then. Because of this portico which they are putting in, they're encroaching out another five feet. So now we are not conforming and we're going to need another

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variance for that.

So what we're looking for tonight is very simple, to address SEQRA, to address a referral to the County and to address a referral to the Zoning Board of Appeals to let us go before them and to begin our process for the two variances.

CHAIRMAN EWASUTYN: Mike Donnelly, would you give us the referral letter to the ZBA?

MR. DONNELLY: There are two variances required, a front yard variance for forty-four feet where sixty is required and a rear yard variance of forty feet where sixty is also required. I'll send that at your direction.

MR. SHAW: Could you also send a copy to Dominick Cordisco of Drake, Loeb? He'll be representing us on the application. Thank you.

CHAIRMAN EWASUTYN: Mark Edsall, do you want to give a brief overview of Pat Hines' review?

MR. EDSALL: Sure. The first comment reiterates Greg's identification of the variances that are required and called out on the plan.

Pat also speaks in the comment letter

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relative to the buffer areas and is pointing out that there's a separation with also providing a vinyl fence six-foot high along the common property line to provide additional buffering.

Pat feels no additional stormwater management is required as there was no more impervious area.

One issue that Mr. Shaw could submit to the Board, I believe in letter form with a letter report, is just verifying that the relocation of the office area and provision of the additional prep areas and showroom would not result in any additional flow from a sewer standpoint which would give this Board, if this is accepted by Pat and the Board, the ability to not require that it be referred to the City of Newburgh for a flow acceptance letter because it would be no change.

MR. SHAW: Understood.

MR. EDSALL: Orange County Planning has acknowledged, obviously, the need for that referral.

Pat is looking for some details for any site parking modifications and lighting modifications or landscaping that might be

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anticipated.

One item that was identified as part of the discussions with the Board in workshop, and perhaps, Greg, you know the history, you can help us out, is the no access restriction to Boulder Road. There appears to be an emergency access and a restriction for the site to access Boulder Road.

MR. SHAW: If you look at the approved plans on the site plan for the parking and detention area, there's an emergency access gate that has yet to be installed, all right. That is part of the no access will be provided. That has not been installed yet but that will be installed, all right. That's all part of the no access will be provided.

MR. DONNELLY: Was that a condition of the Town or of that property owner?

MR. SHAW: That was a condition of the Town.

MR. DONNELLY: The question we had earlier is is it enough that it's on the site plan or should there be some type of recorded instrument? Did the developer's agreement call

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for any recorded instrument?

MR. SHAW: I don't know. I wasn't part of that. It's on the approved stamped site plan, if that answers your question.

MR. DONNELLY: It may be just a condition that the gate needs to be built before any certificate of occupancy.

MR. CANFIELD: Right.

MR. DONNELLY: I'm sure they could have required a recorded instrument then if the Town wanted it. If they didn't, they didn't. If they did, it's there already. We want it to be built.

MR. EDSALL: That would seem adequate.

MR. SHAW: I had something else with the consultants that I'd like to bring up to the Board -- if the consultants are done that I'd like to bring up to the Board.

CHAIRMAN EWASUTYN: Okay.

MR. SHAW: A couple of things. One, with respect to Granato. We are building this six-foot high fence similar to what we built with Fayo, all right, to again mitigate the proximity that we're going to be to his property. Let's talk about this buffer area. Maybe between now

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and the next time we return back to this Board you'll take a ride out there. We have this eight-foot high fence, then we have this buffer area behind it. All right. If we bring -- obviously we're going to put grass in there. If we bring shrubs and trees and create a buffer area, who is it for? It's not for Fayó. She's got an eight-foot wall in front of her. Is it for Colandrea? I was thinking maybe we could bring in some small shrubs and a few trees and some picnic benches and make it more for the benefit of the employees of Colandrea, because she's not going to be able to enjoy it. Granato is not going to be able to enjoy it because he's going to have a six-foot PVC vinyl wall around his property, the same as Fayó does.

MR. DONNELLY: Greg, I think the Planning Board has the authority to waive the landscape requirement if they feel that the existing vegetation is adequate. I don't think they have the authority to essentially grant a variance. I would think the Zoning Board does. Since you're going there anyway and you make a reasonable argument, why don't you ask them to

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consider it.

MR. SHAW: Because what's in that buffer area right now are homes, a macadam driveway, stone driveways, concrete pads, another residence and then the macadam pavement of Boulder Drive. That's in your buffer area right now. We're going to take all that out and what do we put in there?

MR. DONNELLY: We can certainly include it in the referral to the Zoning Board.

MR. SHAW: I mean if they are the only ones that can grant us relief --

MR. DONNELLY: I believe so. I'm not reading it but in my memory we can not require new landscaping if there's a determination that the existing landscaping is adequate to satisfy the intent of the buffer. But you're asking for --

MR. SHAW: I guess what I'm saying is if I put some landscaping in, okay, is that within this Board's jurisdiction that it's adequate? I'm not saying I won't put any in. I'd rather not go back to the ZBA and wrestle with them on no landscaping at all. I'm saying

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COLANDREA SUNSHINE FORD LINCOLN

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yes, we'll put some in.

MR. DONNELLY: It would be this Board's call, but I think you have to show us what you propose.

MR. SHAW: Fine. Why don't we do that. I'd really rather not go to the ZBA and wrestle with them about no landscaping. That's an awful tough sell.

MR. CANFIELD: Mike, 185-21 C(4) talks about that. The Planning Board at it's discretion may determine preservation and maintenance of existing vegetation. It's quite a lengthy paragraph but I think it does authorize the Planning Board to make that determination on existing conditions if it's acceptable.

MR. DONNELLY: Show us what you propose.

MR. SHAW: That's what I'll do. Thank you.

CHAIRMAN EWASUTYN: Any additional comment or questions?

MR. SHAW: No.

CHAIRMAN EWASUTYN: All right. I'll move for a motion to refer to the ZBA Colandrea

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COLANDREA SUNSHINE FORD LINCOLN

Sunshine Ford Lincoln based upon the letter presented by our Attorney, Mike Donnelly.

MR. MENNERICH: So moved.

CHAIRMAN EWASUTYN: A motion by Ken Mennerich.

MR. WARD: Second.

CHAIRMAN EWASUTYN: A second by John Ward. I'll ask for a roll call vote starting with Cliff Browne.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

At this point I'll move for a motion to circulate to the Orange County Planning Department.

Michael, will we be declaring our intent for lead agency?

MR. DONNELLY: I don't think there's any other agency.

CHAIRMAN EWASUTYN: We'll move for a motion to circulate to the Orange County Planning Department and declare our intent for lead

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agency.

MR. DOMINICK: So moved.

CHAIRMAN EWASUTYN: I have a motion by
Dave Dominick.

MR. WARD: Second.

CHAIRMAN EWASUTYN: A second by John
Ward. I'll ask for a roll call vote starting
with Cliff Browne.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So
carried.

You'll contact Pat Hines, Pat Hines
will contact the assessor's office to get a list
of people within 500 feet to circulate for the
letter that needs to go out.

MR. SHAW: Okay. I think you just lost
me. Informational letter regarding?

MR. DONNELLY: It's new. You've been
away for a long time.

MR. SHAW: It's been a couple years.

MR. DONNELLY: Pat will explain it.

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MR. SHAW: It doesn't sound good either.

CHAIRMAN EWASUTYN: It's a form letter explaining the application before us, what is being proposed. It's just a notice of information to the public.

MR. SHAW: This happens prior to the ZBA?

CHAIRMAN EWASUTYN: It has to happen within ten days from when you first appear before the Planning Board.

MR. SHAW: So this happens real fast.

CHAIRMAN EWASUTYN: Ten days.

MR. SHAW: Within the next ten days.

CHAIRMAN EWASUTYN: And the mailing list will be -- Pat Hines will contact the assessor's office, the mailing list will be presented to you, you'll prepare the necessary envelopes, contact Cindy Martinez as far as mailing them and then you'll get a certification.

MR. SHAW: These are all certified, John?

CHAIRMAN EWASUTYN: She'll certify that the names that are on that list, the envelopes

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COLANDREA SUNSHINE FORD LINCOLN

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correspond with those names.

MR. SHAW: Thank you.

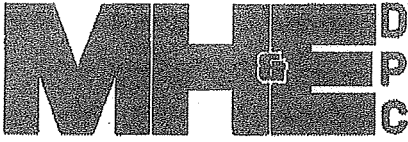
(Time noted: 8:30 p.m.)

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.

Michelle Conero

DATED: September 22, 2015



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS D.P.C.**

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MARK J. EDSALL, P.E., P.P. (NY, NJ & PA)
MICHAEL W. WEEKS, P.E. (NY, NJ & PA)
MICHAEL J. LAMOREAUX, P.E. (NY, NJ, PA, VT & VA)
MATTHEW J. SICKLER, P.E. (NY & PA)
PATRICK J. HINES

Principal Emeritus:
RICHARD D. McGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY, NJ & PA)

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

PROJECT: COLANDREA SUNSHINE FORD LINCOLN
PROJECT NO.: 15-24
PROJECT LOCATION: SECTION 99, BLOCK 4, LOT 23.2
SECTION 99, BLOCK 1, LOT 17.2 (FORMERLY)
SECTION 99, BLOCK 4, LOT 1 (FORMERLY)
REVIEW DATE: 31 AUGUST 2015
MEETING DATE: 3 SEPTEMBER 2015
PROJECT REPRESENTATIVE: SHAW ENGINEERING

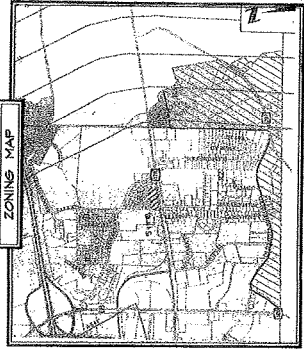
1. Project requires referral to the Zoning Board of Appeals for front yard setback off of Route 17K which contains 44 feet, where 60 is required and rear yard depth which has 40 feet, where 60 feet is required.
2. The Planning Board should evaluate the existing lawn area defined as a buffer between the proposed service and new car preparation area and residentially zoned parcels off of Boulder Drive. It is noted that a 6 foot high vinyl fence placed 8 foot high exists along the common property line.
3. No additional storm water management is required as all areas proposed for building additions are currently impervious.
4. The Applicant's Representative is requested to evaluate any potential increase in hydraulic loading which would require a City of Newburgh Flow Acceptance Letter for the project.
5. Orange County Planning referral is required.
6. Mike Donnelly's comments regarding the note stating no access to or from Colandrea Sunshine Ford will be permitted from Boulder Drive. Is site plan note enough or is a filed instrument required?

7. Site development details should be added to the plans including new parking surface to the rear of the service bays.
 8. Revised lighting plan should be submitted for Planning Board review.
-
9. Landscaping plan should be provided with future submissions.

Respectfully submitted,

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

Patrick J. Hines
Principal



ZONING SCHEDULE

USE: 10. INDUSTRIAL BUSINESS, OFFICE, RESEARCH AND DEVELOPMENT, LABORATORY, MANUFACTURING, SERVICE, STORAGE, DISTRIBUTION, AND REPAIRS. MINIMUM LOT AREA: 10,000 SQ. FT. (100' X 100').

MIN. LOT AREA	MIN. LOT DEPTH	MIN. FRONT YARD SETBACK	MIN. SIDE YARD SETBACK	MIN. REAR YARD SETBACK	MIN. BUILDING HEIGHT	MAX. GROUND COVER (%)	MAX. LOT COVERAGE (%)	MAX. NUMBER OF STORIES	MAX. NUMBER OF UNITS
40,000 SQ. FT. (100' X 400')	50 FT.	20 FT.	5 FT.	5 FT.	35 FT.	25%	40%	4	10
50,000 SQ. FT. (100' X 500')	50 FT.	20 FT.	5 FT.	5 FT.	35 FT.	25%	40%	4	10
60,000 SQ. FT. (100' X 600')	50 FT.	20 FT.	5 FT.	5 FT.	35 FT.	25%	40%	4	10
70,000 SQ. FT. (100' X 700')	50 FT.	20 FT.	5 FT.	5 FT.	35 FT.	25%	40%	4	10
80,000 SQ. FT. (100' X 800')	50 FT.	20 FT.	5 FT.	5 FT.	35 FT.	25%	40%	4	10
90,000 SQ. FT. (100' X 900')	50 FT.	20 FT.	5 FT.	5 FT.	35 FT.	25%	40%	4	10
100,000 SQ. FT. (100' X 1,000')	50 FT.	20 FT.	5 FT.	5 FT.	35 FT.	25%	40%	4	10

- ### NOTES
- RECORD OWNER: APPLICANT/OWNER. LEGAL ADDRESS: [Address]. RECORDING REFERENCE: [Reference].
 - PARCEL AREA: 4.00 ACRES.
 - THE ZONING REGULATIONS ARE IN EFFECT AS OF 1/1/2013.
 - THE ZONING BOARD HAS REVIEWED THE APPLICANT'S SITE PLAN AND HAS DETERMINED THAT THE PROPOSED DEVELOPMENT IS CONSISTENT WITH THE ZONING REGULATIONS.
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TOWN OF NEWBURGH PLANNING BOARD
STAFF REPORT

Project: NEW ADDITIONS
SOLANDEKA BASHINE FORD LINCOLN
N.Y.S. ROUTE 17-K

Scale: 1"=30'

Date: 03-25-2014

Drawn By: [Name]

Checked By: [Name]

Approved By: [Name]

Project: NEW ADDITIONS
SOLANDEKA BASHINE FORD LINCOLN
N.Y.S. ROUTE 17-K

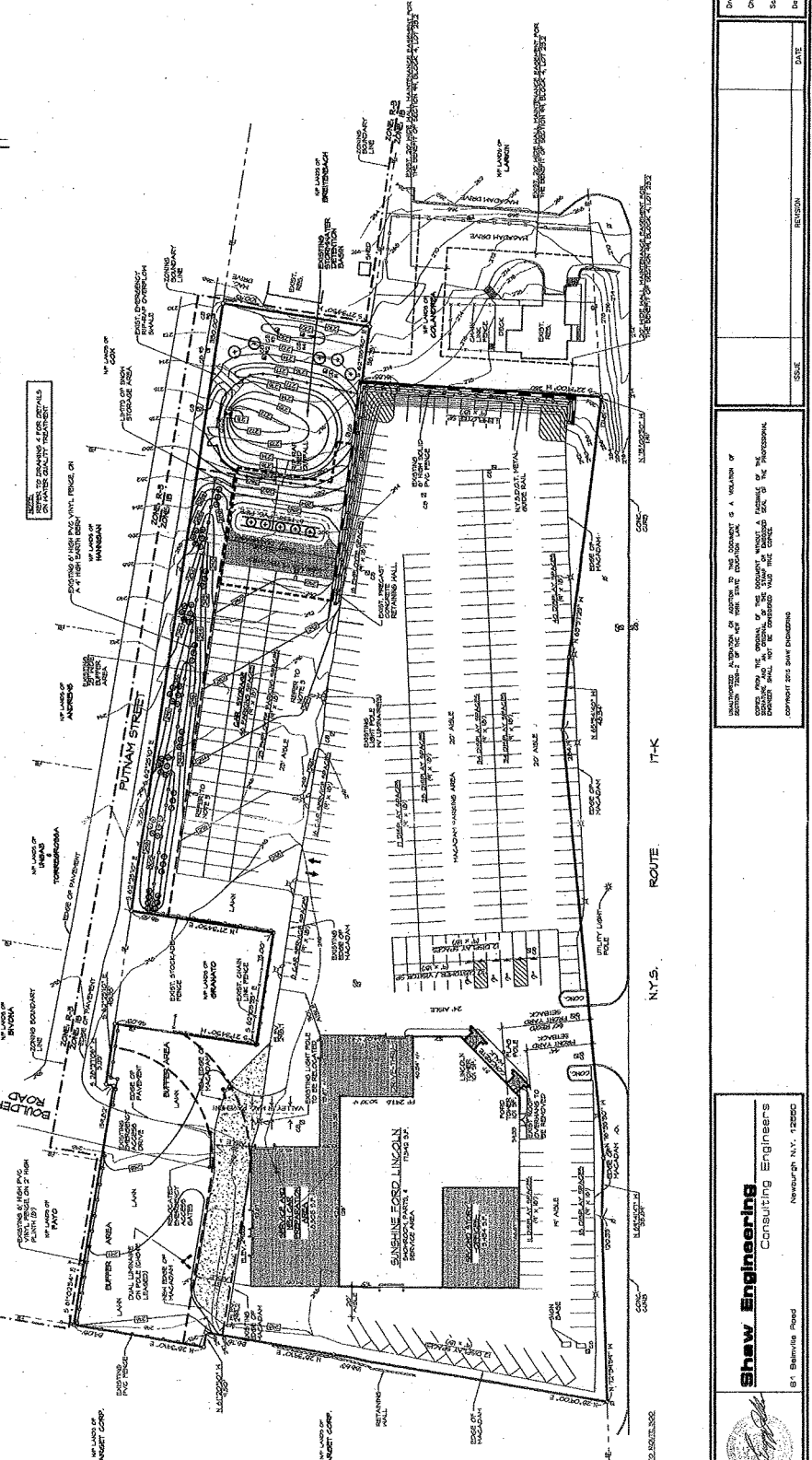
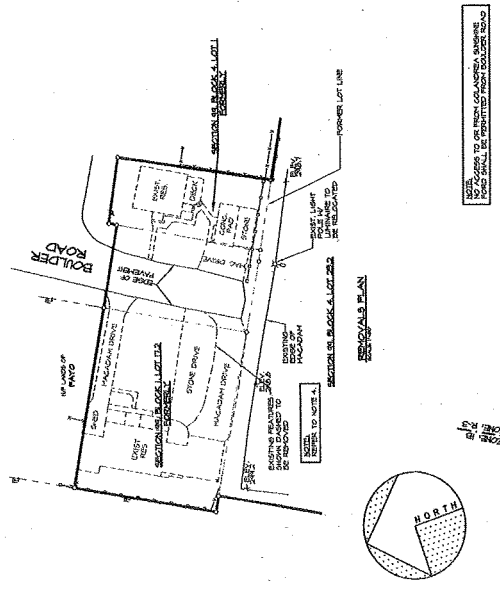
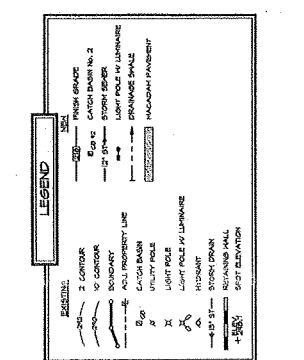
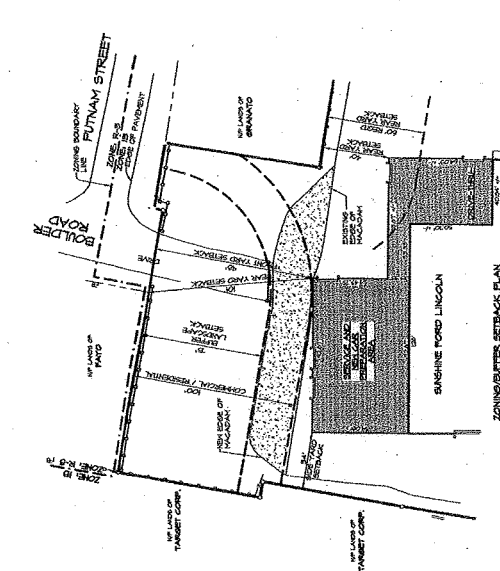
Scale: 1"=30'

Date: 03-25-2014

Drawn By: [Name]

Checked By: [Name]

Approved By: [Name]



Shaw Engineering
Consulting Engineers

81 Balmite Road
Newburgh, N.Y. 12550

Approved Site Development Plan & Details
Project: NEW ADDITIONS
SOLANDEKA BASHINE FORD LINCOLN
N.Y.S. ROUTE 17-K

Scale: 1"=30'

Date: 03-25-2014

Drawn By: [Name]

Checked By: [Name]

Approved By: [Name]