

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

----- X
In the Matter of

FISCHER
(2015-31)

154 Route 17K
Section 94; Block 1; Lots 12, 13, 14 & 15
B Zone

----- X

AMENDED SITE PLAN

Date: May 5, 2016
Time: 7:43 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.
PATRICK HINES
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: DARREN DOCE

----- X

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

FISCHER

48

CHAIRMAN EWASUTYN: The next item on this evening's agenda is Fischer. It's an amended site plan located on Route 17K. It's in a B Zone. It's being represented by Darren Doce.

MR. DOCE: I'm Darren Doce representing the Fischers on this application. Mrs. Fischer is in the audience with her son.

This past November I appeared before the Board for the proposal for the construction of a separate building for pet boarding that was going to be added to an existing veterinary practice that consisted of medical in one building and some grooming -- pet grooming in a separate building. At that time the tax parcel that the boarding facility was going to be located on was to be combined with the site that housed the medical care and the pet grooming building.

Since that time Mrs. Fischer has been settling her husband's estate. She has a prospective buyer who would like to purchase the practice -- the building practice for the grooming and medical care facility but at this time does not wish to purchase the boarding

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

FISCHER

49

facility.

Mrs. Fischer would still like to construct this building and has agreed either her or some of her associates would own and operate the boarding facility.

Since the two sites will be under separate ownership now, we can't combine the parcels. The design of the -- the original design will remain the same with the exception now the two parcels will remain in separate ownership. We're proposing the project to be developed as a common scheme where the medical care and the grooming will remain on tax parcel 12 and the proposed boarding facility will remain on tax parcel 13.2. The site will still function as one but the parcels, as I say, will remain under separate ownership. All conditions will be enforced as if they were under one ownership, similar to what we had done previously at Newburgh Towne Center with Warwick Savings Bank and what was I believe more recently done at the Shoppes at Union Square where Cosimo's remained on a separate parcel under the ownership of CPK Union and the remaining shopping center was under

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

FISCHER

50

ownership by a different party.

We're here now tonight to present this and to address any questions that the Board might have.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: There are three separate lots behind it?

MR. DOCE: At this time they stay separate.

MR. GALLI: They're not going to be combined into it?

MR. DOCE: That's not planned at this time.

MR. HINES: That leads in. The parcel that has the pet grooming, that was originally three parcels I believe.

MR. DOCE: The pet grooming?

MR. HINES: Yes.

MR. DOCE: This was originally one parcel.

MR. HINES: Right. The pet grooming I believe.

MR. DOCE: The boarding?

MR. HINES: Boarding.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

FISCHER

51

MR. DOCE: It was originally.

MR. HINES: My question is have they been combined?

MR. DOCE: Yeah. Dr. Fischer had requested of the assessor's office that they be combined into one parcel.

MR. HINES: They were not combined with 12?

MR. DOCE: No, they were not.

MR. HINES: I just wanted to make sure. That's fine.

MR. DOCE: It's 12 and 13.2.

MR. HINES: We want to make sure we don't have a subdivision in front of us right now.

MR. DOCE: No.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: On the previous plan there wasn't the outside fenced exercise area.

MR. DOCE: Correct.

MR. MENNERICH: How do you envision that they're going to be using that?

MR. DOCE: We did not show that on the previous plan. At the meeting that was

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

FISCHER

52

questioned. The Board had asked Dr. Fischer if he would have an outside area. He said yes and it was requested that we show it.

The way I believe the zoning reads is that they have to have supervision if pets are in that area. They have to have supervision for that. They can't be let out alone.

MR. MENNERICH: Okay.

MS. FISCHER: Definitely.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Mrs. Fischer, on behalf of the Board, our deepest condolences for your loss. I'm sorry to hear that.

MS. FISCHER: Thank you very much.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Nothing right now. Thank you.

CHAIRMAN EWASUTYN: At this point we'll turn the meeting over to Pat Hines.

MR. HINES: By not combining the lots there's now some zoning issues, because the lot line that was between the two parcels was proposed to be going away.

The minimum lot area for the pet

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

FISCHER

53

boarding lot, 13.2, is proposed to be 26,072 where 40,000 is required. The minimum lot width, 85.1 is proposed where 150 feet is required. The side yard setback, 10 feet is proposed where 30 feet is required. Then there's also the requirement for landscaping along Route 17K. Because of the proximity of the intersection, it's 45 feet. I don't know if you're going to make that or if you want to include that in your variances.

MR. DOCE: I do show 45 feet to the parking area.

MR. HINES: That's fine.

MR. DOCE: It's a green area now.

There are six or seven substantial trees that will remain in that area.

MR. HINES: There are no improvements there. That's fine. Those three variances will be required.

We just noted that there's going to be a need for kind of cross grading, cross access unified site plan notes. We discussed it at work session. I'm sure Mike Donnelly can provide that language for you.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

FISCHER

54

The outdoor dog run, we discussed it at work session. There may be a need for some hours of operation type notes on the plans so that they're out there at reasonable hours. I don't know how close the residential structures are in the area. I'll leave that to the Board.

We just talked about the status of the lot consolidation.

That's all we have.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: Just in respect to Pat's comments, there is a section of the Zoning Code, 185-45, that deals with these type occupancies. We're going to need compliance with that.

They do mention a 75 foot separation from the nearest residence. I believe there's not an issue there but it should be noted that that section of the code does apply.

CHAIRMAN EWASUTYN: Mike Donnelly, would you give us the outline for the referral letter to the Zoning Board of Appeals?

MR. DONNELLY: At your direction I'll send a letter to the Zoning Board referring for

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

FISCHER

55

their consideration, although you'll have to apply yourself, the need for the following variances: A lot area variance for 26,072 feet where 40,000 feet is required, a lot width variance of 85.1 where 150 feet is required, and a side yard variance of 10 feet where 30 feet is required.

CHAIRMAN EWASUTYN: Thank you. I'll move for a motion for Mike Donnelly to prepare the letter, the referral to the Zoning Board of Appeals for the lands of Fischer.

MR. DOMINICK: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by Dave Dominick. I have a second by Frank Galli. 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.

MR. HINES: Lot 12 currently stands on

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

FISCHER

56

it's own, so I don't think there's anything holding up lot 12's purchase, sale, whatever. I just want to make that clear. Other than the agreement for the cross access. If that was accomplished sooner rather than later, I think lot 12 is almost not party to this application.

MR. DOCE: Right. Thank you.

(Time noted: 7:51 p.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

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

That hereinbefore set forth is a
true record of the proceedings.

I further certify that I am not
related to any of the parties to this proceeding by
blood or by marriage and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 26th day of May 2016.

Michelle Conero

MICHELLE CONERO



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

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

Main Office
33 Airport Center Drive
Suite 202
New Windsor, New York 12553

(845) 567-3100
fax: (845) 567-3232
e-mail: mheny@mhepc.com

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: LANDS OF FISCHER
PROJECT NO.: 15-31
PROJECT LOCATION: SECTION 94, BLOCK 1, LOT 12 & 13.2
REVIEW DATE: 29 APRIL 2016
MEETING DATE: 5 MAY 2016
REPRESENTATIVE: VINCENT J. DOCE ASSOCIATES

1. Due to a change in circumstances regarding the operation of the business the Applicants are currently applying to have the Pet Boarding facility be maintained on an individual lot. Previously the new Pet Boarding facility and its associated lots were to be combined with the existing veterinary practice in order to meet zoning setbacks. The replacement of the lot line causes a need for several variances including minimum lot area -26,072 proposed where 40,000 is required minimum lot width- 85.1 proposed where 150 feet is required. Side yard set back- 10 feet proposed where 30 feet is required.
2. The Applicants are requesting to operate the facility under a common scheme. The Applicants representative identifies previous shopping center uses where outparcels were granted this form of approval including Newburgh Town Center and Target Plaza as examples. While these uses were shopping centers which received the Boards approval the Board should discuss the operation of these business entities as a unified operating site plan. Mike Donnelly's comments on same should be received.
3. The new site plan now contains an outdoor dog run which was not contained on the previous site plan.
4. Status of lot consolidations should be identified.
5. Front yard landscaping requirements should be addressed on the Pet Boarding lot based on its location on 17K and proximity to the intersection (45 feet required).

6. Mike Donnelly's comments regarding cross access grading and construction easements should be received.

Respectfully submitted,

McGoey, Hauser & Edsall
Consulting Engineers, D.P.C.

Patrick J. Hines
Principal

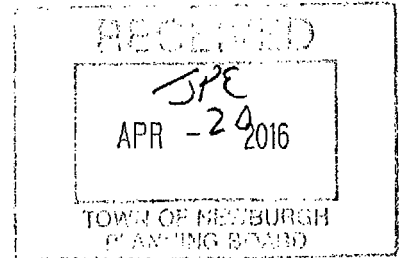
VINCENT J. DOCE ASSOCIATES

ENGINEERS ~ SURVEYORS ~ PLANNERS
PROJECT CONSULTANTS - LAND CONSULTANTS
242 SOUTH PLANK ROAD, NEWBURGH, NEW YORK 12550
TEL 845-561-1170 ~ FAX 845-561-7738

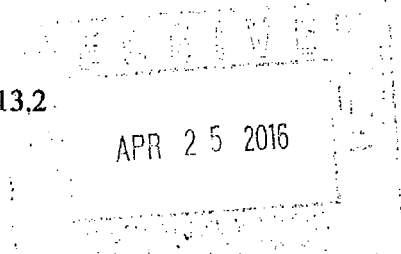
April 18, 2016

John P. Ewasutyn, Chairman
Town of Newburgh Planning Board
308 Gardnertown Road
Newburgh, NY 12550

PAT



RE: Site Plan Review for James A. Fischer
154 NYS Rte. 17K and Fletcher Drive
Town of Newburgh Tax Parcels: Section 94 Block 1 Lot 12 & 13.2
Town Project No. 2015-31



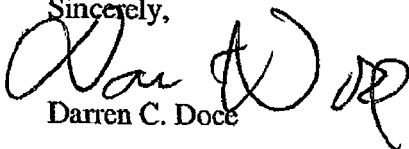
Dear Mr. Ewasutyn:

At its November 19, 2015 meeting, the planning board was presented with a proposal for the construction of a separate building to provide pet boarding for an existing veterinary practice. The tax parcel on which the proposed building was to be located was proposed to be combined with the tax parcel containing the existing veterinary practice.

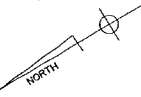
Following the initial meeting Mrs. Fischer has had to deal with the passing of her husband. In settling the estate, Mrs. Fischer has a purchaser for the veterinary practice, but the buyer does not wish to own and operate the the pet boarding component of the practice. Mrs. Fischer has agreed to operate the pet boarding part of the veterinarian operation. However, she cannot combine the tax parcels as the two buildings will remain in separate ownership. We are proposing the project be developed as a common scheme where the medical care and grooming will continue to be conducted on Lot 12 and the pet boarding component will operate on Lot 13.2 under common governance. As a result of this proposal the project may require area variances for minimum lot area, minimum lot width and minimum side yard setback. All conditions will be enforced as they would be under one ownership, similarly to the enforcement when we did the Newburgh Town Center and Warwick Savings Bank.

The applicant requests appearing at the May 5th planning board meeting to discuss this proposal. Thank you for your time and consideration.

Sincerely,


Darren C. Doce

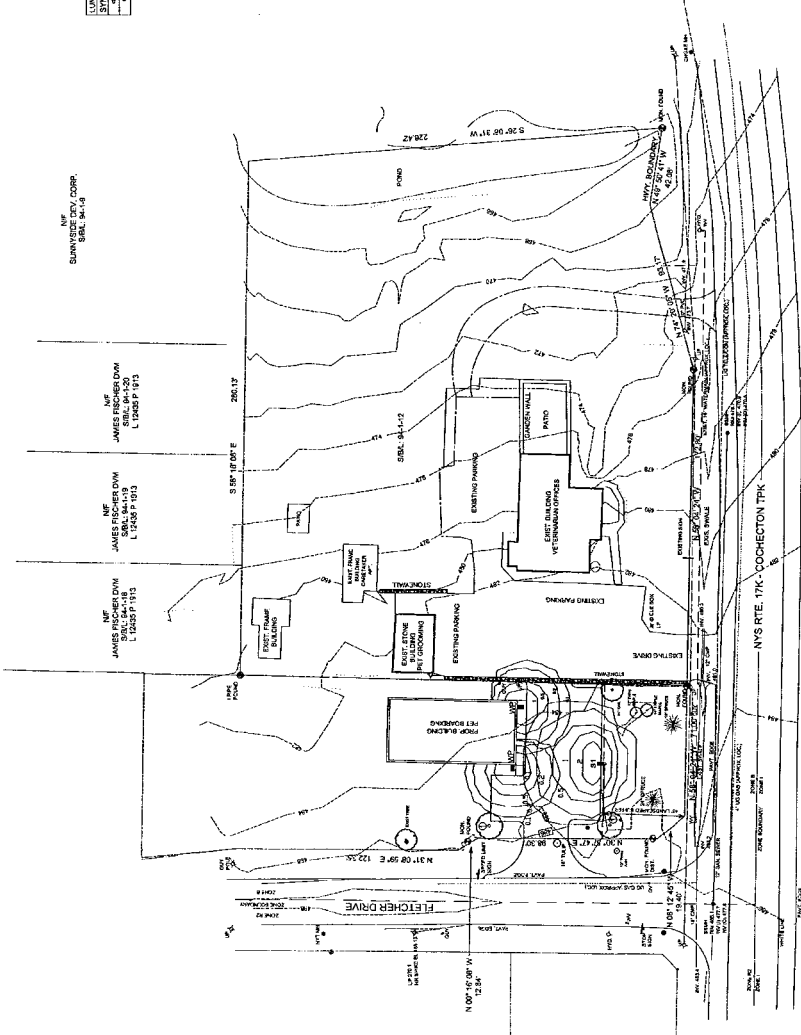
- LEGEND:**
- NO. OF PARKING SPACES
 - ▭ SIDEWALK
 - ▭ SIDEWALK MANHOLE
 - ▭ UTILITY POLE
 - ▭ HYDRANT
 - ▭ ADA PARKING SPACE



NOTES:

1. THE CONTRACTOR MUST NOTIFY THE UNDERGROUND FACILITIES PROTECTIVE ORGANIZATION (1-800-892-7092) PRIOR TO ANY EXCAVATION WORK. CONTRACTOR MUST OBTAIN ANY NECESSARY PERMITS FROM THE CITY OF NEW YORK AND STATE OF NEW YORK PRIOR TO ANY EXCAVATION WORK. CONTRACTOR MUST OBTAIN THE EXACT LOCATION, DEPTH AND SIZE OF ANY EXISTING UNDERGROUND UTILITIES.
2. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF NEW YORK AND STATE OF NEW YORK PRIOR TO ANY EXCAVATION WORK. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF NEW YORK AND STATE OF NEW YORK PRIOR TO ANY EXCAVATION WORK.
3. CONTRACTOR SHALL NOT BE RESPONSIBLE FOR ANY DAMAGE TO EXISTING UTILITIES OR STRUCTURES. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF NEW YORK AND STATE OF NEW YORK PRIOR TO ANY EXCAVATION WORK.
4. IT IS THE DEVELOPER'S OR CONTRACTOR'S RESPONSIBILITY TO OBTAIN ANY NECESSARY PERMITS REQUIRED FROM FEDERAL, STATE OR LOCAL AUTHORITIES.

UTILITY SYMBOL	DESCRIPTION	INSTALLMENT	NO. OF FT.
○	ASBESTOS	SINGLE	15
○	WATER	SINGLE	15



THIS SHEET IS VALID UNLESS ACCOMPANIED BY ALL SHEETS 1 OF 4 THROUGH 4 OF 4

LIGHTING PLAN
 JAMES FISCHER
 NYS REG. NO. 1117
 CHANCE COUNTY, NEW YORK
 DATE: JULY 7, 2019 SCALE: 1" = 20' ±

PREPARED BY:
 VINCENT J. DOCK ASSOCIATES
 SURVEYORS, ENGINEERS, PLANNERS
 1000 AVENUE OF THE AMERICAS, 10TH FLOOR
 NEW YORK, NY 10018
 TEL: 646 951-1170 FAX: 646 951-1724

SHEET 4 OF 4

UNAUTHORIZED ALTERATION OR ADDITION TO A MAP BEARING A LICENSED SURVEYOR'S SEAL IS A VIOLATION OF SECTION 1209(2) OF THE NEW YORK STATE EDUCATION LAW.

NO.	DATE	REVISION
1	07/07/19	ISSUE FOR PERMIT