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

----- X  
In the Matter of

MOZO PROPERTIES  
(2016-11)

NYS Route 32  
Section 34; Block 2; Lot 55  
B Zone

----- X

INITIAL APPEARANCE  
SITE PLAN

Date: July 21, 2016  
Time: 7:20 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

*2016*

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

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

APPLICANT'S REPRESENTATIVE: JONATHAN CELLA

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

MR. BROWNE: Our next item of

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MOZO PROPERTIES

business is Mozo Properties, project number 2016-11. It's an initial appearance, a site plan, being represented by Talcott Engineering.

MR. CELLA: I'm Jonathan Cella filling in for Charlie Brown. We're here for Mozo Properties.

It's a three-acre parcel located in a B Zoning District. It currently has a single-family residence on it, a garage and several structures for landscaping supplies.

We're proposing to relocate three of the structures in the rear from the eastern side of the property to the western side and convert the existing detached garage into an office building.

This application was before the Planning Board in July 2015 represented by another consultant. We received Pat's comments from that meeting.

We would like to request Jerry Canfield's classification for the use in the B Zone. He's requesting your comment number 9.

MR. HINES: I think we're going to

1 request that your client address that question.  
2 We're not really sure what that use is, too.  
3 There are quite a few uses going on on the  
4 property at this time. I think maybe we should  
5 suggest that your client, or Charlie's client  
6 come the next time they're on for a meeting and  
7 maybe we can identify --  
8

9 MR. CELLA: That would make sense.

10 MR. CANFIELD: Are you prepared to  
11 speak on behalf of your client --

12 MR. CELLA: No.

13 MR. CANFIELD: -- as to what's going on  
14 there?

15 MR. CELLA: Not exactly I couldn't.  
16 They were planning on coming tonight but they are  
17 away. They had a prior arrangement.

18 CHAIRMAN EWASUTYN: So at this point we  
19 have to refer them to the ZBA?

20 MR. HINES: They do need ZBA for a  
21 front yard and a side yard variance.

22 CHAIRMAN EWASUTYN: Would this be the  
23 proper time?

24 MR. DONNELLY: We don't want to slow it  
25 down.

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MR. GALLI: John, I just have a question. Are we ready to send them to the ZBA? We really don't know what's going on here.

MR. HINES: We do know they need those variances regardless.

MR. GALLI: For any use they still need it?

MR. HINES: Yeah. For the bulk area.

MR. DONNELLY: An area variance for an existing building?

MR. HINES: Two existing buildings.

MR. BROWNE: If there is a new use, is that possible?

MR. CANFIELD: It's a possibility once we identify what's there.

MR. CELLA: Then it would be a use variance as well.

MR. BROWNE: My understanding from what I'm hearing here is -- I'm not really clear about what's going on or whose doing what to who and all that kind of stuff. It's kind of like we need to know what's going on.

MR. CELLA: Yes. You want to wait to give us the referral? Would you be more

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MOZO PROPERTIES

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comfortable with that?

CHAIRMAN EWASUTYN: Michael, we don't need to wait?

MR. DONNELLY: It's tied to the buildings and the buildings aren't changing.

MR. CELLA: All right.

CHAIRMAN EWASUTYN: Michael, would you -- would someone give us the language that would be -- Mike Donnelly will be preparing a letter.

MR. DONNELLY: Existing side yard for the garage and existing --

MR. CANFIELD: For the single-family dwelling.

MR. HINES: Right now the garage is an accessory structure, but when it gets converted to the office use it doesn't meet the setbacks anymore.

MR. DONNELLY: Okay.

CHAIRMAN EWASUTYN: Michael, would you then give us the language and we'll move for a motion to have you prepare a letter to send to the ZBA?

MR. DONNELLY: I will send a letter referring this applicant for consideration of a

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front yard variance for the existing single-family dwelling and for consideration of a side yard variance for the framed garage upon it's conversion to an office.

CHAIRMAN EWASUTYN: Having heard the language that's going to be proposed for a letter to the Zoning Board of Appeals for the variances required for Mozo Properties by Mike Donnelly, I'll move for a motion that he prepare that.

MR. MENNERICH: So moved.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich. I have a second by Cliff Browne. Any further discussion?

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Thank you for covering for Charlie. It

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would be good if Mr. Mozo was here so we have an understanding of what materials he's looking to store, if he's looking to rent equipment also. The total use of the site.

MR. CELLA: I'll ask Charlie to have Mr. Mozo come in, and also maybe he can prepare some type of narrative on his next submission. It's cut and dry. I'll ask him to expand on that. We'll come back after the Zoning Board.

CHAIRMAN EWASUTYN: Good to see you.

MR. CELLA: Thank you. You, too.

(Time noted: 7:24 p.m.)

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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 4th day of August 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: MOZO PROPERTIES SITE PLAN**  
**PROJECT NO.: 16-11**  
**PROJECT LOCATION: SECTION 34, BLOCK 2, LOT 55**  
**REVIEW DATE: 15 JULY 2016**  
**MEETING DATE: 21 JULY 2016**  
**PROJECT REPRESENTATIVE: TALCOTT ENGINEERING**

1. Attached is a copy of our 10 July 2015 comments for a previous application on the site. These comments continue to be valid for the resubmission. Project requires variances for front yard for existing structure and side yard for frame garage proposed to be converted to office.

Respectfully submitted,

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

---

Patrick J. Hines  
Principal



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

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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: MOZO PROPERTIES, LLC**  
**PROJECT NO.: 15-17**  
**PROJECT LOCATION: SECTION 34, BLOCK 2, LOT 55**  
**PROJECT REPRESENTATIVE: STEVEN P. DRABICK, P.L.S.**  
**REVIEW DATE: 10 JULY 2015**  
**MEETING DATE: 16 JULY 2015**

1. Existing framed garage proposed for an office does not meet side yard setback. A variance for existing condition is required.
2. Structures proposed to be removed require a demolition permit. Notes requiring a demolition permit should be added to the plans.
3. The Planning Board should discuss the need for paved access and parking areas.
4. Compliance with Town of Newburgh Design Guidelines should be documented on the site. Parking in front yard setback, site lighting, landscaping are items which must be addressed on the plan.
5. Water service to the parcel should be addressed on the plans.
6. Water and sewer service to the proposed office should be addressed.
7. Handicap accessibility, in addition to the paved parking, should be addressed on the site.
8. Compliance with Town of Newburgh and NYSDEC Storm Water Management must be documented on the site. Site was apparently re-graded, disturbed previously with additional re-grading and disturbance proposed exceeding the 1 acre threshold.
9. Gerry Canfield's comments as to classifying the use within the B zone should be received.

10. Quantity of landscaping material should be identified on the plans.
11. Landscaping tool rental area should be further defined for Planning Board's use.
12. NYSDOT approval for access drive is required.
13. Orange County Planning Board review of the site plan is required.

Respectfully submitted,

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

---

Patrick J. Hines  
Principal

# Talcott Engineering

## DESIGN, PLLC

1 GARDNERTOWN ROAD ~ NEWBURGH, NY 12550  
(845) 569-8400\* ~ (fax) (845) 569-4583

Town of Newburgh  
Planning Board  
308 Gardnertown Road  
Newburgh, NY 12550

July 14, 2016

Attn: John Ewasutyn, Chairman

Re: Project Narrative  
Mozo Properties, LLC  
Town Project No. 2016-11  
S-B-L: 34-2-55  
Job No. 16073-MZP

### MOZO PROPERTIES, LLC SITE PLAN PROJECT NARRATIVE

The subject parcel is 3.05 acres, owned by Mozo Properties, LLC, located at 286 North Plank Road. The property is located in the B (Business) Zone, and contains an existing single family 3 bedroom residence which is serviced by an existing well and onsite septic system. The parcel also contains 2 frame garages, a frame shed and a steel storage container.

The applicant/owner, Mozo Properties, LLC., proposes to convert the existing front garage (20' x 25') into an office, which is permitted in the B Zone.

As this proposal is a change of use, this project may require an area variance from the ZBA (front yard) for the existing residence.

Project plans include an area for storage of landscape supplies. Details for the above are on project plans. Please note that the area of disturbance for this project, as proposed, is less than 1.0 acres.

Attached please find 14 sets of prints, applications, and EAF Short Form along with the applicants' checks for escrow (\$3,200.00), application fees (\$ 1,750.00), and public hearing fee (\$ 150.00). One set will be mailed to Mike Donnelly and one set will be dropped off to Pat Hines.

Please note that the owner's signature is not signed on the application forms. We will submit them upon receipt.

Respectfully yours,

Charles T. Brown, P.E. – President  
Talcott Engineering Design, PLLC

Pc: Pat Hines, w/one set  
Mike Donnelly, w/one set

# Short Environmental Assessment Form

## Part 1 - Project Information

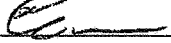
### Instructions for Completing

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: MOZO PROPERTIES LLC SIE PLAN		TED #16073	
Project Location (describe, and attach a location map): 286 NORTH PLANK ROAD, NEWBURGH, NY			
Brief Description of Proposed Action: ON A RESIDENTIAL PARCEL, A CHANGE OF USE TO BUSINESS. CONVERSION OF AN EXISTING 20' X 25' GARAGE TO AN OFFICE FOR A LANDSCAPING COMPANY AND CLEARING OF AN AREA FOR STORAGE OF LANDSCAPING SUPPLIES.			
Name of Applicant or Sponsor: MOZO PROPERTIES, LLC ATTN:JOSE MOZO		Telephone: 845-234-2452	
		E-Mail:	
Address: 43 TAFT AVE			
City/PO: NEWBURGH		State: NY	Zip Code: 12550
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		3.05 acres	
b. Total acreage to be physically disturbed?		0.79 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		3.05 acres	
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ <b>NEW ON SITE SEWERAGE DISPOSAL SYSTEM</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100 year flood plain?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____			

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p>		
<p>Applicant/sponsor name: <u>CHARLES T. BROWN, PE</u></p>		<p>Date: <u>7/14/2016</u></p>
<p>Signature: <u></u></p>		





