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

----- X

In the Matter of

MINARD II SUBDIVISION
(2021-02)

97 Leslie Road
Section 20; Block 1; Lot 31.1
R-2 Zone

----- X

PUBLIC HEARING
TWO-LOT SUBDIVISION

Date: August 5, 2021
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
CLIFFORD C. BROWNE
STEPHANIE DeLUCA
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

MICHELLE L. CONERO
3 Francis Street
Newburgh, New York 12550
(845) 541-4163

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CHAIRMAN EWASUTYN: We'd like to welcome everyone here this evening to the Town of Newburgh Planning Board meeting of the 5th of August. We have five items on the agenda. No Board business.

At this time we would like to call the meeting to order with a roll call vote.

- MR. GALLI: Present.
- MS. DeLUCA: Present.
- MR. MENNERICH: Present.
- CHAIRMAN EWASUTYN: Present.
- MR. BROWNE: Present.
- MR. DOMINICK: Present.
- MR. WARD: Present.
- MR. CORDISCO: Dominic Cordisco,
Planning Board Attorney.
- MS. CONERO: Michelle Conero,
Stenographer.
- MR. CANFIELD: Jerry Canfield,
Code Compliance Supervisor.
- MR. HINES: Pat Hines with
McGoey, Hauser & Edsall Engineers.

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CHAIRMAN EWASUTYN: At this time we'll turn the meeting over to John Ward.

MR. WARD: Please stand to say the Pledge.

(Pledge of Allegiance.)

MR. WARD: Please turn off your phones or put them on silent, please.

CHAIRMAN EWASUTYN: The first item of business is a public hearing for a two-lot subdivision. It's the Minard II Subdivision, project number 21-02. It's located on Leslie Road in an R-2 Zone. The representative is Talcott Engineering.

At this point Mr. Mennerich will read the notice of hearing.

MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to Section 276 of the Town Law on the application of Minard II, a two-lot subdivision, project 2021-02, for a two-lot subdivision located on 97 Leslie Road

1 in the Town of Newburgh, designated on the
2 Town's tax maps as Section 20; Block 1;
3 Lot 31.1. The project involves a two-lot
4 subdivision of a 10.3 plus or minus acre
5 parcel of property. Proposed lot 1
6 contains an existing single-family
7 residence on a proposed 9.28 plus or minus
8 parcel of land. Lot 2 is proposed to
9 contain a single-family residential
10 structure on 1.0 acre parcel of property.
11 All lots will be served by individual
12 wells and subsurface sanitary disposal
13 systems. Access to the lots are from
14 Leslie Road. The project is located in
15 the Town's R-2 Zoning District. A public
16 hearing will be held on the 5th day of
17 August 2021 at the Town Hall Meeting Room,
18 1496 Route 300, Newburgh, New York at 7
19 p.m. at which time all interested persons
20 will be given an opportunity to be heard.
21 By order of the Town of Newburgh Planning
22 Board. John P. Ewasutyn, Chairman,
23 Planning Board Town of Newburgh. Dated 14
24 July 2021."

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CHAIRMAN EWASUTYN: Thank you.
Charlie.

MR. BROWN: I'm Charles Brown,
the engineer for the applicant. This is
an owner occupied 10.3 acre parcel. The
existing house is on Town water, not a
well.

The proposal is to cut off a
1-acre lot even though the R-2 Zoning for
the Town allows us to go down to 17,500
square feet.

The lot is for his son. He's
going to -- the owner lives on site. He's
going to give the lot to his son so his
son can build a house.

The existing house and the
proposed house would both be accessed off
of Leslie Road. There is a little bit of
a sight distance issue, so we put an
easement in for grading. We'll grade down
the hill towards Frozen Ridge Road.

We're here to answer any
questions from the public and/or the
Planning Board.

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CHAIRMAN EWASUTYN: At this point in the meeting we'll turn it over to the public to see if you have any questions or comments. We ask that you please raise your hand and give your name and the address. There's a stenographer here and she'll be taking minutes.

(No response.)

CHAIRMAN EWASUTYN: Does anyone have any questions or comments?

(No response.)

CHAIRMAN EWASUTYN: Let the record show that there was no one in the audience this evening for the subdivision that had questions or comments.

At this point we'll turn it over to Jerry Canfield. Jerry, questions?

MR. CANFIELD: I have no comments. Just a point of interest. Charlie, you did put a note on lot 2 about staking the foundation because of the proximity to the setback lines, which is good. Just a point of information. If there are ever any rear decks or anything

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put on, of course it will be an application for the Zoning Board because it's right up to the setback line.

MR. BROWN: Understood.

MR. CANFIELD: That's all I have, John.

CHAIRMAN EWASUTYN: Pat Hines with McGoey, Hauser & Edsall?

MR. HINES: Our first comment, and we discussed this at a couple of the meetings, is the 15-foot strip between proposed lot 2 which remains part of lot 1, it's identified as a 15 foot for future driveway. We have a couple concerns regarding that. The ownership of that 15-foot strip between the lots and the neighbors, often times those become maintenance issues. I know you said the lots are between families right now, but that can change.

Also, any potential future driveway would be right against the proposed driveway at the site. They would be very close to each other, which isn't

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the best way to control the traffic.
I guess we're looking to you to explain
why that 15-foot strip is there.

Right now we're only reviewing a
two-lot subdivision under SEQRA. It looks
like this is being set up for an
additional lot in the future that hasn't
been addressed.

MR. BROWN: My client, Jim
Minard, he has no intention of further
subdividing the property, but he doesn't
want to devalue it by not allowing that to
happen at some other time in the future.

I do have revised plans here that
show the grading for that. I did notice
we need silt fence along that future
driveway.

The grading does work. I can
bring those to your office tomorrow, Pat.

Again, he's got no intention of
doing that right now. He says he's going
to live there until he retires and sells
the property and it will be somebody --
whoever buys the property, it will be up

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to them.

MR. HINES: At the work session the Planning Board, I think the majority of the Members reiterated my concerns. I don't know. It's up to the Board. It's tight to put a driveway in a 15-foot strip. Legally it meets the Town Law 280-A for access. The driveways being right next to each other and creating that strip between this proposed lot and the neighbor could cause maintenance issues in the future.

MR. BROWN: What width would you be more comfortable with?

MR. HINES: My take is the Board would be more comfortable with the lot line extending across that 15, leaving it part of lot 2. I'll defer to the Board on that.

MR. GALLI: That's what we discussed at workshop.

MR. BROWNE: Yes.

CHAIRMAN EWASUTYN: Comments from Board Members?

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MR. GALLI: I was just telling him what Pat said, we discussed that at the workshop. I thought the best thing -- my opinion was to keep it part of lot 2.

MR. BROWN: Okay. We can make that a condition of approval.

CHAIRMAN EWASUTYN: I'm not following. The condition of approval meaning that the note will be removed?

MR. BROWN: The 15-foot flag pole will be removed and the lot line for lot 2 will come all the way to the common property line with Haviland.

CHAIRMAN EWASUTYN: Dominic Cordisco, Pat Hines?

MR. CORDISCO: That would address the concern. I appreciate the comment that there's no present intention to do a future subdivision, but that's exactly what the current version of the plan is setup to do for somebody else in the future.

That said, anyone in the future could apply to subdivide further at that

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2 time. You could adjust that lot line at
3 that time if there was ever a future
4 application, and it could be considered on
5 its merits, then according to whatever the
6 code might be and might require at that
7 point. So it doesn't preclude future
8 subdivision, but by leaving it there now
9 raises issues as to what that subdivision
10 is going to look like and begs the
11 question of segmentation for this review.

12 MR. BROWN: Understood.

13 CHAIRMAN EWASUTYN: Any
14 additional comments?

15 MR. HINES: The only other issue
16 I had was the sight distance shown on the
17 plans should actually be an easement in
18 favor of lot 2 across lot 1, should the
19 properties ever transfer ownership.

20 MR. BROWN: I have that as an
21 easement. Again, I can get that to you
22 tomorrow, Pat. We made the revisions
23 after the last meeting. I just didn't get
24 a chance to submit.

25 CHAIRMAN EWASUTYN: If there are

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no further questions or comments, would someone make a motion to close the public hearing on the two-lot subdivision before us?

MR. DOMINICK: I'll make the motion.

MR. WARD: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Motion carried.

Pat Hines, Dominic Cordisco, can you provide us the conditions of approval for the two-lot subdivision?

MR. CORDISCO: Certainly. The

1
2 conditions that would be particular to
3 this application would include the just
4 mentioned adjustment of the lot line and
5 the removal of the reference to the future
6 driveway, and pushing that lot line back
7 to the adjoining line, the submission of a
8 site line clearing easement to go along
9 with the easement that's shown on the
10 plan, and the payment of rec fees for the
11 new residential lot that's being created.

12 CHAIRMAN EWASUTYN: Any additions
13 or comments from anyone?

14 MR. WARD: With the clearing in
15 the front, should they put the lot 1 and
16 2? You know, when you put it in -- the
17 easement for lot 2?

18 MR. CORDISCO: It's for lot 2 to
19 be able to clear on lot 1. That's
20 correct. That's correct. That will
21 require submission of a site line clearing
22 easement, a written easement that will be
23 recorded in the chain of title. Easements
24 that are shown on plans don't necessarily
25 get picked up when future ownership

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changes hands.

MR. BROWN: I actually came 20 foot off of the front property line along the entire frontage of Leslie Road.

CHAIRMAN EWASUTYN: Thank you, Charlie.

All right. Having heard the conditions of approval presented by Dominic Cordisco, Planning Board Attorney, for the Minard II Subdivision, would someone please make a motion to approve that?

MR. GALLI: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by Stephanie DeLuca. Can I please have a roll call vote.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

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MR. WARD: Aye.

CHAIRMAN EWASUTYN: Motion
carried.

MR. BROWN: Thank you.

(Time noted: 7:13 p.m.)

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 16th day of August
2021.

Michelle Conero

MICHELLE CONERO

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

----- X

In the Matter of

NEWBURGH TOWNE CENTER - HOME GOODS
(2021-16)

1431 Route 300
Section 60; Block 3; Lot 29.11
IV Zone

----- X

INITIAL APPLICATION
AMENDED SITE PLAN

Date: August 5, 2021
Time: 7:13 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: JUSTIN DATES

----- X

MICHELLE L. CONERO
3 Francis Street
Newburgh, New York 12550
(845) 541-4163

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2 CHAIRMAN EWASUTYN: Our second
3 item of business this evening is the
4 Newburgh Towne Center - Home Goods. It's
5 project number 21-16. It's an initial
6 application for a site plan. It's located
7 on New York State Route 300. It's in an
8 IB Zone. It's being presented by Justin
9 Dates of Colliers Engineering & Design.

10 MR. DATES: Good evening,
11 Planning Board. Thank you, Mr. Chairman.
12 My name is Justin Dates with Colliers
13 Engineering & Design.

14 We're proposing a re-occupancy of
15 some existing space at the Newburgh Towne
16 Center. I have a full site map up here of
17 the Newburgh Towne Center. There are
18 currently four buildings that are on this
19 shopping center that exist. We're focused
20 on, I'll call this the Marshall's building
21 on the north side of the site. There's a
22 space really like in the center of the
23 building, roughly a third, that will be
24 re-occupied for the proposed Home Goods
25 tenant.

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So as mentioned, we are in the IB Zoning District. Shopping centers are a permitted use subject to site plan approval by the Planning Board.

The proposed improvements are -- we're in substantial compliance with those bulk requirements for the IB Zone with the exception of two of those bulk requirements. One side yard minimum is 50 feet and we are at 40.9, and then both side yards have a minimum requirement of 100 feet. We're at 91.4. So that is generated by the need for this tenant to have two loading dock bays on the rear of the building there. So the proposed bump out encroaches into that side yard setback.

We also have -- we'll have some modification to the existing curb line and retaining wall back along that access aisle. It's really a distance of where the loading dock positions are.

Overall, the change in the building footprint from the existing to

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the proposed is only about 80 square feet. They're modifying it slightly to have a change of 80 square feet in the total building area itself.

Water and sewer. It's already plumbed to this building, so they'll look to connect to the existing improvements.

Similarly with the bump out. The drive aisle in the rear will modify any drainage that might need to be tied in or coordinated just on these proposed improvements back there.

That summarizes the project.

CHAIRMAN EWASUTYN: Frank Galli, any questions?

MR. GALLI: No. Not yet.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: Not yet.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: You have existing transformer to be relocated. Do you know where it's going to be relocated to?

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MR. DATES: The applicant has been in contact with the utility provider on that, so that process has begun. We believe that we're going to look to put it -- there's an island over here, concrete. It's not landscaped. We're looking to put it in that vicinity. We may need to lose one parking spot to accommodate that, but, you know, we have a surplus of parking spaces. The subtraction of one will not impact the project.

MR. MENNERICH: Thanks.

CHAIRMAN EWASUTYN: I'm unfamiliar with Home Goods. Can you bring me along on what they provide?

MR. DATES: Yeah. I think usually with a Marshall's you'd see a Home Goods typically within -- they're kind of partners, we'll say. It's a lot of home decor and products of that nature, bedding, living room, end tables, ottomans. Things of that nature. Vases and bedding. So they are part of the same company.

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CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: Nothing.

MR. DATES: I did go to their website, Mr. Chairman, because I had a feeling someone might ask me that.

MR. HINES: So you don't go there, Justin? Is that what you're saying?

MR. DATES: My wife frequents it but I haven't gone.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: No. Ken asked my question. I'm good for now. Thank you.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: At work session we were talking in reference to the signage with other projects, say in the complex itself. Just keep in mind when you look at the signage, that it fits the need.

MR. DATES: Understood. Yeah. There would be some modification to the facade signage, and obviously updating the monument sign.

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MR. WARD: Thank you.

CHAIRMAN EWASUTYN: And the changes to the facade. Will there be changes?

MR. DATES: There will be. We've been provided with this submission. There are draft elevations of what that's going to look like and how that will be modified. The applicant did bring them. I know we didn't provide them to you. He can take you through if you'd like, or we could provide them at the next submission.

CHAIRMAN EWASUTYN: Your name, please?

MR. DESAI: Sumeet Desai, GWG Group.

CHAIRMAN EWASUTYN: Do you have a card?

MR. DESAI: I do.

CHAIRMAN EWASUTYN: Can you please give it to the stenographer? Thank you.

MR. DATES: This will be replacing basically the common wall with

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Dollar General to Leo's Pizzeria. It's that space in there.

MR. GALLI: I know some of them are connected. Marshall's and Home Goods, some connect.

MR. DESAI: This is not connected.

So here's the front elevation of the building. There's multiple smaller gables throughout the building. There's going to be one large gable to match the same size as the Marshall's that's existing there. We'll be at the same height and same elevation from those.

We're going to infill this glass front over here with the same brick to match the existing building.

CHAIRMAN EWASUTYN: Interesting.

MR. DESAI: Here's the back of the building, if you wanted to see where the dock would be in place. So it's this little dock that we're going to add right there. That's that 78 feet that Justin just spoke about. That's right there.

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This is where the existing gas meters are. We're not touching anything with those. We're going to build right outside of that bay.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: We were discussing at the work session, because I'm unfamiliar with the store, the carts that are provided or shown on the drawings, they stay in the store for purchasing? They don't leave the store?

MR. GALLI: Shopping carts.

MR. DATES: They do come out of the stores and into the cart corrals.

CHAIRMAN EWASUTYN: There are cart corrals in that site area?

MR. DATES: I don't believe there are.

CHAIRMAN EWASUTYN: So you'll be providing them?

MR. DATES: Correct.

CHAIRMAN EWASUTYN: Okay. So when you revise plans, you'll show that, please.

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MR. DATES: Yes.

MS. DeLUCA: How soon will this be occurring?

MR. DATES: I'm sorry?

MS. DeLUCA: How soon will this be occurring?

MR. DESAI: As soon as you guys are ready.

MR. DATES: As I mentioned, we do need to go to the ZBA to gain our variances. Assuming that goes smoothly, we're going to be back before this Board to tie up the loose ends.

MR. DESAI: We've already submitted for a building permit for the interior fit out. Nothing to do with the loading dock or anything of that nature. Just the interior fit out.

CHAIRMAN EWASUTYN: Following Stephanie's thoughts, you would anticipate having a C of O on this by?

MR. DESAI: January, February sometime. That would be our target.

MS. DeLUCA: Okay.

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CHAIRMAN EWASUTYN: Dominic, the referral, Pat Hines, to the ZBA, what will it read?

MR. HINES: There's two variances required. One side yard, 40.9 feet is provided where 50 feet is required, and then both side yards, 91.4 is provided where 100 feet is required. Those are the two variances that the applicant identified as well as us.

CHAIRMAN EWASUTYN: Dominic, you'll prepare those?

MR. CORDISCO: I'll prepare the referral, certainly.

CHAIRMAN EWASUTYN: Anything else?

MR. DATES: In Mr. Hines' memo he mentioned Orange County Planning, circulating the application to them for review.

CHAIRMAN EWASUTYN: Are you prepared to do that?

MR. HINES: I can do that now. The ZBA is also going to send it. The

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plans are detailed now for their use.
Yes.

CHAIRMAN EWASUTYN: We're referring him to the Orange County Planning Department and New York State DOT?

MR. HINES: I did recommend we send it to DOT. There are no proposed changes to the access but it fronts on a DOT highway. We'll send it to them as a matter of course.

CHAIRMAN EWASUTYN: Okay. Would someone make a motion to refer the Newburgh Towne Center - Home Goods to the Orange County Planning Department and the New York State Department of Transportation.

MR. DOMINICK: I'll make the motion.

MR. WARD: Second.

CHAIRMAN EWASUTYN: The motion is made by Dave Dominick, a second by John Ward. May I please have a roll call vote.

MR. GALLI: Aye.

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MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: You'll get the plans to Pat Hines.

MR. DATES: We'll get you two sets?

MR. HINES: I'll need the DOT one electronically as well.

MR. DATES: Got you.

MR. CORDISCO: I will prepare the referral letter to the ZBA and send you a copy.

CHAIRMAN EWASUTYN: We generally do. I didn't say it. I don't know why. I thank you for reminding me.

Can we please have a motion to have Planning Board Attorney Dominic Cordisco prepare a letter to the ZBA noting the variances that are required.

MR. GALLI: So moved.

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MR. WARD: Second.

CHAIRMAN EWASUTYN: Motion by Frank Galli, second by John Ward. May I please have a roll call vote.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

(Time noted: 7:25 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 16th day of August
2021.

Michelle Conero

MICHELLE CONERO

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

----- X

In the Matter of

CBPS REALTY SITE PLAN
(2021-13)

NYS Route 32
Section 34; Block 2; Lot 29.1
IB Zone

----- X

SITE PLAN - CONCEPTUAL

Date: August 5, 2021
Time: 7:25 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: JOHN QUEENAN

----- X

MICHELLE L. CONERO
3 Francis Street
Newburgh, New York 12550
(845) 541-4163

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CHAIRMAN EWASUTYN: The next application before us this evening, the third one, is CBPS Realty Site Plan, application number 21-13. It's a conceptual site plan located on Route 32 in an IB Zone. It's being represented by Lanc & Tully.

MR. QUEENAN: Good evening, everyone. John Queenan from Lanc & Tully Engineering, engineer for the applicant.

We're before you again with our second submission of a conceptual site plan for what we believe is a manufacturing and a processing facility for CBPS Realty.

The property is located on Route 32, approximately a quarter mile down from the intersection of 32 and Route 300.

If you recall, we were before you back in May. We had an initial conceptual proposal before you. We've done numerous changes to the proposal, addressing, I think at the time, some of the Board's comments at the time as well as Pat Hines'

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comments.

I'll just take you briefly into the updates of it. The proposal is for -- the applicant would like to bring materials here, stockpile materials for creation of mulch, creation of stone and creation of topsoil, and then at the site would manufacture those from what he receives through his own business and stockpile them here. They then would be transferred to his retail location that's located on Route 52. So this would be the area where it would be manufactured, processed, stored and then transferred over for sale at the other location where he's located now.

Along with this we've updated to include a small office area, a 1,500 square foot building, that would be probably manned by two, maybe three employees at most. Those would be the employees that would be receiving and doing the processing of the materials on site. So we have this building here. The

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building we're proposing to be serviced by septic and well, just because of the nature of the use, very small flow to it. We've identified those locations on the site plan.

We're proposing our access still from Route 32. We've graded through a 24 foot wide driveway to come down. This will all be paved in through here. We've paved a turnaround area, provided some parking spaces just to meet the code for the office building.

We have an equipment storage area that will be housed to park the equipment that's used for the processing. So there will be a backhoe on the site, a loader, there will be some dump trucks taking materials from this site to the other site, et cetera.

As you get through here, the rest of it would be gravel covered, and then here are stockpile locations. You see basically the rectangular containment areas are the finished product areas. So

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it gets processed here. For instance, the topsoil material pile is here, it has the screener. Once it gets screened it's stockpiled in the containment area. When it's ready to be shipped out it goes to the other location to be sold.

This location will not be open for public use, or public sale I'll say. You wouldn't be able to go in there and buy anything there. You have to go into the retail store to buy that. It's also not open for anyone else to dump there but CPBS Realty. They're not opening it for public dumping or importing material. This is solely for their internal operations.

Those are the main significant changes. We've updated some grading. We have a ways to go with this. I think tonight I'd just like to hear more comments from the Board and just go through the actual use determination before we get into the details of the final design. I think we have it pretty

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well situated on the property so that it's away from -- I'll flip this over. I'm sorry, the text doesn't come out really well. This would be the driveway coming in and this is the property as a whole. It's 15 acres in the IB. We're proposing right now with the current layout to disturb approximately 7 acres of that. We've kept it to, I'll say to the lower end of the property, away from the residential uses and more siding towards the Jeanne Drive industrial use over here. This property right now is currently vacant. That's why we've chosen this location rather than coming in and putting something up in this area at this time. The closest residences would be obviously these two residences right off of Route 32.

We're currently investigating -- their driveways cross over our right-of-way. We don't have any easements on file that we found yet. We're currently doing a title report. Once that

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comes in we'll have that determination.
We're going to work with them to
accommodate their accesses as well as ours
because they're already existing over the
property. We'll coordinate that all
together.

We've also had some preliminary
talks with the DOT about that entrance
from a conceptual nature. Just at the
one-time site meeting they didn't see an
issue with it. We have to apply to them,
go through the process with them.

That's pretty much where we're at
with this layout.

CHAIRMAN EWASUTYN: Thank you,
John.

MR. QUEENAN: You're welcome.

CHAIRMAN EWASUTYN: Comments from
Frank Galli?

MR. GALLI: I just have one
question. Are you going to do blacktop at
this site?

MR. QUEENAN: No.

MR. GALLI: No blacktop is going

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to be on site at all?

MR. QUEENAN: No. I know it had come up at the meeting prior. I can go on record and say no.

MR. GALLI: That's all I wanted to know, John.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: I guess I was just concerned -- not concerned but just wondering about how -- the definition between processing and manufacturing. Could you be a little bit more -- I don't understand.

MR. QUEENAN: Sure. It's the engineer in me. I think they're one in the same. We're processing, we're manufacturing. So for instance, they'll take in a load of wood. They'll have wood and they will stockpile that. They'll have tree branches and stumps and whatever else. I call it processing. They'll take it, manufacture that. They'll actually take that material and they'll make mulch

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out of it. My knowledge of processing, they're manufacturing mulch from that material. The same thing with the stockpile for topsoil. They'll bring in dirt, material, they will screen it and they will create topsoil from it.

MS. DeLUCA: Thank you for clarifying.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: There's a considerable grade difference across the site.

MR. QUEENAN: Yes.

MR. MENNERICH: What are your plans as far as making it usable for the purpose you're presenting here?

MR. QUEENAN: We prepared a preliminary grading plan which essentially we're cutting up on the top and we're filling down here on the bottom. So the grade kind of goes across like this. What we've proposed through here is about 5 percent pitch from where the stockpiles

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and the containment areas are down to what we're proposing as the stormwater management area. I mean it's not flat but it's not, you know, too steep that you couldn't use that area. So we're kind of striking a balance. I wanted to try to limit the cut and the amount of fill, so that's why we chose about 5 percent. It can be modified. I think what will end up happening is I'd like to put a berm along this. We're proposing the fence per the code. You're supposed to have an opaque fence along the barrier here. I'd like to actually maybe bring this up a little higher, put a berm, plant the berm and put the fence on the back side.

MR. MENNERICH: Okay.

CHAIRMAN EWASUTYN: You said the topsoil that you would be making would go to the other site. The other site never had topsoil there before.

MR. QUEENAN: I think it does have a container for it.

MR. CANFIELD: It does.

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CHAIRMAN EWASUTYN: Do you think that a backhoe could load the concretes to the necessary height to then put it into a crusher?

MR. QUEENAN: They also have a loader on site.

CHAIRMAN EWASUTYN: Okay.

MR. BROWNE: You mentioned in the conversation so far that you expect about a 5 percent grade when you finish doing your cutting and filling. Over the distance with that 5 percent grade, what does it represent from one end from a height difference rather than grade?

MR. QUEENAN: Sure. It's approximately 8 to 10 feet. For instance, where these containment areas are, we're proposing elevations of 432. Down here at the stormwater area we're about 422. It's about a 10 foot distance.

MR. BROWNE: That would be your finished grade?

MR. QUEENAN: Correct.

MR. BROWNE: My understanding so

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far is that there's concerns of drainage from one type of material into another type of material and that type of thing.

MR. QUEENAN: Okay.

MR. BROWNE: I might be wrong but I kind of picked that up from our conversation so far. So a 10 foot grade, I would think it would present some kind of a drainage issue.

MR. QUEENAN: The containment areas are level. They're built into the slope and they have the retaining walls or blocks around them. As you're coming up like this, they go level. The material is in a bin. The slope from there goes down. That's why we kind of have each area separate. So it's stockpile, containment, stockpile, containment. When it rains, yes, everything will come down together. That's why we're proposing that stormwater management basin at the bottom as kind of the catchall before it discharges from the property. We will capture it there, treat it there, store it there and then

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discharge it. If there's a real concern, I can certainly look at lessening the grade.

MR. BROWNE: Also, we were talking about the processing, manufacturing, whatever. In order to provide material to your retail site you need to have a fairly large volume at this site to prepare to go to the retail site. The numbers we're talking about in here, is that your maximum on-site volume?

MR. QUEENAN: Yes.

MR. BROWNE: That's the maximum you would ever have on site?

MR. QUEENAN: That's the maximum that we would ever have, based on the size of that stockpile, that they could process.

MR. BROWNE: Thank you.

MR. QUEENAN: I mean we can label the volume and the size on there for future reference.

MR. BROWNE: We had this discussion about that because you're

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talking retail. You need to be prepared to be able to satisfy your retail sale and you need to have a --

MR. QUEENAN: Correct.

MR. BROWNE: -- fair volume to do that.

MR. QUEENAN: Yes. So you don't run out. They do a lot more mulch. That's why the mulch pile is almost maybe double the other two piles. So they know what their volumes in and out are.

MR. BROWNE: Thank you.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Can you tell me hours of operation, number of employees and any aerial lighting?

MR. QUEENAN: Sure. The hours of operation would be Monday through Saturday, 7 a.m. to 4 p.m. That is seasonal. I haven't broken it down per season. You hit your peak season that you're producing mulch in the spring and through the summer, and then the mulch

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peak season will come down and leave fall and winter. Topsoil, the same thing. Everything is going to peak around the springtime for those types of materials. Stone may be a yearly thing. There might be times that the site is not in operation because there's not a demand for the mulch. So I think really the peak would be Monday through Saturday 7 to 4, probably from, you know, February, March through October I would think is going to be really when it's peak season.

The site would be operated by approximately two to three employees. Those are mostly going to be the operators of the machinery that's there. We did provide that small office just so they have a place where they can go.

Site lighting. I wasn't really proposing anything. We might have some building lights on the office area here to light the parking lot, and maybe a light on the back for the vehicle storage. Otherwise no, we weren't proposing any

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additional lighting there. There shouldn't be anybody there after dark.

There will be a gate and a fence that comes across the driveway down here. That will be locked up at night.

MR. DOMINICK: Jerry, with what we just heard, is there any type of noise ordinance or restriction on hours of operation for this type of facility?

MR. CANFIELD: They would be the same as construction, --

MR. DOMINICK: Okay.

MR. CANFIELD: -- which I think is 6 a.m. to 6 p.m.

MR. DOMINICK: Okay. Thank you.

MR. QUEENAN: You're welcome.

MR. WARD: You're proposing fencing for three sides. I'm asking you for the top side, to make it all four.

MR. QUEENAN: Sure. I didn't put it up here because we weren't doing anything and we had a good buffer. We can certainly add it.

MR. WARD: And another thing. At

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work session, the Board, we were talking in reference to having a work session, our consultants and you, in reference to details like how much equipment, capacity. It would work out better that way.

MR. QUEENAN: Okay. I don't think myself or the applicant would have any issue with that. I know we're doing the research now on the models for the process for the screener, for the wood chipper so that we can get you those models that will be on site. That will also coordinate to the noise that those models will generate. I think that's a great idea. If you want to set that up, that would be great.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. CANFIELD: With respect to the use, we had discussed -- I discussed with the Board and also with Pat, I agree with your end result. I believe that the use as proposed is permitted. It's an IB Zone. However, how you got there I don't

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agree with. Okay. Table 8, bulk use requirements -- or number 8, excuse me, in the IB Zone, bulk use requirement, I would classify it as processing, which is permitted in the IB.

Secondly, the storage of the vehicles, I think you referred to them as a construction yard. Pat's comment based on that was correct, there is no definition for construction storage yard in 185-3 which is our definitions. Again, not listed, not permitted is what our code says. However, I feel that 185-30, which deals with outside storage, does apply here, which would allow this in the IB Zone providing that the sections of 185-30 are met. There are like five requirements which basically deal with storage of materials, vehicles in the front yard, screening, landscaping, that type stuff.

So if I understood your presentation correctly, I assumed, which may not be a good word to use, that sales would be taking place at the site. If I

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understood you correctly, that is not the case.

MR. QUEENAN: That is correct.

MR. CANFIELD: So then there will be two uses on the site, the processing and the storage of materials and the equipment?

MR. QUEENAN: Correct.

MR. CANFIELD: Okay. So basically at this point then I would say that the use is permitted, as I advised the Board in the work session.

CHAIRMAN EWASUTYN: Thank you.

Pat Hines with McGoey, Hauser & Edsall?

MR. HINES: Just a follow up. My first comment had to do with what Jerry just discussed. Jerry and I did talk about it. I discussed it with John yesterday as well. The retail sales is a permitted use in the zone. It just seems counterproductive to process this here and take it somewhere else to sell it. It may be something your client considers looking

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at as you develop the site.

MR. QUEENAN: Maybe in the future. They're still running everything out of the Route 52 site.

MR. HINES: You may be limiting your client to a use that could be added.

I know you have my other comments. We discussed them with the Board at work session and the Board was inclined to suggest that we have a technical work session to identify what we're looking for in the future submission, including processed and unprocessed material stockpiles, to make sure there's adequate room for the site to function as you develop the concept further. That work session, if the Board authorizes it, would be on the 24th of August at, I would say 2:00.

MR. QUEENAN: What day is that?

MR. HINES: It's the fourth Tuesday.

CHAIRMAN EWASUTYN: What's the date?

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MR. HINES: The 24th.

MR. DOMINICK: August 24th.

CHAIRMAN EWASUTYN: Dominic Cordisco, Planning Board Attorney, comments?

MR. CORDISCO: The only thing additional is at some juncture we would have to circulate for lead agency for this project as there are other involved agencies that have jurisdiction over the project itself, including the New York State Department of Environmental Conservation and the DOT. It might be worthwhile to hold off on that circulation until the technical work session has happened because there may be additional revisions to the plans that might be pertinent, in particular to the DEC in their review and their response to lead agency.

MR. QUEENAN: I don't disagree.

CHAIRMAN EWASUTYN: John, help me understand. I was incorrect in thinking currently on Route 52 you don't have

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topsoil. It was brought to my attention that I was incorrect.

The stone that you're manufacturing, that will stay on site or will that then go over to Route 52?

MR. QUEENAN: That will also go to 52.

CHAIRMAN EWASUTYN: Okay. One more time. You think that the loader would go up to the top of the pile and then offload into the crusher?

MR. QUEENAN: That's how it's been explained to me, yes.

CHAIRMAN EWASUTYN: It seems like an imbalance because -- it seems difficult to comprehend that occurring. I've seen it where there is a stockpile of material that goes into the crushing machine and the piece of equipment that loads it is maybe a 325 Cat with a bucket because you need that reach.

MR. QUEENAN: The height.

CHAIRMAN EWASUTYN: Maybe between now and the work session can you define

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that.

MR. QUEENAN: Sure.

CHAIRMAN EWASUTYN: Simply, you know, for the reason being the inventory of equipment there. It just doesn't seem practical. It's his choice. I can't imagine being in the paving business and also having a milling machine and then not bringing it to this existing site.

Do you pay someone for disposal and bring it somewhere else?

MR. QUEENAN: I will have to ask him.

CHAIRMAN EWASUTYN: Please. It defies what he does for a living primarily.

Can I have a motion from the Board to set this up for a consultants' work session for the 24th of August, please.

MR. WARD: So moved.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward. I have a second by

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Cliff Browne. May I please have a roll
call vote.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

MR. QUEENAN: What time was that
workshop?

MR. HINES: 2:00.

MR. QUEENAN: Thank you.

(Time noted: 7:47 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 16th day of August
2021.

Michelle Conero

MICHELLE CONERO

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

----- X

In the Matter of

ORANGE LAKE MOTEL - U-HAUL RENTALS
(2021-17)

427 South Plank Road
Section 47; Block 1; Lot 39.2
B Zone

----- X

INITIAL APPLICATION
AMENDED SITE PLAN

Date: August 5, 2021
Time: 7:47 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: MANOJKUMAR PATEL

----- X

MICHELLE L. CONERO
3 Francis Street
Newburgh, New York 12550
(845) 541-4163

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CHAIRMAN EWASUTYN: The fourth item of business this evening is the Orange Lake Motel - U-Haul Rentals, project number 21-17. It's an initial appearance for an amended site plan. It's located on 427 South Plank Road.

I don't believe it's in an AR Zone. Pat, what's the zone? You have it listed as an AR Zone.

MR. HINES: I believe it might be in a B Zone there.

CHAIRMAN EWASUTYN: I think that's correct. It's located in a --

MR. HINES: B zone.

CHAIRMAN EWASUTYN: -- B Zone.

MR. HINES: It is B. Yeah.

CHAIRMAN EWASUTYN: And it's being represented by Mr. Patel, PE. Thank you.

MR. PATEL: Good evening. The proposal in front of you -- my dear friend, Mr. Shah, owns the motel, Orange Lake Motel on South Plank Road. He now proposes to add another use to the

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property for U-Haul rentals.

This requires a 60 feet by 60 feet parking area which would be striped to house four good sized trucks.

Since it is a new use or an accessory use, we have come to the Board to get your approval to have that use of the property.

No new structures. No new lighting. No new parking. No other improvements would be done to the property in connection with this proposal.

So we're in front of you to grant that approval and go to the Building Department and get it done.

CHAIRMAN EWASUTYN: Thank you.

Questions from Pat Hines --
excuse me. From Frank Galli?

MR. GALLI: No.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: Not at the moment.
I have some, but --

MR. MENNERICH: There is going to be a new parking area, though, for the

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four trucks?

MR. PATEL: Yes. I misspoke.
Yes, there will be new parking for the
rental trucks. Right.

MR. MENNERICH: Thank you.

CHAIRMAN EWASUTYN: Is there any
new signage proposed?

MR. PATEL: No. No new signage.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: I'm just kind of
curious. No signage for U-Haul, how does
anyone know to come to your location to
rent a truck?

MR. PATEL: Interesting.
Nowadays it's mostly they're online. Even
actual booking is done online. So there's
a lot of business for U-Haul online,
especially with the visible location. If
there's a truck parked there, you have all
the advertisement. So there's no sign
that's proposed for the business. It's
mostly relying on online.

MR. BROWNE: Thank you.

MR. DOMINICK: There's a U-Haul

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storage in Middlehope, a U-Haul rental in New Windsor. I'm just curious. What made you come up with this idea to bring it to the Town of Newburgh?

MR. PATEL: I guess there was some inquiry. If you're interested, it's almost like a franchise, you can discuss it with U-Haul and they will provide you some back-up research and agree with you or disagree with you whether that location is good for them or not. All that is part of that franchise agreement.

MR. DOMINICK: Thank you.

MR. PATEL: Sure.

MR. WARD: In the 60 by 60 area are you having any lighting at all?

MR. PATEL: No. No lighting is proposed.

MR. WARD: And when you say no signage, say you start the business and a year later you have signs out there, that's what we're asking. The reason why we're saying it, because it documents no signs.

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MR. PATEL: So the property has an existing sign for the motel. There is no sign proposed or will be required for the new business. So no signs are proposed.

MR. WARD: Jerry?

MR. CANFIELD: If there's going to be a sign it needs to be shown on the plan.

MR. PATEL: There is an existing sign, and that's shown on the plan. There is no new sign.

MR. CANFIELD: No new signage at all?

MR. PATEL: Correct.

MR. CANFIELD: Okay. If in the future you need a sign, then of course you'll need a permit.

MR. PATEL: Understood. Okay. Thank you.

CHAIRMAN EWASUTYN: Jerry Canfield, any additional comments?

MR. CANFIELD: Nothing.

CHAIRMAN EWASUTYN: Pat Hines

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with McGoey, Hauser & Edsall?

MR. HINES: I provided the applicant's representative with our comments.

The bulk table that you've provided, many of the bulk table requirements are incorrect and need to be addressed for that B Zone and the motel use that's on the site. Because you're changing the site, you lose your pre-existing nonconforming protections and will require what I believe now to be one variance for rear yard setback for the motel where 46 feet is provided and 60 feet is required. Some of your other bulk tables are not shown correct but you do meet the requirements for them. It's a little confusing because it's a reduced size plan and the 40 scale is actually 80 scale on this plan I believe.

MR. PATEL: Right. I think the confusion was because the bulk table shows the requirements for a service station or rental agency because --

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MR. HINES: The principal use on the site is the motel --

MR. PATEL: Is the motel.

MR. HINES: -- which prevails.

The motor vehicle rental agency code does allow hotels/motels to have up to ten vehicles. It's still under the motel zoning. The motel is the principal use, and that section of the code that I cited, 185-27(D), allows up to ten vehicles with Planning Board approval, which you're here for now.

So this Board could refer you to the ZBA for that rear yard setback for the change of use on the site.

And then you have the rest of the comments. You can clean up that bulk table when you come back.

We will eventually have to send it to Orange County Planning when it gets back from the ZBA.

We were also interested in if there was any security lighting proposed for this area.

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MR. PATEL: No. Fencing or something?

MR. HINES: Fencing and/or security lighting.

MR. PATEL: No. None of that is proposed.

MR. HINES: If you could, in the future just provide a detail of what the parking area is going to be constructed of.

MR. PATEL: Okay.

MR. HINES: Right now the only action the Board could take would be a referral to the ZBA.

MR. PATEL: And that is because of the existing --

MR. HINES: Existing rear yard setback deficiency. The ZBA has to determine -- when you change a use or subdivide you lose your protections of your existing. If you don't prevail at the ZBA, you can remove this use and still have that protection.

MR. PATEL: Understood. Thank

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you.

CHAIRMAN EWASUTYN: Dave

Dominick?

MR. DOMINICK: Sir, I understand you didn't want a sign. Just so you understand, are you sure you didn't want to ask for a sign now and say we're going to have one, say for example a 10 by 10 sign? If you have it in the record that you will have one, then you don't have to come back maybe in the future. I'm just trying to --

MR. PATEL: I appreciate that. Yes. Who knows, right, in the future. I think maybe what's playing in his mind is he has a sign there already, why put a second sign. We probably won't need a second sign.

MR. DOMINICK: Okay.

MR. PATEL: That's what it is. I understand what you're saying, you're going through the process, you might as well just --

MR. DOMINICK: While you're here,

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get everything out. Make things smooth and saves you a step, a repeat customer coming back. It's your prerogative. We just wanted to make sure you understand it.

MR. PATEL: Thank you. I appreciate it.

CHAIRMAN EWASUTYN: Do you want to talk about the variances?

MR. CORDISCO: Yes. This, as noted, does require a referral to the Zoning Board for the deficient rear yard setback. 46 feet is provided and 60 feet is required. In connection with that, it might be helpful -- I'll defer to others, but it may be helpful to revise the bulk table as part of your submission to the Zoning Board of Appeals, because otherwise it may be unclear to them that you actually are in compliance with the other items. Eventually you're going to have to revise it for submission back to this Board anyway, assuming that you're successful before the Zoning Board of

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Appeals. I would encourage you to make those revisions as part of your ZBA application.

MR. PATEL: Understood.

CHAIRMAN EWASUTYN: Having heard from Dominic Cordisco, Planning Board Attorney, would someone move for a motion to have Mr. Cordisco outline a letter to be sent to the ZBA for the necessary variance.

MR. DOMINICK: I'll make the motion.

MR. BROWNE: I'll second.

CHAIRMAN EWASUTYN: I have a motion by Dave Dominick. I have a second by Cliff Browne. May I please have a roll call vote.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

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MR. PATEL: Thank you. So we'll wait for the referral to the Zoning Board? That would be the next step?

MR. CORDISCO: I'll prepare it right away. You'll get it in the next couple of days.

MR. PATEL: Thank you.

(Time noted: 7:58 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 16th day of August
2021.

Michelle Conero

MICHELLE CONERO

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

----- X

In the Matter of

TARBEN II SUBDIVISION
(2021-18)

Tarben Way
Section 127; Block 1; Lot 12
AR Zone

----- X

INITIAL APPLICATION
TWO-LOT SUBDIVISION

Date: August 5, 2021
Time: 7:58 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: KENNETH LYTLE

----- X

MICHELLE L. CONERO
3 Francis Street
Newburgh, New York 12550
(845) 541-4163

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CHAIRMAN EWASUTYN: The fifth and last item on this evening's agenda is Tarben II Subdivision. It's an initial application for a two-lot subdivision. It's located on Tarben Way in an AR Zone. It's being represented by Ken Lytle from Zen Consultants.

MR. LYTLE: Good evening. What we're proposing is a two-lot subdivision of one of the -- of lot number 12 -- it's a subdivision that was done years ago -- into two new lots. We continued the numbering from the original subdivision to make it as clear for everyone, number 11 and number 12.

We went out, did new percs, new designs, new everything.

We have received Pat's comments. It looks like some minor modifications of the common line between 11 and 12 will allow us to meet the new setbacks. Again, we want to assume that's going to be a Town road. Our setbacks will come from the Town road to the property line.

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We've been in contact with ERS Consultants who did the initial wetland delineation. They're coming out Wednesday to actually read the length to confirm those.

If the Board has any questions or concerns.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: No.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

MR. BROWNE: Nothing more.

MR. DOMINICK: No.

MR. WARD: No additional.

CHAIRMAN EWASUTYN: Jerry Canfield, do you have anything to add to this?

MR. CANFIELD: Nothing at this time.

CHAIRMAN EWASUTYN: Pat Hines

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with McGoey, Hauser & Edsall?

MR. HINES: What I heard you say is you're going to revise the lot line to take the setbacks off the right-of-way for the proposed road?

MR. LYTLE: We have plenty of room. We'll shift it back without a problem.

MR. HINES: The Tarben Subdivision was a major subdivision --

MR. LYTLE: Yes.

MR. HINES: -- originally.

MR. LYTLE: It went to the Board of Health.

MR. HINES: These lots will go to the Board of health as a revision to a major subdivision map filed.

MR. LYTLE: I believe it has the three-year window and that doesn't apply.

MR. HINES: I think because it was approved as a major subdivision -- it's a three-year window if it wasn't a major subdivision. Because it had Health Department approval and you're modifying

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that lot -- I believe you're moving the septic on lot 12.

MR. LYTLE: It's in the exact location.

MR. HINES: I just saw new percs and septics. I think it needs to go to the Health Department. We can talk about that as you develop this lot further and confirm that. Once it was a major subdivision, it stays that.

MR. LYTLE: Okay.

MR. HINES: The three years is if you had four lots less than 5 acres. If you kept doing that every three years you can get away with that I guess. Again, that has to do with the creeping subdivision.

You talked about the wetlands, the septic system.

I think once we get the revised plan we'd be able to comment further. I think we'll need to see that plan revision.

I'll work with you on whether it

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needs to go to the County or not. My take on it right now is it does.

MR. LYTLE: You mentioned about the actual driveway and the drainage. There's no real road proposed here. Do you want me to meet with Mark and see what he wants?

MR. HINES: It doesn't show a culvert right now. We need to get the drainage across that. You'll have to meet with Mark. I think there's a snow storage easement somewhere in there.

MR. LYTLE: It's in the cul-de-sac itself.

MR. HINES: Mark will weigh in on that once we get the defined plans and move this forward.

I don't think there's any action we can take tonight until we get that revision.

CHAIRMAN EWASUTYN: Just for conversation, the original subdivision included how many lots?

MR. LYTLE: Sixteen.

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MR. HINES: I believe it went from sixteen to a lesser number at some point.

MR. LYTLE: I think we started at twenty-one and went down to sixteen.

MR. HINES: I wanted to clarify what you said. You took lot 12 and made a new lot 11. That would lead me to believe there's going to be two lot 11s.

MR. LYTLE: No. It went from 10 to 12. 11 and 12 were combined.

MR. HINES: I recall this nightmare. It's bit us a couple times.

MR. LYTLE: Pat, I can give you a plan with all the original lot numbers, if you want, to help you out.

CHAIRMAN EWASUTYN: Would you know offhand how many new homes are on those sixteen lots?

MR. LYTLE: I know there's two under construction and three vacant lots left to go.

CHAIRMAN EWASUTYN: Congratulations. All right then. When you're ready you'll

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contact the office and resubmit the plans.

Dominic, we're not circulating to anyone at this time?

MR. CORDISCO: No, sir.

MR. LYTLE: Pat, regarding the Board of Health, do I get in contact with them and clarify? Is that possible or does that have to go through you?

MR. HINES: Sure.

MR. LYTLE: Good enough. Thank you.

CHAIRMAN EWASUTYN: If there's no further Board business, would someone please make a motion to close the Planning Board meeting of the 5th of August.

MR. WARD: So moved.

CHAIRMAN EWASUTYN: Motion by John Ward. Do I have a second?

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: Second by Stephanie DeLuca. Can I please have a roll call vote.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

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TARBEN II SUBDIVISION

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

(Time noted: 8:03 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 16th day of August
2021.

Michelle Conero

MICHELLE CONERO