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2	STATE OF NEW YORK : COUNTY OF ORANGE TOWN OF NEWBURGH PLANNING BOARD
3	X
4	In the Matter of
5	CUMBERLAND FARMS (2016-05)
6	
7	270 Route 17K Section 86; Block 1; Lots 14 & 15 AR Zone
8	X
9	INITIAL APPEARANCE
10	SITE PLAN & LOT LINE CONSOLIDATION
11	Date: April 7, 2016 Time: 7:00 p.m. Place: Town of Newburgh
12	Town Hall
13	1496 Route 300 Newburgh, NY 12550
14	
15	BOARD MEMBERS: JOHN P. EWASUTYN, Chairman FRANK S. GALLI KENNETH MENNERICH
16	DAVID DOMINICK
17	JOHN A. WARD
18	ALSO PRESENT: MICHAEL H. DONNELLY, ESQ. PATRICK HINES
19	GERALD CANFIELD
20	KENNETH WERSTED
21	APPLICANT'S REPRESENTATIVE: RICHARD OLSON DAVID GILLESPIE
22	
23	MICHELLE L. CONERO 10 Westview Drive
24	Wallkill, New York 12589
25	(845)895-3018

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1	CUMBERLAND FARMS
2	CHAIRMAN EWASUTYN: Good evening
3	everyone. I'd like to welcome you to the
4	Town of Newburgh Planning Board meeting of
5	the 7th of April.
6	We'll call the meeting to order with
7	a roll call vote starting with Frank Galli.
8	MR. GALLI: Present.
9	MR. MENNERICH: Present.
10	CHAIRMAN EWASUTYN: Present.
11	MR. DOMINICK: Present.
12	MR. WARD: Present.
13	CHAIRMAN EWASUTYN: The Planning
14	Board has consultants that will be working
15	with us this evening. I'll ask that they
16	introduce themselves.
17	MR. DONNELLY: Michael Donnelly,
18	Planning Board Attorney.
19	MS. CONERO: Michelle Conero,
20	Stenographer.
21	MR. CANFIELD: Jerry Canfield, Code
22	Compliance, Town of Newburgh.
23	MR. HINES: Pat Hines with McGoey,
24	Hauser & Edsall Consulting Engineers.
25	MR. WERSTED: Ken Wersted,

1		CUMBERLAND FARMS	(1)
2		Creighton Manning Engineering, Traffic	
3		Consultants.	
4		CHAIRMAN EWASUTYN: At this time I'll	
5		turn the meeting over to John Ward.	
6		MR. WARD: Please stand to say the	
7		Pledge.	
8		(Pledge of Allegiance.)	
9	an _{inan} a 1	MR. WARD: Please turn off your phones	
10		or on vibrate. Thank you.	
11		CHAIRMAN EWASUTYN: This evening we	
12		have four items of business on the agenda. The	
13		first item is Cumberland Farms. It's located on	
14		Route 17K in an IB Zone, it's an initial	
15		appearance for a site plan and lot line	
16		consolidation and it's being represented by	
17		Bohler Engineering.	
18		MR. OLSON: My name is Richard Olson	
19		with the law firm of McCabe & Mack. We're	
20		counsel. Mr. Dave Gillespie is the design	
21		engineer from Bohler Engineering. Don Anderson,	
22		who is the regional manager for Cumberland Farms,	,
23		is here also.	
24		We're here for an initial presentation	
25		on the site which is on 17K and Rock Cut Road.	

CUMBERLAND FARMS 1 2 Cumberland Farms is under contract to purchase a 3 lot to the north, which is directly behind our 4 site, to increase the bulk of the acreage to meet 5 the requirements for that in the Town of 6 Newburgh. The plan is to raise and rebuild both 7 lots, putting up a brand new colonial style 8 Cumberland Farms, 4,956 square foot with an A-9 position canopy. Basically an entire rebuild of 10 the existing site. 11 Mr. Gillespie is here, he can give you 12 any additional information as far as specifics. 13 CHAIRMAN EWASUTYN: Please. 14 MR. GILLESPIE: So just to --15 CHAIRMAN EWASUTYN: Can you give us a visual? It said colonial. Do you have something 16 17 with what the new building would look like? 18 MR. GILLESPIE: I do. 19 CHAIRMAN EWASUTYN: We'll start with 20 that and then kind of step back into the site. 21 The Board is in agreement? We'll get an idea of 22 what we're working toward. 23 MR. GILLESPIE: I have a couple of 24 exhibits. This is just the architectural 25 elevations in color. So this building has two

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2 entrances, which is kind of nice. There's gable 3 entrances over both doorways with pillars. 4 There's a cultured stone along the base of the 5 entire frontage. There's dormers with -- gable 6 roof and dormers with windows. 7 MR. GALLI: Is there outside seating? 8 MR. GILLESPIE: There's some outside 9 seating. That's correct. A small outdoor 10 seating area. 11 I also have photos of the actual 12 building that has been constructed in Latham, New 13 York. This has been very well received by the 14 Town of Colonie. It's a very popular site and 15 everybody loves it. It's really a nice new 16 image. 17 Just to compare, I have to -- I took 18 the time to print this out so I want to show it. 19 There's the existing site. Quite a bit different 20 prototype from what they used to do. So it's a 21 big improvement I think. 22 Do you want me to continue with any of 23 the site information or did you want to just go 24 into some questions? 25 MR. GALLI: Can I see the one from

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1 CUMBERLAND FARMS 6 2 Colonie again just real quick? 3 MR. GILLESPIE: Yes. This is actually 4 -- I don't know if you're familiar with Colonie. 5 This is Route 2, Norwood. If you're heading down 6 from Latham Circle, heading down there used to be 7 a K-Mart and it's heading down into Watervliet. 8 MR. GALLI: That one has no outdoor 9 seating? 10 MR. GILLESPIE: This does not. You 11 know what, it does. 12 MR. GALLI: On the side? 13 MR. GILLESPIE: Yes. Towards the road. 14 There's another exhibit. 15 MR. GALLI: Nice. 16 MR. GILLESPIE: This one only has one 17 entrance. That's the only difference. But the 18 style would be the same. This particular site is 19 set up for two more entrances. It works a little 20 better. 21 CHAIRMAN EWASUTYN: I think walk us through the site plan and we'll see the visuals, 22 23 we'll talk about parking. Just give us a brief 24 overview. 25 MR. GILLESPIE: Sure. So we're going

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to consolidate two lots. The existing Cumberland Farms in the front here is a half an acre and there's an office building behind that's about .7 acres. Both of those structures are going to be demolished and incorporate the 4,956 square foot convenience store.

8 I think looking at this, there are some 9 variances that we're going to need. I think the 10 variances we're seeking are kind of improvements 11 -- just about every one of them are improvements 12 from the existing condition. We're looking to 13 improve things all around. We're pulling the 14 canopy back off the road a little bit. The 15 store, we give ourselves a lot more room here to 16 work with, and then we can provide a lot more 17 services and get a lot better facility here.

So here, this would be the outdoor
seating we were talking about. In this
particular site it works the best right here.

There's underground fuel storage tanks. There's a four-island canopy which gives us eight fueling positions, a position on each side of each island.

We're proposing currently a right in/

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right out at this point. This would be full access and then two full access curb cuts off of Rock Cut Road.

The delivery and dumpster area would be behind the site which would be screened by existing vegetation and buffered by the building.

We've got some proposed landscaping at various spots throughout the site. We've got some proposed trees and some lower shrubs around the free standing sign at the entrances to dress up that presentation around the seating area.

13 For stormwater we have two types of 14systems. A portion of this site is going to be 15 redevelopment. Allowed under DEC there is an 16 alternate practice for that particular portion of 17 the site which is a hydrodynamic separator. And 18 then for the newer development and things that 19 aren't associated with the fueling portion of it, 20 we have a bio-retention area in the back for 21 stormwater treatment and detention. So we're 22 going to meet -- obviously going to meet all the DEC criteria and treat the water and reduce 23 24 flows.

CHAIRMAN EWASUTYN: Let's start with

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2	the Board Members and then we'll refer to our	
3	consultants.	
4	MR. GALLI: Have you had any talk with	L
5	the New York DOT about your entrances and exits	
6	on both sides?	
7	MR. GILLESPIE: Not yet.	
8	MR. GALLI: How about the County?	
9	MR. GILLESPIE: Not yet. We have to g	O
10	through that process for sure. We just haven't	
11	done it yet.	
12	MR. GALLI: Okay.	
13	MR. GILLESPIE: Usually they want to	
14	see a lot of times we talk to DOT and they as	k
15	if we've gone to the town yet. We like to get	
16	through one meeting and then we'll approach them	•
17	MR. GALLI: That's all I have right	
18	now.	
19	CHAIRMAN EWASUTYN: Ken Mennerich?	
20	MR. MENNERICH: I think the building	
21	would be a vast improvement over what's there	
22	now.	
23	I do have a little bit of a concern	
24	about the amount of parking you'll see from 17K	
25	and Rock Cut Road and whether the landscaping is	

1	CUMBERLAND FARMS 10
2	sufficient or something else, like stonewalls,
3	might be used.
4	MR. OLSON: Are you talking here in the
5	front area?
6	MR. MENNERICH: Yes.
7	MR. DONNELLY: The Town has a design
8	guideline that requires parking in the rear.
9	Yours is a corner lot, that's difficult to
10	accomplish. But often what the Board would like
11	to see, and the purpose of the restriction is so
12	that passing motorists and pedestrians aren't
13	looking at a sea of parked cars. If there's a
14	way with landscaping, and often rock walls seem
15	to do the trick, they don't have to be terribly
16	high, that would block the perspective of seeing
17	that sea of cars but still allow you to see your
18	building. That might be a solution that would
19	allow the Board to waive those design guideline
20	provisions.
21	CHAIRMAN EWASUTYN: Similarly speaking,
22	if you look at Pilot Travel Center, they have a
23	stonewall, I don't remember, that's somewhere
24	between 24 inches to 30 inches in height, and
25	that helped to mitigate or offset that sea of

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2 cars. 3 The other thing we're looking at here 4 is this area of the Town is one of the hamlets of 5 the Town, so when you first enter the Town on 17K 6 it's sort of a gateway to the Town. With the 7 nice architecture of the building and some 8 landscaping and the stonewall, that will set in 9 the community really well. 10 Dave Dominick? 11 MR. DOMINICK: First, job well done on 12 the new design. It's very nice. It's like night 13 and day between the two. 14 How many fuel pumps does the 15 existing --16 MR. GILLESPIE: Two. So four fuel 17 islands. Four positions, two islands right in 18 the front. MR. DOMINICK: Got it. My only concern 19 20 is with the right in and right out from a safety 21 standpoint. If I'm sitting at the light at Rock 22 Cut, I'm going to see a gateway and maybe use 23 that as a shortcut to avoid the light. I think 24 the right in/right out is not a good idea there. I would suggest we eliminate that and just have 25

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2 the one entrance right there by the property 3 toward the left. Yes, right there. That would 4 go along with what John said, you know, a 5 stonewall, landscape, really clean up and make a 6 statement on that corner. 7 CHAIRMAN EWASUTYN: Stepping back for 8 one second. Mr. Gillespie, you're removing two 9 of the Crab Apple trees along Rock Cut Road and 10 leaving one and then planting two Pin Oaks? 11 MR. GILLESPIE: Actually, I think we 12 can -- we can save these. 13 CHAIRMAN EWASUTYN: My concern with 14 saving them is compaction during construction. 15 Once you start putting in the curbing, once they 16 start putting soils on top of that. I would 17 suggest that you remove all of them and then 18 replant them, again with maybe three Pin Oaks, or 19 whatever you decide. But I think we'd be better 20 starting off fresh. As you look at them right 21 now, they are just about reaching the power 22 lines. 23 MR. GILLESPIE: Okay. 24 CHAIRMAN EWASUTYN: I'm sorry. John? 25 MR. WARD: I'm ditto'ing what Dave

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2 said. At work session I emphasized to eliminate 3 that corner exit right there because there's 4 accidents every date at Rock Cut and 17K. As a 5 visual for one, it would look nice with the wall 6 or something, guidelines looking at it and safety 7 wise. It's definitely not -- it shouldn't be 8 there in the first place where they have it. 9 That's why people take shortcuts, or just cars 10 are flying down 17K and they're nailing them. I 11 would definitely say get rid of that. You have three entrances, that should be enough for 12 13 everything. Thank you. 14 CHAIRMAN EWASUTYN: Pat Hines, do you 15 want to -- should we first start by discussing 16 and coming to an agreement on the required 17 variances and then talk about the --18 MR. HINES: Sure. 19 CHAIRMAN EWASUTYN: See if we're all on 20 board on that. 21 MR. HINES: I identified in my comment 22 12 on page 2, there seems to be in the cover 23 letter that you were looking to take credit for 24 some existing variances that were granted to the 25 Those were for a canopy in a different site.

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2	location. So I think you're going to be getting
3	all new variances for the site.
4	The first one that we identified was
5	the maximum canopy height. There's a variance
6	that's required. I think the maximum is 15 and
7	you're proposing 34.
8	MR. GILLESPIE: I just wanted to
9	clarify. That was a typo.
10	MR. HINES: That sounded pretty high.
11	MR. GILLESPIE: That's pretty high. I
12	actually have some pictures of the canopy. It's
13	21 feet. It used to be 17. What they've done
14	now is they've added a portion of a roof line,
15	architectural shingles, and that kind of goes
16	pretty good with the building and it hides the
17	fire suppression nicely. So it's a pretty nice
18	element. That bumped it up to 21.
19	MR. OLSON: We still need a canopy
20	variance.
21	MR. HINES: You'll need that variance.
22	Similarly, the canopy has a front yard
23	setback from Rock Cut Road and Route 17K issue.
24	I can give Mike those numbers in a memo later.
25	MR. DONNELLY: It will be on the

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application.

MR. HINES: It is.

4 The front yard landscaping requirement, 5 Route 17K from the City of Newburgh line to 6 Montgomery has a requirement for a 35-foot wide 7 landscaped strip in the front of the property. 8 However, within, I think it's 300 feet of an 9 intersection that goes to 45 feet wide. You have 10 basically 0 right now for that. That will be a 11 required variance for that entire front yard 12 landscaping.

13The signage location, a 15-foot setback14is required. You don't have it identified but it15looks like you only have 1 or 2 feet depicted16from the front yard.

The side yard for the canopy on the -the side that fronts on the tire place next door, you have 26.9 feet where I believe 40 is required -- actually 50 is required.

Then the number of parking spaces. You've identified 34 parking spaces required and you're providing 23, 2 of which I'm assuming are going to be employee parking in front of the dumpster.

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1 CUMBERLAND FARMS 16 2 MR. GILLESPIE: Yes. 3 MR. HINES: The requirement is 1 per 4 150 square feet which would work out to 34. 5 You're proposing 23. We did note at work session 6 that no credit was taken for those at the fuel 7 islands, so you may want to look at that. I 8 believe the Board has in the past, we were 9 looking at a couple of the other sites, you may 10 be able to get credit for those at the fuel 11 island as well. 12 MR. GILLESPIE: Is there any credit for 13 -- is it gross floor area or can the 150 -- the 14 square feet of the building, is there --15 MR. OLSON: Do you back out any 16 storage? 17 MR. GILLESPIE: Can we subtract storage 18 or any of that? 19 MR. CANFIELD: It says gross floor 20 area. 21 MR. GILLESPIE: It's not customer area? 22 MR. CANFIELD: No. 23 MR. HINES: Those are the variances we 24 have identified based on the plans and the bulk

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table.

CUMBERLAND FARMS 1 17 2 MR. GALLI: Have you calculated any of 3 your signs yet, total signage? 4 MR. GILLESPIE: We haven't put together 5 a sign package. 6 MR. GALLI: If you go to the Zoning 7 Board you might --8 MR. OLSON: We'll definitely include 9 that. 10 MR. DONNELLY: The Town's sign area 11 rules are found by many commercial developers to be rather restrictive. It's not uncommon that 12 13 you'll need an area variance for your signs. You 14may want to do that so you don't have to return 15 again. 16 MR. GILLESPIE: Yup. 17 MR. OLSON: Who would we run that by? 18 The zoning enforcement officer? 19 MR. DONNELLY: That's probably the 20 easiest way to make sure you get the right 21 answer. 22 CHAIRMAN EWASUTYN: Mr. Olson, will you 23 present that to Jerry? 24 MR. OLSON: If we provide you with the 25 sign package you can tell us what variances, if

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2 any, we would need? 3 MR. CANFIELD: I was just looking at 4 the linear footage that you have. You have 5 credit for a corner lot. Our current sign 6 ordinance permits 50 percent of the linear road 7 frontage. So that's what I was just trying to figure out, what your linear frontage was. 8 We 9 talked about that at the work session as well. 10 We need to see your sign package. If you can do 11 it beforehand, we can wrap it up. If you know 12 you're going to need a variance, we can put it in 13 the same referral. We need to know what the 14 total signage will be. That's inclusive of the 15 canopy, --16 MR. GILLESPIE: Yes. 17 MR. CANFIELD: -- all sides and of 18 course anything that's on the building as well. 19 MR. OLSON: We'll have that submitted 20 to you before we move on to the Zoning Board. 21 MR. CANFIELD: I think the submittal 22 should go to the Planning Board. cc me. 23 CHAIRMAN EWASUTYN: I think to simplify 24 things, they'll come to the Planning Board, 25 you'll cc Jerry Canfield, you'll cc Pat Hines and

1 CUMBERLAND FARMS 2 you'll cc Mike Donnelly so everyone will know 3 exactly what we're working from. 4 MR. DONNELLY: Are you inclined to 5 refer it to the Zoning Board now and let that 6 catch up or do you want to wait until the next 7 meeting? 8 CHAIRMAN EWASUTYN: That's Mr. Olson's 9 decision. 10 MR. OLSON: If we can get the referral 11 to the Zoning Board, I'm sure we'll have the 12 package. 13 MR. CANFIELD: Rough calculations, Pat 14just figured it, you have allowable 227 square 15 feet. 16 MR. HINES: That's quite a bit. 17 MR. DONNELLY: The only other thing I 18 was going to say on the Zoning Board referral is 19 it may be after you speak to the County DPW and 20 the DOT that your driveway configurations are 21 going to be changed. That might give you some 22 ability to increase your parking, conceivably 23 even to adjust the location of the canopy or the building to do away with any of the need for 24

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variances, although I suppose as long as you're

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2	getting variances and you only need less. What
3	if you move something to a spot that required yet
4	a different variance. You don't really want to
5	go there twice. Might it make sense, it's your
6	choice, to get referred now or wait until after
7	you've spoken to the DOT and the DPW to see
8	whether they are going to impose changes?
9	MR. GILLESPIE: I'm almost thinking
10	even with this gone, this layout is probably not
11	going to change.
12	MR. DONNELLY: Okay. I suspect you may
13	have a difficulty with the County as well.
14	Unfortunately I've seen circumstances where each
15	one points to the other and says we're not giving
16	you that. The likelihood of getting four I think
17	is pretty slim from what I've seen in the past.
18	If you're pretty confident that you wouldn't
19	amend it and you want to go to the Zoning Board
20	now, we can certainly accommodate you.
21	MR. GILLESPIE: I think we can do that,
22	yeah.
23	MR. DONNELLY: With the Board's
24	direction, I will refer it to the Zoning Board.
25	You'll, of course, have to fill out an

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application and apply directly. Again, the 2 3 variances needed are maximum canopy height; front 4 yard setback for the canopy from both Rock Cut 5 Road and Route 17K; the front landscaping 6 requirement, and that I will specify is 45 feet 7 because it's different distances at different locations; the signage setback location in the 8 9 front yard; side yard setback for the canopy; the 10 number of required parking spaces; and sign area. 11 If you don't need any of those, then you won't 12 apply for them. 13 MR. OLSON: Okay. 14 CHAIRMAN EWASUTYN: Pat, while you have 15 the floor, are there any bullets that you want to hit on now in your overall review that should be 16 17 considered? 18 MR. HINES: One of the things you're 19 going to need is a City of Newburgh flow 20 acceptance letter for tying into the Town's 21 sanitary sewer collection system. That often 22 takes some time. The process there is that 23 you'll calculate your hydraulic loading based 24 upon the square footage, send a letter to Jim 25 Osborne, the town engineer, documenting that and

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2 he will forward that on to the City of Newburgh 3 for acceptance. This Board can't take any action until we hear back from the City of Newburgh 4 5 based on the agreement. 6 An Orange County Planning referral is 7 required. We would probably do that once the layout has -- if you are going to modify the 8 9 layout for the access roads, we'll refer that 10 when that gets back modified. 11 We just question whether the four 12 driveways are going to be approved by either of 13 those two agencies. Typically they have a one 14 driveway standard. You'll have to work out those 15 issues with the County DPW and the DOT. As Mike 16 Donnelly said, often times we see them pointing 17 fingers at each other, saying that's going to be 18 your access point. That's going to be something 19 you'll have to work out. 20 The fourth comment has to do with the 21 design guidelines. The Town in 2007 adopted 22 design guidelines. They are available online. 23 MR. OLSON: We have that. 24 MR. HINES: If you don't need any of 25 those, the Planning Board has the ability to

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2	waive them. Typically they require some form of
3	mitigation to waive those guidelines, similar to
4	what we heard tonight regarding the stonewalls
5	for the front yard parking. It has control of
6	the site lighting and other things in those
7	design guidelines.
8	We'll await submission of the
9	stormwater management report. We did see a
10	design here, we just don't have the stormwater
11	pollution prevention plan.
12	The sanitary pump station will need an
13	engineering report, the detailing of how it's
14	going to tie into the existing force main and how
15	it's going to function based on the pressure in
16	there.
17	Also, the service lines took kind of a
18	circuitous route across the site. We're
19	recommending they not do that. Take a look at
20	those. They kind of snake through the site. I
21	don't know why, but
22	MR. GILLESPIE: They are avoiding a lot
23	of we try not to we don't want to run it
24	through the canopy. We'll take another look at
25	it.

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1.	CUMBERLAND FARMS 24
2	MR. HINES: More right angles. If
3	anyone has to dig on that site, future digging is
4	going to drive them crazy.
5	As we were saying, the Town of Newburgh
6	has it's own sprinkler ordinance for fire
7	suppression.
8	MR. GILLESPIE: Is that new or
9	MR. HINES: No. This building is of
10	the size where it would require it to be
11	sprinklered.
12	MR. GILLESPIE: The smaller what is
13	the size?
14	MR. HINES: 2,500 square feet.
15	MR. CANFIELD: 2,500 only applies to
16	office occupancy. This is retail so there is no
17	exemption. Town of Newburgh has a more stringent
18	sprinkler requirement. They have since 1992.
19	MR. GILLESPIE: Really?
20	MR. CANFIELD: It's more stringent than
21	the State fire code.
22	MR. GILLESPIE: I thought it was the
23	City. I didn't realize the Town had that.
24	MR. HINES: The Town.
25	MR. CANFIELD: It's the Town. It's

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2 also in our code online, chapter 107. 3 MR. HINES: Standard water and sewer 4 notes will be required on the plans. I don't 5 know if my office provided those to you. They 6 were going to be attached to this. I don't know 7 if you have them. Your office may have, you've 8 done some projects in Town. Those need to be on 9 there. 10 Demolition notes will be required for 11 the two existing structures as well as the tank. 12 Each of those will require a separate permit from 13 code enforcement, and notes on the plans will 14 have to state that. 15 You're showing 10 by 20 parking spaces. 16 The Town's standard is 9 by 19. I don't think 17 the Board, based on work session, had a concern 18 that they were bigger. Just that it's on your 19 They are required to be double striped. own. 20 MR. GILLESPIE: I saw your standard. 21 You're okay with the dimensions? 22 MR. HINES: The Board seemed okay at 23 the work session with the larger ones. 24 CHAIRMAN EWASUTYN: I think it's easier 25 for people to get in and out of a larger space.

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CUMBERLAND FARMS 1 26 2 MR. HINES: We have done that. The 3 Home Depot requested larger spaces because of the 4 size of the vehicles. The Board is generally 5 okay with the larger spaces. 6 You have a grease trap on the site. 7 We'll need sizing data for that. 8 You show 12-inch pipe. The Town 9 standard requires on site plans 15 inch. Those 10 will have to be upgraded. 11 Then we have some comments on the 12 initial stormwater management that you can 13 That's what we have for now. address. 14 CHAIRMAN EWASUTYN: Mr. Olson, thank 15 you. I know you mailed directly to Ken Wersted, 16 and I appreciate that. 17 Ken, your comments on the site plan 18 before us? 19 MR. WERSTED: We first started with a 20 comparison of the existing store and the fuel 21 positions to the proposed. If you were to look 22 at the two sites as brand new, the existing store 23 would generate somewhere between 75 and 90 trips, and it is a smaller store. The proposed store 24 25 would generate somewhere between 200 and 250.

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Recognizing a lot of that traffic is coming from people already driving by the site, 60 to 70 percent or so would be traffic that's already driving by but stopping to get gas.

6 We did note that there are four other 7 convenience/gas stations in that corridor. You have the Valero at the Town border to the west, 8 9 you have the Mobil, the Pilot and you also have 10 the Shell station on the other side of the 11 highway. Most recently the Shell station did 12 undergo a very similar type of renovation. They 13 had a smaller facility, fewer gas pumps and they 14 expanded. They added a drive-through Dunkin 15 Donuts. One of their arguments was that they 16 aren't necessarily going to be generating a lot 17 more traffic but they'll be selling more to their 18 customers that do come to the facility. They 19 might get gas and then they might also buy some 20 convenience items that they might not otherwise get at the smaller store. I would anticipate 21 22 that would somewhat be the operation here as 23 well. You know, you have an existing Cumberland 24 Farms, it's smaller, you probably have less on 25 the shelves, less services that you can offer,

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but as it expands to nearly 5,000 square feet you'll have more to offer.

4 We did comment about the access. The 5 DOT will have to review the two driveways to 6 Route 17K. The County will have to review the 7 two driveways to Rock Cut Road. If you have any 8 truck access issues that may need one of these 9 driveways over the other, that might help you 10 when you do a truck turning. We can see what's 11 needed based on that. We did note that on Rock 12 Cut Road the southern driveway is moving further 13 to the north. Right now it's a pretty wide open curb cut. You kind of come and go anywhere along 14 15 there today. This does channelize it, it narrows 16 it, and also pushes it a little further away from 17 Route 17K. I think that is a benefit there.

18 We also noted that none of the 19 landscaping, at least at this time, appears to 20 impact any of the sight distance. Any driver 21 pulling out should be able to see fine as it's 22 proposed today. As you start to look at the 23 design guidelines and if you're incorporating any 24 stonewalls or different landscaping, just keep 25 that in mind, you know, not to block the drivers'

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sight lines.

3 We have a couple of comments about some 4 of the parking. There's parking proposed over 5 the gasoline storage tanks. There's some parking 6 proposed in front of the dumpsters. So if you 7 have operational plans, perhaps delivery, gas 8 deliveries are at an off-peak time and you're not 9 at your peak parking period at the time. 10 It appears that the site has a curbed 11 sidewalk around the building but then there's 12 also bollards around that. 13 MR. GILLESPIE: Yes. 14 MR. WERSTED: I think the other example 15 in the Town is QuickChek that has those bollards 16 around it but they have their pavement -- their 17 parking lot is flush with the sidewalk up to the 18 parking lot. I didn't know if that was the case 19 here or if there was actually a curb. 20 MR. GILLESPIE: Their standard is to 21 curb it and the bollards. So they want that 22 extra protection. You would be surprised how 23 many people drive into convenience stores. It's 24 unbelievable. 25 MR. WERSTED: We had a couple other

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1 CUMBERLAND FARMS 2 comments about some of the striping and some of 3 the signing as you get more into the details, 4 where the stop sign is. 5 That was the extent of the comments 6 that we had. 7 CHAIRMAN EWASUTYN: Jerry Canfield, 8 Code Compliance? 9 MR. CANFIELD: Nothing additional. 10 Just one comment that I had at the work session 11 was on the lot consolidation, we'll need 12 documentation on that. 13 I just thought of a question. At this 14 point do you own that lot? 15 MR. OLSON: We're under contract at 16 this point. 17 MR. CANFIELD: Do we need a proxy? 18 MR. HINES: You have that. 19 MR. OLSON: I believe I spoke with your 20 attorney that we would simply do this with a deed 21 consolidation. 22 MR. DONNELLY: As a condition of 23 approval. 24 MR. CANFIELD: You can do that through 25 the assessor's office. Okay.

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CUMBERLAND FARMS

CHAIRMAN EWASUTYN: So at this point we're referring them to the ZBA. We'll make a motion for that.

Can we declare our intent for lead agency.

7 MR. DONNELLY: I might want to hold off 8 because you're not in a position to give a 9 negative declaration. We can recommend to the 10 Zoning Board they do their review on an 11 uncoordinated basis. Their SEORA review would --12 it doesn't involve the drainage issues for which 13 we don't have reports yet. We may want to wait 14 on that and let them do that uncoordinated 15 review. 16 CHAIRMAN EWASUTYN: At this point I'll

move for a motion to refer Cumberland Farms to
the ZBA for the necessary variances that were
discussed this evening.

20 MR. DOMINICK: So moved.
21 MR. WARD: Second.
22 CHAIRMAN EWASUTYN: I have a motion by
23 Dave Dominick. I have a second by John Ward.

24 Any discussion of the motion?

25 (No response.)

1	CUMBERLAND	FARMS	32
2		CHAIRMAN EWASUTYN: I'll move for a	
3	roll call	vote starting with Frank Galli.	
4		MR. GALLI: Aye.	
5		MR. MENNERICH: Aye.	
6		MR. DOMINICK: Aye.	
7		MR. WARD: Aye.	
8		CHAIRMAN EWASUTYN: Aye.	
9		Mr. Olson, anything else?	
10		MR. OLSON: I think that's it this	
11	evening.	Thank you.	
12		MR. GILLESPIE: Thank you.	
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14		(Time noted: 7:29 p.m.)	
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3	CERTIFICATION
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6	I, MICHELLE CONERO, a Notary Public
7	for and within the State of New York, do hereby
8	certify:
9	That hereinbefore set forth is a
10	true record of the proceedings.
11	I further certify that I am not
12	related to any of the parties to this proceeding by
13	blood or by marriage and that I am in no way
14	interested in the outcome of this matter.
15	IN WITNESS WHEREOF, I have hereunto
16	set my hand this 23rd day of April 2016.
17	
18	Michelle Conero
19	MICHELLE CONERO
20	MICHELLE CONERO
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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:CUMBERLAND FARMSPROJECT NO.:16-05PROJECT LOCATION:SECTION 86, BLOCK 1, LOT 14 & 15REVIEW DATE:30 MARCH 2016MEETING DATE:7 APRIL 2016PROJECT REPRESENTATIVE:BOHLER ENGINEERING

- 1. A City of Newburgh Flow Acceptance letter will be required for Sanitary Sewer connection.
- 2. Orange County Planning referral will be required.
- Orange County DPW and NYSDOT referrals and approvals will be required for proposed driveway access points. It is noted that 2 driveways are proposed on each of the roadways. It is unclear if these will be issued by those agencies. Information pertaining to and in coordination of submissions to the county or DOT should be copied to the Planning Board to complete the file.
- 4. The Town of Newburgh has adopted design guidelines in 2007. Compliance with design guidelines should be documented on the plans. Any specific waivers of requirements should be formally requested to the Planning Board. Parking along the front of the building along both roadway frontages is proposed. Mitigation measures for screening that parking should be incorporated into the plan and a waiver for that be requested. In the past stone walls have been incorporated into site plans to provide for screening of parking.
- 5. Truck access plan for delivery vehicles should be provide.
- 6. A Stormwater Management Report and SWPPP should be included in future submissions.
- 7. Sanitary Sewer Pump Station design report and plan should be submitted.
- 8. Water and sewer line routing depicts a circuitous path across the site. This should be modified.
 - Regional Office 111 Wheatfield Drive Suite 1 Milford, Pennsylvania 18337 570-296-2765 •

ACEC Member

- 9. Town of Newburgh has requirements for sprinklering commercial buildings. Fire Suppression sprinklers should be addressed on the plans. Water lines should be provided to adequately serve the fire protection system.
- 10. Standard Town of Newburgh water and sewer notes must be added to the plans(copies attached).
- 11. Numerous variances will be required. The Bulk table notes previously issued variances, however the location of items involving those variances has changed on the site. Mike Donnelly's comments on the previously issued variance should be received.
- 12. Based on a review of the plans the following variances will be required:
 - a) Maximum Canopy Height
 - b) Front Yard Setback for Canopy from both Rock Cut Road & Rt. 17K
 - c) Front Yard Landscaping Requirement
 - d) Signage Locations in Front Yard
 - e) Side Yard for Canopy
 - f) Number of Required Parking Spaces
- 13. Notes on the Demolition Plan should be added requiring a demolition permit from the Town of Newburgh Building Department for removal of any and all structures. In addition a permit is required for removal of existing petroleum bulk storage tanks.
- 14. Parking spaces are depicted as 10x20. Town of Newburgh parking spaces are 9x19 with a double stripe pattern. Striping pattern details should be added to the plans.
- 15. Sizing information for the proposed grease trap should be provided.
- 16. The design depicts 12 inch diameter pipe. 15 inch Stormwater pipe is the minimum permitted in the Town of Newburgh.
- 17. A temporary sediment trap is identified in the DOT right of way. This should be addressed with the DOT during permitting.
- 18. Drainage Plan identifies "ridgelines" on the site. These appear to conflict with the proposed grading. Discharge to the State Highway will occur based on the proposed grading.

Respectfully submitted,

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

Patrick J. Hines Principal



CUMBERLAND FARMS, INC. PROJECT NARRATIVE 270 ROUTE 17K

ALC: MAR -232016 TOWN OF NEWBURGH PLANHING BOARD

Cumberland Farms, Inc. as successor by merger to VSH Realty, Inc. is the owner of an existing convenience store and gas sales facility located on a 20,600 square foot parcel of land at the intersection of Route 17K and Rock Cut Road (the property). The property is shown on the Newburgh Assessor's Map as Tax Map No. 86-1-14. The property is located in the Interchange Business District and is connected to municipal water and currently serviced by a private septic system. The proposal will include an application to connect to the municipal sewer system. The property was converted to the existing use in 1980 from a former service station facility and has existed in such condition since that time.

Cumberland Farms is under contract to purchase the property to its north in order to bring the property into compliance with the district bulk requirement. The plan is for the demolition of the existing improvements on both sites and construction of a new 4,956 sf convenience store with four gas dispensers and a canopy fronting on Route 17K. The building will meet all setback requirements. The current canopy benefits from a variance granted in 2000 for a 5.5 foot setback from Route 17K but will require a variance from Rock Cut Road and a side yard set back variance. In addition we will be seeking a variance of the parking and landscape requirements. The architecture will incorporate the new image of Cumberland Farms being a white colonial structure.
RECEIVED MAR -232016 TOWN OF NEWBURGH PLAMPING BOARD

TOWN OF NEWBURGH APPLICATION FOR SUBDIVISION/SITE PLAN REVIEW

RETURN TO: Town of Newburgh Planning Board 308 Gardnertown Road Newburgh, New York 12550

DATE RECE	cived:	TOWN FILE NO:_	2016-05
	(Application fee returnable wi	th this application)	

1. Title of Subdivision/Site Plan (Project name): Cumberland Farms Site Plan

2. Owner of Lands to be reviewed:

wher of Land Name	Cumberland Farms Inc.	Todd A. Kelson					
Address	100 Crossings Boulevard	42 Lattintown Road					
	Framingham, MA 01702	Newburgh, NY 12550					
Phone							

3. Applicant Information (If different than owner):

Name	Cumberland Farms Inc.	
Address	100 Crossings Boulevard	
	Framingham, MA 01702	
Representative	Richard J. Olson, Esg.	•
Phone	845-486-6896	
Fax	8450486-7621	
Email	rolson@mccm.com	

4. Subdivision/Site Plan prepared by:

Name	Bohler Engineering
Address	17 Computer Drive West, Suite 203
	Albany, NY 12205

Phone/Fax 518-438-9900 / 518-438-0900

5. Location of lands to be reviewed: 270 Route 17K

 6. Zone
 IB
 Fire District
 Coldenham

 Acreage
 1.15
 School District
 Valley Central

7. Tax Map: Section <u>86</u> Block <u>1</u> Lot <u>14 & 15</u>

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