

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

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

----- X

In the Matter of

THE RIDGE (f/k/a The Loop)
(2017-01)

Route 300 & Route 52
IB & R-3 Zones

----- X

INITIAL APPEARANCE
6TH AMENDED SITE PLAN

Date: January 5, 2017
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
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
PATRICK HINES
KAREN ARENT
GERALD CANFIELD
KENNETH WERSTED

APPLICANT'S REPRESENTATIVES: JOHN BAINLARDI
DOUG RICHARDSON
GREG DAY
MARK GRATZ

----- X

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

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

THE RIDGE

2

MR. BROWNE: Good evening, ladies and gentlemen. Welcome to the Town of Newburgh Planning Board meeting of January 5, 2017.

At this time I'll call the meeting to order with a roll call vote starting with Frank Galli.

MR. GALLI: Present.

MR. BROWNE: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

MR. BROWNE: Thank you. The Planning Board has professional experts that provide reviews and input that we have on business before us, including SEQRA determinations as well as code and planning details. I'd ask them to introduce themselves at this time.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield, Code

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

THE RIDGE

3

Compliance Supervisor.

MR. HINES: Pat Hines with McGoey,
Hauser & Edsall Consulting Engineers.

MS. ARENT: Karen Arent, Landscape
Architectural Consultant.

MR. WERSTED: Ken Wersted, Creighton
Manning, Traffic Consultant.

MR. BROWNE: Thank you. At this time
I'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.

CHAIRMAN EWASUTYN: The first item is
The Ridge, formerly The Loop. It's located on
Route 300 and Route 52. It's in an IB and R-3
Zone. It's here tonight for the sixth amended
site plan.

John, do you want to start?

MR. BAINLARDI: Good evening. John
Bainlardi, Wilder, Balter Partners.

I wanted to be present tonight to greet
you all and thank you for the opportunity to do

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

the presentation. Also, I wanted the personally advise you of the fact that Wilder, Balter Partners has now closed on the sale of the property. Twelve years in the making to this point. Ten years for me personally. We closed just before the new year on the sale to a single-purpose entity called Ridge Hudson Valley, LLC which is owned and controlled by Waterstone Retail Development.

I'll introduce some the Waterstone team who is here tonight who will be making the presentation. I've had the opportunity, as has our company, over the last eight months or so to work closely with Waterstone to get to know them a bit while they worked through their due diligence in reviewing the project and the approvals and tenancies and everything they needed to do in order to make a determination if it was the project that we were representing it to be. We were introduced to Waterstone through the Wilder Companies who have been our partner for the last two-and-a-half years. Waterstone is located in Massachusetts, as is the Wilder Companies. There are some individuals who have

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

worked at the various companies, and that's how the introduction was made. Wilder Companies continue to be involved with Waterstone in recent capacity and in partnership with Waterstone.

Before I introduce the members, I just want to point out at this point that I think as they get into the presentation what you're going to see is that there's a lot of continuity in what we've worked together on in getting approved for the site, both from the standpoint of the site plan and the consultants. You'll see some familiar faces who we've worked with over the last ten years, whether it's civil engineering, environmental consulting, geotechnical surveys, so on and so forth. The same folks. You'll see some tenant names and some tenant boxes that will be familiar because the tenant just remained strong and the commitments have been made, particularly over the last few months.

So with that being said, we have several members from the Waterstone group here tonight. I have Doug Richardson who is the director of development, Tom Godfrey and Greg Day. You see Mark Gratz from Divney, Tung &

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

Schwalbe who is the civil engineer who will continue in that capacity with respect to the site plans.

So with that, I think they have -- Doug would like to talk to you a little bit about who Waterstone is and what they do.

CHAIRMAN EWASUTYN: Gentleman, do you have any business cards that you can give to the Stenographer?

MR. RICHARDSON: Absolutely.

CHAIRMAN EWASUTYN: I appreciate that.

MR. RICHARDSON: My name is Doug Richardson, I'm the director of development for Waterstone. I've been with the company for ten years. Waterstone is a development company but we are acquisition, development, permitting, construction, leasing and operations management all inhouse. We do all of those tasks. We are a company that specializes in creating community shopping centers. We have over fifty properties of which our strategy -- we were founded in 2005. We currently have thirty-three employees. We're based in Needham, Massachusetts. Although we do have a good presence in New England, our extent

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

of properties are fifteen properties in over fourteen states. We do extend as far west as California now. We have a Bob's Discount Furniture project we're doing out there. We have more than 3.8 million square feet. Right now we have 1.4 million square feet currently under development and construction. We work with many of the national retailers in our centers. The management is primarily three principals which I'll get into. We have a chief operating officer; myself, I handle the development.

So these are the states that we are in. You can see we're primarily east coast from Maine to Florida, plus we have the new project beginning in California. We have a relationship where we have done nine Bob's Discount Furnitures, and we're currently constructing their headquarters in Manchester, Connecticut right now.

This is the representative project here in Newburgh. Tom will get into the discussion of the layout that's before you today. My focus is really on the company.

Of the leadership team, Neal Shalom is

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

one of the principals. Great experience in terms of not just retail but also distribution centers and offices, which we'll get into. Josh Levy is the principal that is really driving the leasing for the company and is very involved in the day-to-day of the leasing of the properties. Myself, I am head of development. I do the design, permitting and construction for the company.

This is a representative example of our retail projects. We work with many national retailers. We have centers that are as large as what we've presented before you today. Really quickly I'll touch base on two similar projects of size and scope of which we have a branding that we call The Ridge.

Even though we're Waterstone Retail, we have extensive industrial experience. The project partners, over the last eighteen years, have done more than 60,000,000 square feet of which those industrial tenants are distribution. A lot of them are retailers. We also have done more than 3,500,000 square feet of office space. As I said, we're currently building a

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

headquarters for Bob's Discount Furniture.

These are actual reference letters. In the last two years we've done major projects in Rochester, New Hampshire, Epping, New Hampshire and Seabrook, New Hampshire in which we have letters of recommendations for all the planning departments of those projects. We work in a partnership with our city or town that we are involved with and have a really good relationship which is supported by these, and we can provide these copies for your review.

This is The Ridge in Rochester, New Hampshire. We just recently completed the first phase of that project. It is approximately 300,000 square feet, the first, and now we're commencing on another 200,000 that includes -- the initial phase has a grocery store, Marshalls, Petco, Starbucks, restaurants, miscellaneous shops. This is taken this fall. We actually set foot on the property November two years ago. We now have the site fully constructed. A couple of pads are still under construction. As you can see, we're fully operating. The second phase is this area that's cleared over here where we're

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

putting the movie theater, Texas Roadhouse and Wendy's.

This slide is very familiar. That's what we're using here as a piece to show the look and feel. You can see in this picture we use articulated facades. There's variety in terms of height, material use and how it plays in and out on the facade. We do an enhanced sidewalk with trees, landscaping, planters along the buildings. We do a combination of textures of the sidewalks. We do an extra wide sidewalk. As part of The Ridge branding we want something that's a very walkable center, something people are going to come and spend two to four hours with the entertainment, the food users and the shopping.

This project is in Epping, New Hampshire. Very similar project. We have a movie theater in the upper corner, a supermarket, Marshalls, Petco, shops, restaurants. A full parking lot, or just about full. That actually was taken on a Thursday afternoon, not a Saturday at noontime. Very successful center. The same thing, the wide sidewalks, the decorative lighting, the landscaping, that type of material.

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

The next slide will show representative close-ups of the buildings inside the center along with the main run.

We'll touch on these quickly. This is Seabrook Crossing in Seabrook, New Hampshire. It's a large development, Bob's Discount Furniture, Goodwill, Hobby Lobby. There's some shots of the finishes again. Very consistent style.

Real quick, this is Portsmouth Greene. This is in Portsmouth, New Hampshire. This one we are incorporating a residential component.

This is actually a redevelopment of an existing center, a movie theater, grocery in the upper corner. In the left corner we're putting in residential apartments. You can see we're creating a park, very similar to what's being done here in Newburgh.

This here is Scarborough Gallery in Scarborough, Maine. This is the completed project from last fall. There's the elevation.

These are all projects that are either currently being completed or being worked on in the last two years.

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

So in summary, we just wanted to give you background that we've got the depth, the experience, the current projects that we're doing, that we can take this project to completion.

Any questions?

CHAIRMAN EWASUTYN: Questions anyone?

MR. BROWNE: You mentioned you are working in partnership with. What's your vision of partnership? What do you mean by that?

MR. RICHARDSON: We initially sit down at any tech review meetings that are done prior to final meetings, we review with the different departments, fire, police, DPW, water and sewer, so that we have a project that has all of the important things that that city or town is looking for in terms of communication, in terms of fire systems, even in terms of how, you know, utilities are brought to and serviced on the property. A couple of the projects, which Tom will get into, you know, we've been involved with, you know, sites that -- in Epping, for example, water and sewer did not exist on that side of the highway. They ran the water and

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

sewer but through the cost of the connection fees were able to fund that with them. That's an example of a partnership.

MR. BROWNE: Thank you.

MR. GODFREY: Good evening. Tom Godfrey. I will be working with Doug closely on the project. I'd like to just briefly touch on some of the specifics on the project as proposed, which we are terming site plan amendment number 6. Like John mentioned, we'll be continuing to use basically the same team that John has worked with and put together. Doug and I both will be trying to fill John's shoes and move the project forward.

As you look at the project you'll notice the site plan seems very familiar. What we tried to do was to look back at all the prior approved plans and incorporate features that were already permitted and approved under prior site plan amendments.

So you'll see that, for instance, Shop Rite is up here in the exact same location. We have the prior site plan amendments and approvals. BJ's is over here in the exact

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

location they were on prior approvals. The lifestyle center is in the same location and configuration that you've seen before.

What we're proposing for site plan number 6 is that we would be constructing approximately 530,000 square feet, similar to site plan amendment number 3. We'd be deferring the third access road connection. We'd be using the two access roads here and here to service the center.

What we have done is worked through the grading a little bit and tweaked some of the grading. As you know, the topography on the site is very challenging. One of the things we studied closely was the grading. So we've tweaked some of the grading such that the lifestyle center remains down low. Very similar to existing grades. BJ's was raised up slightly in this area to match existing grades. Shop Rite was tweaked slightly. Again, all in the same locations. By doing that we've been able to reduce the cut and fills and the amount of blasting that's required on the site. Like I said, we will try to balance the site with the

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

cut and fills for the import or export of material, we'll try to deal with everything on site. Hopefully it will reduce our construction time a little bit. It should reduce the environmental impact.

In terms of infrastructure, we already have in place the two stormwater detention basins here and here which have already been designed and built for a larger project. We're going to be reusing those. The infrastructure is essentially the same in terms of water, sewer, gas and all that. We have the same connection points, basically the same systems throughout to accommodate the buildings.

CHAIRMAN EWASUTYN: Thank you.

Questions from the Board Members?

MR. GALLI: Not yet.

CHAIRMAN EWASUTYN: Mark, do you have anything you'd like to add at this point?

MR. GRATZ: Nothing at this point, no.

CHAIRMAN EWASUTYN: At this point then we'll turn to our consultants. Since the plans came in late, we've been through that, the reviews you would have ordinarily received from

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

people like Pat Hines, Ken Wersted, Karen Arent aren't available because of the delay. I think we're on schedule at this point.

Let's start with Mark Sargent -- excuse me -- Ken Wersted from Creighton Manning Engineers. He was on board with the original traffic study. He'll begin talking about any changes or layout with the plan.

Ken.

MR. WERSTED: Thank you. In addition to the site plans that we received, we received some traffic updates. I'll say that it was brief. You know, just three pages. A limited scope to the intersections that are immediately around and inside the development. We'll look through that and provide some additional comments as we review the project and the plans.

The general access appears very similar to what was previously proposed, especially going out to Route 52 near Meadow Avenue and out to Route 300. The third access is looking to be deferred out to Route 52 near the highway intersection.

One of the concerns we have is because

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

the proposal is for 530,000 square feet, is there any intention to some day expand up to the 800,000 or 850,000? How that might tie into this proposal with that third access. Those are questions you may not have answers to yet but we'll look to explore those.

Some of the changes internally with the internal roads will change the traffic flows. As we have more time to review the plans we'll provide comments on those items.

In addition, there were some previous approvals for different development scenarios that we'll go back through. Obviously this project has a long history so we have, I would say, feet of paper to look at. We'll take a look at that in consideration of what's being proposed and provide our feedback to the Board.

CHAIRMAN EWASUTYN: Karen Arent, Landscape Architect?

MS. ARENT: I don't have any comments at this time.

CHAIRMAN EWASUTYN: Thank you.
Pat Hines, Planning and Drainage Consultant?

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

MR. HINES: I did provide Mark Gratz with a copy of our comments this evening.

Our first comment just details that the current plan is 530,000 square feet. The fifth amended site plan, which was previously approved, was 700,000 square feet. It details the number of parking. The current proposal only includes two of the three previously proposed access roads.

There's a note on the plan deferring landscaping security based on a 2009 Town Board resolution. The window for that deferral has lapsed. I'm not sure what the status of that is. Mike Donnelly and I talked about that at work session. We'll have to check the status of that. I know there were developer agreements with the Town Board as well that might address that.

One of the comments, the access road that's being deferred, the Route 52/84 into the site access road, the location of that has been modified to basically steer future traffic to the rear of building D-1 and D-2. It's not real conducive to future expansion based on it's location to the rear of those buildings. That's

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

something you need to look at. Currently it's only being proposed as a gravel drive in order to support construction of the sanitary sewer system which has an interconnect point on the other side of Quassaick Creek near Route 84. It's not providing access under this scenario.

Leading into that, there's a culvert crossing at Quassaick Creek which previously was issued a flood plain development permit. There's modifications proposed to that culvert. It looks much smaller in length and possibly in width. We'll be looking for some detail on that and it's impacts on the flood plain management permit that's been issued. It looks smaller. I don't know if it is. We don't have a cross section on that. We'll be looking for that detailed information.

There are some new stormwater management facilities on the plan. Specifically I noticed there's a new detention pond behind D-1 and D-2. I don't know if that's to make up for the large rocks that were encountered the water quality basin C that has been constructed on the site. We'll be looking for some detail on the

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

updated stormwater management.

There's some items on the plan, rims and inverts, that need to be checked and the details of those provided.

With the deferral of the Route 52/84 access road, there's the residential structures that were purchased as part of this project at the end of that road and there was a proposed cul-de-sac to terminate Brookside Road. It doesn't look like that's in the proposal right now but that's something that should be done sooner than later to clean up the work in that neighborhood there. There were some buildings that were removed and some are still existing. More importantly, the cul-de-sac should be put into place to complete that portion of the Town road versus where it currently spans your property. That's something to take a look at in the future.

We did note the reduced amount of rock removal which will be required under this project. There is still a 30 foot plus or minus rock cut in the area of building A, which I believe is the supermarket component of the

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

project. So there is still some blasting. There are blasting protocols and agreements that I believe survived your real estate transaction. I was told they did. That's something we'll be looking for. Any of the blasting procedures and protocols will be part of any approvals granted by the Town.

The certificate of occupancy notes need to be revised. They reflect various phases. Right now I guess we're looking at this as a single phase project. Maybe we can have one of the applicant's consultants address that, whether there's going to be construction phasing, phasing of the actual project. We'll need to get into those details so that the Planning Board and the Code Enforcement Department know exactly what's supposed to be built at what point and what supports various either construction phasing or actual project phasing.

I think that would be a good point to turn it back to the applicants to have them address that with the Board.

CHAIRMAN EWASUTYN: Tom, do you have an answer for that?

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

MR. GODFREY: Yes. What you see here is the complete project, if you will, of 530,000 square feet. It is substantially smaller than what had been approved before. You will note that there are some additional areas that show development before that we're not showing development in currently. There's no current plans for that, to develop anything in those areas. We plan to build this, complete this as shown, and then obviously in the future will revisit demands, see how things go and see what the potential may be for those future areas at some point.

MR. HINES: That leads into the phase 2 notes. Those need to be removed. If there is no phase 2 developed. I will add it may cause some technical difficulties with the revised findings as the Board is going to work towards the environmental review of this sixth amended site plan and issue revised findings based on this plan. So as you come back it may require an additional level of SEQRA detail when you bring any future phases back in there. That's a consideration, how much of that you want to

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

identify at this point if you have any plans for that. You just said you don't. If you do, you may want to address that with the Board so that we have a worst-case scenario to do the environmental review on.

There are some graded areas that are identified as graded. It looks like they're either stockpiled areas you're avoiding due to rock. I'm not sure what those are going to be for, if that's for the support of future development and just open space and what those are going to look like. I'm sure Karen will address that during her detailed landscape review. I don't know if you can enlighten the Board on those areas now.

MR. GRATZ: Mark Gratz, Divney, Tung & Schwalbe.

Pat, a couple of those graded areas are areas that we've looked at to basically use as borrow areas where we are going to be removing material to bring the site into balance and generally leveling them out. Again, there's no plans for development at this time. It's just something that's needed to bring the site back

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

into balance.

MR. HINES: It will be important for the Board. I know there were conditions on the other amended site plans that those areas be treated appropriately in the landscape details and how they look. There are notes that continue on this plan regarding stockpiles and borrow areas and how they're -- there's a timing issue on those, the time to implement the landscaping and remediation of those areas.

MR. GRATZ: Also Pat, just to address one other comment you had before about the added detention facilities, those aren't really detention facilities. Just the nature of the revised grading plan, we found that we had a couple of depression areas. So basically what you're seeing are what look like basins that have outlets so we can basically drain them to the two water quality basins that have been already constructed on the site. As Tom mentioned, those were sized for the original 700,000 square foot facility and are adequate to handle the smaller 530,000 square foot facility there. So it's just basically a localized depression, basically, that

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

we're looking to drain.

MR. HINES: We'll be taking a look at that. There may be some impacts. I know they were sized for the 800,000 but there may be some tweaks that are required to those due to the reduced amount of impervious surface. If the orifice were sized to the 800,000, with the reduction there may be additional details needed there. We'll work through that.

CHAIRMAN EWASUTYN: Thank you.

Comments from the Board at this time?

MR. GALLI: You said in the presentation that -- you were talking about the park. I heard you say something about a park.

MR. RICHARDSON: We have a small green space between a couple of the buildings right in this area here with outdoor seating.

MR. GALLI: Is there a movie theater component to this?

MR. RICHARDSON: There is no movie theater component to this plan.

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

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

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

MR. CANFIELD: Just to reiterate, one thing Pat had said, future submissions should also review all of the protocols and policies that were put in place with the previous owners. Importantly, the well monitoring protocol name should be changed and that should be continued. The site monitoring agreement and any other municipal agreements that were put in place need to be reviewed. That's all I have additional.

CHAIRMAN EWASUTYN: Mike Donnelly, Planning Board Attorney?

MR. DONNELLY: I forget the exact numbers but John knows in the SEQRA analysis when we went from one phase to three entrances right away to a reduced phase 1 with only two entrances being put in place, there was a trigger that would require the third entrance, and I think you are over that trigger. I think it was 400 and now you're 500 and change. I think there needs to be some revisiting of SEQRA based upon the traffic study and some amendment to the findings. We have to review those documents.

MR. BAINLARDI: At the time of the third site plan amendment, when we first sought

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

to have the deferral, at the time we were contemplating 400,000 square feet, and that was the number. Although the traffic study, as part of the environmental impact statement, indicated that the two access points could handle up to 600,000 square feet, we didn't push beyond that.

MR. DONNELLY: Right. But the findings tied into the 400 trigger. That will have to be revisited.

MR. BAINLARDI: As far as the deferral was concerned, I think we'll need to revisit the protocol. We took quite a bit of time working together to try to figure out when things could be opened, what needed to be completed. So there was that list of items that for a particular building would have to be demonstrated to the satisfaction of Code Enforcement, that those were completed to create a safe access. In that sense what's contemplated here are the access roads, the access points, the improvements at the DOT intersections, everything that's necessary to create unfettered, safe ingress and egress to the site. If it's BJ's building for instance, all the parking, all the lighting, all the striping,

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

all the curbing, all the landscaping would all need to be completed. That's in those notes. It definitely would be necessary to kind of review that in the context of this plan as opposed to the third amended site plan.

MR. HINES: I think there probably should be notes and some sort of construction phasing plan. Not a site planning phase but a construction phasing needs to be detailed out for both the Planning Board and Code Enforcement in the future.

MR. BAINLARDI: With respect to a number of the agreements that were entered into between our predecessor in interest, which was WB Interchange Associates, which is a single purpose entity that originally purchased the property owned by Wilder, Balter, at the time of the original approval there were a number of agreements that were entered into, there were site work monitoring agreements, there was an access agreement and several other agreements. WB Interchange Associates was never dissolved and Waterstone entity has basically taken on assignment of that to keep that in place. We

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

also did an assignment and assumption of all the agreements from Marketplace of Newburgh to Ridge Hill -- Ridge Hudson Valley. So all of those agreements have been assigned and assumed.

MR. DONNELLY: I think one document, though, was not signed and delivered, at least that's what Mark Taylor mentioned, that was the undertaking that the Planning Board required. That will need to be done in the name of the appropriate entity.

MR. BAINLARDI: Yes. I think with respect to that, a number of things that were contemplated and undertaken ended up getting done in separate agreements. That's something you can work through and I think scale down quite a bit. Well monitoring which we'll already put into place, a good portion of the well monitoring obligations. We installed the data loggers, we took all the base information and worked with the neighbors. That will need to be obviously continued. All these things were all conditions of site plan approval and are contained in the original site plan approval and then were restated and ratified in each amendment. So I

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

would suspect that when you get to the sixth amended site plan approval, that it will re-incorporate all of those obligations that are in the findings and otherwise.

MR. DONNELLY: We just need to take stock of all of that, digest it and get ready to move forward.

CHAIRMAN EWASUTYN: Any comments from Board Members at this time? John Ward?

MR. WARD: I just have a few questions. The road coming in from Shop Rite, it hits the parking lot on your plan there, if you see it. You come into the parking spaces. I'm asking you possibly to do an access road straight into where the other chain stores are. Go through the parking lot, make a two-way road instead of stopping. It's going to be congested.

MR. BAINLARDI: Are you talking about right in the center?

MR. WARD: Yeah.

MR. HINES: Road B where it enters the large parking field.

MR. WARD: Have it like continue into the --

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

MR. GODFREY: So I think what you're saying is have this flow continuously in, not disburse at that point in time?

MR. WARD: Right.

MR. GODFREY: We can look at that.

MR. WARD: This way it breaks up the traffic.

Another thing. John, he tried to have a community environment. You're talking about a park. What are you planning on as park besides benches? You had a screen up there for movies, things like that in other projects. Do you have any other plans?

MR. GODFREY: In this plan we have -- in the lifestyle center, in this area, we have essentially the exact same plan that was approved previously. We've got a pedestrian connection through the parking lot here. We've got an enhanced landscape strip to handle -- it's a curved sidewalk with some permulars to connect those two areas. On this side we've got a park planned, which again is in the same location, the same detail that was previously approved between these two buildings, to act as a green space with

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

outdoor seating. In addition to that, we'll obviously have outdoor seating throughout the project in terms of walkways and things like that. That's a feature that, as you saw in Doug's presentation, has been incorporated in some of the other Waterstone developments and works very well. Typically you're having -- restaurants tend to gravitate to that type of space and have some outdoor seating. Even in some of the other projects in that space they try to do, you know, a movie night during the summer, trick-or-treating and other community and public events in that space whenever they can.

MR. WARD: That's what we're trying to see.

What stores are coming, for the record?

MR. GODFREY: You've got the same cast of characters that have been out there for a long time. Obviously Shop Rite we've been working with closely. We are still working with BJ's and Dick's as kind of the anchor tenants. We continue discussions with them. As you can imagine, the list of tenants that you've seen before is very similar in terms of the smaller

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

tenants and restaurants. I don't think there's any surprises or new names there. We are working with some restaurants in this location like you probably have seen before. A mix of different retailers. You can see from the sizes, 5, 15, 20,000 feet. In this run some of your smaller ones are in here. There's a few small shops up near Shop Rite as well.

MR. WARD: All right. There was conversation at workshop about a possible hotel.

MR. BAINLARDI: It's not presented for now for this plan. There's been -- we've been approached throughout the years by hotel operators who are interested in bringing hotels of different levels, some higher levels, some intermediate levels. The site could potentially lend itself to doing a hotel but it's nothing they have currently proposed on the plan. As we had contemplated when we were looking to do the smaller center back after Leaman went down and the recession happened and it was more challenging. It's challenging for other reasons now just because of the contraction with retail and what's going on with Amazon and the world.

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

The thought was let's get a project built, the the community needs it. It's why we've stayed in -- from Wilder, Balter's perspective, why we've stayed in as long as we did. We felt this was a project that the community -- would benefit the community as a whole, it would bring a bunch of retail that isn't here from an apparel standpoint and smaller shops as well as some of the bigger retailers. But the thought was get it built and then see how the economy responds and how the market responds and address opportunities as they come.

The big picture from an environmental standpoint, all of the major things that we committed to and that you based your findings on, such as the buffer areas, those aren't changing. The access points, the use, all of those things that were looked at during the environmental impact review are not being expanded. So we're not looking to create additional.

The point is well taken from Pat that we need to make sure that we fully address what's necessary during the construction phase so that things are done orderly and that Jerry will be

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

able to clearly determine from the rules that are set forth when he can issue certificates of occupancy. But it's a single-phased project. It's 500,000 square feet. It's not small.

MR. WARD: I want to say thank you personally for doing everything you did with this project. Thank you.

MR. BAINLARDI: I would like to turn that around and thank each of you, the consultants. It's been ten years for me so it's with mixed emotions I'm here this evening. On one hand, having worked with this group over the last eight months, I'm really encouraged by the fact that they're going to be able to get it across the finish line. On the other side of that coin, it's a little disappointing for me personally to not be involved with it and continue to work with you all because it's been a good experience. I appreciate it.

CHAIRMAN EWASUTYN: Dave, anything to add?

MR. DOMINICK: Two things. First; John, it's been a pleasure working with you. You really raised the bar here in the Town. We

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

appreciate all your efforts. It's been a great partnership.

For Tom, we discussed in work session the possibility of closing the 52 and 84 entrance, point C, that coming into the complex, into the site, especially during peak season, that maybe an emergency access road should be incorporated because going into -- down, for example, road B there, entrance B, could get very congested. It might delay operations.

Jerry, did you want to touch on that a little bit?

MR. CANFIELD: We discussed in the past extensively this very topic about the access. At the workshop we had discussed, and I suggested to the Board, at least to see an emergency entrance only if that's the way it should turn out. That can be further examined, the construction thereof and the benefits and how it can be constructed, the width and all the other utilities that are in that area.

MR. HINES: You're basically constructing 2,600 feet of it anyway. It looks like about another 1,000 feet or so would provide

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

that emergency interconnect if it's possible.
It's something to look at.

MR. BAINLARDI: I think it's worth a look. I think, you know, the reason why the deferral was necessary is because of the infrastructure costs and how it gets to a point where the project no longer is viable. We're trying to reach that balance. If in the future additional square footage is necessary -- what was contemplated is the third amended site plan would be that we hit that critical mass. If you want to open up another square feet, then you have to come back to the Planning Board at that point and get that approved to build the additional square footage. I think it's something we can certainly talk through.

CHAIRMAN EWASUTYN: Your second question?

MR. DOMINICK: That's it.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: There was some discussion about possibly getting a residential component into this project. I was wondering if the new owners are interested in that concept?

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

MR. GODFREY: In the current plan we do not show any residential. I know it has been a topic of conversation in the past as a potential alternative for this site. There is some activity in this area as well. We've looked at it but it is not proposed as part of this. We have not looked at it deeply in terms of what the market would support. It's something that obviously in the future is open. Obviously in other developments that is something that is much more prevalent and starting to work itself into shopping centers as more of a mixed use concept.

MR. MENNERICH: With residential?

MR. GODFREY: With residential.

MR. RICHARDSON: We have a project in Portsmouth, New Hampshire now where we're constructing 94 loft-style apartments on the property. We're Waterstone Retail and we've done other office industrial and we're doing residential. As Tom said, we would need to evaluate it but it's something that we are doing in other locations.

MR. MENNERICH: Thank you.

CHAIRMAN EWASUTYN: Cliff Browne?

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

MR. BROWNE: Just to follow up on the same question, this area was recently rezoned, correct, for a mixed use?

MR. WARD: No.

MR. GALLI: It was discussed.

MR. BROWNE: One of the things, though, from our end, we'd like to be able to see the whole picture going out in time. Even though it's not in your current plan, we understand that. Whenever I've heard it's not in our current thing, good. That tells me red flag, it's going to come up. That's just the way most of the builders work. We can only act on the plan that's before us. This is true. But we still like to be able to have a look into the future to see where you think this is going to end up going. If we have a concept of that, it helps us plan better, it helps you plan better and saves you money in the long run. So thinking about those things, if you're saying that you're never going to have residential or this is as far as this project is ever going to go, that's fine. Then we're looking at what we're looking at. If you think in the future, five years, ten years

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

down the road say, well we might want to look at this, then at this point it might be beneficial to look at that in a conceptual, down the road thing and say gee if we want to do that, maybe we should do this instead of that. What I'm saying is don't lock yourself in, because if you do you're stuck and it's going to cost you more down the road and there will be more problems and more issues. We like to have folks that work with us that are open. The Wilder Company, they were very open with us. We worked very good from that perspective. We knew where they were going, they knew what we wanted and it worked very nicely. I'm just throwing it out there. If you think down the road in another five years you're going to do something that's a possibility, maybe you want to fold that in now if you can. Just make the arrangement so if it does happen --

MR. GODFREY: One of the critical pieces and components of this project is we've tried to size it appropriately so that it can be successful. We've tried to get it so that we can execute it all at once and build it. There's been some back and forth on that. We don't know,

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

you know, what's going to happen three, five, ten years out, what the market is going to be. Things are changing very quickly in terms of the types of uses, where they're going and things like that. We can't predict, nor can we really engineer or plan for some of those uses. What we've tried to do is stick with something that we know we're comfortable with, we can execute on, focus on that and get that done. Then who knows in the future what other uses may show up. At that point in time we're prepared to address them and work through any issues that may come to be at that point. Obviously there's limitations here with traffic, infrastructure and other things that we're fully aware of. You know, we feel this is a good plan, it's a good size and it's executable, and we feel we can get this plan done in this market with this tenant roster and this list. Some of the other plans have been a little bigger, some have been a little smaller. We're fairly comfortable the market will allow us to execute this plan.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: We talked about a

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

THE RIDGE

42

consultants' workshop. Do you want to bring that up?

CHAIRMAN EWASUTYN: I think we'll tie that together with the next phase of this. Pat Hines will talk about the informational letter that will be sent out.

Pat, do you want to talk about that?

MR. HINES: With this being your initial appearance, the Town Code has been revised. I think it may have been since the fifth site plan amendment. There's a required notification to landowners within 500 feet prior to coming back to the Board. That notification would have to be sent out. It's not the public hearing notification but it's a notification that a project is before the Board, just to give the surrounding property owners the benefit of realizing that this is going through the planning process. So I will prepare the notification, contact the assessor's office and provide the list, and I'll provide that to probably Mark's office for -- or Tom, whichever one you want.

CHAIRMAN EWASUTYN: Tom, you raised your hand. Who is going to be the point person

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

for this project? Announce yourself now. That will be the person responsible for doing what has to be done, and that way -- you and I had many conversations -- nice to meet you finally -- over the course of the last two weeks. Once we're on board with who is who and who has a role, then I'm sure it will sail smoothly.

MR. GODFREY: That will be me. I'll make sure you have my contact information. I will be the one responsible for all --

MR. HINES: Okay.

MR. GODFREY: -- points of contact information and --

MR. HINES: We'll prepare that. You'll do those mailings. There's a process to do that. You'll address those envelopes, stamp them, seal them and drop them off at the Town Supervisor's office for mailing. Rather than do them certified mail, the Town actually mails them so we know they were sent as part of that process.

MR. BAINLARDI: Pat, you did do one for site plan amendment number 5?

MR. HINES: So it was in effect then, too. Okay.

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

THE RIDGE

44

CHAIRMAN EWASUTYN: Any involvement with lead agency distribution at this point, Mike?

MR. DONNELLY: I don't know that we need to update it. I don't think so.

CHAIRMAN EWASUTYN: Thank you, Frank, for reminding me.

I'll move for a motion from the Planning Board to set this for the 24th of January.

MR. HINES: 1 p.m.

CHAIRMAN EWASUTYN: -- for a consultants' work session.

MR. DOMINICK: I'll make a motion.

MR. WARD: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

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

THE RIDGE

45

CHAIRMAN EWASUTYN: Aye. Motion
carried.

Again, you'll work pretty much here on
out with Pat Hines on any questions.

MR. BAINLARDI: At what point would it
be appropriate to refer to the County so we don't
lose time?

MR. HINES: I think we can do that now.
The plans are at that level of detail.

MR. GODFREY: I'll work with Pat.

CHAIRMAN EWASUTYN: I'll move for a
motion to circulate this to the Orange County
Planning Board under 239 of the Municipal Code.

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: Motion by Frank
Galli. Second by Ken Mennerich. I'll ask for a
roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. Motion

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

THE RIDGE

46

carried.

Anything else, gentlemen?

(No response.)

CHAIRMAN EWASUTYN: You had asked me
and I didn't have the nerve to do it. John was
wondering if you could possibly change the name
to Bainlardi Loop. Give it a thought.

MR. GODFREY: Maybe a street name or
something.

(Time noted: 7:50 p.m.)

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 17th day of January 2017.

Michelle Conero

MICHELLE CONERO

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

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

----- X
In the Matter of

BROPHY SUBDIVISION
(2016-22)

River Road & Anchor Drive
R-1 Zone

----- X

INITIAL APPEARANCE
TWO-LOT SUBDIVISION

Date: January 5, 2017
Time: 7:52 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
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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

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

CHAIRMAN EWASUTYN: Next is Brophy Subdivision. It's a two-lot subdivision located on River Road and Anchor Drive. It's in an R-1 Zone. It's being represented by Talcott Engineering.

MR. BROWN: Thank you, John. I'm Charles Brown with Talcott Engineering.

We previously submitted this plan as a lot line change. My client, Mr. Brophy, is here. One of the lots did not meet zoning, therefore it doesn't pass as a subdivision. We amended the plan, amended the narrative.

In addition to that, we put some additional detail on the plans. We show the swale across the street and the driveway across the street. Pat had some concerns about the adjoining septic. We are not within the drainage path of that septic. We did relocate that well to provide over 200 feet.

Both lots meet zoning. They're served by on-site wells and septic. The soils are actually very good in there.

We're here to get comments and move this thing along.

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

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: As Charlie just mentioned, the well on lot 1 has been relocated. There is a remnant of the previous well that needs to be removed.

I spoke to the highway superintendent today. He gave me a call regarding the driveways. There's an existing driveway crossing lot 2 that apparently accesses an adjoining lot which has been closed off. At first I thought there was a little encroachment issue. The shared driveway has been relocated and is entirely on the Moroney lot, the adjoining lot. The highway superintendent believed that that was --

MR. BROWN: Done without permit.

MR. HINES: Yeah. It definitely was done without a permit. The highway superintendent was under the impression the Moroney house was actually the house on lot 2. It looks that way if you look at it. He's going to go out and take another look. I explained to him that the existing gravel driveway will be utilized for lot 2. He's going to confirm where

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

the access is for lot 1. He's generally okay with that. He'll fill us in later.

The plan has all the information required. The wells and septics meet the code. At this point I would recommend the Board issue a negative declaration and, if it's willing, to schedule a public hearing at the next available date.

CHAIRMAN EWASUTYN: Jerry Canfield, any comments?

MR. CANFIELD: Nothing.

MR. BROWN: I'd like to add, Pat, my client's daughter is going to build on lot 2 and he has no desire to bring his driveway off Anchor Drive. This plan is based upon what he wants to build and pretty much where he's going to locate the house. It's going to be very close to that location.

MR. HINES: I said that comment in anticipation of some participation at the public hearing. It may or may not occur, but --

MR. BROWN: This is now a Town road. It has been accepted by the Town.

CHAIRMAN EWASUTYN: Comments from Board

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

Members?

MR. GALLI: Nothing additional.

MR. BROWNE: Nothing more.

MR. MENNERICH: No comments.

MR. DOMINICK: No.

CHAIRMAN EWASUTYN: The motion before us this evening is to declare a negative declaration and set February 2nd for a public hearing.

MR. MENNERICH: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich and a second by Frank Galli. Roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. Motion carried.

MR. BROWN: Thank you.

MR. HINES: That public hearing notification will contain the adjoiner's notice

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

because this is actually the first time a
subdivision is before the Board. We'll just
include both notices.

MR. BROWN: Both in the same envelop?

MR. HINES: Yes.

MR. BROWN: Thank you.

(Time noted: 7:56 p.m.)

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 17th day of January 2017.

Michelle Conero

MICHELLE CONERO

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

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

----- X
In the Matter of

RIVERA LOT LINE CHANGE
(2016-20)

Countryman Lane
R-1 Zone
Section 4; Block 1; Lots 1.21, 2.14 & 96

----- X

LOT LINE CHANGE

Date: January 5, 2017
Time: 7:57 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
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: LAWRENCE MARSHALL

----- X

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

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

CHAIRMAN EWASUTYN: The third item of Board business this evening is the Rivera lot Line change on Countryman Lane. It's being represented by Larry Marshall.

MR. MARSHALL: Good evening. As stated, this is a lot line change between three existing tax parcels. It's a reapportionment of the lots, basically providing land to an existing house that is otherwise inaccessible by the current landowner, and that would be tax parcel 6-1-96.

There's the Gidneytown Creek and an associated wetlands that basically divides parcel 6-1-2.14. What the landowner would like to do is transfer that land to the existing house on Countryman Lane. While doing that, Mr. Rivera would like to also provide the potential for a formal turnaround on Countryman Lane. Due to the required location of that turnaround, that's actually right where Mr. Rivera's existing septic system is located. We have provided a design for a new septic system to be located on the transferred parcel. We've shown the design and provided the testing results for consideration.

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

Mr. Rivera is actively working with his attorney on the access and maintenance agreement for Countryman Lane. We will submit that to the Board and to Mike Donnelly as soon as it's received from them.

In Mr. Hines' comment letter he does reference the timing of the construction of the new septic system. It's the desire of the applicant to allow the existing septic system to remain in place as he does own all three parcels of land. We do fully understand -- I personally understand the challenges in that if this map were to be filed, that the parcel -- the septic system would be on two parcels of land. So the timing of that would be dictated by the Board.

MR. DONNELLY: Larry, I don't think we can allow that encroachment. As a matter of fact, one of our standard lot line change map notes is a certification that there are no encroachments that violate the Health Code. What we would have to require, and what I would propose to the Board, is the new septic system be completed before the map is signed and released for filing.

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

MR. MARSHALL: I fully understand that.

CHAIRMAN EWASUTYN: Any additional questions or comments? Pat Hines?

MR. HINES: Both our comments are a deferral to Mike Donnelly on the access and maintenance and the septic system which were just discussed and should be conditions of any approvals.

The notification letters were sent out and the timeframes have lapsed. There is no public hearing requirement for a lot line.

CHAIRMAN EWASUTYN: Mike, would you give us conditions of approval for the lot line change for Rivera?

MR. DONNELLY: The first condition is my sign off on the access and maintenance agreements. The second is the requirement that the septic system be installed before the map is signed and the map note saying that there are no known encroachments by virtue of the lot line change as to be added. The usual conditions regarding the one reproducible mylar. You must file the map with the Orange County Real Property Tax Service. The deed will need to convey the

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

piece of land from one to the other even though it's a deed by the owner to himself. We would like a copy of the map shown filed and a copy of the deed delivered to the Planning Board for it's records after that's accomplished.

CHAIRMAN EWASUTYN: Questions or comments from Board Members?

MR. GALLI: No additional.

MR. BROWNE: No.

MR. MENNERICH: No.

MR. DOMINICK: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: I'll move for a motion to grant the Rivera lot line change approval subject to the conditions presented in the resolution by Planning Board Attorney Mike Donnelly.

MR. DOMINICK: I'll make the motion.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Dave Dominick and a second by Ken Mennerich. Roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

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

RIVERA LOT LINE CHANGE

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Thank you, Larry. Good to see you.

MR. MARSHALL: Thank you very much.

(Time noted: 8:01 p.m.)

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 17th day of January 2017.

Michelle Conero

MICHELLE CONERO

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

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

----- X
In the Matter of

MATRIX
(2015-26)

Site Phasing/Building C.O. Issue/Discussion

----- X

BOARD BUSINESS

Date: January 5, 2017
Time: 8:02 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
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: KENNETH GRIFFIN

----- X

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

CHAIRMAN EWASUTYN: For the benefit

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

MATRIX

of saving some time for those who are here tonight, I'd like to start out with one of the items on Board Business, and that's Matrix, project number 15-26. This is in reference to a site phasing/building CO issue/discussion. It's being represented by Langan Engineering.

MR. GRIFFIN: Thank you for taking the time to hear us tonight. I'm Ken Griffin from Matrix Development. This is Chuck Utschig, our engineer from Langan.

As you all are aware, we're substantially along in the construction of the building for AmerisourceBergen that this Board approved last year. You might remember AmerisourceBergen will be occupying 55, 60 percent of the front of the building. We subsequently leased the rear of the building for Amscan, and we came in for a modified site plan for that.

At this point we've been working with your professionals throughout the past year to complete the project. AmerisourceBergen has a need to occupy toward the end of this month. We

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

believe we'll have most of the work completed. The paving is one particular challenge. There are a lot of things that need to be done. We've been working with the professionals, again, to complete things and work it out.

In particular, the reason for this discussion, what we'd like to do is to complete -- basically finish the building and the site exactly as it was approved. We're not looking to change what we're building. We'd just like to do it in two tranches for the purpose of the CO for AmerisourceBergen.

As you see on this plan, the red entrance road is substantially complete up to about here. Next week we'll be completing the rest of the area in red, which is really all AmerisourceBergen needs for their initial occupancy.

It's a strange situation because in most cases when a tenant needs a CO, the next day they're up and operating, shipping product. With AmerisourceBergen being a pharmaceutical, there's process for both the State and Federal Governments where they need a certificate of

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

occupancy in order to start that additional approval process. It takes some time before they can begin shipping product. So we'd really like to get that initial certificate of occupancy with some limited improvements, with a commitment to complete them obviously. We talked about posting a cash bond in the amount of 150 percent of the work that is to be completed as soon as the weather allows. So we expect we'll be able to complete the rest of the work early in the spring. If the winter is favorable, we'll get it done as soon as we can. We don't believe we're going to be able to get it done by the end of this month when they need to be in.

I guess the request is that we be allowed to work with the professionals to work out all the details to their satisfaction on what has to be completed in order to get a certificate of occupancy for the first tenant.

CHAIRMAN EWASUTYN: How do you propose doing that, working with the professionals? We're fine with it. I'm just asking you now. Do you leave here today and say you want to meet with them next week, would you prefer to say that

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

MATRIX

66

you'll wait until the 24th for a work session?
What works best for you?

MR. GRIFFIN: I think the former. We'd like to meet with the professionals as soon as they are available. We met recently. Yesterday Jerry Canfield met with a number of people from our office and we've furthered our ideas of exactly what we can complete and how we can complete it. We'd like to do it, you know, informally with the professionals to their satisfaction at their convenience.

CHAIRMAN EWASUTYN: Let's open it up for a discussion as to how you would like to have this managed, timing and such.

MR. CANFIELD: As we discussed in work session, I think Mike best put it, basically if our department receives the blessings of the Planning Board that they're acceptable to this, our department, the Code Compliance Department, has no issue or problem with proceeding like any other project that couldn't complete the work seasonally related. They've already discussed the cost estimates that need to be submitted. I would like to refer them to Pat's

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

MATRIX

67

office for review of accuracy. At that point the security to be deposited can be worked out and we can handle that.

I'm perfectly fine handling it that way with my department provided that the Board is okay with what's presented.

CHAIRMAN EWASUTYN: Mike Donnelly, you'll give us some general language for the records that we'll move on as a Board.

MR. DONNELLY: I don't know that it needs to be any particular level of formality. You've heard the discussion, you talked about it at work session and you are endorsing the concept as long as it's agreeable to Jerry's office, and to the Town Board, and Mark Taylor in terms of the security or whatever other representations they need to receive.

CHAIRMAN EWASUTYN: For a C of O?

MR. DONNELLY: Right.

MR. GALLI: The only question I have is, and I doubt -- they have a tenant that's hot to trot and ready to go. In the case that it's not completed Jerry, is there a mechanism in place to shut the place down?

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

MR. CANFIELD: What we had discussed also was a completion date to be mentioned. So it is not open ended. Also, which I plan to discuss with Pat as well when we see your cost estimates, is also prepping of the areas to be paved to still be accessible. Obviously we have a structure there and we want to maintain at least perimeter availability that we can drive in and drive out of there with an emergency vehicle if needed in the meantime.

MR. UTSCHIG: You're referring to the fire road around --

MR. CANFIELD: Yes.

MR. GRIFFIN: We have every intention of building a fire access road around. A stone access road.

MR. CANFIELD: Are you prepared at this point to explain to us to what degree the subbase will be completed?

MR. GRIFFIN: Well, it's our expectation that for AmerisourceBergen, again it would be completed in the front area to include all the parking that they need for this initial occupancy and on the west side up past the

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

MATRIX

69

drive-in ramp, the rest of the area. Beyond the fact that we'd have a stone fire road, I don't have specific information on how that would be done. Obviously there's piles of dirt all over the place that we need to get out of there. We'll have it satisfactory for life safety for whatever your requirements are. Obviously there's a lot of mud out there. It's a mess.

MR. DONNELLY: It's a term of art.

MR. CANFIELD: To say the least.

MR. GRIFFIN: It's an engineering term. We're going to be hauling out a lot of the wet material and bringing in stone underneath the areas that we'll pave.

MR. HINES: Just to clarify. I just want to -- when you say you're going to complete, I think there's a 35 parking spot area, there's curbs and stuff associated with that. You're not planning on doing that in the interim? You're not completing that parking lot per the plan at this point? Eventually you're going to.

MR. GRIFFIN: Our expectation is in the 30 -- the lot which is about 30 spots, that we do curbs and do the base course and stripe it.

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

MATRIX

70

We wouldn't do the top but it would be --

MR. HINES: That's fine. As long as you can get that in with the weather.

MR. GRIFFIN: The curbs are going to be tough. We're going to have to keep them heated. That's the plan right now.

MR. DONNELLY: Frank, back to your question. It may be that we should defer to the Town Board or Mark Taylor. In addition to or instead of the financial security, a contractual agreement where the applicant represents that their understanding that until that other work is completed, no further occupancy or business operations can be carried on in the building until there's a sign off on that. That's really an issue for Mark and the Town Board.

CHAIRMAN EWASUTYN: Okay. Then I'll poll the Board Members. Are we in support of assisting Matrix in getting occupancy as soon as possible?

MR. GALLI: Yes.

MR. BROWNE: Yes.

MR. MENNERICH: Yes.

MR. DOMINICK: Yes.

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

MATRIX

71

MR. WARD: Yes.

CHAIRMAN EWASUTYN: Yes.

Let the record show that the Planning
Board --

MR. GRIFFIN: Thank you very much.

CHAIRMAN EWASUTYN: -- is in favor of
supporting Matrix.

MR. GRIFFIN: We'll be in touch.

(Time noted: 8:10 p.m.)

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 17th day of January 2017.

Michelle Conero

MICHELLE CONERO

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

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

----- X
In the Matter of

DIXON SUBDIVISION
(2014-15)

Extension of Conditional Final Approval
until July 5, 2017

----- X

BOARD BUSINESS

Date: January 5, 2017
Time: 8:11 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
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

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

----- X

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

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

CHAIRMAN EWASUTYN: We'll just end with simple Board business.

We have a letter for an extension of the Dixon subdivision for six months, from tonight until the 5th of July.

MR. GALLI: So moved.

CHAIRMAN EWASUTYN: Motion from Frank Galli.

MR. WARD: Second.

CHAIRMAN EWASUTYN: Second from John Ward. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 8:11 p.m.)

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 17th day of January 2017.

Michelle Conero

MICHELLE CONERO

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

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

----- X
In the Matter of

-- REAPPOINTMENTS FOR THE PLANNING BOARD --
-- 2017 PLANNING BOARD MEETING DATES --
-- 2017 CONSULTANTS WORK SESSION DATES --

----- X

BOARD BUSINESS

Date: January 5, 2017
Time: 8:12 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
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

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

----- X

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

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

CHAIRMAN EWASUTYN: Cliff, I'll let you manage this reorganizational meeting aspect.

MR. BROWNE: At this point we're going to phase into the reorganizational portion of the meeting.

We have reappointments to make in the matter of Ken Mennerich for Vice Chair of the Planning Board; Michael Donnelly, Attorney for the Planning Board; McGoey, Hauser, Edsall, Patrick Hines, Engineers and Planners to the Planning Board; Karen Arent, KALA, Landscape Architect to the Planning Board; Ken Wersted, PE, Traffic Engineer to the Planning Board; Michael Musso, PE, Telecommunications Consultant to the Planning Board; and Michelle Conero, Stenographer.

With these potential reappointments, does anyone on the Board have any questions or concerns?

MR. GALLI: I just had a question on HDR. They didn't have any dollar amount in their contract.

MR. BROWNE: HDR is Michael Musso,

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

telecommunications.

MR. GALLI: Everybody else had a dollar amount. Did they get an increase this year, John?

CHAIRMAN EWASUTYN: I got the letter just as you have it. What he's saying is qualifications, materials have been previously submitted to you and the other Members of the Board. I think what he's saying here is that what we received in 2015 is currently the same that would be in place now.

MR. GALLI: I'll vote for him now if the amount is the same because he didn't say anything different. If he wants to go up, I'm not for that.

MR. DOMINICK: I think he also eluded to that in the first sentence. He says performing continuing consulting services. That's my impression.

MR. GALLI: Everybody else did that and put a dollar amount, increase, no increase. To leave it blank, I'm concerned with that.

CHAIRMAN EWASUTYN: I'll look through that. I have the 2015 file. I'll pull it out.

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

BOARD BUSINESS

MR. BROWNE: With that comment, HDR, Michael Musso, Consultant, assuming -- not assuming. With the provision that the details are the same as previously stated, that would also be approved in that manner.

All in favor of approving the reappointments?

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Thank you.

We also have the -- do we have to approve the meeting dates, John?

CHAIRMAN EWASUTYN: I think we should as a matter of record.

MR. BROWNE: We also have the 2017 Planning Board meeting dates handed out. We need to accept those as listed.

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: We have a motion by

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

BOARD BUSINESS

Frank Galli. A second by Ken Mennerich. I'll ask for a roll call vote.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: And lastly we have the 2017 consultants' work session dates. I'll ask to approve those as stated.

MR. MENNERICH: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: Motion by Ken Mennerich. Second by Frank Galli. I'll move for a roll call vote for approval.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: The last item of business, I'll move for a motion to close the Planning Board meeting of the 5th of January.

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

BOARD BUSINESS

MR. GALLI: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: Motion by Frank
Galli. Second by Dave Dominick. Roll call vote.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 8:15 p.m.)

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 17th day of January 2017.

Michelle Conero

MICHELLE CONERO