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

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In the Matter of

2011 REORGANIZATION

----- X

BOARD BUSINESS

Date: January 6, 2011
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
THOMAS P. FOGARTY
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
GERALD CANFIELD

----- X

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

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MR. BROWNE: Good evening and
welcome to the Town of Newburgh Planning
Board meeting of January 6, 2011.

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. FOGARTY: Here.

MR. WARD: Present.

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

MR. DONNELLY: Michael Donnelly,
Planning Board Attorney.

MS. CONERO: Michelle Conero,
Stenographer.

MR. CANFIELD: Jerry Canfield, Town of
Newburgh.

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

MR. COCKS: Bryant Cocks, Planning
Consultant.

MS. ARENT: Karen Arent, Landscape
Architectural Consultant.

MR. BROWNE: At this time I'll turn the
meeting over to John Ward.

MR. WARD: I'll ask you to please stand
to say the Pledge of Allegiance.

(Pledge of Allegiance.)

MR. WARD: If you have a cell phone,
please turn it off or on vibrate. Thank you.

MR. BROWNE: Thank you. At this time
I'll turn the meeting over to Frank Galli to
address the reorganizational portion of the
meeting.

MR. GALLI: Happy new year, everyone.
I just want to go over the 2011 Planning Board
reorganizational meeting.

At this time I'd like to open the
meeting for -- open the floor for nominations for
Chairperson -- for this coming year for Chairman
of the Planning Board. Any nominations?

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MR. MENNERICH: I'll nominate John Ewasutyn.

MR. GALLI: Do we have a second?

MR. FOGARTY: Second.

MR. GALLI: Roll call vote. John Ward?

MR. WARD: Aye.

MR. GALLI: Tom?

MR. FOGARTY: Aye.

MR. GALLI: Ken?

MR. MENNERICH: Aye.

MR. GALLI: Cliff?

MR. BROWNE: Aye.

MR. GALLI: Myself aye.

Congratulations, John. You're Chairman for another year.

At this time we do need a Vice Chairman also. I'll take motions off the floor for Vice Chairman.

MR. FOGARTY: I'd like to nominate Ken Mennerich.

MR. GALLI: Ken Mennerich.

CHAIRMAN EWASUTYN: I'll second the motion.

MR. GALLI: We have a second by John.

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Roll call vote starting with John Ward.

MR. WARD: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. GALLI: Aye. Motion carried.

Also, I don't think we need any motions for the rest of the appointments that we have on our list.

We have Mike Donnelly's Attorney firm for Attorney to the Planning Board.

We have McGoey, Hauser & Edsall Consulting Engineers, Consulting Engineers to the Planning Board.

We have BC Planning, LLC, Consultant Planners to the Planning Board.

Creighton, Manning Engineering, LLP is our Traffic Consultant to the Planning Board.

We have Karen Arent, Consultant Landscape Architect to the Planning Board.

HDR/LMS is our Telecommunications Consultant.

Michelle Conero is our Stenographer to the Planning Board.

1
2 Just to mention the need to adopt our
3 2011 Planning Board meeting schedule which is
4 attached. Everyone should have a copy of it. It
5 has all the meeting dates. And also adoption of
6 our 2011 consultants' workshop session meeting
7 schedule.

8 CHAIRMAN EWASUTYN: For the record,
9 I'll move for a motion to approve the names of
10 the firms that will be representing the Planning
11 Board, which is listed on our 2011 Planning Board
12 reorganizational meeting. The appointments are
13 numerically listed from two through number eight.
14 I'll move for that motion.

15 MR. WARD: So moved.

16 MR. GALLI: Second.

17 CHAIRMAN EWASUTYN: I have a motion by
18 John Ward. I have a second by Frank Galli. I'll
19 have a roll call vote.

20 MR. GALLI: Aye.

21 MR. BROWNE: Aye.

22 MR. MENNERICH: Aye.

23 MR. FOGARTY: Aye.

24 MR. WARD: Aye.

25 (Time noted: 7:07 p.m.)

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

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

DATED: January 23, 2011

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

----- X

In the Matter of

QUICK CHEK
(2010-04)

Route 9W across from Leslie Road
Section 25; Block 5; Lots 1 and 8
B Zone

----- X

ARCHITECTURAL REVIEW BOARD

Date: January 6, 2011
Time: 7:07 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
THOMAS P. FOGARTY
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: JEFFREY MARTEL

----- X

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QUICK CHEK

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MR. BROWNE: This evening our item of business is the Quick Chek on Route 9W across from Leslie Road. It's being represented by Jeff Martel.

MR. MARTEL: Yes.

MR. BROWNE: This is an ARB.

MR. MARTEL: Correct.

Good evening. Again, Jeffrey Martel from Bohler Engineering. The site plan application for preliminary approval received preliminary approval from the Planning Board a couple months ago.

Just as a quick update, I know it's the Architectural Review Board, but before I jump into that, this is a quick update in terms of our site plan approval. We're currently seeking DOT approval, septic approval, both Orange County as well as the State for our SPDES. We have a couple of conditions of our preliminary approval that we need to satisfy prior to filing the final site plan application, of course Architectural Review Board being one of them.

In terms of what we submitted in support of this, we submitted elevations of our

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QUICK CHEK

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building as well as some 3D simulation renderings that we prepared, essentially to show the site from the street frontages. Both views that we provided on the 11 by 17s are from Route 9W traveling in a southerly direction and northerly direction.

Just real briefly, I'm sure everybody recalls but the application, of course, is for Quick Chek with the fuel sales. As part of the review this Board did and suggestions we got as well as review of some of the design standards, we'll go into some detail, but of course we laid out the site with a side-by-side layout with the store and gas pumps being side by side as opposed to the normal gas station layout. I'm sure you'll recall the testimony and discussions we had as far as that site plan application.

In terms of the architecture of the building, essentially, as I stated, we did submit a rendering prepared by GK&A Architects showing the building. We did also bring building samples at the request of the Board. Two samples. Maybe I can put one up for your professionals as well as the Board itself.

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2 Of course we heard the message loud and
3 clear that often times the color printouts from
4 the computers aren't exact to the materials, so
5 essentially I'll be speaking to the various
6 materials, and the sample board will essentially
7 represent those various materials.

8 The building itself is designed with a
9 predominantly brick facade. The brick wraps all
10 four sides of the building. We essentially have,
11 in my opinion, what would be three front facades.
12 We have a facade, of course, facing 9W, and then
13 we have the northern and southern facades which
14 actually have front door entrances. We have that
15 front sort of treatment on three out of the four
16 facades. You'll see the rear facade is just
17 strictly the brick as far as that facade. Of
18 course it doesn't have the entrance, or the
19 signage, or the glass treatment as well as the
20 column type treatment that you'll see along the
21 other three facades.

22 Just to go through them briefly, the
23 west facade, which is image number 3 on this,
24 essentially represents the facade facing Route
25 9W.

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What you'll see here is obviously the roof treatment. You can see between the three different facades we have what's really essentially a mansard type treatment on top of the building there. It is a flat roof structure. Essentially the mansard is just an architectural treatment. It also serves to screen the HVAC equipment that's located on the roof itself. The building itself essentially has a flat line roof behind the mansard treatment.

You'll see there's some roof line treatments in terms of the signage areas which is located on three out of the four facades. Again going back to that western facade, there's actually no front door but we've treated it with some of those glass treatments, and some of the columns are a little bit discrete but you can kind of see the shadow in there, in the architectural rendering, to give it some sort of distinguishing qualities as opposed to just simply the same treatment across the entire facade.

In terms of the north and south, the north is the facade facing the gas pumps.

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2 There's also a front facade treatment. This also
3 actually does literally have the main entrance
4 for the Quick Chek. Predominantly customers will
5 be going in that entrance.

6 The south entrance also has a front
7 door, so to speak, that is a customer entrance.
8 Although that's opposite of the pumps, we'll
9 probably see a little bit less foot traffic going
10 in and out of that door.

11 In terms of the canopy, the canopy has
12 been designed in an attempt to compliment the
13 building in that the columns also have the brick
14 treatment as opposed to the tubular steel that
15 you see at most gas stations or fueling canopies.
16 The facade itself of the canopy is the green.
17 Obviously there's a corporate imaging as far as
18 Quick Chek, so they do have those two greens, the
19 darker green and, although subtle, there's a
20 slightly lighter colored green that essentially
21 wraps under the canopy. Between that and the
22 Quick Chek logo itself, it essentially represents
23 the corporate imaging. On top of that there's
24 again that mansard canopy approach. Instead of
25 having what would appear to be a normal canopy,

1 obviously it's about a three to four-foot facade,
2 this actually becomes almost about seven feet
3 between the shingle and the metal fascia to give
4 it more of a structured look as opposed to simply
5 the canopy.
6

7 In terms of the 3D elevations, it's
8 important -- there's another important site
9 feature that I believe came as a result of a lot
10 of discussions with your consultants in terms of
11 also adding a stonewall along the frontages of
12 the site in an effort to provide a design feature
13 between us and the -- between the road and the
14 parking lot in an effort to screen the cars,
15 things of that nature. So what you'll see here
16 is this is the view obviously if you're heading
17 north on 9W, the site being on your right. What
18 you're seeing in the background of course is the
19 two structures that I described, the building
20 being on the right of the image, the canopy being
21 on the left of the image. In the forefront
22 you'll see our landscape treatment as well as our
23 stone field walls which are essentially along the
24 frontage of 9W. So those are actually a stone as
25 opposed to the brick in an attempt to be kind of

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QUICK CHEK

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a natural wall as opposed to a retaining wall. It's actually not retaining anything, it's more of the farm kind of wall design treatment as opposed to any type of retaining wall. It's strictly just a decorative feature. What we've done, of course, is supplement it with landscaping, street trees as well as the shrub treatment to give the site some definition along the frontage, and then of course, you know, provide an aesthetic feature so the parking lot doesn't become really the main eye focus. It really takes it to the walls, in my opinion, and then to the structures beyond as opposed to the parking lot being the prominent feature visible from the road.

Just to close it out, this is essentially the same type of rendering of course, but now we're on Route 9W heading south looking at the site on our left, the canopy now being the more prominent structure. You'll see the matching roof line features as well as the matching columns to the building, as well as some of the -- the field wall has actually been lined or has been placed parallel to that internal

1 driveway to give it kind of a way to -- kind of
2 marry it into the site a little bit.

3
4 Another important feature is our
5 monument sign which we are proposing. There was
6 some discussion in terms of how we calculate the
7 area at the last meeting with the Planning Board.
8 We agreed to, I think, reduce that to make sure
9 there were no variances proposed, because I
10 believe both sides of the facade count as area.
11 So we'll modify that when we make our final
12 application. However, the point I wanted to make
13 is that the stonewall treatment has essentially
14 been carried over into the base of the monument
15 sign in an effort to kind of marry that into the
16 design. We think it compliments the stonewalls
17 as opposed to being another freestanding
18 structure that's kind of designed on its own.

19 You can also see some of the fences and
20 things of that nature on the site. We have
21 attempted to, you know, utilize, you know, fence
22 treatments as opposed to your chain link or
23 things of that nature. We are using wood style
24 fencing in an effort to keep the entire site
25 design consistent. The reason for some of those

1 fences on the walls, just as a refresher, is
2 there are some areas that the Army Corp did take
3 jurisdiction on in terms of wetlands, although
4 not a very highly valued wetland in my opinion
5 since it's mostly gravel and things left over
6 from the movie theater. Nonetheless, essentially
7 the northern portion of the site is off limits so
8 to speak. You'll see it on the plans. It's
9 delineated on the plans. We did get a line
10 verification from the Army Corp as part of our
11 design process.
12

13 So with that said, we think we've
14 implemented a lot of the design features from the
15 design standards, predominantly the side-by-side
16 layout, the landscape walls, some of the roof
17 treatments on the building. We do acknowledge
18 that not every item in that design standard has
19 been fully carried into this design. There are
20 some elements, of course, Quick Chek, that they
21 are looking to keep their corporate image. I'm
22 sure by now everybody has seen their facilities
23 in and around Orange and Ulster County. We
24 believe that this building has been designed
25 reducing a lot of the corporate image type

1
2 qualities. For example, if you go to New Windsor
3 and you look at that site design, you'll see a
4 lot more green awnings, you'll see really the
5 Quick Chek colors that doesn't have the shingled
6 roof treatments. But in general what you'll see
7 is a lot more green. That to them has a value
8 because that green becomes synonymous with the
9 Quick Chek brand. In this case we tried to limit
10 that to the extent practical we can without
11 completely abandoning the importance of that
12 image. The building, you'll see, really has very
13 little green. It has green on the sign.

14 Obviously the sign is the sign, it's part of the
15 trademark for Quick Chek. The only other green
16 you'll see is actually just in between the brick
17 and the shingle, you'll see a pretty small green
18 band. They put that on there to kind of accent
19 the sign and kind of tie it in from what Quick
20 Chek views as its corporate image. Other than
21 that, there really are no corporate type logo
22 colors, design features utilized on the building.

23 The sign. Again, we tried to marry
24 that in, the sign itself. Of course it has been
25 probably the most important in terms of a fuel

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QUICK CHEK

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sale operation in terms of getting -- attracting people in and out of the site with the pricing and of course logo. We did implement that stone base to try to design it in concert with the stone field walls throughout the site.

Again the canopy. We think we've added some elements that are not typical of a normal fuel sales. You're starting to see a little more, the brick columns and that type of treatment at some of the fuel sales. Quick Chek has gone to it and they've been pleased with how it looks.

We're happy to present this, obviously, before the Architectural Review Board, gain the comments we need. I'm not sure what the mechanism is, if we need some sort of approval or acknowledgement, obviously as part of our resubmission for final site plan approval back formally to the Planning Board.

CHAIRMAN EWASUTYN: Thank you.

I'll turn to Frank Galli for his comments.

MR. GALLI: I think the site plan is very attractive. I think it came out real nice.

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QUICK CHEK

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I really like the stonewalls with the fence in between.

One question I do have is on the screening of the rooftop units and stuff. I see a little, like you said, the fake roof, the side was going to cover that. Also I see like a box on top of the one building. Is that going to screen it also?

MR. MARTEL: Yeah. The other item we have, of course, is the noise. So there's two components of screening the HVAC. One is a visual component and the other is a noise component.

MR. GALLI: So that's the noise component?

MR. MARTEL: I don't think the exact units have been designed for this building yet. What we did want to show is typically you take that screen wall and put it two feet above the actual units. So if the unit is three-and-a-half feet, let's say, off the roof, you typically take, for purposes of screening the noise at this point, an additional two feet beyond that. So we did want to acknowledge that, that that was our

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QUICK CHEK

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intent, to put a screen wall around the HVAC equipment. It will likely go slightly above that roof line. The idea is to match the colors. We don't specifically have a sample of that. The idea is to find a color that matches and works with the building.

MR. GALLI: Is it going to be a special kind of material?

MR. MARTEL: Yeah. It's a pretty standard product that's out there. It's meant to attenuate the noise and soften that so essentially on the ground you don't hear the noise at all.

MR. GALLI: Thank you.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: Just to follow up on some of the comments that were made during the work session. My assumption is you do have a speck of that material, so that will be provided?

MR. MARTEL: We could certainly provide it. Correct.

MR. BROWNE: The reason being when the inspectors look at it, they know what's being put there is in fact what you provided us.

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QUICK CHEK

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MR. MARTEL: That makes sense. We can provide it, certainly.

MR. BROWNE: I think this would be a great improvement to that section. I think it's very nicely done.

The bollards you have in the front, what you show here is the lighter green which is the lighter green around the canopies. Is that going to be the same color?

MR. MARTEL: Yeah. What it is is -- we can change the color, truthfully. Quick Chek has gone to, as opposed to painting them, it's actually just a plastic sleeve that you buy and put it right on top of the metal bollard. They would prefer to do their green. We've also done black. Really any color is available. The black, in my opinion, does look good as well because you really just don't see it. But yeah, the color is variable.

MR. BROWNE: Is it the idea so people do see it so they don't go onto the curb?

MR. MARTEL: Yes.

CHAIRMAN EWASUTYN: That's a good point.

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QUICK CHEK

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MR. MARTEL: It's a valid point. It's there for safety first and foremost, obviously. Quick Chek, believe it or not, has about 120 stores. About once a year they have somebody go over the curb with a car. Our office does work with Wa-Wa, Cumberland Farms. For whatever reason -- people come in and out, for whatever reason, at convenient stores it seems to be a common thing. We do it for safety. It's not really an architectural feature.

MR. BROWNE: From my personal opinion, the color you're showing here matching that lighter green, I personally like. I don't know what the rest of the folks like.

MR. MARTEL: That's our preference, to match that same green, the Quick Chek green. Kind of that lime almost.

MR. GALLI: You definitely see that green.

MR. BROWNE: Not like the red one down in New Windsor.

MR. MARTEL: We completely eliminated the red out of the logo. It no longer needs to be red. In New Windsor they're red I think.

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QUICK CHEK

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MR. BROWNE: The treatment around the -- how would you call this thing, the protected area? That's a block.

MR. MARTEL: Well, what you're seeing, that block is actually probably about fifty feet or seventy feet inset into the site. What happens here is -- from working from the edge of the road back, what happens is there's a wall right underneath the fence that you really can't see because you're looking at it. It's almost tucked under that fence. What happens is the wetland wraps around. The wall, you can see, is actually inset into the site about 70 feet. That's the other side of the wall. Just to explain it, that view, if you can bear with me for a second, is actually taking a view that looks approximately like this. So if you take that, you look, there's a wall on the -- where that fence is, probably about twenty feet off the road it drops down into that wetlands which sits low. That view continues on and there's another small wall on the other side of the wetland. So what happens is the site is actually roughly even with the road where my finger is here. We're a

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QUICK CHEK

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little bit higher on the left side and a little bit lower on this side. There's a ten-foot drop across the road. From this view the site is about the same elevation.

The wetland. If you can picture that site now, you know where the gravel area sits about five or six feet lower than the road, that wetland will remain at that grade. The site is getting lifted up to be closer to elevation of grade and to avoid any excessive slopes in the parking lot. What you're looking at is a wall on either side of the wetland with the wetland being five feet lower. That is meant to be a block wall, again earth tone type color. That's essentially what you're looking at. What you can see now is actually this wall in that view is the wall on the far side of the wetland.

MR. BROWNE: The colors on the block, we don't have a sample of that. My assumption, and it's an assumption, and you can verify that that's going to be, how can I say, similar to the stone as far as --

MR. DONNELLY: They prefer green.

MR. MARTEL: We do but we didn't have

1
2 the nerve to ask for it. We -- yeah. The idea
3 is it would be close to that stone. We can
4 certainly provide cut sheets to your
5 professionals. There's a good eight colors that
6 from here to there you probably can't tell the
7 difference. They do make slight variations of
8 that block. There's about six or eight that are
9 in that brown/tan stone family that we can pick
10 from.

11 MR. BROWNE: As long as it's
12 complimentary.

13 MR. MARTEL: We're happy to make that
14 color itself subject to approval of whomever you
15 deem appropriate. I don't have it with me,
16 unfortunately.

17 MR. BROWNE: Thank you.

18 MR. MENNERICH: The sound enclosures,
19 assuming they'll be above the shingle line as
20 shown in the diagram, could they be of a color
21 that's compatible with the shingles and not
22 contrasting?

23 MR. MARTEL: Yeah. We can make them
24 really any color. I think they can be painted.
25 Again, we can provide the material sheet with the

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coloring. The idea is to literally make it as close to that shingle as possible.

MR. MENNERICH: That's good. I think this will be a great improvement to that site.

Thank you. That's all.

CHAIRMAN EWASUTYN: It's a stately looking building and canopy. It looks fine.

Tom?

MR. FOGARTY: I mean it is an attractive building. I was just wondering, I know there was a problem at one time with the square footage of the signage. I don't know if that's been addressed.

MR. MARTEL: Not formally. We worked it out behind the scenes. Essentially that problem was that we took the sign and we took it as, you know, one facade and said I think it's 79.6 square feet. I believe the interpretation by your zoning officials is that you have to add both sides, the northbound side and the southbound side. Of course we're right under the allowable signage for the total site. So we have essentially worked out a reduction in the overall sign package. We need to double count the ID

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2 sign as a monument sign, take that 80 square feet
3 and essentially reduce each sign a hair to keep
4 it under. So the number of signs, the location
5 of signs will stay the same. When we come back
6 in for final we'll update that chart to make sure
7 it's consistent with the comments we got from
8 your code official. Essentially you'll see a
9 reduction overall in signage by 80 square feet.
10 It comes out a little bit from each of the signs.

11 MR. FOGARTY: The only other question
12 Jeff, is this going to have any impact on any
13 neighbors? Is there enough so far as, you know,
14 sound and light barriers?

15 MR. MARTEL: I mean in my opinion -- I
16 mean from an engineering perspective -- we say
17 impact, it's such a broad thing. My engineering
18 opinion, we know there was some public out for
19 the preliminary, is no. The attenuated sound,
20 we've cut off light well within our site. We
21 have a ten-acre parcel that's a convenience store
22 and gas station. We have a significant grade
23 change I think in the like of forty plus feet
24 between us and our neighbors to the north. We've
25 kept the improvements centrally located. We've

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observed all of your buffer requirements in terms of the new design standards that came in three years ago, plus or minus, in terms of treating that. Essentially every property around us has been treated as a residential property as it is to the south and to the north. So in my opinion, no.

What we did agree to at the public hearing, I believe, was a fence to reduce cut off. When we talk about impact, people talk about people cutting through somebody's yard. I think -- I don't recall the names but the people to the south of us here were concerned about people coming from the neighborhood and cutting through, and we agreed to a fence. In my opinion I think we have employed the proper engineering and design techniques to reduce that impact to the greatest extent possible. Of course there's no activity today and there's going to be a Quick Chek. You know, it is twenty-four hours. We talked again at the meeting about that in terms of some of the security features and what have you. From an engineering perspective I think we've employed the proper design techniques to

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mitigate that to the greatest extent practical.

MR. FOGARTY: Thank you.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: You just covered what I was going to ask you about, the fencing and the south side and the west side, because the residents were concerned. If you could show us what type of fencing at the time.

MR. MARTEL: We certainly will. My intention is to -- I believe we agreed to a board-on-board fence. It's not going to have much of a screening benefit, but nonetheless the idea was to have a solid fence and something that wasn't easily climbed I think. A chain link. Board-on-board fences. It's challenging. So yeah, we can show that. We have about a half dozen conditions as it relates to the site plan. I think we have a good four or five stormwater management comments. Although you granted preliminary, we're down to about four or five items. The fence came up at the public hearing. You know, things of that nature. When we come in to present the final application, which is hopefully in the spring here, pretty soon, I'll

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2 certainly describe the four or five plan changes
3 that have resulted primarily between the public
4 hearing and the remaining comments from your
5 professionals.

6 MR. WARD: Is there any type of
7 landscaping buffer with it? Basically I remember
8 the neighbor talking about looking across, safety
9 wise was one and not being an eyesore type of
10 thing.

11 MR. MARTEL: Right. I know in the
12 winter -- it was discussed in the winter you
13 obviously can see right through. The difficult
14 part with landscaping, I think in concept if we
15 thought landscaping was going to benefit, if
16 somebody in the Board thinks so, we'll work on
17 that with your professionals. The issue is
18 they're so much higher than we are that planting
19 on the low side is -- is it going to be
20 effective? I don't know. We can put six or
21 eight-foot evergreen trees and likely they're
22 going to see right over them. In concept we're
23 agreeable to working with what we think is best,
24 you know.

25 MR. WARD: How about the south side?

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QUICK CHEK

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MR. MARTEL: The south side. I actually might have agreed to -- I have to go back to my notes. I think we might have agreed with the fence to put landscaping there. I think that's where we're a little more exposed. We can look at some additional plantings there with Karen.

MR. WARD: And the sidewalk?

MR. MARTEL: The sidewalk is on the plan. It's in our DOT plan sets as well with a small and very painful dedication process to go through DOT. Part of that is going to be inclusive of the sidewalk. We're essentially maintaining responsibility. We're going to build it, we're going to maintain it. We will construct it from north to south. The DOT sidewalk, I think it's got to be five feet wide, and we'll put in the ADA compliant ramps.

MR. WARD: At the property line I think they were talking about.

MR. MARTEL: I know this has been a discussion. You're talking about ending it at the property line?

MR. WARD: Yeah.

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QUICK CHEK

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MR. MARTEL: I know this Board and the DOT have talked about that in the past. We did have an e-mail chain -- a couple e-mails going back and forth. The DOT does not want to see it end into the road, they want to see it end into really the parking lot of the adjacent property. So that's what we're going to do. Again, we're going to give it an ADA compliant end treatment with the truncated domes and the ramps. Essentially it will go from the adjacent parking lot to the driveway, the existing driveway that's on our property, but we're granting an easement for our neighbor to the south. So it will go from really a walkable surface to a walkable surface north to south.

MR. WARD: And with the building and everything else, I think you did an excellent job with the accents.

MR. MARTEL: Thank you. I can't take credit. Probably most of the credit is your staff. Sure, I'll nod.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Jerry Canfield,
Code Compliance?

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QUICK CHEK

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MR. CANFIELD: One question on the canopy, the mansard. I thought you said it would be like five to six feet above the actual flat surface?

MR. MARTEL: Yeah.

MR. CANFIELD: My question is will that be enough to screen the fire suppression tanks?

MR. MARTEL: The fire suppression tanks are about -- from the surface to the top, definitely less than four feet. They're about three-and-a-half. Usually a normal canopy is three-and-a-half feet with the metal fascia. The intent is to screen it. A lot of times when you get a road with the sloping and stuff you can see it. We're essentially going to have a three-and-a-half foot fascia and a three-and-a-half foot mansard. We'll have about seven feet total. Between six and seven. Maybe it's three and three or three and-a-half and three-and-a-half. Those canisters for the fire suppression, definitely less than four feet. I think they're about three-and-a-half feet from the surface. And with this, with the roads, you know, never really being significantly higher than the

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QUICK CHEK

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canopy, you'll never get that really downward shot to see them. So I think they'll be effectively screened with that roof style.

MR. CANFIELD: That's all I have.

CHAIRMAN EWASUTYN: Pat Hines, Drainage Consultant?

MR. HINES: We have nothing on the architectural.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

MR. COCKS: I have no comments.

CHAIRMAN EWASUTYN: Karen Arent?

MS. ARENT: The only comments I have are to make sure everything that you're telling us tonight is communicated to the people building the building. If you can make sure to put the type of material and the color of this --

MR. MARTEL: Okay.

MS. ARENT: -- screening, make sure it's labeled on the drawing. And would you be able to write a note on the drawing saying that the canopy of the islands will screen the fire suppression units? Something like that.

MR. MARTEL: From the road?

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QUICK CHEK

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MS. ARENT: From the road.

MR. MARTEL: I feel very confident on that. Just to be a hundred percent crystal clear, these people sit forty feet above us.

MS. ARENT: I looked at that today and it's not that visible. The site is -- I mean it will be once it's built. The vegetation is very thick in that direction. I'm not worried about that direction. It's the south side where you're going to need to put some more landscaping. All the wooded area you're showing is really brush --

MR. MARTEL: Right.

MS. ARENT: -- all the way up to like the end of the leachfield. It's all basically brush, and there's hardly any trees. There's really no trees. So that area really needs to be addressed.

MR. MARTEL: Okay.

MS. ARENT: The other side is fairly thick, so --

MR. MARTEL: Okay. We'll work with your office on the south side, if I understand that correctly.

MS. ARENT: Correct.

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QUICK CHEK

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MR. MARTEL: And we will place a note that it will be visible from the south and from the roadway frontages for fire suppression items on the canopy.

MS. ARENT: I'm sorry. The fire suppression I think is most important from the roadway. I think just the site itself, if you could screen it from the south side.

MR. MARTEL: Okay.

MS. ARENT: That's it.

MR. MARTEL: Okay.

CHAIRMAN EWASUTYN: Mike Donnelly, I think we're at a point now in the meeting where we may be in a position to call for ARB approval subject to the final sign offs. Can you summarize it for us, please?

MR. DONNELLY: Sure. I think first we're going to need a sign-off letter from Karen, I'm volunteering her, that she has reviewed the material and cut sheets for the retaining wall and rooftop soundproofing units as to the materials and found them to be satisfactory.

I think we'll need to note that a satisfactory landscaping plan will have to be

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2 made a part of final site plan approval. That's
3 really the time when we're going to be able to
4 see that.

5 Beyond that, we'll have our standard
6 ARB conditions that say, in essence, no building
7 permit will be issued for construction that is
8 inconsistent with the architectural materials
9 that were submitted to and approved by the Board
10 tonight.

11 A condition that says that the ARB
12 approval allows construction of only what is
13 shown on the plans, that no additional
14 structures, amenities or fixtures may be erected
15 on the site that aren't shown on the site plan
16 and the ARB plan.

17 Because we are at the preliminary site
18 plan approval stage, I'm carrying forward, as we
19 did in the preliminary approval resolution, the
20 other agency approvals that will be required
21 before final site plan approval can be granted.

22 I note the requirement that financial
23 security for landscaping and stormwater
24 improvement as well as inspection fees will be
25 required before final approval can be granted.

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QUICK CHEK

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CHAIRMAN EWASUTYN: Mike, in addition to that, the approval of signage will come at a later time; correct?

MR. DONNELLY: Yes. That's a -- I'll make that note as well.

CHAIRMAN EWASUTYN: Comments from our Board Members.

MR. GALLI: No additional.

MR. BROWNE: Nothing more.

MR. FOGARTY: No comments.

CHAIRMAN EWASUTYN: John?

MR. WARD: No.

CHAIRMAN EWASUTYN: Consultants?

MR. CANFIELD: Nothing additional.

MR. HINES: Nothing.

MR. COCKS: Nothing.

MS. ARENT: I just realized that there's no materials at all -- there's no material chart or colors or anything listed on the drawings. We should make sure that everything -- you label everything. Just make sure -- these are really nice colors. We just want to make sure that they are labeled.

MR. MARTEL: Okay. I think they're on

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QUICK CHEK

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the black and white prints. I apologize. I'll e-mail them or send them to you --

MS. ARENT: That would be great.

MR. MARTEL: -- as a preliminary look and we can enhance them from there.

MS. ARENT: Thank you.

CHAIRMAN EWASUTYN: I'll move for a motion to approve ARB for the Quick Chek location subject to the conditions in the resolution that were presented by our Attorney, Mike Donnelly.

MR. WARD: So moved.

MR. FOGARTY: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward. I have a second by Tom Fogarty. Any discussion of the motion?

(No response.)

CHAIRMAN EWASUTYN: There being no discussion, I'll move for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

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QUICK CHEK

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CHAIRMAN EWASUTYN: Myself yes. So
carried.

MR. MARTEL: Thank you very much. I'll
see everybody hopefully in a couple months.

(Time noted: 7:37 p.m.)

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

I, Michelle Conero, a Shorthand
Reporter and Notary Public within and for
the State of New York, do hereby certify
that I recorded stenographically the
proceedings herein at the time and place
noted in the heading hereof, and that the
foregoing is an accurate and complete
transcript of same to the best of my
knowledge and belief.

DATED: January 23, 2011

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

----- X

In the Matter of

LONGVIEW FARMS
(2006-39)

Request for a Retroactive Extension of
Preliminary Approval

----- X

BOARD BUSINESS

Date: January 6, 2011
Time: 7:37 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
THOMAS P. FOGARTY
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
GERALD CANFIELD

----- X

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

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CHAIRMAN EWASUTYN: We have one item of Board business.

MR. BROWNE: Longview Farms, request for a retroactive extension of preliminary approval which will run from January 14, 2010 to January 14, 2011, and an extension of preliminary approval which will run from January 14, 2011 to June 14, 2011.

CHAIRMAN EWASUTYN: Mike, would you like to add to the request for Longview Farms?

MR. DONNELLY: As you remember when I gave you a letter a couple years back where we discussed the ins and outs of durations of approvals for site plan, preliminary and final as well as subdivision, although a final subdivision approval has a fixed duration after which it expires, a preliminary does not. In the language both of your code and the State law, it says that a planning board may revoke a subdivision approval if the applicant does not submit a final subdivision application within six months of the granting of preliminary approval. As I said to you, I think for that to expire you need to write the applicant a letter telling them they're

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2 beyond the six months and unless they appear you
3 will revoke it. That being the case and not
4 having happened here, I think it's appropriate
5 for you to grant this retroactive extension of
6 the preliminary approval. There's no legal reason
7 why you can not do so.

8 CHAIRMAN EWASUTYN: Discussion from
9 Board Members?

10 MR. GALLI: Nothing.

11 MR. MENNERICH: No.

12 MR. BROWNE: I was concerned with the
13 action. With Mr. Donnelly's review, I'm good.

14 CHAIRMAN EWASUTYN: We'll move for a
15 motion to grant the preliminary approval
16 extension for Longview Farms/Summer Kim
17 Corporation as stated in the letter received from
18 Tom DePuy's office of December 20, 2010, and that
19 extension will be granted to June 2011.

20 MR. GALLI: So moved.

21 MR. MENNERICH: Second.

22 CHAIRMAN EWASUTYN: I have a motion by
23 Frank Galli. I have a second by Ken Mennerich.
24 Any discussion of the motion?

25 (No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself.

I would like to take the time to congratulate everyone for your reappointment. I look forward to providing the Town with service in the year 2011.

One more time, our condolences to Tom Fogarty for the loss of his mother.

With that, I'll move for a motion to close the reorganizational meeting of June 6, 2011.

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli and a second by Ken Mennerich. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

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LONGVIEW FARMS

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MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So
carried.

(Time noted: 7:41 p.m.)

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

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

DATED: January 23, 2011