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

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In the Matter of

MAGYAR SERVICE CENTER/LOT LINE CHANGE
(2010-25)

5465 Route 9W
Section 9; Block 1; Lots 3 & 6
B Zone

----- X

PUBLIC HEARING
TWO-LOT SUBDIVISION

Date: January 20, 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
KENNETH MENNERICH
JOSEPH E. PROFACI
THOMAS P. FOGARTY

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

APPLICANT'S REPRESENTATIVE: FRANK VALDINA

----- X

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

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2 MR. PROFACI: Good evening, ladies and
3 gentlemen. Welcome to the Town of Newburgh
4 Planning Board meeting of January 20, 2011.

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

7 MR. GALLI: Present.

8 MR. MENNERICH: Present.

9 CHAIRMAN EWASUTYN: Present.

10 MR. PROFACI: Here.

11 MR. FOGARTY: Here.

12 MR. PROFACI: The Planning Board has
13 professional experts that provide reviews and
14 input on the business before us, including SEQRA
15 determinations as well as code and planning
16 details. I ask them to introduce themselves.

17 MR. DONNELLY: Michael Donnelly,
18 Planning Board Attorney.

19 MS. CONERO: Michelle Conero,
20 Stenographer.

21 MR. CANFIELD: Jerry Canfield, Town of
22 Newburgh.

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

25 MR. COCKS: Bryant Cocks, Planning

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Consultant.

MS. ARENT: Karen Arent, Landscape Architectural Consultant.

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

MR. PROFACI: Thank you. At this time I'll turn the meeting over to Tom Fogarty.

MR. FOGARTY: Would everyone please rise for the Pledge of Allegiance.

(Pledge of Allegiance.)

MR. FOGARTY: Would you please turn off your cell phones at this time.

MR. PROFACI: The first item on this evening's agenda is a public hearing. It is the Magyar Service Center/Lot Line Change located at 5465 Route 9W, Section 9; Block 1; Lots 3 and 6. It's located in the B Zone. It's a two-lot subdivision and lot line change being represented by Frank Valdina.

MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to Section 276 of the

1
2 Town Law on the application of Magyar Service
3 Center/Lot Line Change for a two-lot subdivision/
4 lot line change on premises 5465 Route 9W. Said
5 hearing will be held on the 20th day of January
6 2011 at the Town Hall Meeting Room, 1496 Route
7 300, Newburgh, New York at 7 p.m. at which time
8 all interested persons will be given an
9 opportunity to be heard. By order of the Town of
10 Newburgh Planning Board. John P. Ewasutyn,
11 Chairman, Planning Board Town of Newburgh. Dated
12 December 17, 2010."

13 MR. GALLI: The notice of hearing was
14 published in The Mid-Hudson Times on December
15 22nd and in The Sentinel on December 31st. The
16 applicant sent out ten notices, nine were
17 returned and one was undeliverable. All the
18 notices and publications are in order.

19 CHAIRMAN EWASUTYN: Mr. Valdina, would
20 you give your presentation.

21 Before we have Mr. Valdina give his
22 presentation, I'll have Mike Donnelly speak to
23 the audience as far as the purpose of a public
24 hearing.

25 MR. DONNELLY: There are two items on

1 the agenda this evening that have public
2 hearings. The purpose of a public hearing is for
3 you, the members of the public, to bring to the
4 attention of the Planning Board issues or
5 concerns that the Planning Board may not be aware
6 of, although these applications, at least two of
7 the three here tonight, have been here before.
8 Although the Planning Board has heard from its
9 consultants, there may be issues that you can
10 assist the Planning Board in learning about. The
11 progress will be that the applicant will give a
12 presentation describing the project. After that,
13 the Planning Board will ask those members of the
14 public who wish to speak, to indicate that by
15 raising your hand. When you're recognized by the
16 Chair, we'd ask you to step forward so we can all
17 hear you. If you would, please state your name,
18 spelling it for our Stenographer, and your
19 address so the Planning Board has an idea of
20 where you live in relation to the project. If
21 you have questions, please put them to the
22 Chairman and he will either direct those
23 questions, if appropriate, to one of the Town's
24 consultants or the applicant's professional.
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2 CHAIRMAN EWASUTYN: Thank you.

3 Mr. Valdina.

4 MR. VALDINA: Thank you. The project
5 being presented this evening is a lot line
6 change. The Magyars, on 9W opposite the Cedar
7 Hill Cemetery, own two parcels of land. The
8 northern parcel is vacant, they're storing
9 landscaping materials on there, and it is 2.3
10 acres in size. The southerly parcel, which is
11 2.35 acres in size, contains a convenience store,
12 the service station, and also has a truck rental
13 business and a landscaping business run out of
14 the structure.

15 The proposal is to shift the common
16 property line approximately 27.5 feet to the
17 south, transferring two-tenths of an acre of land
18 from the southerly parcel to the northerly
19 parcel.

20 Per the items raised by the consultants
21 on the prior submittal, the propane tank is 25
22 feet off the property line. That's shown on the
23 revised plan.

24 The front yard has been revised to
25 reflect the distance to the canopy at 60.2 feet.

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The SDS that was shown on the plan has also been removed.

CHAIRMAN EWASUTYN: Thank you. At this point is there anyone in the audience that has any questions or comments?

MS. CORKERY: You're not planning on building --

CHAIRMAN EWASUTYN: For the record, would you give your name and your address.

MS. CORKERY: Donna Corkery, 5463 Route 9W. I live in back.

Are you planning on building or are you just shifting the line?

MR. VALDINA: This proposal -- this plan is just shifting the line.

MS. CORKERY: Are you planning on building at all?

MR. VALDINA: In the future.

MS. CORKERY: What are you --

MR. VALDINA: That's not part of this project.

MS. CORKERY: Okay. Do you know what you're planning on building in the future?

MR. VALDINA: There are plans, yes.

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MS. CORKERY: Can we know what you plan on building?

MR. VALDINA: We plan on putting a small structure on this -- a sixty-by-sixty structure to house the truck rental and the landscaping business. Relocate that from here to here. We don't have a layout for that on this.

MS. CORKERY: But you plan on putting a building to house the landscaping equipment or the trucks?

MR. VALDINA: To house the truck rental business and the landscaping business. To move those from this site to the northerly site under another project which will have to come before the Board for their comments and approval.

MS. CORKERY: That's more equipment, more trucks is what you're saying?

MR. VALDINA: I can't say more.

MS. CORKERY: So if we want to voice our concerns with a new building going up, that would have to be when you present the building going up; correct?

CHAIRMAN EWASUTYN: The application before us tonight is just for the lot line

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change. That's what is under review and for approval.

MS. CORKERY: We can't bring up the concerns then.

MR. KEENE: Mr. Chairman, my name is Michael Keene, I live at 6 Pavilion Drive.

My concern here tonight was that that would not infringe on our property. That was my main concern here this evening, Mr. Chairman.

CHAIRMAN EWASUTYN: We have a letter that we received from Mr. Keene that everyone got a copy of.

Ken Mennerich, I'll ask you to read the letter for the record.

MR. MENNERICH: To John P. Ewasutyn from Michael Keene regarding Magyar Service Center/Lot Line Change/Two-Lot Subdivision dated January 17, 2011. "Enclosed please find a copy of our subdivision map that we would like you to review prior to Magyar's Planning Board meeting on Thursday, January 20, 2011 for reassurance that our property line would not be affected. Our surveyor, Patti Brooks, has also e-mailed a copy to Patrick Hines at McGoey, Hauser & Edsall

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2 and asked him to check the boundaries with the
3 Magyar's map. I plan on attending the above
4 meeting on Thursday, January 20th. Respectively
5 yours, Michael Keene."

6 CHAIRMAN EWASUTYN: As Mr. Donnelly had
7 said earlier in the meeting, the purpose of a
8 public hearing is to receive comments from the
9 public, and we would have either our consultants
10 address those comments or the applicant's
11 representative. In this case we'll ask Frank
12 Valdina to address the concerns of Mr. Keene.

13 MR. VALDINA: Thank you. When this
14 property was surveyed it was working in
15 conjunction with the survey that had been done by
16 Patti Brooks to the west. In fact, some of the
17 baseline points were utilized to make sure the
18 two mesh. If you'll note on your plan and this
19 plan, the bearing or the direction of this line
20 are identical. This is one continuous line from
21 the south -- what will be the southwest corner of
22 this property to the northwest corner. It's one
23 continuous line. We did locate an iron pipe that
24 was found here. There was another one found in
25 the back corner of this first lot. There was

1
2 also a pipe found a little further north. They
3 all are in line. This does not impact your
4 property. We're only shifting the line between
5 the two adjoining lots.

6 MR. KEENE: Mr. Chairman, I would like
7 to thank you and the Board for clearing this
8 matter up. Thank you very much.

9 CHAIRMAN EWASUTYN: Thank you.

10 MR. HINES: Just to clarify that. It's
11 the other way around. Patti Brooks asked me
12 about the lot line and I photocopied a piece of
13 that and sent it to her to check. She's a
14 surveyor, I'm not.

15 MR. KEENE: Thank you very much.

16 MR. CANFIELD: If I may also, just for
17 the benefit of the Corkerys and Mr. Keene here.
18 Whatever building at a future point that's put up
19 on the property, there is zoning that requires
20 certain distances. In this particular case, this
21 is a B Zone, and the rear yard setback, which
22 would be the rear property which borders Mr.
23 Keene's, the building can't be any more than
24 thirty feet from the property line. Just so you
25 can anticipate.

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MR. KEENE: Thank you.

MS. CORKERY: Thirty feet. Our two houses were here for a long time before they put those gas pumps in on that side nine years ago. We never got a letter to come to agree to those gas pumps to begin with.

MR. CANFIELD: Because it probably didn't come before this Board. It wasn't a public hearing, that's why you didn't.

MS. CORKERY: Don't they have to do that if they're putting in --

MR. CANFIELD: No.

CHAIRMAN EWASUTYN: Any additional comments from the public at this point? The gentleman in the back.

MR. HUGHES: Hi. My name is Hughes, I live in Middlehope. What are you going to do with the water there? These subdivisions in this particular area, there is Town water that's available. Recently another subdivision went in that was on a private road that has public water on it and they chose to do a well, saying that the pipe that was put in wasn't big enough. I wanted to know how that occurred and if this

1
2 Board gets any information so that that doesn't
3 happen again. If you're going to do subdivisions
4 and you're going to make them close by there, put
5 the water down the road so that there's a big
6 enough pipe that can handle it.

7 Does anybody have any comments on the
8 water situation on this particular project or any
9 of the projects surrounding it?

10 CHAIRMAN EWASUTYN: Frank, do you need
11 water with your lot line change?

12 MR. VALDINA: Not with the lot line
13 change. For the next project, that will be
14 addressed with the site plan.

15 MR. HUGHES: I know you don't need it
16 for a lot line change. You're intending on
17 putting a building up. Are you going to take
18 into consideration public water is available?

19 MR. VALDINA: That is being considered,
20 yes. It will be connected to public water.

21 MR. HUGHES: I see. And there's no
22 sewer in that part of Town and there's not real
23 good soil in that part of the world. There is a
24 very historic stream that runs through there. I
25 don't know if the consultants get this or the

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Board gets it or neither one of you get it. Something is going on in that area where if you can provide public water you should do so. It says so in our comprehensive plan. I'm also a member of the Zoning Board in this municipality and we've had recently two applications come before us and the water was a problem. I would like you to take a better look at these things in the future for planning.

CHAIRMAN EWASUTYN: Any additional comments from the public?

MR. HUGHES: I don't know if I had my question answered. Does anybody know about why this goes on in that particular quadrant of the Town with the water?

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: I can jump in here. I believe you're referring to the former Magyar subdivision off a private road across the street from this site.

MR. HUGHES: There are a bunch of them around.

MR. HINES: That's the most recent one that I'm aware of. That is located on a private

1 road that has a private service lateral in that
2 road servicing an existing house. It would not
3 be technically wise to connect multiple houses to
4 a service lateral, if it was over three hundred
5 feet long, to service the existing house. There
6 is a distance in the Public Health Law from a
7 potable water line system that after that you can
8 put in a well, and that was much more than, I
9 believe it's three hundred feet. That was beyond
10 that limit. So a well would have been
11 appropriate in that location.

12
13 MR. HUGHES: Thank you for answering
14 that. What about going in the other direction.
15 Is there another option that can be picked to put
16 a stub in there that's sufficient to serve more
17 than one building? It seems a very unbelievable
18 expense for one house. If you're going to do
19 that in an area where there are subdivided lots,
20 shouldn't we have the foresight to make it what
21 it should be now instead of doing it twice?

22 MR. HINES: I don't know how to answer
23 that hypothetical question.

24 MR. HUGHES: Well, commonsense I guess
25 is what dictates.

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2 MR. HINES: Commonsense and that Public
3 Health Law, that three hundred foot limit.
4 Someone determined the expense. Also you have
5 flow and pressure issues with small diameter
6 lines running that distance.

7 MR. HUGHES: I'm not suggesting you
8 stay with the small line. That's what created
9 the problem to begin with. Had there been a
10 substantial line, you may have been able to serve
11 three or four houses.

12 MR. HINES: That wasn't the case in the
13 subdivision we recently were looking at. It was
14 a one-inch service lateral serving a single-
15 family house.

16 MR. CANFIELD: Just one other thing,
17 Ron. I don't know if you're aware that in this
18 portion of 9W the water -- there's an eight-inch
19 water main but it's on the east side of 9W.
20 Unlike further south on 9W where there's a water
21 main on each side of the road, at the northern
22 end it's only on the east side. It goes up and
23 down River Road.

24 MR. HUGHES: Thank you, Jerry.

25 CHAIRMAN EWASUTYN: Any additional?

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MR. HUGHES: I have nothing else.

CHAIRMAN EWASUTYN: Excuse me?

MR. HUGHES: I have nothing else.

Thank you.

CHAIRMAN EWASUTYN: Any additional
comments from the public?

(No response.)

CHAIRMAN EWASUTYN: At this point we'll
turn to our consultants. Jerry Canfield?

MR. CANFIELD: The last time this
application was here we had a question, actually
it was one of Pat's comments, with respect to the
existing propane tank and its proximity to the
new property line. It was clarified and the size
of the tank was presented by the applicant's
representative, Frank Valdina. The separation
was twenty-five feet, and he does have that from
the tank to the property line. That issue has
been corrected.

CHAIRMAN EWASUTYN: Thank you.

MR. CANFIELD: That's all I have.

CHAIRMAN EWASUTYN: Pat Hines, Drainage
Consultant?

MR. HINES: That was my only other

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comment.

The septic system area for the adjoining lot has been removed, so we have no further comments on this.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

MR. COCKS: I had two outstanding comments that Mr. Valdina addressed in the next submission.

The lot is going to be shown as a corner lot and the front yard setback is going to be shown to the canopy and not the building.

The Planning Board also has to decide on waving the subdivision regulation requirement for two-foot contours on the plan if they feel as though it's not necessary for this review.

CHAIRMAN EWASUTYN: Thank you.

I'll move for a motion from the Board to waive the requirements for a topo for the two-lot/lot line change that's before us this evening.

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by

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Frank Galli. I have a second by Ken Mennerich.
Any discussion of the motion?

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.
Any additional comments from the
public?

(No response.)

CHAIRMAN EWASUTYN: Okay. At this
point I'll move for a motion to close the public
hearing for the Magyar Service Center/Lot Line
Change for a two-lot subdivision.

MR. FOGARTY: So moved.

MR. PROFACI: Second.

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

(No response.)

CHAIRMAN EWASUTYN: I'll move for a

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roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: And myself yes. So carried.

I'll ask Mike Donnelly to present to the Board the conditions of approval in the resolution for the Magyar Service Center two-lot subdivision.

MR. DONNELLY: The resolution will be for both preliminary and final subdivision approval. I will include in the Findings section the waiver of the two-foot contour topographic information that you just voted upon. There are two conditions that will need to be satisfied, one is a sign-off letter from Bryant Cocks on the items in his memorandum that he just noted. The second is approval by the New York State Department of Transportation for the proposed driveway access for the new lot. That will have to be obtained before the plan is signed. There are no financial security requirements for this.

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CHAIRMAN EWASUTYN: Frank, did you want to say something?

MR. VALDINA: The proposed access will be in conjunction with the site plan. I think DOT approval would be -- we haven't shown any access.

MR. DONNELLY: But we wouldn't allow you to create a lot without one. It could be a concept approval. You don't need a work permit.

MR. VALDINA: Well, it would be contingent upon the -- prior to the construction of the driveway.

MR. DONNELLY: If Pat tells the Board that there's no possibility that the movement of the lot line would interfere with the ability to create access to the lot -- let me put it another way. Imagine another subdivision that by virtue of moving the lot line you remove the sight distance necessary to have an entrance. We would normally have that looked at ahead of time. Given the small nature of what's here, if Pat is comfortable with that, then I have no problem with it.

MR. HINES: I am comfortable with that. I see no access issue.

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MR. DONNELLY: I'll remove that condition.

CHAIRMAN EWASUTYN: For the record then, would you restate the conditions in the resolution?

MR. DONNELLY: It will be a single condition, a sign-off letter from Bryant Cocks of the outstanding items in his memo.

CHAIRMAN EWASUTYN: Any questions from the Board Members as far as the final resolution that was presented by Mike Donnelly?

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: There being no questions, I'll move for a motion to grant final approval for the Magyar two-lot subdivision subject to the condition that was presented by Mike Donnelly in the resolution.

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by Ken Mennerich. Is there any discussion of the motion?

(No response.)

CHAIRMAN EWASUTYN: There being no

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discussion, I'll move for a roll call vote
starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: Myself. So
carried.

Thank you, Mr. Keene. I look forward to
seeing you during the review of the site plan.

MR. KEENE: Thank you, Mr. Chairman.

(Time noted: 7:26 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: February 9, 2011

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

----- X

In the Matter of

SANTA MONICA HOLDINGS
(2010-03)

5266 Route 9W
Section 20; Block 2; Lot 30.21
B Zone

----- X

PUBLIC HEARING
ARCHITECTURAL REVIEW & SITE PLAN

Date: January 20, 2011
Time: 7:26 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
KENNETH MENNERICH
JOSEPH E. PROFACI
THOMAS P. FOGARTY

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

APPLICANT'S REPRESENTATIVE: JOSEPH MINUTA and
JOHN CAPPELLO

----- X

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

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2 MR. PROFACI: The next item on
3 tonight's agenda is also a public hearing, and
4 ARB, and site plan review for Santa Monica
5 Holdings at 5266 Route 9W, Section 20; Block 2;
6 Lot 30.21, located in the B Zone and represented
7 by Joseph Minuta.

8 MR. MENNERICH: "Notice of hearing,
9 Town of Newburgh Planning Board. Please take
10 notice that the Planning Board of the Town of
11 Newburgh, Orange County, New York will hold a
12 public hearing pursuant to the Municipal Code of
13 the Town of Newburgh, Chapter 185-57 Section K,
14 on the application of Santa Monica Holdings, Town
15 project number 2010-3, for a site plan. The
16 project site is located on 5266 New York State
17 Route 9W in the Town of Newburgh, designated on
18 Town tax map as Section 20; Block 2; Lot 30.21.
19 The public hearing will be held on the 20th day
20 of January 2011 at the Town of Newburgh Town
21 Hall, 1496 Route 300, Newburgh, New York at 7
22 p.m. at which time all interested persons will be
23 given an opportunity to be heard regarding the
24 site plan. By order of the Planning Board of the
25 Town of Newburgh. John P. Ewasutyn, Chairman,

1
2 Planning Board Town of Newburgh. Dated December
3 17, 2010."

4 MR. GALLI: The notice of hearing was
5 published in The Mid-Hudson Times on December
6 22nd, in The Sentinel on December 31st. The
7 applicant sent out twenty letters, fifteen were
8 returned, five didn't come back. All the notices
9 and the hearing letters are in order.

10 CHAIRMAN EWASUTYN: Thank you.

11 At this point I'll turn the meeting
12 over to Joe Minuta and John Cappello.

13 MR. CAPPELLO: My name is John
14 Cappello, I'm an attorney with Jacobowitz &
15 Gubits. I'm here representing the applicant along
16 with Joe Minuta, the project architect; and Peter
17 Romano, the project engineer; and Keith
18 Slifstein, the principal from Santa Monica
19 Holdings, the applicant.

20 We've been before the Board on this
21 project for about eight months now I believe.
22 Once again, it's located on the southeast side of
23 New York State Route 9W, adjoining Devito Drive
24 on the south side.

25 What the application entails is taking

1
2 the existing use on the site, building a new
3 6,000 plus square foot building with a 4,000
4 square foot footprint to house the existing use.
5 The existing 1,800 square foot building will be
6 renovated and improved to match the architectural
7 character of the new building and will, hopefully
8 at a future date, be used for a commercial or
9 retail use.

10 We're here -- I don't know if anyone
11 from the public is here on this application.
12 We're prepared to, you know, run through and give
13 an overview, more detailed, if the Board would
14 like. If there is no one from the public here on
15 this particular application, we can go right into
16 the revisions we made to the plans to address the
17 Planning Board's and consultants' concerns raised
18 at the last meeting. So I don't know --

19 CHAIRMAN EWASUTYN: Is there anyone
20 here who wants an update on the project?

21 (No response.)

22 CHAIRMAN EWASUTYN: Okay. Why don't
23 you then begin where we left off with the
24 revisions and what areas we're discussing.

25 MR. CAPPELLO: Okay. As you recall, at

1
2 the last meeting the issues were regarding
3 reconfiguring the parking areas to increase the
4 amount of landscaping and also to increase the
5 area where the stonewall would be located along
6 Devito Drive and along the larger portion of 9W,
7 and also to increase the buffer along Route 9W
8 and along the edge. We met with the consultants
9 after the meeting -- after the Planning Board's
10 meeting in December, went through the changes and
11 resubmitted the plans. With that I really will
12 give it over to Joe to talk about the details of
13 the changes we had made and submitted in response
14 to those comments.

15 MR. MINUTA: Thank you, Mr. Chairman,
16 Board. Joseph Minuta. With respect to what John
17 was just speaking about, I'd like to start from
18 the corner of the site and move downward.

19 We were able to move the existing
20 parking that we were proposing here, move it
21 back. That then shifted the parking to the area
22 where we had the curb cuts that are being
23 enclosed. It's a net zero benefit of the entire
24 site. We were able to gain a lot more green area
25 in the front.

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2 We expanded -- we moved the wall back
3 and expanded the wall for approximately sixty
4 feet. We set it back from the curb just so that
5 we have some room for plowing and things of that
6 nature. We provided a landscaped island against
7 the wall which will provide a nice buffer and
8 background.

9 The corner remains landscaped. There
10 are some lighting -- bollard lights along here
11 for landscaping. The remainder of this will
12 remain grass. So that's pretty much the corner
13 that's been pushed back.

14 I'll bring you down to the further
15 portion of the map. It may be beneficial for me
16 to flip to the smaller version so you get an
17 overview of the site. That's this corner we just
18 spoke about. This whole section was actually
19 pushed back. So what happened, we took this and
20 brought it through this way. By doing that we
21 were able to gain a few feet between the curbing
22 and the parking lot itself. As we go down the
23 site we have a large section of green area here.
24 We increased that green area here, and then it
25 narrows back down here because we really have no

1
2 other means to provide the parking than where
3 existing curb is. We looked at moving the curb
4 back. That would place the curbing squarely over
5 what is indicated as the gas line. So we felt it
6 in the best interest of the project to keep it
7 where it remains and simply create the area here.
8 Or offset rather. What that also did, at a
9 benefit, is it provides for some traffic calming
10 on the site.

11 This is the enlarged version of the
12 plan. By doing that we were also able to gain a
13 few more landscape trees and islands in these
14 locations on this portion as well. So it's one,
15 two, three, four here.

16 Let's see here. We continued the wall.
17 There's another wall. We book ended the site, if
18 will you, as beginning and end, to where the site
19 begins and ends for the stonewall. There's a
20 weeping cherry tree that we thought might be of
21 architectural aesthetic value here, a landscape
22 element. If you'd like us to modify that. I did
23 note Karen's comments. There's really no issue
24 there.

25 To the extent of that, we also

1 addressed the site lighting. That was a question
2 the last time around. We had designed that to be
3 twenty-foot above finished grade. We looked at
4 that. By lowering them four feet it actually
5 created hot spots on the site. So you'd have a
6 ripple effect, if you will, of lighting. Having
7 it at the twenty-foot height gave us a better
8 disbursement of light. That's pretty much what
9 we were able to accomplish with the lighting.
10

11 In sum, that's pretty much all the
12 changes.

13 We did discuss -- for this section here
14 we provided a detail of the landscape buffer.
15 There's twelve feet there. During our meeting we
16 had discussed the potential sidewalk there. The
17 thinking behind that was to shift the sidewalk
18 forward, to shift the sidewalk back. In any of
19 those scenarios, because we have twelve feet
20 there, the sidewalk will be roughly five feet,
21 that it doesn't leave much room for girth of area
22 to foster growth of the plants. So we felt it in
23 the best interest to keep that a nice lush area
24 along there which would surely buffer. So that
25 actually creates a tiered effect, both on this

1
2 side of 9W and also the parking area. So it's a
3 nice, continuous, symmetrical effect.

4 Any other questions, I'd be happy to --

5 MR. CAPPELLO: I would add, the
6 sidewalk will be also discussed at the meeting
7 and would think -- we understand the Board's
8 concern in the future to connect and potentially
9 have a sidewalk on 9W, and we would not object to
10 putting a note on the plan, or other method to
11 the Board's satisfaction, that would express the
12 applicant's commitment to admit that he would be
13 benefited by the creation of a sidewalk district
14 and participate in that sidewalk district if and
15 when the Town determined that there were places
16 to connect. What would that do? That would give
17 the Town the ability to go in, do the work,
18 create the district and charge back the applicant
19 at municipal prices. Even more so, it would
20 likely, at the time that the Town was ready to do
21 that, be in the applicant's and property owner's
22 interest to go ahead and put it in themselves
23 because they probably could, you know,
24 potentially do it cheaper. So I think it would be
25 a good method to protect the Town that you would

1 have this reserved -- the knowledge that you can
2 put a sidewalk in there when it would be used but
3 in the meantime have a more extensive landscaped
4 and more aesthetically pleasing project until
5 such time that the sidewalk is needed. As Joe
6 said, if we put it straight up against 9W, you
7 know, you have traffic on 9W, it's fairly heavily
8 traveled. In our discussions with DOT they would
9 like to see it split with the buffer, as most
10 village sidewalks are, where you have the
11 sidewalk and you have the green space between the
12 sidewalk and the road to give a little bit of a
13 buffer for cars traveling there. So if we did it
14 to the DOT specs, we'd be going straight through
15 the middle of that twelve-foot buffer area and it
16 would, you know, substantially disturb that. So
17 if it's needed, you know, we have the ability and
18 would reserve the area and go in at that time.
19 We think it would be better and also allow the
20 applicant to budget and not have to go through a
21 large expense now, and to provide you with a more
22 aesthetically pleasing site, and you would still
23 have the commitment and knowledge that when it's
24 usable you would have the power to make sure it's
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installed.

CHAIRMAN EWASUTYN: Comments from Board Members for the site plan overall, and even in reference to the sidewalks?

MR. GALLI: The site plan overall I think I'm okay with. As far as the sidewalk district, the first thing is I don't know of any towns that have a sidewalk district. I don't think you'll see the Town of Newburgh have a sidewalk district. I'll be dead before they ever do that. So that wording there, I mean to me that's just beating around the bush to get out of what we really want to accomplish for the sidewalk part of it. If you've been around the Town long enough, the Town isn't going to build any sidewalks for a sidewalk district. That's the only comment I have.

CHAIRMAN EWASUTYN: Ken Mennerich, the sidewalk, the overall site plan, any comments?

MR. MENNERICH: The comment on the overall site plan is I think it's a big improvement and took into account the comments that were made in the previous Planning Board session. I'm glad to see that.

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The sidewalk I don't have a strong opinion on.

CHAIRMAN EWASUTYN: Okay. Joe Profaci?

MR. PROFACI: I'll kind of echo what Ken just said. Certainly a major improvement on the site plan.

I also don't have a strong opinion on the sidewalk. I could go either way on it at this point. I like the effect of what was produced here in the entrance. I'm okay with that.

CHAIRMAN EWASUTYN: Tom Fogarty?

MR. FOGARTY: The changes are fine. I just have a question. By moving that parking lot over, does that have more of an impact on the wetlands? There's a wetlands section where that parking lot is.

MR. ROMANO: There is a wetlands section. That's one of the primary reasons why we couldn't push the lower part of the parking area over, because we would be in some of the wetlands. We shifted what we could over as far as we could in order not to accommodate the stormwater retention area and also not to infringe on the wetlands. We pushed it as far as

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we could without I guess impacting any of those.

MR. HINES: That's also why they added the wall on the lower right-hand side, was to accommodate that grading for the parking lot without impacting the wetlands.

MR. FOGARTY: The other question, could you just explain a little bit about the septic? Are both buildings going to be serviced by one septic?

MR. ROMANO: No. Currently for the existing building there's an existing septic field which is to the south here. That will remain and that will service this building. The new septic system for this building is actually in back of the building here. But that's only going to be for the proposed building. That's it.

MR. FOGARTY: Thanks. As far as the sidewalk, I just think it would be easier to put it in when you're under construction rather than having something put in later. I don't know how the other Board Members -- as long as that sidewalk is going to be hooked into something else, I can see a value. If it's just a stand-

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alone sidewalk, I don't see any value in it right now.

CHAIRMAN EWASUTYN: Remembering that this is a public hearing also, I apologize for starting with the Board Members, is there anyone in the audience here tonight who has any questions or comments?

(No response.)

CHAIRMAN EWASUTYN: Okay. At this point I'll turn to our consultants and advisory staff. Jerry Canfield?

MR. CANFIELD: I have nothing outstanding on the site plan.

CHAIRMAN EWASUTYN: Pat Hines, Drainage Consultant?

MR. HINES: We have a couple clean-up items. The potable water and fire flow split needs the valve moved so that when the fire flow water is turned off, the potable water is also turned off. That's a change in the Town of Newburgh requirement.

The highway superintendent sign off on the Devito Drive access.

That kind of circuitous curb you have

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there around the catch basin, we'll need him looking at that and approving that.

The DEC and Health Department approval for the sanitary sewer disposal system, the new one. They may look at both because the flow on the site is greater than 1,000 gallons.

Those are the only outstanding issues we have. The applicant and their consultants worked well with the Board's consultants with making the changes.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

MR. COCKS: I have no further comments. The applicant addressed all of my previous comments from the last meeting.

I just wanted to discuss the lighting on the site real quick. The applicant is showing twenty-foot lights and I think there's five fixtures in the bottom parking lot down there.

MR. MINUTA: With respect to the southern portion of the parking lot, you're looking for where?

MR. COCKS: I think there were five light poles that were going to be installed

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there.

MR. MINUTA: That sounds roughly correct. I'd have to count them. Yes. Yes.

MR. COCKS: And how many more light fixtures would be needed if they were lowered to sixteen feet?

MR. MINUTA: I don't have that number.

MR. COCKS: I think it was like three; right?

MR. MINUTA: To equate it, that sounds about appropriate.

MR. COCKS: I just wanted to make the Board aware. We discussed it at the work session. The top portion is going to be lighted by the four-foot bollards, building lighting and the Central Hudson poles, and there will be no twenty-foot fixtures near the two buildings.

MR. MINUTA: As far as spread through the parking area and the drive, there are twenty-foot fixtures there. We've used the twenty-foot fixtures to illuminate and create an ambient light in the parking areas and walkways. We have specifically increased the lighting at the walkways and the building entrances through

1
2 the use of the four-foot bollard lights at those
3 specific locations as well as wall-mounted lights
4 on the exterior. The final lighting piece to
5 that is an up light which will illuminate the new
6 building on three sides.

7 MR. COCKS: Thank you. That's it.

8 CHAIRMAN EWASUTYN: Karen Arent,
9 Landscape Architect?

10 MS. ARENT: The stonewall and the big
11 green space on Devito Drive, they did a lot to
12 beautify that corner.

13 The additional green space provided
14 between the parking and Route 9W also created a
15 nice street scape.

16 Is it possible to space the Bayberries
17 closer together so you get more of a hedge, like
18 what you're showing in the drawing? When they're
19 nine feet apart it's going to be one shrub,
20 space, another shrub.

21 CHAIRMAN EWASUTYN: What would be the
22 agreed space, for the record?

23 MS. ARENT: Four feet, --

24 MR. MINUTA: That's fine.

25 MS. ARENT: -- depending upon the size.

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MR. MINUTA: Size, species. Yes.

MS. ARENT: If you put a small one in, you should put them closer. The bigger, a little further apart. You get more of an impact visually. More of an immediate impact.

MR. MINUTA: The sizing on that, if you will?

MS. ARENT: Thirty inches.

MR. MINUTA: Minimum thirty-inch height plant.

MS. ARENT: It's not a huge plant.

MR. MINUTA: So we're on the same page. Thank you.

MS. ARENT: Your weeping cherry in the corner is perfectly fine. It's the weeping cherry you have where the islands are where it's pinched --

MR. MINUTA: Here?

MS. ARENT: Yes. The weeping cherries are going to keep growing, growing, growing and then fall to the ground. They'll have to get haircuts frequently to allow --

MR. MINUTA: Usually three times a year. Yes.

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MS. ARENT: It might be better in those places to put more of an upright tree. I think the one in the corner would look -- it's an interesting look.

MR. MINUTA: Thank you.

MS. ARENT: So just consider that.

Just make a note on the drawing saying the Junipers are going to remain. The contractor is not going to look over there when he's preparing. He'll be looking at the drawing part and they'll get torn out.

MR. MINUTA: Agreed. Agreed.

MS. ARENT: Great. And then just make sure the stormwater plant -- you have to plant the stormwater areas in accordance with DEC documents.

MR. MINUTA: I brought a plan that showed some species and wildflower grass species. I can easily send that to you for you to take a look at.

MS. ARENT: Just make sure it gets on the landscape plan.

MR. MINUTA: Sure.

MS. ARENT: Instead of grass between

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the Bayberries you should show -- like in the front, the drawing is showing grass.

MR. MINUTA: Fair enough.

MS. ARENT: That's it.

CHAIRMAN EWASUTYN: Ken Wersted, Traffic Consultant?

MR. WERSTED: We didn't have any additional comments.

CHAIRMAN EWASUTYN: Are there any comments from the public at this point?

(No response.)

CHAIRMAN EWASUTYN: Okay. Then I'll move for a motion to close the public hearing on the Santa Monica Holdings site plan.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

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MR. PROFACI: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: Aye myself.

At this point I'll poll the Board Members as far as the need for a proposed sidewalk for Santa Monica Holdings. Frank Galli?

MR. GALLI: Yes.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Can I ask a question first?

CHAIRMAN EWASUTYN: You sure can.

MR. MENNERICH: Have you had any contact with DOT relative to the sidewalks in this area?

MR. ROMANO: I did. I spoke to DOT about a month or so ago, and that's one of the things that prompted us to close two of the three curb cuts. That was one of their suggestions. During that meeting we also spoke about a sidewalk. DOT said that they have no objection to putting a sidewalk in. They more are willing to work with the Town and to accept it. They would, however, like to see the sidewalk more in the middle and have a grass planting next to the

1 road. The sidewalk and then a grass planting
2 after that. That was just one of their preferred
3 ways to configure the sidewalk. They say neither
4 here nor there. If they were going to push a
5 sidewalk, they said they would follow the Town's
6 lead with respect to a sidewalk or not.
7

8 MR. MENNERICH: Thank you.

9 No on the sidewalk.

10 CHAIRMAN EWASUTYN: Okay. I myself, at
11 this particular opportunity, waive the need for a
12 sidewalk.

13 MR. PROFACI: No.

14 MR. FOGARTY: You know, right now no.
15 We may at some point, as this plan develops,
16 maybe decide that --

17 MR. GALLI: It will be too late.

18 MR. HINES: We're done.

19 CHAIRMAN EWASUTYN: Can we live --
20 although it's very, very far reaching and someone
21 would have to be a historian to find the note on
22 there. I agree with Frank Galli. Bryant Cocks
23 is probably the youngest person in the audience
24 right now, and I think in Bryant's lifetime he'll
25 never see the Town adopt a sidewalk district.

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MR. DONNELLY: You'll add the note anyway.

CHAIRMAN EWASUTYN: We'll add the note. If we can at least add the note in reference to that.

MR. MINUTA: We will do that.

MR. MENNERICH: You know, in reality if there are people walking in this area, they're just going to walk down through the parking lot if there's no sidewalk there.

CHAIRMAN EWASUTYN: You've done a remarkably fine job with developing the site plan from what was the beginning to where we are today.

MR. MINUTA: Thank you very much. Your consultants and the Board was of great assistance, so thank you.

CHAIRMAN EWASUTYN: All right. Mike Donnelly, if you would assist the Board in -- one thing I'd like to bring along, as Mike Donnelly discusses with you the resolution, what we do find happen is when we grant final approval with conditions like whatever may be as far as bonding or securities, that there seems -- I'll let Pat

1
2 Hines and Karen speak about the follow up as far
3 as coming up with the necessary securities and
4 bonds. Karen, on your behalf for landscape. Pat
5 with -- I don't think there's any here but what
6 we need to do to make sure the applicant knows
7 that in order to get the plans stamped, these
8 instruments have to be in place.

9 John, you worked it out very well with
10 Gardnertown Commons.

11 MR. CAPPELLO: I got educated.

12 CHAIRMAN EWASUTYN: What we find happen
13 is we have conditions of approval in the final
14 resolution that call out for these securities but
15 there's no one representing an applicant that
16 sort of walks them through that, and then they're
17 looking to get plans stamped and signed realizing
18 that they lost two or three months but not
19 following up on that. So let's put it out there.

20 MR. HINES: There's a requirement for
21 posting of -- on this one there will be
22 stormwater management securities. Those will be
23 submitted by your representatives to -- right now
24 it goes to Jim Osborne but we're having a meeting
25 tomorrow hopefully to streamline that a little

1
2 bit. In a week or so it may come out of my
3 office with a note to Jim Osborne checking for
4 the bonding amounts for those securities. This
5 doesn't have any public improvements on there,
6 it's only private improvements. There's not as
7 much work as Gardnertown Commons. We're working
8 towards streamlining that process. There is that
9 need to post those securities prior to the plans
10 being stamped. Sometimes they get their
11 approvals and think they're ready to go, but
12 there is that next step.

13 CHAIRMAN EWASUTYN: Keith, do you
14 understand that portion of it?

15 MR. SLIFSTEIN: Yes, sir.

16 CHAIRMAN EWASUTYN: Karen Arent?

17 MS. ARENT: If you can reference the
18 Town project number on your bond, it's very
19 helpful later when you want to get it back. It
20 will be easy to find.

21 The only other thing is, Joe, you
22 probably know you have to send me a landscape
23 estimate bond.

24 MR. MINUTA: Yes, ma'am.

25 CHAIRMAN EWASUTYN: Mike, I'm sorry for

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interrupting but it was a good opportunity.

MR. DONNELLY: The resolution at this point is for site plan approval. We'll handle ARB separately. I'll include a finding on the waiver of the design guideline requirement on pole heights in order to achieve the more efficient lighting distribution that was discussed earlier. We'll need a letter from Pat Hines as well as from Karen signing off on the items in their respective memos before the plans are signed.

Are you going to look to defer posting of the landscaping security to building permit rather than map signing -- plan signing?

MR. CAPPELLO: I think that's appropriate.

MR. DONNELLY: I'll include a condition in that respect. You'll need to provide a certification and a particular map note, and you'll run those through Bryant.

We'll need the highway department -- the highway superintendent's sign off as well as DOT sign off on the driveway utilization as well as the utility locations. A portion of the

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2 parking lot is in the right-of-way. I know it's
3 pre-existing but I think they need to look at
4 that as well. We'll need the Orange County
5 Health Department approval and the DEC approval
6 for the subsurface sanitary sewer disposal
7 system. We will need a landscape security and
8 inspection fee.

9 Karen, the amount of the inspection fee
10 you estimate to be?

11 MS. ARENT: Probably \$2,000.

12 MR. DONNELLY: And a stormwater
13 improvement security and inspection fee. We will
14 carry our standard condition which says you may
15 not build any outdoor fixtures, amenities that
16 are not shown on the plan.

17 CHAIRMAN EWASUTYN: Any comments.
18 Frank Galli?

19 MR. GALLI: The deferring of the
20 landscape, is that expiring soon?

21 MR. DONNELLY: In July.

22 MR. GALLI: So as long as they do
23 everything by July they're okay?

24 MR. DONNELLY: I think approval is
25 granted up to that date. I'll have to look at

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the resolution. The opportunity for applicants to defer it expires in July unless extended by the Town Board.

CHAIRMAN EWASUTYN: Any additions that the consultants may want to add to the resolution presented by Mike Donnelly?

(No response.)

CHAIRMAN EWASUTYN: Any comments from the Board Members?

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Then I'll move for a motion to grant site plan approval for Santa Monica Holdings.

MR. FOGARTY: So moved.

CHAIRMAN EWASUTYN: I have a motion by Tom Fogarty.

MR. PROFACI: Second.

CHAIRMAN EWASUTYN: A second by Joe Profaci. Any discussion of the motion?

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

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MR. PROFACI: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

Karen, have we completed ARB on this? I don't remember.

MS. ARENT: I don't think so.

MR. DONNELLY: It had not been approved before.

CHAIRMAN EWASUTYN: Your intention with that? Do you have that this evening?

MR. MINUTA: I would like to move forward with that.

With respect to the architectural review of the project, just to recap, the building, as planned, in the background will be a metal building. The exterior will be corrugated metal. We're just proposing the pattern horizontal and vertical to create some interest.

We will also be applying a similar treatment to the existing building in the front and also creating an entrance facade to orient people to that entrance.

With respect to the exterior colors.

1
2 The exterior colors, I have a paint color
3 selection chart which is a pretty standard metal
4 -- finished metal. The roof is planned on being
5 red as illustrated in the rendering, and we have
6 chosen a beige. If you'd like, I can provide
7 those colors for the record. It's a Kynar 500
8 fluor-flex 2000, and that is the red. In the
9 same model and series we have the beige. So
10 that's what's planned for the building itself.
11 I'm not quite sure what else you'd like me to
12 touch upon for the building.

13 MR. GALLI: The roof on the existing
14 building is?

15 MR. MINUTA: That's going to remain.
16 It's a relatively new roof. It's asphalt.

17 MR. FOGARTY: Are both buildings going
18 to be that color?

19 MR. MINUTA: Yes. We're going to use
20 the same exterior cladding materials for the
21 exterior walls.

22 CHAIRMAN EWASUTYN: Ken Mennerich, any
23 questions?

24 MR. MENNERICH: No.

25 CHAIRMAN EWASUTYN: Joe Profaci?

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MR. PROFACI: Joe, if you can turn that a little bit maybe more towards us. Thank you.

Okay. I have no other questions.

CHAIRMAN EWASUTYN: Karen, do you have anything you want to add?

MS. ARENT: Where are the refrigeration units?

MR. MINUTA: Everything happens in the back of the building.

MS. ARENT: We don't have a drawing that lists the colors and the materials.

MR. MINUTA: The colors and what?

MS. ARENT: Materials that you can point to and say what's what. Usually that's submitted for architectural.

MR. MINUTA: Agreed. We do have the renderings. I'm happy to provide this as well.

MS. ARENT: If you could just label your rendering with the color and the material.

MR. MINUTA: Certainly.

MS. ARENT: And then usually we do a signage chart that calculates the number of square footage of the pylon sign as well as any signs on your buildings. You probably have more

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than enough linear footage.

MR. MINUTA: That information has actually been provided. We do have the sign package that was provided on eight-and-a-half by eleven.

MS. ARENT: If that could be put on the drawing so it's part of the package.

MR. MINUTA: So you can see the sign square footage.

MS. ARENT: So it's on part of the sign drawings. That would be great.

CHAIRMAN EWASUTYN: Bryant Cocks, do you have anything to add?

MR. COCKS: I have nothing further.

MR. GALLI: I have one question on the sign that Karen brought up.

The sign that you're showing in the drawing, is that just going to advertise for the -- you said you might do retail now. I know you're --

MR. MINUTA: Whatever retail --

MR. GALLI: That will be on there?

MR. MINUTA: You're not planning on -- are you planning on the tenant retail --

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MR. SLIFSTEIN: Right on the front of the door.

MR. MINUTA: Not part of the pylon sign?

MR. SLIFSTEIN: No.

CHAIRMAN EWASUTYN: Mike Donnelly, if there's no further questions from the Board Members or the Consultants, can you give us -- present to us a resolution for ARB approval for the buildings and the signage.

MR. DONNELLY: Yes. I will include our standard language in the Findings section which references the architectural materials that were reviewed this evening, and I will carry your standard commercial Architectural Review Board approval condition which requires that the building permits correspond to the architectural renderings shown, and that Karen Arent review those building plans when submitted in order to ensure that compliance. Karen Arent will also inspect the work before a certificate of occupancy is issued.

CHAIRMAN EWASUTYN: Any additional? Karen, do you want to add anything?

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MS. ARENT: That's good.

CHAIRMAN EWASUTYN: Anything additional from the Board Members?

(No response.)

CHAIRMAN EWASUTYN: Then I would move for a motion to grant ARB approval and signage approval subject to the conditions presented us this evening by our Attorney, Mike Donnelly.

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by Ken Mennerich. 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. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

Thank you all very much.

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SANTA MONICA HOLDINGS

Congratulations.

(Time noted: 8:00 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: February 9, 2011

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

----- X
In the Matter of

GOLDEN VISTA
(1999-33)

Meadow Hill Road
Section 60; Block 1; Lot 9
R-3 Zone

----- X

AMENDED SITE PLAN
ARCHITECTURAL REVIEW

Date: January 20, 2011
Time: 8:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
KENNETH MENNERICH
JOSEPH E. PROFACI
THOMAS P. FOGARTY

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

APPLICANT'S REPRESENTATIVE: KIRK ROTHER

----- X

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

1
2 MR. PROFACI: The final item on
3 tonight's agenda is Golden Vista. It's an
4 amended site plan and ARB, located on Meadow Hill
5 Road, Section 60; Block 1; Lot 9, in the R-3
6 Zone. It's being represented by Kirk Rother.

7 MR. ROTHER: Good evening. Kirk Rother.
8 With me is Stan Schutzman, attorney for the
9 project; also Paul Going, the traffic and design
10 engineers.

11 The project was last before you in
12 November. I personally wasn't here. I believe at
13 that time we kind of just gave the Board an
14 update as to our status with regard to the site
15 development plans, and also some preliminary
16 renderings of the building.

17 Since that time we've prepared a pretty
18 robust set of site plans. I believe we have the
19 majority of the engineering worked out. From the
20 comments I received, I know we have a little bit
21 of tweaking to do. We'll certainly address that.

22 So the Board is aware, for comparison,
23 this is the plan that we have proposed. This is
24 the plan that was approved as the senior citizen
25 project. You can see the two are really very

1 similar. We made no changes to the road
2 alignment. Building placement is generally the
3 same. The dimensions are slightly different.
4 There's a shuffleboard court here that we
5 eliminated. We had to add all the parking areas
6 because we have a higher parking requirement as
7 compared to the senior citizen project.
8

9 Curb cuts are the same.

10 Water mains are identical.

11 The service to the buildings moved a
12 little bit.

13 The sewer main is primarily the same.
14 We're going to make changes to the sewer run in
15 here.

16 Stormwater management is quite
17 different because we now have to abide by the
18 current DEC regulations.

19 With that, Mr. Going completed the
20 traffic study of the intersections that were
21 requested by the Board, and that report was
22 submitted to Mr. Wersted's office. I know he's
23 had an opportunity to review it.

24 The applicant also has worked with the
25 architect and has gone through several iterations

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of the proposed building elevations to result in this elevation here.

Every unit is a mix of two-bedroom and one-bedroom. You can see we tapered the ends of the building. These units on the ends will be one-bedroom units. All of the units in the middle are two-bedroom units, two stories. So first floor, second floor. These doorways here in the middle are doorways that go up to the second floor, and the doors on the outsides are entrances onto the first floor. I believe we also gave the Board copies of these renderings, and included in that are the actual floor plans for these units.

This is the sixteen-unit building, the twelve-unit building. We also have a rendering of the proposed community -- I don't know if I can stack all these. That's the proposed community building. The dimensions are 58 feet by 56, outside to outside.

With regard to the materials, these are the proposed materials used. Tampa roof shingles. The beige siding and white siding on the buildings. Pretty neutral colors.

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I believe we've incorporated most of the items that were discussed over the several months leading up to the preparation of the plans.

We surveyed the drainage improvements on Meadow Hill Road. There's now a 48-inch diameter pipe that's shown on the plan.

We propose sidewalk access to Meadow Hill School. This is all a field. There's really no defined pathways or walkways, so we just kind of picked the spot that seemed to make sense.

We have the two proposed playground areas that meet the minimum square foot requirements based on the unit count.

With that, I'll let you -- I'll let Paul discuss the traffic a little bit. The architect couldn't make it tonight, he had a continuing ed class. If you have any questions that I can't answer with the architectural renderings, I'll make sure he's here the next time we're before you.

MR. GOING: My name is Paul Going, I work for Atlantic Traffic Design Engineers. We've prepared a traffic study. It's dated

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2 December 7, 2010. The study is of the change in
3 the project from the previous approval, which was
4 senior housing, to the current application, which
5 is for multi-family residential. That study was
6 reviewed by Ken over at Creighton, Manning. His
7 review letter is dated today, January 20th.

8 Just to summarize my study, we found
9 that we had a small impact in traffic at the
10 intersection of Route 300 and Meadow Hill Road,
11 which is a signalized intersection. Ken
12 suggested some modifications to our study. We're
13 going to incorporate those modifications. I've
14 already completed the technical analyses with
15 those modifications, and the result is that there
16 will be no impacts at that intersection.

17 The other findings of the study were
18 that the site driveway itself would operate at
19 good level of service and that the intersection
20 of Paton and Meadow Hill Road would operate at
21 good levels of service.

22 CHAIRMAN EWASUTYN: Okay. Ken Wersted,
23 in follow up to Paul's presentation.

24 MR. WERSTED: Sure. As Paul mentioned,
25 we reviewed the traffic study and also the site

1
2 plan. There were only a couple of comments that
3 had any impact on the study.

4 The first had to do with the Brighton
5 Green project which is on the other side of the
6 nearby school. That site is under development.
7 It's almost complete. It is also occupied --
8 most of the units are occupied. I had contacted
9 the developer of that site and he estimated that
10 they were -- had about 104 units ready out of the
11 154 that they -- that they're constructing. So
12 that development -- the traffic generated by that
13 development would have been included in the
14 background traffic counts that were conducted for
15 this traffic study. So to include the project as
16 a background project, it took into account the
17 traffic. Taking that out would have helped ease
18 the resulting impacts. The other comment
19 that we had had to do with the intersection of
20 Route 300 and Meadow Hill Road. I compared the
21 results of this level of service analysis to that
22 done by The Marketplace. They had done their
23 analysis back in 2006 and had included,
24 obviously, all the traffic from their project.
25 As this study included their project as well, it

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2 was a good case to compare the two. This study
3 had resulted in two movements having a level of
4 service F, that being the northbound left turn
5 from Route 300 and the eastbound through movement
6 from Meadow Hill Road. Looking at the traffic
7 volumes, they were somewhat comparable but signal
8 timings were a bit different, and that could have
9 resulted in the difference in the actual results.

10 Before I came to the meeting tonight I
11 stopped over at the intersection. I took signal
12 timings for about fifteen minutes and had noted
13 that the signal actually jumps around quite a bit
14 through all the different phases, in some cases
15 having phasing that's undesirable in the sense
16 that there are some cars that can get trapped in
17 the intersection when a protected phase comes in.
18 So we can certainly bring that up to DOT's
19 attention. They may actually alter that phasing
20 due to that.

21 MR. GOING: Right now it's a fully
22 actuated signal, which means that there are
23 detectors that detect the traffic. The timing
24 and the phasing of the signals is based upon what
25 the detectors are detecting.

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2 My understanding is that The
3 Marketplace project would actually coordinate
4 that signal with other signals in the corridor.
5 In order to do that it would not be able to be on
6 free timing anymore. They'd actually have to
7 have a cycle length. They may do fixed timing.
8 That whole situation would actually change due to
9 that project.

10 CHAIRMAN EWASUTYN: Okay. Actually
11 what we're discussing now is your report and your
12 traffic, not The Marketplace and what they may or
13 may not do.

14 MR. GOING: That's correct.

15 CHAIRMAN EWASUTYN: Let's stay focused
16 on the issue before us.

17 MR. GOING: Sure.

18 CHAIRMAN EWASUTYN: Thank you.

19 MR. WERSTED: Some of the improvements
20 that The Marketplace are required to do may take
21 longer to be implemented just because of the
22 nature of the size of that project versus this
23 one. This one may progress, you know, further
24 along quicker than that project.

25 MR. GOING: Sure.

1
2 MR. WERSTED: So the conditions might
3 be slightly different. The improvements that were
4 proposed at that intersection was the
5 coordination of the signal timing through there.
6 So I can share the signal timing with you
7 tomorrow. I can forward it to you.

8 MR. GOING: Great.

9 MR. WERSTED: We can discuss them and
10 look at basically the results that you had
11 updated and see if there's any additional
12 comments at that time.

13 At this point you've got my comments,
14 you can share those results -- your response to
15 them with me formally.

16 The only other comment we had had to do
17 with the site plan. Previously we discussed
18 having sidewalk connection from the site over to
19 the Newburgh School District's property to allow
20 for any students -- any children in this
21 neighborhood or the adjoining neighborhood to be
22 able to access the school without having to go
23 out to Meadow Hill Road. That sidewalk has been
24 shown on the project property. I placed a call
25 to the school district to follow up on a letter

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2 that I had submitted I believe in November. I
3 left a message. I'll report back to the Board
4 when I hear back from them.

5 The other comment that I had had to do
6 with the main intersection in the center of the
7 project being the 140-foot circle. It's the
8 intent to have that operate more like a
9 roundabout and have a one-way circulation around.
10 The size of that circle could actually be reduced
11 by quite a bit. That will reduce your impervious
12 area, increase your green space. There's a number
13 of resulting things from that. I'm sure Mr.
14 Going's office can work with the applicants, if
15 that's the desire, to reduce the size of that
16 footprint, or they can work with our office to
17 address that.

18 MR. GOING: We're amenable to modify --
19 that modification.

20 CHAIRMAN EWASUTYN: Paul, do you have a
21 business card?

22 MR. GOING: Certainly.

23 CHAIRMAN EWASUTYN: Can you be kind
24 enough to give it to the Stenographer?

25 MR. GOING: Yes.

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MR. WERSTED: Those are all the comments that we have.

CHAIRMAN EWASUTYN: Thank you, Ken.

MR. ROTHER: Mr. Chairman, can I ask a question?

CHAIRMAN EWASUTYN: While we have some movement in the audience, let's complete the task before us and then you can raise your question. It's difficult to do too many things at once.

(Pause in the proceedings.)

CHAIRMAN EWASUTYN: Kirk.

MR. ROTHER: To that specific point with this turnaround, the reason we show it as we do, it goes back to when I presented this plan. This is what was shown on the senior plan.

Now, one of Ken's questions is this is shown as twenty-four feet wide. That can facilitate two-way traffic, which I know two-way traffic in a circle is kind of undesirable. I have absolutely no problem with making it narrower, making it one way. For that matter, I have no problem making it a T. I'm curious to know how the Board reacts to that.

CHAIRMAN EWASUTYN: I think what the

1 Board generally does is we seek the advice of our
2 consultants who have experience with those
3 matters, and we -- I think, as Ken had said,
4 we'll discuss it as a Board. If the Board has an
5 opinion.
6

7 Frank, do you have an opinion?

8 MR. GALLI: Actually I like the circle.
9 If you just made it one way. It looks nice.

10 CHAIRMAN EWASUTYN: Ken?

11 MR. MENNERICH: The one-way circle I
12 think looks nice, too. I don't know if there's
13 that big of an advantage of the circle over a T.
14 I just don't know. Maybe Ken could help us on
15 that.

16 MR. WERSTED: Because essentially it's
17 a dead end, there really isn't any capacity issue
18 where you might have, for example, The
19 Marketplace, part of their mitigation is a
20 roundabout at the intersection of Powder Mill
21 Road and Route 52. That's more of a capacity
22 issue. Here, as well as there's another project
23 called Orchard Hills, which is including some of
24 these in their internal project site, it's more
25 of an aesthetic thing, how the site looks, how it

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feels, the welcoming-ness of it versus an actual volume vehicle capacity issue. Really it's just more of an aesthetic issue.

CHAIRMAN EWASUTYN: That being said, do you have a feeling aesthetically --

MR. MENNERICH: Aesthetically I like the circle better.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: I mean aesthetically I like the circle better, too. It's kind of overkill, too, for what you're trying to accomplish there. Basically it's one intersection. I can go either way.

CHAIRMAN EWASUTYN: Tom Fogarty?

MR. FOGARTY: I like the circle. I think Karen or somebody mentioned putting a gazebo in the center of that circle. That would look nice.

CHAIRMAN EWASUTYN: I'm fine with it aesthetically as circular.

MR. ROTHER: So we're going to make it a little bit smaller, make the pavement width narrower, one way. No problem.

CHAIRMAN EWASUTYN: Do you want to

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discuss the drainage at this point?

MR. ROTHER: Sure.

CHAIRMAN EWASUTYN: Pat Hines.

MR. HINES: We received a drainage report. We hadn't reviewed it on the date of our comments but we have reviewed it since. I have some minor technical changes. I remember when this project was before us way back when, no pun intended Tom, there were concerns from the residents on Sycamore which goes to my comment on the new point discharges which are there to meet the regulations of sand filters. I was wondering if you could get those down to discharge all at the same point? I'm worried about directing point discharges to those properties, those properties on Sycamore. It may take a little more piping but it will be a more defined discharge location. Otherwise the stormwater management report is fine, and I would like to work with you to get you issued your notice of intent for coverage prior to next month's change in the ordinance. Kirk, if we could do that. I don't believe that change I asked for will affect the water quality and quantity control.

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2 Along with the drainage -- there was
3 Federal jurisdictional wetlands on this site.
4 They were filled in 2000, 2001 before the
5 regulations went from a half acre down to the .1
6 that they are now. Actually, I think it was an
7 acre then. If you could just show those
8 remaining wetlands. I note they're not on the
9 plans. I think there is still some on the site.
10 If we could show those and make sure we're not
11 impacting them. The Town of Newburgh requires a
12 certain pipe, and there's a chart that they need
13 on the plans for how many lengths between bends
14 and such. That needs to be added.

15 The pipe discharging towards Meadow
16 Hill Road, I was wondering if that could be tied
17 into the Meadow Hill drainage system. It's in a
18 pipe, you're going overland and back into a pipe.
19 I would like to keep it in the pipe.

20 MR. ROTHER: No problem.

21 MR. HINES: You're showing a plastic
22 liner on the stormwater management facility. I
23 don't know that that's really required. Based on
24 the soils I've seen on the site, the clay might
25 be just as impervious as the liner. I don't know

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if that was a design from the previous design
or --

MR. ROTHER: Nope.

MR. HINES: -- you're proposing that.

MR. ROTHER: No. We'll take it off.

MR. HINES: Any infiltration you get
there would be helpful.

Also, the connections -- the sewer
service laterals you're showing coming into
manholes. The Town likes those done with a
tapping soluble manhole on the end for
maintenance. They don't like putting their
personnel in manhole access ways that have
laterals coming into them. They can get a
surprise sometimes.

MR. ROTHER: No problem.

MR. HINES: Those are the only comments
I have.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. CANFIELD: I have nothing.

CHAIRMAN EWASUTYN: Bryant Cocks,
Planning Consultant?

MR. COCKS: My first comment is to
include a signage chart. Are you guys planning

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on putting an entrance sign?

MR. ROTHER: I don't know the answer to that but I will get an answer and address it.

MR. COCKS: Okay. We're going to need it either on the site plan or architectural.

MR. ROTHER: I'm going to assume they probably will have some type of entrance sign.

MR. COCKS: Also at the entrance, I think that's going to be a bus stop with the interlocking pavers.

MR. ROTHER: Right.

MR. COCKS: Is there going to be a bus shelter for the kids or benches or anything like that?

MR. ROTHER: I don't know.

MR. COCKS: Okay. If there is it needs to be detailed in the back of the site plan.

In regards to the local law regarding the residential lot area, are you guys planning on waiting to see about the grandfathering of the old projects?

MR. SCHUTZMAN: If I could address that.

CHAIRMAN EWASUTYN: For the record --

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2 MR. GOING: For the record, Stanley
3 Schutzman, Hanig & Schutzman, Attorney for the
4 applicant.

5 We had mentioned at the last meeting
6 that we had a specific resolution of approval by
7 the Town Board referring it back to the Planning
8 Board, and that resolution was very specific in
9 terms of unit count number and affordable unit
10 count number. It was our view and opinion that
11 that was a controlling resolution and that we
12 were entitled to present the site plan on the
13 basis of the 164 units that the Town Board had
14 approved. If there is some issue that needs
15 clarification, we'll look to go back to the Town
16 Board before the next meeting and get
17 clarification whether that resolution, as
18 approved, would allow the presentation to the
19 Planning Board of 164 units or whether there had
20 to be some further reduction in order to meet
21 what Mr. Cocks is saying is the existing zoning
22 regulation.

23 MR. DONNELLY: I think it's the latter
24 part that is the issue because the methodology of
25 measuring buildable area has changed. The unit

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2 count wouldn't be the same. The Town Board, I
3 was told, was going to consider a grandfathering
4 provision that might include grandfathering of
5 any project which had already received the
6 affordable housing density bonus by Town Board
7 resolution, but I don't know the status of that
8 local law. Would you inquire of them and find
9 out? If Mark Taylor shares your view that you're
10 exempt by virtue of the resolution itself, have
11 him communicate that to us.

12 CHAIRMAN EWASUTYN: Thank you.

13 Bryant Cocks, anything else?

14 MR. COCKS: The dumpster location is
15 shown.

16 Is there going to be community
17 mailboxes or are they going to be inside the
18 buildings?

19 MR. ROTHER: Mailboxes on the outside.
20 Community mailboxes.

21 MR. COCKS: Those are going to need to
22 be shown on there. Whatever outer fixtures are
23 on top of them, just detail those also.

24 The sidewalks were discussed,
25 connecting the site to the adjacent school and

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the adjacent Meadow Winds. So that was okay.

A lot of the buildings were on the setback line, so just foundation staking.

I think that was it.

MR. CANFIELD: John, one question on Bryant's last comment.

There's no decks on the rear of this? There will be no decks.

MR. ROTHER: Not that protrude out past the building.

MR. CANFIELD: Nothing from the ground up?

MR. ROTHER: That's correct.

MS. ARENT: It's not on the plans as intruding.

MR. ROTHER: I take that back. It does show decks on the middle units. I don't know why. This does show a deck here and here, for example.

CHAIRMAN EWASUTYN: Jerry, your concern?

MR. CANFIELD: If the foundation is up against the setback line, the decks will protrude into the setback, therefore being a zoning

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violation.

MR. ROTHER: Actually, I show the decks as per the footprint for the architectural piece.

MS. ARENT: They appear to be smaller, though, on your plan.

MR. ROTHER: Okay. I'll check that.

MS. ARENT: They look like about half the size.

MR. ROTHER: Your point being be forewarned that if we want decks we may have a problem because of our setbacks?

MR. HINES: We lived that nightmare once.

MR. CANFIELD: Yes. Which again further reiterates that the note that Bryant is asking for on the staking of the foundations, because you're so close to the setback line.

MR. ROTHER: No problem.

CHAIRMAN EWASUTYN: Anything else?

MR. CANFIELD: That's it. Thank you.

CHAIRMAN EWASUTYN: Karen Arent?

MS. ARENT: Some of these are going to be similar to Bryant's.

The mail station box, a lot of times

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2 they keep -- engineers create pull-offs because
3 that seems to be a problem at 5 o'clock when
4 people come home, if there's no place to park and
5 get the mail. If you put them where they pull
6 into parking spaces, that would be great.

7 Your grass paver bus stop area, grass
8 pavers are really difficult to plow. There's
9 some real big areas. Is there a reason for
10 having a huge grass paver area or could there be
11 something smaller and more aesthetically pleasing
12 for the street scape.

13 MR. ROTHER: What do you suggest?

14 MS. ARENT: Maybe a small gazebo or a
15 paver concrete, whatever kind of sidewalk you're
16 having with a couple benches. I think that would
17 look a lot better than a huge grass paver area.

18 MR. ROTHER: The answer is sure.

19 As far as the size of this, there was
20 really no -- you know, we just estimate we have
21 164 units. A significant percentage of them will
22 probably have kids, so there could be a decent
23 number of kids waiting for a bus here.

24 MS. ARENT: So it might be nice to pull
25 that off the road and just have like a path to

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the road rather than having the kids like ride on the road, and maybe a little landscaping to make it look good.

CHAIRMAN EWASUTYN: Can I raise a question here? I've been thinking about it based upon your comment as far as hemlocks. If you're showing Hemlocks, can you move the Hemlocks ten foot back from the sidewalk? It triggered something that this will be rental units. One of the most common questions I find when I do work on weekends at a garden center is people say what is deer resistant. I also stop to think about the FW Webb site. We labored very, very hard to get that planted in a way that it looked aesthetically pleasing. Unfortunately, though, a Hemlock is what brought it to my mind. But separate of the botanical name, I want to be very cautious on this site that whatever is used, as much as we say it should be pretty, and I'm not opposed to something being pretty, that it be hardy and resilient for the type of use that it's going to be used for. I think it's going to be very different than if this was a condo ownership like Brighton Green. I think we have to lean

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2 away somewhat from the prettiness to, number one,
3 something that's deer resistant because I
4 wouldn't want to be in the position of saying
5 we're recommending this or we're recommending
6 that, and four or five years down the road it's
7 all devoured. I'm not saying I'm right or wrong,
8 but the upkeep and maintenance of this may fringe
9 on being --

10 MS. ARENT: Right.

11 CHAIRMAN EWASUTYN: -- less active than
12 it would be. I want to begin making a
13 recommendation that we look at this in a way that
14 it's functional and it has a resilience to it.

15 MS. ARENT: Yeah. Perhaps you have to
16 use a more commercial type of --

17 CHAIRMAN EWASUTYN: Without a doubt.

18 MS. ARENT: In any event, grass pavers
19 are so hard to plow.

20 CHAIRMAN EWASUTYN: I'm not denying
21 what you're saying. With that dialogue in mind,
22 we should stay more functional, especially deer
23 resistant, whatever that might be. I know at one
24 point we talked about Bayberry somewhere being
25 evasive, not being evasive. In the long run, if

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2 that's deer resistant as an example, it might be
3 more functional. We're not going to pick names
4 now but let's keep that tone in mind.

5 MS. ARENT: Thankfully across the
6 street there's no deer.

7 CHAIRMAN EWASUTYN: I think that whole
8 area is run with deer.

9 MS. ARENT: That's terrible. Brighton
10 Green has survived. They have a lot of deer.

11 CHAIRMAN EWASUTYN: Let's move on.

12 MS. ARENT: Okay. And does the Planning
13 Board want the playground equipment specified?
14 There's a lot of playground equipment on the
15 drawing. I didn't know if that should be
16 specified.

17 On the grading plans, there's grading
18 shown in the areas where there's existing trees.
19 Some of them are a pretty decent size but some of
20 them are garbage. If you can just look at the
21 site and see, especially where you're grading
22 very close to the property line. If you're
23 grading close to the property line, that would
24 affect somebody else's tree on the neighboring
25 property. So just be cautious of that.

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Also, put all the tree disturbance information as noted on the drawing -- I mean as noted in my comments.

There's comments about the landscaping notes that should be on the drawing.

You didn't show any street lights. Are you planning to put street lights on this project?

MR. ROTHER: You know, I thought about that as I was listening to the discussion on the application before us. I don't remember seeing street lights on the senior's project, but it is a good point and I'm going to guess we should have some street lights on this.

MS. ARENT: I would think that you would want that.

Okay. And then the architectural drawings just need to be coordinated better with the site plan. There's steps shown on the architectural drawings that aren't shown on the site plan, and that would affect how your sidewalks are going to connect. Like in the front, the elevations are like three steps into the building. That's not shown on the drawing.

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So just to be coordinated.

MR. ROTHER: Just to make a point on that. What Karen is talking about is the steps up into the building. So this would be a typical building. But the way this site -- the grading of the site, nothing is flat here. There's a high point, it slopes down, slopes down, this slopes down and it keeps going down. So on the site plan we do actually show the sidewalks into each unit and we show steps. Some of these units, you know -- for example, this unit here, we have to basically create a 200-foot flat spot for this building on a road that's sloping in front of it. So on some of these there may actually be a couple steps down into the end unit. On the other end it may be a couple steps up. In the middle it may just be one step up onto the landing. So as far as matching -- it's going to vary. I know the architect's plan shows three steps up into the building. In reality it's going to be three up, three down.

MS. ARENT: So it's not going to be on the drawing, just up to the contractor in the field?

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MR. ROTHER: I show the steps on the grading plan.

MS. ARENT: I don't see -- maybe I'm missing it. That would be beneficial on the grading plan.

MR. ROTHER: I guess my point is I'm not going to be able to match the architectural rendering.

MS. ARENT: That's fair enough.

MR. ROTHER: It's a typical situation.

MS. ARENT: I understand. I meant to make sure the steps are on the drawing. I don't see them on the drawing. If they're on the drawing, that would be great. It looks like the sidewalk will be too short once the steps are in.

MR. ROTHER: I'll double check it.

MS. ARENT: That's it.

CHAIRMAN EWASUTYN: Can someone please summarize for me where we are with this project right now, because I hear comments and I'm -- unless someone knows, I'm not quite sure where we are with the project. We looked at some of the architecturals. Karen had some questions, Bryant had some questions about things that weren't

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2 shown that should be shown. We have a question
3 about street lighting, whether there's street
4 lighting. How are we going to fine tune this
5 project based upon the conversation we had this
6 evening?

7 I'll take it from the other Board
8 Members. I'll ask if they have any comments
9 because I'm not clear on this myself. Frank.

10 MR. GALLI: I'm not clear either. I
11 agree with you. Where are we and what do we need
12 to do to get to the end result here?

13 CHAIRMAN EWASUTYN: Ken?

14 MR. MENNERICH: It sounded like there
15 were enough items that have to be taken care of
16 that we would have another iteration where they
17 would come back to us I was guessing.

18 CHAIRMAN EWASUTYN: Joe Profaci?

19 MR. PROFACI: I agree. There are too
20 many loose ends to make any sort of decision.

21 MR. FOGARTY: I have some questions on
22 the parking. Is the parking the same now that
23 it's changed from senior housing?

24 MR. ROTHER: The parking all along the
25 roadways are generally the same. The location of

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2 some of the islands changed. On the senior
3 housing, none of these individual parking lots
4 were shown. So we've added -- on the senior
5 project all parking was accomplished along the
6 roadways. We have a much higher parking
7 requirement because of the change in use.

8 MR. FOGARTY: And the buffer area in
9 the back, how large is that buffer area between
10 the property line and the neighbors there to the
11 north, the Keenes?

12 MR. ROTHER: Here?

13 MR. FOGARTY: If that's the same one
14 I'm looking at. Yes.

15 MR. ROTHER: The narrowest point here
16 is fifty feet.

17 MR. FOGARTY: Okay. The narrowest
18 point is fifty feet?

19 MR. ROTHER: Yes.

20 MR. FOGARTY: Okay. That's going to be
21 -- you mentioned you were going to be putting
22 some lighting in. That would be one of the
23 things I would be concerned about is that with
24 whatever lighting you're putting in, how much is
25 going to spill over into the neighbors or how is

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it going to impact them?

MR. ROTHER: Okay. I envision our lighting is just going to be street lighting. We'll give you a lighting plan with a photometric analysis.

CHAIRMAN EWASUTYN: Stan, Kirk, would you like to summarize?

MR. SCHUTZMAN: I would like to get up and take a shot at it. Basically when we were here at the last meeting the discussion by Mr. Donnelly was that he felt that the Board needed to reaffirm the negative declaration, and the resolution from the Town Board required or directed that the Planning Board hold a public hearing on the amended site plan application. So our goal was to seek the Board's -- the affirmation of the negative declaration and schedule it for a public hearing.

CHAIRMAN EWASUTYN: I think the Town Board mentioned specifically that they wanted to be notified as far as a public hearing. I'll have to go back over my notes. In the resolution it did spell out of the name of a street.

MR. SCHUTZMAN: So basically from the

1
2 last meeting it was our understanding that really
3 in soliciting the Board's comments what did we
4 need to get back to today to look to reaffirm the
5 negative declaration. It was our understanding,
6 in walking away from the last meeting, that the
7 basic issue was to redo the traffic study and to
8 let the other comments fall because we thought
9 that they were reasonably not significant and
10 could be handled during the normal process. If
11 what I'm hearing tonight is that for the most
12 part the traffic study is satisfactory but it has
13 to be tweaked a little bit, we're down to the
14 basic issue which is what is the amount of units
15 that the site plan comprises. For that we would
16 recognize that the Board would be reluctant to
17 reaffirm a negative declaration perhaps tonight
18 if we don't have the exact unit count. Until we
19 now have a chance to go back to the Town Board,
20 we're not in a position for that.

21 It would be my suggestion --

22 MR. DONNELLY: Stan, the unit count
23 would only go down, not up. So the environmental
24 impacts would be less.

25 MR. SCHUTZMAN: Then in that case --

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2 MR. DONNELLY: But there's a traffic
3 study I think they need to hear from Ken on as to
4 whether he's satisfied that the -- when the
5 timing is reapplied to the data, that it will be
6 satisfactory.

7 MR. SCHUTZMAN: Okay. It was my
8 understanding based upon Paul's discussion that
9 he has reworked the data, and in fact the data
10 stays as is or is better for us based upon the
11 revised parameters that were discussed tonight.
12 So if that's the case, then perhaps there should
13 be no reason why, again subject to the continuing
14 review of the Board, to reaffirm the negative
15 declaration to the extent of what Mr. Donnelly
16 just said.

17 CHAIRMAN EWASUTYN: Do you support
18 that, Ken Wersted?

19 MR. WERSTED: I support the
20 anticipation of that conclusion. Mr. Going has
21 updated the analysis but I haven't reviewed it
22 yet. I see it going in that direction but I'd
23 have to see the information to come to that
24 conclusion.

25 MR. SCHUTZMAN: Okay. It was my

1
2 understanding that your analysis showed basically
3 no significant impact from the existing site plan
4 as it already has been approved, and that
5 therefore -- therefore that even with the
6 tweaking that the consultant had mentioned, that
7 they were at that point.

8 CHAIRMAN EWASUTYN: What if we would
9 take this under consideration at our meeting on
10 February 3rd, I'll leave this up to the Board,
11 whether they want to set it as an agenda item or
12 Board business to then reaffirm the negative
13 declaration and schedule it for a public hearing.
14 The question to the Board is do they want to make
15 it an agenda item or do they want to make it a
16 Board business item and take that action again to
17 reaffirm the negative declaration, based upon the
18 sign off from Ken Wersted, and set a public
19 hearing?

20 MR. GALLI: I'm fine with Board
21 business.

22 MR. MENNERICH: Board business.

23 MR. PROFACI: Board business.

24 MR. FOGARTY: The same.

25 MR. ROTHER: What does it mean when

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it's Board business?

CHAIRMAN EWASUTYN: You know, that's a good question really. In this case, since the agenda for the 3rd hasn't been written, it's really just a matter of where we put it that night, under Board business or agenda. In some cases we act under Board business if the agenda has already been published but we want to accommodate the applicant in reaching the next level. So we have flexibility with Board business because that's normally put together several days before the meeting.

MR. DONNELLY: They're usually items of an administrative nature or relatively brief, like extending an approval or something of the kind. I think the thought was since we're anticipating being able to reaffirm based upon Ken's anticipated sign off and schedule a hearing, that it would be a very short -- without a presentation, a very brief --

MR. ROTHER: My question was more geared towards do you want us to make a new submittal and everything for that meeting?

CHAIRMAN EWASUTYN: No. I think the

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collaboration will be between Ken Wersted and Paul. Once we get a memo from Ken Wersted, we'll know how to act.

MR. MENNERICH: The other items should be on the set of plans before the public hearing.

MR. ROTHER: Absolutely. From my perspective, given the fact that although when you look at it on its surface it looks like a very similar plan, it is quite different. So, you know, for my first crack at it I'm very happy with the comments I got. We can address them pretty easily.

CHAIRMAN EWASUTYN: I'm glad you feel satisfied with yourself. I mean that sincerely.

MR. ROTHER: It could be a lot worse.

CHAIRMAN EWASUTYN: You're saying you feel you put a lot of time and effort into it and you feel accomplishment at this point that the amount of comments are small.

MR. ROTHER: Deminimus.

CHAIRMAN EWASUTYN: That's great. I read your name in the Dodge reports so I know -- I know how active you are.

MR. ROTHER: I don't know how it gets

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in there. I don't know what the Dodge report is.

CHAIRMAN EWASUTYN: I'm sure you do.

MR. SCHUTZMAN: Would it be fair to say that the communication between the applicant's traffic consultant and the the Board's consultant, assuming that satisfies the Board's consultant, that no appearance by the applicant is required as a matter of Board business?

CHAIRMAN EWASUTYN: Thank you. That's a good summation of what happens also under Board business. That will be something that will be just done amongst ourselves and saves time and what expense may be associated with it, and you'll be notified of that action.

MR. SCHUTZMAN: Thank you, Mr. Chairman.

CHAIRMAN EWASUTYN: So I'll move for a motion to set the Golden Vista site plan application for Board business for final discussion on the 3rd of February.

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by Ken Mennerich. Is

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there any discussion of the motion?

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.
Ken Wersted volunteered and he'll try
and still coordinate with the Meadow Hill School
as far as this interconnection. So we would like
to do that.

Outside of that, thank you for your
time.

(Time noted: 8:42 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: February 9, 2011

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

----- X

In the Matter of

DISCUSSION OF PROPOSED LOCAL LAW
REGARDING APPLICATION FEES FOR AMENDED SITE PLANS
AND SUBDIVISION PLANS

----- X

BOARD BUSINESS

Date: January 20, 2011
Time: 8:42 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
KENNETH MENNERICH
JOSEPH E. PROFACI
THOMAS P. FOGARTY

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

----- X

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

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MR. PROFACI: We have one item of Board Business tonight, discussion of proposed local law regarding application fees for amended site plans and subdivision plans.

CHAIRMAN EWASUTYN: I would move for a motion to have Mike Donnelly prepare a letter to the Town Supervisor and Town Board that the Planning Board is in favor of the adoption of a local law that would allow a twenty-percent application fee for amended site plans.

MR. DONNELLY: You follow the general recommendations that Mark had outlined in his letter proposal. I would be happy to write that letter.

CHAIRMAN EWASUTYN: Is the Board in favor of that?

MR. FOGARTY: Yes.

MR. PROFACI: Yes.

CHAIRMAN EWASUTYN: I'll ask for a motion.

MR. PROFACI: So moved.

MR. FOGARTY: Second.

CHAIRMAN EWASUTYN: I have a motion by Joe Profaci. I have a second by Frank -- Tom

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BOARD BUSINESS

102

Fogarty. Any discussion of the motion?

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.
Thank you.

(Time noted: 8:44 p.m.)

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

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7 I, Michelle Conero, a Shorthand
8 Reporter and Notary Public within and for
9 the State of New York, do hereby certify
10 that I recorded stenographically the
11 proceedings herein at the time and place
12 noted in the heading hereof, and that the
13 foregoing is an accurate and complete
14 transcript of same to the best of my
15 knowledge and belief.
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23 DATED: February 9, 2011
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STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH PLANNING BOARD

----- X

In the Matter of

DISCUSSION ON SIDEWALKS IN THE
TOWN OF NEWBURGH

----- X

BOARD BUSINESS

Date: January 20, 2011
Time: 8:45 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
KENNETH MENNERICH
JOSEPH E. PROFACI
THOMAS P. FOGARTY

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

----- X

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

1
2 MR. GALLI: I just have a comment on
3 the sidewalk issue. As a Board I think we're
4 spending a lot of time and energy on projects
5 where we don't get anywhere and we make the
6 applicant jump through a lot of hoops and then we
7 decide some projects we want them, some projects
8 we don't want them, projects in the middle. I
9 mean if we're going -- I agree if we're going to
10 do sidewalks, I think it has to be -- maybe not
11 everybody has to do it but we're going to get
12 Quick Chek, if it goes in that location we're
13 going to want them to do a sidewalk. So now
14 Quick Chek we have them do a sidewalk but Santa
15 Monica, no sidewalk. Then we're going to have a
16 project down the street, you know, Magyars coming
17 up, do we want a sidewalk there. I mean I
18 realize -- we spend a lot of time at our meetings
19 on sidewalks, DOT. It's a lot of correspondence.
20 I'm sure these guys put a lot of effort into the
21 sidewalk, no sidewalk, contacting DOT, what's
22 right, what's wrong. I mean I think we just need
23 to not set a policy but just do something about
24 sidewalks once and for all. Either we're going
25 to push them, we're not going to push them,

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2 mention it to them and if they don't want to do
3 it, move on with life. If we're going to do them,
4 push them and keep going. That's my comment.

5 MR. DONNELLY: What's important and
6 what Frank is saying I think is when you're not
7 going to require them, that you articulate a
8 reason why, either the site constraints, or the
9 location, or the inability to provide meaningful
10 access anywhere else is articulated so that
11 somebody can't go after your inconsistencies as
12 an arbitrary and capricious act.

13 Here I thought what I was hearing was
14 that there was great -- there was a lot of effort
15 put into landscaping the front and the only
16 sidewalk that would be appropriate would be one
17 that would take all that landscaping away and put
18 concrete down and a little bit of grass on either
19 side of it, that balancing the landscaping to
20 provide a street scape that was acceptable was
21 more important --

22 MR. GALLI: That's why I asked the
23 question at the meeting. If we left the
24 landscape on the outside and moved the sidewalk
25 on the inside, was it still doable. I was told

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2 yes. So I thought that was one of the options
3 because we said we have three options, I thought
4 that was one of the options they were going to
5 bring forward. That's why I made the comment I
6 did. We're just beating around the bush with the
7 sidewalk district as far as waiting for the
8 sidewalk district to come. We'll all be --
9 Bryant will probably be the only one around, if
10 him.

11 MR. MENNERICH: The reason I asked him
12 about contact with the DOT is it seems to me that
13 the DOT has to come up with some policy that says
14 you can put them in the right-of-way, the road
15 right-of-way. Until they do that --

16 MR. GALLI: It's tough.

17 MR. MENNERICH: Yeah.

18 MR. GALLI: It makes us look bad.

19 MR. MENNERICH: I thought there were
20 supposed to be new initiatives about making roads
21 more pedestrian -- alternate methods of
22 transportation and walking.

23 MR. GALLI: Personally I don't have a
24 preference for them or against them. I don't
25 care one way or the other. I just don't think

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2 it's fair to put an applicant through all the
3 work and then, you know, try to get them and then
4 say okay, we'll forget all the work you did,
5 don't worry about it. Tell them up front.

6 MR. PROFACI: Well, I agree with that.
7 I think that it has to be consistent, or, as Mike
8 said, there has to be a reason why we're not
9 being consistent.

10 In this case, you know, to try to stay
11 in compliance with the guidelines, having the
12 shrubbery to cover the cars, to block the cars,
13 is serving the purpose of the stonewall. So from
14 my point of view I thought that was a better way
15 to go than having, you know, grass, the sidewalk
16 and then, you know, whatever. I think that's a
17 legitimate reason not to have a sidewalk.

18 CHAIRMAN EWASUTYN: Tom Fogarty?

19 MR. FOGARTY: That's how I think we all
20 struggle with it, trying to make a decision on
21 it. Now if Quick Chek is going to have one, it's
22 going to be like a sidewalk to nowhere. It makes
23 sense if Quick Chek has one and this place had
24 one and the one -- maybe Quick Chek's neighbor
25 could have one , then there's some sense to it,

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you know.

MR. PROFACI: The problem with the Town of Newburgh is that they're all sidewalks to nowhere. All of them. There is no comprehensive sidewalk plan in this Town, and therefore they're all sidewalks to nowhere. We have a long road a hoe in order to -- before we have enough -- before we have connecting sidewalks to take us everywhere in the Town.

MR. GALLI: You'll never have it.

MR. MENNERICH: And there's problems where the sidewalks have been put in with the snow removal. Jerry brought up earlier, because it's not clear, who is responsible for removing the snow.

CHAIRMAN EWASUTYN: I think what I learned from it is -- again, I agree with what we're saying aesthetically, if we can improve, 9W as an example, aesthetically --

MR. GALLI: Anything is an improvement.

CHAIRMAN EWASUTYN: As it relates to Route 300, since it's such a commercial corridor, I think there to have linkage that could eventually come together, the likelihood of that

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happening in the next ten years is possible.

What I realized in looking at Walgreen's, separate of the issue, is in some areas where they may make sense, like Noel Drive, it's really a seasonal use. So, you know -- okay. Good point.

I think early on we should try and visualize the area, come to a decision and save the time and labor and expense associated with it.

MR. WERSTED: To add on to that, John. I think we're -- Joe is speaking of it in terms of the comprehensive plan or like the design guidelines that we have. Before the design guidelines kind of came into play, there were a lot of ideas kind of floating out there, and whether they were applied equally to all of the projects it may have been a little bit more subjective. The guidelines kind of brought everything together and established the guidelines, and they're not set in stone, there is some flexibility in that.

In the sense of applying the sidewalk issue to that, the Town could develop a similar

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2 plan where it has areas like the Walgreen's area
3 or Route 300 where there's a higher preference to
4 have sidewalks in those areas versus say
5 Fostertown Road where it's simply just all
6 residential. To formalize those ideas would help
7 basically do a first, you know, look at the
8 project.

9 There's a project up on Fostertown
10 Road, we don't really envision sidewalks ever
11 being in this area, so it would never come up as
12 an issue. However, on Route 300, certainly we
13 want to interconnect this corridor. On Route 9W
14 there might be a little more of a sidewalk on one
15 side of the road. Maybe they don't go all the
16 way up to Marlboro but maybe they go to, you
17 know, a certain logical point. To have a plan
18 like that I think would help. You know, the
19 Board, the applicants and everyone could look at
20 the Town more comprehensibly and more as a whole
21 rather than this one little project is going to
22 develop a sidewalk here and it's more of a wait
23 and see until another project comes by. I think
24 with that too, it also opens up the doors if
25 there are available grants for fundings to go

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after to say we have a plan, here's the sidewalks where we want them and, you know, we have these pieces in place but we need funding to fill the gaps in.

CHAIRMAN EWASUTYN: Good comments.

At this point I'll move for a motion to close the Planning Board meeting of the 20th of January.

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. A second by who?

MR. MENNERICH: I seconded it.

CHAIRMAN EWASUTYN: Second by Ken Mennerich. I'll ask for a roll call vote.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

(Time noted: 8:53 p.m.)

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

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7 I, Michelle Conero, a Shorthand
8 Reporter and Notary Public within and for
9 the State of New York, do hereby certify
10 that I recorded stenographically the
11 proceedings herein at the time and place
12 noted in the heading hereof, and that the
13 foregoing is an accurate and complete
14 transcript of same to the best of my
15 knowledge and belief.
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23 DATED: February 9, 2011
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