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

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In the Matter of

MADDOX, LLC
(2010-21)

North Plank Road
Section 35; Block 3; Lot 21
B Zone

----- X

TWO-LOT COMMERCIAL SUBDIVISION

Date: February 3, 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
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: JAMES DILLIN

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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 February 3, 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. WARD: Present.

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, Code Compliance.

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

MR. WARD: Please stand to say the
Pledge.

(Pledge of Allegiance.)

MR. WARD: If you have any cell phones,
please put them on vibrate or turn them off.
Thank you.

MR. PROFACI: The first item on this
evening's agenda is Maddox, LLC. It's a two-lot
commercial subdivision located on North Plank
Road, Section 35; Block 3; Lot 21. It's located
in the B Zone and being represented by James
Dillin.

MR. DILLIN: Good evening. We were
before the Board I believe in November and we
were sent to the Zoning Board of Appeals to
obtain a variance for the front yard, it was a
pre-existing condition, and also to seek relief,
possibly, on the repaving of the parking lot.
We've received the variances. We then added them

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on the map along with other comments that the engineer and planner had.

We're back before the Board. I've looked at the comments, both by the engineer and the planning consultant. I don't know if you want to go over any of those.

CHAIRMAN EWASUTYN: Let's take advantage of the time and just review them.

MR. DILLIN: Okay. On the engineer's comments I just had one question. Because this was a pre-existing parking lot, that we would be required to actually put up curbing. We did curbing also on this. It was an existing parking lot and we were just -- the applicant thought it was just going to be repaving.

CHAIRMAN EWASUTYN: Pat Hines, do you want to comment on that?

MR. HINES: I had spoke to Mr. Dillin after I sent my comments out. I explained to him that the Board's policy for commercial properties is that the parking lots are required to be curbed, and on much smaller sites than this the Board has requested curbing to be in place. When I was reviewing the map, the parking lot, it

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looked like only a small portion of it is paved in this area. I know the Zoning Board gave them a variance to not construct that until September, but I told them that I would talk to the Board regarding curbing, which is your normal practice, and whether or not, since this is kind of a quasi existing parking lot, if that would be required or not.

CHAIRMAN EWASUTYN: Okay. Discussion from Board Members.

MR. GALLI: I mean the curbing I think is the proper way to go. With commercial properties we've been pretty consistent. We're putting in curbing for the entrance and stuff. Does DOT have a regulation on that also, the curbing on the State highways?

MR. DILLIN: The DOT is going to be curbed. There's going to be a regular commercial entrance, paved. We've also gone to the State to get that approved. We're just waiting for that letter. The entrance to this project will definitely be all curbed and paved.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I would prefer to see

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it curbed, the parking lot.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: When we say the entire parking lot, we're talking how large an area? Is that the gravel area right now?

MR. DILLIN: It's partially paved. It's fifteen spaces.

MR. MENNERICH: It's on the other side of that.

MR. DILLIN: 65 by --

MR. PROFACI: Thanks.

MR. DILLIN: -- possibly 90 to 100.

MR. PROFACI: I think that given that this entry is going to be curbed by requirement, I think that the parking area should also be. It's what we've been recommending.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I definitely say curbing because, for one, it's not a level grade there, and we do ask for curbing in parking lots.

MR. DILLIN: Okay. So we'll do the curbing. I'm also going to add some stormwater management to that.

The only other comment is we do show a

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well cover, and that's where the existing well is on the property.

MR. HINES: As far as the stormwater management, we can look at the site as an re-evolved site for redevelopment since it was at one time parking. That should help you out a little bit.

CHAIRMAN EWASUTYN: Just for the Board's understanding, because I think in March the regs change, what are we really saying? What did you really say now, just for education?

MR. HINES: There's a separate chapter in the design guidelines for redevelopment of existing sites, not new green properties, and it allows for a certain reduction in the amount of stormwater practices you would put in. Realizing that portions of the site are already impervious, that you won't be adding all new impervious surfaces. So they can take credit on the site for what is existing impervious areas, and that will reduce the amount of stormwater management they'll have to do on the site.

Separate from that, the other issue is when the regulations change, on new sites there

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will be a requirement for runoff reduction where previously the first -- the ninety-percent storm, the 1.2 inches in this area would be metered out over twenty-four hours. The new regulations require that that water be retained on the site through infiltration or other practices. So it's going to become a little more difficult to develop sites in New York based on those regulations.

CHAIRMAN EWASUTYN: Jerry, comments for this project, do you have any?

MR. CANFIELD: I don't have anything at this time.

CHAIRMAN EWASUTYN: Pat, any additional comments?

MR. HINES: The DOT approval will be needed and the well location has been shown. Our comments have all been talked about.

CHAIRMAN EWASUTYN: Bryant Cocks?

MR. COCKS: My previous comments regarding the bulk table have been addressed, and the topography is now being shown on the plans.

The Orange County Planning Department granted a Local determination on November 5th.

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2 The EAF is going to need to be revised
3 to just reflect that the DEC website was
4 consulted in regard to threatened and endangered
5 species.

6 The owner's endorsement note must be
7 signed before that approval can be granted or
8 signed by the Chairman.

9 Other than that, I have no outstanding
10 issues.

11 CHAIRMAN EWASUTYN: One of the
12 conditions of approval by the ZBA was that the
13 lot surface had to be completed by what date?

14 MR. HINES: September.

15 CHAIRMAN EWASUTYN: Okay. Comments
16 from Board Members?

17 MR. GALLI: No additional.

18 MR. MENNERICH: No questions.

19 MR. PROFACI: No additional.

20 MR. WARD: No additional.

21 MR. DONNELLY: John, you issued a
22 notice of intent to be lead agency in October.
23 You've heard nothing to the contrary, so I think
24 your lead agency is finalized. You should issue
25 a declaration of significance and set this for a

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public hearing.

CHAIRMAN EWASUTYN: Thank you. Having heard from Mike Donnelly, Planning Board Attorney, I have two parts to this motion: That we declare a negative declaration for the two-lot subdivision on Maddox and that we schedule the public hearing for the 3rd of March.

MR. MENNERICH: So moved.

MR. GALLI: Second.

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

CHAIRMAN EWASUTYN: Myself yes. So carried.

Jim, if you would contact Bryant Cocks in reference to the mailing and he'll provide you with that. The Tuesday before, so that would be

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March 1st, the Tuesday before the actual meeting date, if you could make it a point of having Nancy or yourself bring over the return receipts, we'd like to have them in the office.

MR. DILLIN: Fine. Okay. Thank you very much.

(Time noted: 7:10 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 21, 2011

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

----- X

In the Matter of

HUDSON DINER
(2011-02)

5500 Route 9W
Section 8; Block 2; Lot 27.1
B Zone

----- X

CONCEPTUAL AMENDED SITE PLAN
ARCHITECTURAL REVIEW BOARD

Date: February 3, 2011
Time: 7:10 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
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: CHARLES MAY

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

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2 MR. PROFACI: The next item on this
3 evening's agenda is Hudson Diner. It's a
4 conceptual amended site plan and ARB, located at
5 5500 Route 9W, Section 8; Block 2; Lot 27.1,
6 located in the B Zone and being represented by
7 Charles P. May & Associates.

8 MR. MAY: Good evening. My name is
9 Charles May, I'm representing the Hudson Diner.
10 The Hudson Diner, as some of you may know, is
11 located approximately five to six miles from the
12 intersection of I-84 and 9W. If you go up 9W,
13 it's on the right-hand side just as you get into
14 Marlboro.

15 The site is zoned for business, which
16 is a minimum of one acre, which is 40,000 square
17 feet. The applicant provides 43,560 square feet.

18 This is the existing site plan. As it
19 sits right now, the existing structure consists
20 of a 2,498 square foot structure which is a stone
21 face and a brick foundation.

22 The parking facility that we have has
23 approximately 51 spaces. I think what we require
24 is actually 43 spaces. We're providing more
25 parking spaces than what is actually necessary

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under the code.

Some of the comments that we have from the town planner concerning the setback, one in particular is the front yard setback which is actually 50 feet, and according to the new regulation which was introduced, it's actually under Section 185-19 C, it's my understanding that that has been interpreted to have the project in conformance and not require us to go to the ZBA in order to get a variance.

This, as you know, property has been in existence since 1978 when it was approved. So therefore, having said that, we feel as though we are in compliance with actual Article 185-19 C. I believe that's been confirmed by Bryant.

The addition to the restaurant, as you've read in the narrative, it will consist of a 960 square foot dining area. Mr. Teddy Doufekias, who is the applicant, has owned the restaurant for some time and he's found that due to the layout of the interior of the restaurant, everyone seems to be disbursed along booths and things of that kind, and he seems to be getting larger families that would come in, say for

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2 example on a Sunday or Saturday afternoon, and
3 require that they have a small dining area for
4 possibly eight to ten people that are part of the
5 family. So that is the real purpose for the
6 actual addition, is to accommodate the people
7 that are coming in and requiring a party room,
8 you might want to call it, or a dining room or
9 something along those lines.

10 The actual increase in seating -- what
11 exists right now is 120 seats. This will
12 increase the seating capacity to 175 seats.

13 Prior to coming to the Town of Newburgh
14 we have been in communication with the Orange
15 County Health Department for probably three-
16 and-a-half to four months due to the fact that
17 the system was approved back in 1978. In 1978
18 the SPDES permit was 4,000 gallons per day. They
19 put a meter on the actual dining restaurant to
20 make a determination as to what the actual flows
21 were. The flows were not anywhere near 4,000
22 gallons per day. They were quite a bit less.
23 They knocked the SPDES permit down to 3,000
24 gallons per day.

25 Having said all that, since 1978 -- the

1 rules and regulations from the DEC for hydraulic
2 loading in 1988 were changed. Due to the fact
3 that we now are under a new application, we have
4 to abide by those new calculations. Our
5 calculations are that the dining area or the
6 restaurant will now generate approximately 2,840
7 gallons per day. Due to the fact that the
8 calculations have changed, the Health Department
9 will only give us credit for 1,640 gallons per
10 day. So what we're going to be doing is -- as I
11 said before, we've been talking to the Health
12 Department for at least three months -- we're
13 going to devise a way that we can possibly store
14 in storage tanks and pump off peak. The
15 restaurant is open from 7 in the morning until 9
16 at night, so during the period of time when the
17 restaurant is closed we would most likely be
18 discharging into the existing system. That is
19 what we're intending to do. The alternative is,
20 Mr. Doufekias has property which adjoins. We
21 could actually have the property which would be
22 adjacent to the restaurant. So we have two
23 alternatives as far as accommodating the sewage
24 disposal system.
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2 As far as the architectural, I believe
3 you have architectural plans and elevations which
4 have been submitted with the site plan.

5 There was a question that came up
6 concerning HVAC units on top of the addition.
7 There are no proposed HVAC units which will be on
8 top of the addition.

9 The addition will be in conformance
10 with the existing brick. The same color, it's a
11 white stone. The foundation will be a red brick.
12 I believe there's a green -- also a green seam
13 which runs along the side of the restaurant. So
14 we will not be changing anything. It will be the
15 same design.

16 Bryant has asked what is the small box
17 next to the dumpster. It's not currently
18 labeled. The dumpster area is not gated off at
19 this time and the Planning Board should discuss
20 with the applicant whether it is a requirement of
21 all site plans to enclose dumpsters for aesthetic
22 purposes. The dumpster is located in this
23 particular location. It doesn't have any
24 screening around it and it's just -- it just sits
25 on a pad at this particular time. So as we move

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2 along through the planning process, and once we
3 get completed with the Health Department, we can
4 address that with the Planning Board. There
5 could be a wooden gate placed in front of it or
6 something which would actually bring it into
7 compliance with what the Planning Board would
8 anticipate.

9 Having said that, we would like to move
10 along to the Health Department so that we could
11 complete the Health Department requirements as
12 far as the sewage disposal system.

13 CHAIRMAN EWASUTYN: Jerry Canfield,
14 Code Compliance, do you have any questions?

15 MR. CANFIELD: I have a question. On
16 the addition, the distance between the actual
17 addition and the front yard property line as you
18 have on the bulk use table is 56.75,
19 approximately. The requirement is 60 feet. It
20 has been the Zoning Board's past decisions that
21 this would be a candidate for increasing the
22 degree of conformity. Bryant's comments, and we
23 were just trying to briefly discuss it, but the
24 way the Zoning Board has looked at this type of
25 scenario in the past is if you have the linear

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2 footage of frontage that is noncompliant, that's
3 what's existing nonconforming. If you add on to
4 that and add to the linear footage which
5 continues to be noncompliant, that's increasing
6 the degree of nonconformity. So I think that
7 this is -- will need to be referred to the ZBA.

8 MR. MAY: Having said that, I believe
9 we -- if you refer to it, I thought we got an
10 interpretation from the town attorney. When you
11 look at 185-19 C which requires a 60-foot setback
12 from the highway, it speaks about enlargements
13 not being subject to the 60 feet, if I remember
14 correctly. So that is why our previous
15 discussions concerning this setback which you
16 have brought up, we have relief from that due to
17 Section 185-19 C.

18 MR. CANFIELD: You say you have an
19 interpretation from the town attorney regarding
20 that?

21 MR. MAY: I mean from Bryant.

22 MR. DONNELLY: The two sections are
23 185-19 B and C. Nonconforming buildings is the
24 title of B, and it uses the language "A
25 nonconforming building shall not be moved to

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2 another location where such building or structure
3 would also be nonconforming unless such movement
4 would decrease the nonconformity." C, on the
5 other hand, allows certain maintenance, repair,
6 structural alteration and relocation provided
7 that it does not increase the degree of
8 nonconformity. The difference between B and C,
9 in terms of the language is that B refers to a
10 nonconforming building that houses a
11 nonconforming use whereas C is entitled
12 nonconformity with bulk requirements. I would
13 say that from that language it appears to say
14 what you said and what Bryant's comment said. If
15 you have a series of decisions I'd be happy to
16 double check them. I believe that the Zoning
17 Board has routinely applied that regardless of
18 whether there's a nonconforming use within the
19 building or not, and they are the final
20 determiner of the meaning of the ordinance. I
21 think we even have one on the agenda tonight,
22 Maddox, who I think was just that situation,
23 wasn't he? That wasn't a nonconforming use?

24 MR. HINES: That was a front yard.

25 MR. DONNELLY: From that decision it

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2 says the Board, meaning the Zoning Board, has
3 determined in the past, this is the context of
4 subdivision, that approval of a subdivision, even
5 one that does not increase the degree of
6 nonconformity, is an event that causes the
7 protection afforded by Section 185-19 to be lost
8 because it is a substantial equivalent of a
9 relocation. Only if approval of a subdivision or
10 lot line change also decreases the degree of
11 nonconformity will the protection afforded by
12 Section 185-19 remain in force. I think there's
13 a parallel decision from them in the site plan
14 context. I'd be happy to look at those decisions
15 and report back. I think the Zoning Board has
16 told us that that language, which is somewhat
17 unusual, is one that requires a variance in all
18 cases except where you're decreasing the degree
19 of nonconformity. I'm not going to argue that the
20 words themselves don't suggest that, but our
21 Zoning Board has told us that that's the case.

22 MR. MAY: We are not increasing the
23 setback. The setback is not being increased.

24 MR. DONNELLY: They read that section
25 to say that unless you are decreasing the degree

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2 of nonconformity. It's not enough that you leave
3 it the same. You only keep the protection if you
4 decrease the nonconformity. That has been their
5 consistent position. I'll be happy to look at
6 those decisions again and see if they draw a
7 distinction from site plans versus subdivisions.

8 MR. MAY: Is there anything in that
9 language which speaks about -- it almost -- in my
10 mind it almost gives it like a grandfathering of
11 sorts.

12 MR. DONNELLY: It is a grandfathered
13 section. That's the idea. They've read it to
14 say that it is not enough -- I'll read it again.
15 "Only if approval also decreases the
16 nonconformity will the protection afforded by
17 Section 185-19 remain in effect." Now this
18 decision is in the context of subdivision but my
19 memory is that they have said the same thing in
20 the context of site plan. I will look at those
21 decisions and see if that's correct. The
22 distinction that Sections B and C seem to make is
23 the housing of a nonconforming use in a
24 noncompliant building under B and a simple
25 noncompliant building in C. There's a different

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trigger for the loss of the protection. I don't believe they've read them that way.

MR. GALLI: So if he moves that building back a foot from where it is now, then he'd be fine? He wouldn't have to go to the Zoning Board? Is that what I'm --

MR. DONNELLY: Not just the new section.

MR. GALLI: Okay.

MR. DONNELLY: I think he'd have to move the building.

MR. GALLI: The whole building?

MR. MAY: The whole building?

MR. GALLI: The way you explained it, I thought if the new part added on was --

MR. DONNELLY: It's not practical. That wouldn't happen. This has been the course that you followed over and over because of those decisions that you've inherited. I've never seen them deny one of these variances but I think universally they've been sent there because of the method by which they interpreted it.

CHAIRMAN EWASUTYN: We would have to wait to hear back from Mike Donnelly. The Board

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2 would eventually refer whatever action upon
3 hearing from our Attorney. So at this point it
4 sounds as if there would be a need to be sent to
5 the Zoning Board of Appeals for a variance.

6 MR. MAY: Okay. I mean I can't -- as
7 soon as we get an interpretation from the town
8 attorney. It does sound like --

9 CHAIRMAN EWASUTYN: It would be the
10 Planning Board Attorney.

11 MR. DONNELLY: I'll send you a letter
12 and enclose some of those decisions. In the
13 event my opinion is otherwise, it can return
14 without the need of that referral, otherwise I'll
15 send a letter.

16 Is that the way we should do it, John?

17 CHAIRMAN EWASUTYN: Explain to him
18 there's two parts.

19 MR. DONNELLY: The Planning Board can
20 resolve this evening to authorize me to write a
21 letter to the Zoning Board referring this for
22 consideration of the granting of a variance. If
23 I look at those decisions and I find one that
24 makes the distinction that you are making or the
25 distinction that it only applies in the

1 subdivision context, not the site plan context,
2 I'll communicate that to you and the Planning
3 Board and then the referral would not be needed.
4 I'm not optimistic that I'll find that because
5 we've been through this quite a few times. I
6 will happily look at those decisions and see if
7 there is such a --

9 MR. MAY: If we go to the ZBA, we would
10 have to come back here eventually when we get
11 final approval from the Health Department. I
12 think the next step would be as you said, to have
13 you provide us with an interpretation and then we
14 would go to the ZBA. I mean this restaurant has
15 been here since 1978. I think that if logic
16 prevails, this little addition is not only a
17 benefit to the community but to the Town of
18 Newburgh.

19 CHAIRMAN EWASUTYN: Thank you. The
20 Board then is in agreement, based upon the
21 decision, Mike Donnelly will draft a referral
22 letter to the Zoning Board of Appeals?

23 MR. GALLI: Yes.

24 MR. MENNERICH: Yes.

25 CHAIRMAN EWASUTYN: Jerry, do you have

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anything else to add?

MR. CANFIELD: Nothing.

CHAIRMAN EWASUTYN: Pat, in reference to the avenues that Mr. May is exploring, even to the point that, if need be, there would be an additional septic system on the adjoining lot which belongs to the owner, is that sort of a permitted action, to sort of have a septic system on an adjoining lot?

MR. HINES: It's a little strange. I think an easement for that use would have to be provided on that lot. They would need to show that. Because it's over 1,000 gallons a day, the jurisdiction is under the Health Department and the DEC, not the Town. We would be looking for approvals from them for the actual subsurface sanitary disposal system. If it is going to be on another lot, there would need to be provisions to make sure that remains in perpetuity.

CHAIRMAN EWASUTYN: Do you have anything else you would like to add?

MR. HINES: That's all we have on this, the septic system.

We'd like for the Planning Board's

1 files to have copies of the reports that you're
2 sending to the various agencies regarding the
3 septic system so the Planning Board would have a
4 complete file.
5

6 There's no additional impervious
7 surface. The majority of this building is being
8 placed on an area that's currently paved, so I
9 don't see a need to do any drainage evaluation on
10 this site.

11 Once the septic system issues are done,
12 I think the technical issues that we have will be
13 accomplished.

14 CHAIRMAN EWASUTYN: Mr. May, to make
15 the process easy, if you can cc us on your
16 correspondence to the Health Department but also
17 mail directly to Pat Hines so he has a copy of
18 that in his record.

19 MR. MAY: Certainly. We've been
20 communicating with him, as I said before, because
21 I just didn't want Mr. Doufekias to go through a
22 whole process and get to the Health Department
23 and find out that he had a problem. So this is
24 the first step I think with the Health
25 Department. They've been more than accommodating

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with us.

CHAIRMAN EWASUTYN: Bryant Cocks,
additional comments?

MR. COCKS: Just in regards to the
referral to the ZBA, there was also an issue with
the lot surface coverage which is currently 87.27
percent. That's also not being increased. I
think Jerry was referring to the fact that
they're getting additional linear footage.

MR. CANFIELD: That's correct.

MR. COCKS: So would the lot surface
coverage --

MR. DONNELLY: I would include that in
the letter as well, it's the same idea, since
it's not being decreased.

MR. CANFIELD: I agree with you on the
lot coverage. That's not an issue.

MR. COCKS: Okay. So even though
that's nonconforming, that's not being increased
or decreased. It's no additional linear footage
of the building. Okay. So only the setback
would apply.

Other than that, Mr. May addressed all
of our comments that we had regarding the Health

1
2 Department, and the HVAC units, and the dumpster
3 location. I have nothing further.

4 CHAIRMAN EWASUTYN: Mike, are you in
5 agreement with the agreement between Jerry
6 Canfield and Bryant Cocks?

7 MR. DONNELLY: It's really what the
8 Zoning Board has been doing. The language of C
9 says -- I'm sorry, B, and that is a building --
10 I'm sorry, wrong section -- not be moved but also
11 be nonconforming unless of a decrease. The
12 language of C talks about district regulations
13 for lot area, lot width, lot depth, front, side
14 or rear yards, building height, lot coverage, but
15 that's different from lot surface coverage.

16 MR. HINES: It's the same.

17 MR. DONNELLY: Well, so then I would
18 think whether the Zoning Board has done so or
19 not, it should be the same. Whether it's a front
20 yard or lot coverage issue, it would also need a
21 variance because it finishes with that language
22 about unless it decreases the degree of
23 nonconformity. I think it would be safer to send
24 them for both.

25 CHAIRMAN EWASUTYN: Mr. May, have you

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heard that?

MR. MAY: Yeah. I picked up some of that language.

CHAIRMAN EWASUTYN: So the two probabilities for the ZBA are for lot coverage and front yard setback?

MR. DONNELLY: Yes.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: Mr. May, I'm not sure, did you answer the question about what that little box was? Can you tell us what that is on the plan?

MR. MAY: What is that? The dumpster and then there's a little -- it's not a clothing bin right there, is it?

MR. GALLI: The clothing bin is off to the side.

MR. DOUFEKIAS: That's for the grease, the box.

MR. MAY: To pick up the grease.

MR. GALLI: You have someone come pick up the grease? It's put in that box and they pick it up?

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HUDSON DINER

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MR. MAY: Yes.

MR. GALLI: Do you want that labeled on the plan?

MR. COCKS: I think it should be.

MR. MAY: We can label that on the plan. That's not a problem.

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

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Nothing.

MR. PROFACI: Nothing.

CHAIRMAN EWASUTYN: John?

MR. WARD: Nothing.

CHAIRMAN EWASUTYN: Okay. At this point I'll ask the Board and I'll ask Mike Donnelly two questions. One, we would have to -- at this point we can circulate to the Orange County Planning Department?

MR. DONNELLY: Correct.

CHAIRMAN EWASUTYN: Can we grant conceptual approval or should we wait until the applicant comes back from the ZBA?

MR. DONNELLY: I think conceptual approval is intended to say if all other agency approvals are granted, the overall layout is

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satisfactory. So I believe that you could.

CHAIRMAN EWASUTYN: I'll ask the question now so we can either plan for it or not plan for it. It's discretionary. Does the Planning Board -- would the Planning Board want to hold a public hearing on the Hudson Diner amended site plan?

MR. GALLI: No.

MR. MENNERICH: No.

MR. PROFACI: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: With site plans it's discretionary for the Planning Board whether they want to hold a public hearing. Let the record show that the Planning Board, the entire group, waived the need for a public hearing.

I'll move for two parts to this motion, to grant conceptual amended site plan approval for the Hudson Diner with the understanding that the applicant receive all necessary approvals from any involved agencies, and that we circulate to the Orange County Planning Department.

In which case, Mr. May, if you would get plans to Bryant Cocks. Under 239 of the

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HUDSON DINER

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Municipal Law, he'll circulate to the Planning Department.

MR. WARD: So moved.

MR. PROFACI: Second.

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

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

Thank you.

MR. MAY: Mr. Chairman, when will the minutes of this meeting be available?

MS. CONERO: In two to three weeks.

MR. MAY: Thank you.

(Time noted: 7:35 p.m.)

(Time resumed: 7:36 p.m.)

CHAIRMAN EWASUTYN: Mike, should we,

1
2 for the record under Board Business on the 17th,
3 officially take an action as far as referring
4 this to the ZBA since you're waiting for the
5 determination?

6 MR. DONNELLY: I was understanding what
7 you were going to do is refer it unless I wrote
8 to you and said it wasn't necessary.

9 CHAIRMAN EWASUTYN: So maybe -- should
10 I go back and amend that?

11 MR. DONNELLY: That wasn't -- I was
12 probably typing.

13 CHAIRMAN EWASUTYN: I would like to
14 take a minute to go back to amend the action for
15 the Hudson Diner, that being to grant -- to refer
16 this to the Orange County Planning Department, to
17 grant conceptual approval subject to the involved
18 agencies. We'll make note that we're waiving the
19 public hearing and that we will be referring this
20 to the Zoning Board of Appeals for lot coverage
21 and for a front yard variance.

22 MR. GALLI: So moved.

23 CHAIRMAN EWASUTYN: John, you made the
24 original motion.

25 MR. PROFACI: I'll second it again.

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HUDSON DINER

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CHAIRMAN EWASUTYN: We have the amended approval by John Ward. We have a second by Joe Profaci. Any further discussion?

MR. MENNERICH: It would go to the ZBA if necessary; right?

MR. DONNELLY: Yes.

CHAIRMAN EWASUTYN: Thank you. I had discussion by Ken Mennerich. I have a motion on the table by John Ward, a second by Joe Profaci. Any further discussion?

(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. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried. Thank you.

(Time noted: 7:38 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 22, 2011

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

----- X
In the Matter of

HICKORY SHADOW - LOT 20
(2011-02)

Merritt Lane
Section 7; Block 3; Lot 20
AR Zone

----- X

CONCEPTUAL TWO-FAMILY SITE PLAN
ARCHITECTURAL REVIEW BOARD

Date: February 3, 2011
Time: 7:35 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
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: THOMAS DePUY

----- X

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

1
2 MR. PROFACI: The next item on
3 tonight's agenda is lot 20 of Hickory Shadow.
4 It's located at Merritt Lane in the Hickory
5 Shadow subdivision. It's a conceptual two-family
6 site plan and ARB, Section 7; Block 3; Lot 20,
7 located in an AR Zone and being represented by TM
8 DePuy Engineering.

9 (Time noted: 7:36 p.m. to return to
10 the Hudson Diner application.)

11 (Time resumed: 7:38 p.m.)

12 CHAIRMAN EWASUTYN: Sorry, Tom.
13 Please.

14 MR. DePUY: Celpat of Florida, LLC,
15 which is actually a company owned by Ham Staples,
16 is proposing to convert -- well, this used to be
17 the cooler area for when this was all Mt. Airy
18 Farm. What they've done is removed all this area
19 in here. This is the original -- this was
20 actually the original barn that was on the
21 original farm. What's still out there is the
22 original foundation from this part of the barn.

23 What they're proposing to do is convert
24 this into a two-family dwelling. Basically we
25 had shown a single-family house at one time on

1 this lot. Actually we were showing this being
2 converted to a single-family house at one time.
3 We had actually -- when we did the original
4 subdivision we actually had two septic areas.
5 You approved this area here and this area here.
6 They were both also reviewed by the Health
7 Department. In this action we would be using
8 this septic system here. We showed this here but
9 we'll eliminate that off site.
10

11 Basically we would be accessing off of
12 Merritt Lane at this point here. This is what we
13 call Old Merritt Lane. This is in the process of
14 being abandoned. It runs up through here. This
15 is the Merritt Lane realignment. This is Jessica
16 Court which is the other road that comes in here.
17 So we're proposing to put a driveway in here. We
18 also want to put a driveway in this area here.
19 We would access the one dwelling from down below,
20 up the set of stairs that are here and in here,
21 and then the other portion of the two-family
22 facility would be from this point here, and we'd
23 access it at that point there. So that's pretty
24 much the general layout of the site.

25 I believe we had submitted an

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architectural rendering of the barn.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: A three-car garage in the back?

MR. DePUY: Yeah. Basically what we want to do is they're the original three barn openings. They were converted to overhead doors when it was the cooler. We want to leave them alone due to the structure that's there. We're trying to save the old structure of the original barn.

MR. GALLI: Are they going to be used for the houses?

MR. DePUY: That's what we're going to -- we're proposing. We'll clarify that on the site plan as we work on it. That was -- I wanted to give a presentation first of what we're trying to do here.

MR. GALLI: If we're looking at this for ARB, I'm curious if they're going to be part of the house or not part of the house.

MR. DePUY: It's going to be part of the house. It will be used by the units.

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MR. GALLI: So they'll have one-and-a-half garages each?

MR. DePUY: We'll probably allow the one here to use all three garages. I think that's the way it's splitting up inside the building. Unfortunately this one won't have a garage, up top.

MR. GALLI: Okay. And the door next to the garages, that little barn door off to the right if you're looking at the picture?

MR. DePUY: That's the original cooler door. We were leaving that in. We probably won't allow that to be accessed.

MR. GALLI: Aesthetics?

MR. DePUY: Yeah.

MR. GALLI: Is that going to be part of the family house here?

MR. DePUY: Yeah. That would be the second part of the dwelling. A little step up into that part. That has a different finished floor. We'll provide the finished floor elevations and stuff.

MR. GALLI: So this won't have basements?

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MR. DePUY: This part will because this will be down below. This one here we're trying not to access.

MR. GALLI: Okay. That's all the questions I had, John.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: The existing garage that's shown on the right-hand side, what's that going to be used for?

MR. DePUY: That's basically used for storage now. That's an existing. It's been there.

MR. MENNERICH: So it's going to stay on the same piece of property? You're not going to subdivide it?

MR. DePUY: No. That will remain as part of this.

MR. MENNERICH: Okay.

MR. HINES: There wouldn't be enough lot area to subdivide this with a two-family use on there.

MR. CANFIELD: Lot sizes are much larger for two family.

CHAIRMAN EWASUTYN: Joe Profaci, ARB?

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MR. PROFACI: I have nothing.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: My question is the three garages, is the driveway going to the front or the back? Is it going to the front?

MR. DePUY: We'll clarify that. We're going to have a driveway here and we're also going to have a driveway here.

MR. WARD: That's what the question is. That's why I needed to know. You have the three-car garages.

MR. DePUY: Right.

MR. WARD: Are you going to have cars or storage?

MR. DePUY: We're proposing to have them as part of the -- part of the garage.

MR. WARD: Very good. Thank you.

CHAIRMAN EWASUTYN: Is the Board ready to take an action to approve the ARB for lot 20 of Hickory Shadow?

MR. GALLI: I don't have a problem with it.

CHAIRMAN EWASUTYN: All right. I have a motion by Frank Galli. Do I have a second?

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MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: 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. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

Now let's discuss the overall lot. Jerry Canfield, do you have any comments on this?

MR. CANFIELD: I guess a question for Mr. DePuy. What's going to happen in the basement of this building? Will it be parking for the residents, or what will --

MR. DePUY: Yeah. That's all we're going to propose is parking for the residents.

MR. CANFIELD: Will there be any agricultural purposes or intents or occupancies?

MR. DePUY: No. There are some tractors and stuff parked there now. That's

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going to be --

MR. CANFIELD: So then this whole entire structure will be a two-family residence with parking to accommodate the residents?

MR. DePUY: Yes.

MR. CANFIELD: No agricultural or storage or anything like that?

MR. DePUY: No.

MR. CANFIELD: Those are the only questions I have.

CHAIRMAN EWASUTYN: Do you need any final notes on the plans for the official use? Would you like to see any final notes?

MR. CANFIELD: I don't foresee the need, John, for any final notes. The applicant's representative is presenting it as a two-family, and that's what it will be.

Just for the record, we had some previous confusion with this. I believe the owner had indicated a desire for some type of agricultural corn sales or corn storage for this building, but perhaps that has changed.

MR. DePUY: Yes. He's modified it into being a two-family barn.

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CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: We had a comment that Mr. DePuy addressed. The septic area for the existing garage led us to believe there's a potential for three residential structures here. We're suggesting that septic area be removed so it's not shown as a potential residence.

Then we're suggesting that the two driveway arrangement be approved by the highway superintendent. It's not a typical layout for a duplex. We usually have one driveway. I think Darrell should weigh in on the two driveways.

The status of the Merritt Lane realignment and dedication, that hasn't occurred yet; correct?

MR. DePUY: No. It's still covered by a bond. This hasn't been finalized yet.

MR. HINES: That goes back to the Hickory Shadow/Rocky Heights saga.

That's all we have on this.

CHAIRMAN EWASUTYN: Bryant Cocks?

MR. COCKS: A question that I had that wasn't in my review was regarding the two driveways. One, is this going to be paved? Is

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this an existing gravel driveway?

MR. DePUY: Yeah. We'll come in and pave this area in here. We'll clarify that on the site plan.

MR. COCKS: The entrance to I guess the two-family house, one is going to be significantly bigger than the other. There's going to be some type of sidewalk leading down there?

MR. DePUY: Up in this area here, is that --

MR. COCKS: Here. To access this one from here.

MR. HINES: That's garages; right?

MR. COCKS: This existing cooler that's labeled right there, is that going to be one of the two-family houses?

MR. DePUY: Yeah. We'll enter right at this point here. It will be like a split level because those elevations are different. I guess we can put a dashed line where part of this will be of this unit and then this will be the rest of that unit.

MR. COCKS: Okay. The existing barn, I

1 saw in the ARB that the three garages are kind of
2 spread out a little bit. Is that whole bottom
3 floor just going to be one big garage down there?
4

5 MR. DePUY: Yes.

6 MR. COCKS: My first comment was
7 regarding the lot area. That needs to be shown
8 on the plans. 17,500 square foot minimum
9 dimension but 50 feet in all directions needs to
10 be shown for a two-family dwelling. That's part
11 of the new Local Law 9 of 2010.

12 As mentioned, the square footage of the
13 building and finished floor elevations need to be
14 shown.

15 MR. DePUY: Okay.

16 MR. COCKS: The parking lots need to be
17 striped. That's usually how we show it. I'm not
18 sure how many spaces you're planning on fitting
19 in with each side but only four are required for
20 a two-family house. It seems like there's a lot
21 of area there.

22 This will need to be referred to the
23 Orange County Planning Department because it's in
24 an agricultural district.

25 Highway department approval was already

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mentioned.

I think that's about it.

CHAIRMAN EWASUTYN: Okay. Karen Arent?

MS. ARENT: Tom answered most of my questions with regard to the garages in the front of the building.

The driveways are accessing each unit on different sides of the site?

MR. DePUY: Yeah.

MS. ARENT: So all the questions were addressed.

CHAIRMAN EWASUTYN: Thank you.

Mike, in reference to -- well number one, an action before us tonight would be to grant conceptual approval for the two-family site plan for Hickory Shadow. As Bryant mentioned, this is in an ag district so we have to refer it to the Orange County Planning Department.

MR. DONNELLY: Correct.

CHAIRMAN EWASUTYN: Can we tentatively schedule this for a public hearing also for the 3rd of March?

MR. DONNELLY: The likelihood is you'd hear back from the County Planning Department.

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If not, you could always pass it to a meeting after that. You can start the hearing without that.

CHAIRMAN EWASUTYN: Then I would move for a motion from the Board to grant conceptual approval for lot 20 of the Hickory Shadow site plan and ARB, and to set the 3rd of March for a public hearing.

MR. GALLI: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by John Ward. 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. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

Okay, Tom. You'll contact Bryant Cocks as far as circulating to the Orange County Planning Department.

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HICKORY SHADOW

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MR. DePUY: Yup.

CHAIRMAN EWASUTYN: Bryant will assist you in coming up with a mailing list. The Tuesday before the Thursday of the meeting, if your office could deliver to the Planning Board office the signed registered receipts for the public hearing.

MR. DePUY: Okay. Thank you.

(Time noted: 7:50 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 22, 2011
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STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH PLANNING BOARD

----- X
In the Matter of

MID-HUDSON FEDERAL CREDIT UNION
(2011-01)

Route 300
Section 97; Block 2; Lot 22.2
IB Zone

----- X

CONCEPTUAL PHASE III SITE PLAN

Date: February 3, 2011
Time: 7:50 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
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: JOHN CAPPELLO

----- X

MICHELLE L. CONERO
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2 MR. PROFACI: The next item on
3 tonight's agenda is the Mid-Hudson Federal Credit
4 Union. It's a conceptual Phase III site plan
5 located at Route 300 in the former Lloyds plaza
6 gas station, Section 97; Block 2; Lot 22.2, in
7 the IB Zone, being represented by William
8 Spearman.

9 MR. CAPPELLO: Good evening, everyone.
10 My name is John Cappello and I'm an attorney with
11 Jacobowitz & Gubits. I'm here tonight with John
12 Cote from Langan Engineering, the project
13 engineer; and John Latsko, the project design
14 manager; and William Spearman with Mid-Hudson
15 Valley Federal Credit Union, the applicant. We
16 also have, for old time sake, Joe Corn from
17 Newburgh Plaza, LLC. Joe and I were here with
18 John back in 2006. I was just looking at the
19 minutes. It didn't seem like it was that long
20 ago we were here.

21 This is a redevelopment of the former
22 Lloyds site on Union Avenue. At that time the
23 Home Depot on the site had existed. We're back
24 in front of the Board to do SEQRA review and have
25 site plan approval for redevelopment of the

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remainder of the plaza in the three phases.

The first phase has been constructed, that's the Kohl's department store and a PetSmart to the rear. There is another phase in the future that will show a retail building and a restaurant, also in the rear of the site. At that time there was also a site plan review for an approximate 3,000 square foot existing convenience store and gas station that had existed on the area fronting Route 300. The Board gave a site specific site plan for phase I. As I said, phase I was constructed. Kohl's and PetSmart have been operating since 2007.

What we're here now to discuss is the redevelopment of the front portion, which would be redeveloped, instead of as a gas station/ convenience store of 3,000 square foot, to a 3,950 square foot federal credit union, Mid-Hudson Valley Federal Credit Union.

What we've shown in a concept plan, which I'll let John present in a couple seconds, is a brief analysis of the project and a comparison of how it matches the plan that you had approved back in 2006. We've kept the

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2 landscaping the same. We understand there are
3 comments here that we'll have to address.

4 Just to give the Board some background,
5 we also did an analysis of the major difference,
6 other than aesthetics. Because the site has been
7 developed, there may be a difference with traffic
8 impact and potentially parking. We gave you an
9 analysis from our traffic engineer, that I
10 understand your traffic engineer has reviewed,
11 explaining that in reality, although the building
12 is a bit larger, that given the federal credit
13 union activity, the potential traffic generator
14 would likely be less than a 3,000 square foot
15 convenience store/gas station.

16 So with that really I just wanted to
17 introduce John Cote. John can run you through
18 the specific conceptual site plan he prepared.

19 MR. COTE: Just to reiterate what Mr.
20 Cappello just went through, this orientation
21 relative to what was previously described as the
22 phase II site, which was previously proposed as
23 the redevelopment of the existing gas station,
24 has been modified now to put in a 3,950 square
25 foot federal credit union building. Mid-Hudson

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2 Valley Federal Credit Union is the applicant for
3 the project. The site plan was laid out with a
4 total of thirty-four parking spaces provided,
5 three drive-through teller positions through a
6 detached canopy structure, as well as access
7 drive aisles that are provided, one coming in off
8 the main entrance.

9 The existing position is a right-
10 in/right-out scenario. We're proposing it to be
11 a right in only turn servicing the site. We're
12 providing an access point to the south getting
13 out into the lot by the Home Depot as well as the
14 connection point for the drive aisle that leads
15 to the main entrance.

16 The overall layout. What we did here,
17 just for conceptual purposes, was we brought back
18 in from the original approved plan the landscape
19 buffering scenario that was proposed up along
20 Route 300. In the remaining portions of the site
21 we identified various trees to remain that are
22 existing today. We also looked for a full design
23 plan to identify the remaining landscaping and
24 incorporate comments. We are in receipt of the
25 various review letters that have been provided by

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your professionals.

The overall project basically, as Mr. Cappello said, results in going from the 3,023 square foot gas station facility to the 3,950 square foot federal credit union.

As a result of that we did provide a traffic report prepared by Bill Oken of my office, and we understand your planner concurs with the fact the trip generation will be reduced based upon the different use.

We'll be looking to provide a full-blown set of design plans based upon some interaction on what we think are comments or different discussion points, and we'll identify in that plan the future utility connections utilizing the existing facility's utility connections as well as any other modifications to landscaping and the pedestrian links that we showed today.

Right now we're proposing a sidewalk. Based upon the original approval, there was a request on any portions of the development to be interconnected for pedestrian access from one facility to another. What we did was we took the

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2 Home Depot sidewalk and did a connection and
3 pedestrian crosswalk in an area that wouldn't see
4 a frequent amount of traffic and brought that
5 back up through into the federal credit union's
6 portion of the site.

7 From a drive-through position we've
8 allowed for a bypass lane, and we're providing,
9 in this particular case, two stalls beyond that.

10 That's really the heart of it. We're
11 not proposing any changes to the access drives as
12 far as the connection to 300.

13 There's architectural drawings we have
14 that we can present as well to tie in to some of
15 the graphics I believe you have from the
16 submission packet.

17 Just as a note, as a result of this
18 redevelopment the impervious areas are remaining
19 the same from the pre-existing conditions to the
20 proposed development conditions.

21 MR. CAPPELLO: With that I'll introduce
22 John Latsko. John is with PW Campbell, the
23 architectural and design firm out of Pittsburgh.
24 In deference to being in New York, John has not
25 worn his Pittsburgh Steelers jersey while he's

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doing the presentation.

MR. LATSKO: What I'd like to do, everybody, is as John had mentioned, the intent of our facility itself right now is we're looking for the building to be approximately 4,000 square feet in size. We are proposing right now, as you can see in the elevations, a cultural stone which is going to be up to about the window height of the building, and we're going to use a hardy plank material from that point forth.

Our roof right now, we're looking to have a proposed shingled roof. We are going to have efface, like a Drive-It material, which is going to be in the gables of our building. Our building itself is almost a mirror image of a couple other facilities that we are now building throughout the New York area. We have one in Middletown and also another one in Port Ewen, which we're trying to keep that appeal. Also it's got the calm colors. Actually, it's going to be more of an appearance that's going to be attractive. We're hoping that you would all approve of it as well.

As John had mentioned, the landscaping

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2 around the building, as you had seen on his
3 drawings, we're hoping to maximize those to the
4 greatest extent we can. Of course it is a
5 federal credit union so there are going to be
6 some issues dealing with security and things of
7 that nature. We're going to make sure that we
8 don't have our members, as they do enter the
9 building or as they're going through the drive
10 ups, that they're going to put themselves in
11 harm's way. Some of our lighting requirements
12 and everything of that nature, we are going to
13 adhere to the State of New York where we are
14 going to have the foot candles -- at least a
15 minimum of one foot candle we propose for the
16 driving areas as well as we use the term personal
17 teller machine, similar to an ATM, where we have
18 our foot candles there as the State requirements,
19 twelve-foot candles illuminated at our drive-up
20 entrances.

21 I did show four different elevations of
22 the building from the four different perspectives
23 that hopefully -- I don't know if you all can see
24 it across the room or not. Of course you'll be
25 seeing as the different -- I'm trying to get my

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2 bearings. As John mentioned, when you're coming
3 in this is actually going to be the focal point,
4 which will run parallel with Home Depot and would
5 be this entrance. The back of the building of
6 course would be right here. As you're exiting
7 Home Depot you actually see the back of the
8 building without the landscaping and everything
9 as I spoke of. The whole appeal of it is you see
10 trees here. Our architects just try to add some
11 kind of flare to their drawings, as creative as
12 they are. I asked them to make them black and
13 gold.

14 Again, I don't want to elaborate too
15 much on the elevations. We're in perspective
16 with the building but we are trying to keep that
17 branding technique that we have on our other
18 buildings with the credit union. We want to try
19 to maintain that if at all possible.

20 I know tonight we're here for schematic
21 purposes and a review of the conceptual plans. I
22 don't want to take up too much time. I did want
23 to throw that out there to give you guys and
24 ladies an idea of what our intent is.

25 MR. SPEARMAN: My name is Bill

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2 Spearman, I'm the president and CEO of the Mid-
3 Hudson Valley Credit Union. I just wanted to
4 comment that we have an office already in the
5 Town of Newburgh. We've been here for
6 approximately ten years. We wanted to be able to
7 create a much better view for ourselves and a
8 much better service facility. We believe in the
9 Town and we are very excited about providing a
10 good opportunity and a nice looking facility to
11 expand our footprint here.

12 We are in the process of completing
13 almost an identical facility in the Town of
14 Wallkill, in Middletown, and we have a site
15 that's just slightly smaller that we're currently
16 building in the Town of Esopus, in Port Ewen. We
17 have approximately eleven offices today. We are
18 a \$700,000,000 community credit union and provide
19 a full breadth of services, not only retail but
20 business services. We look optimistically at
21 providing a full breadth of services here in the
22 greater Newburgh community.

23 We're pleased to produce what we have
24 tonight and also to consider all of the other
25 good suggestions that have been made, and look

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for your direction as we go forward.

Thank you.

CHAIRMAN EWASUTYN: Do any of you gentlemen have business cards with you? Would you be kind enough to provide the Stenographer with one, please.

I'll turn to the Board Members as far as any comments in reference to the presentation.

MR. GALLI: Just a couple. The main -- the focal part of the building, the picture on the top isn't going to be facing 300, it's going to be facing the Home Depot parking lot? The nice looking one.

MR. COTE: In orientation for the Planning Board, this is what you see coming off the main drive aisle, and your front door, in effect, coming off of this --

MR. GALLI: Union Avenue/Route 300, do you see the driveway? The picture you have up there now, the big one.

MR. SPEARMAN: This is an elevation from north to south. This is an elevation from 300. This is 300.

MR. GALLI: So that's going to be 300.

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Okay.

On this facility, not like your other one on 300, it's going to have those live tellers inside here, inside the building?

MR. SPEARMAN: Inside the building.

MR. GALLI: The twenty-four access is going to be --

MR. SPEARMAN: It's going to be in the foyer.

MR. GALLI: In the foyer. And then the back of the building facing the Home Depot parking lot is going to be --

MR. LATSKO: This elevation right here is this --

MR. SPEARMAN: That's the south to north elevation.

MR. LATSKO: That would be right there. It would be this elevation.

MR. GALLI: What's the part in the back, the long part in the back? The north/south.

MR. LATSKO: This is what you're seeing right over here.

MR. GALLI: Okay.

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MR. LATSKO: Does that help you out?

MR. GALLI: Yeah. That's all. Thank you.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: The hardy board that you're going to use on the building, what shade or color is that going to be?

MR. SPEARMAN: I don't have the specific color. We chose a color for Middletown and Port Ewen. We can provide to you at the next meeting the specific color recommendation. We have the same for the stone as well.

MR. LATSKO: It's actually called aluminium tan. That's what we used on the other two facilities. Again, as Bill had said, the Architectural Review Board also critiqued that, or this group possibly. It would be similar to this color you see here I think.

MR. MENNERICH: It's a textured hardy board?

MR. SPEARMAN: It is a textured hardy board. There's a grain.

MR. MENNERICH: I think they make a very nice look on a building, that material.

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MR. SPEARMAN: We actually just put it on our Port Ewen building and it looks beautiful. It has an actual wood grain feel to it.

MR. GALLI: Are the colors similar to the one up in Highland?

MR. SPEARMAN: The Highland project is completely different.

MR. GALLI: It's a different building.

MR. SPEARMAN: It's a different brick colonial look and we kind of moved to this one. In fact, the Highland branch is all brick, pretty much, except for the gables.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: You said that the ATM facility is indoors?

MR. SPEARMAN: A walk-up ATM.

MR. PROFACI: It's not a drive-through?

MR. SPEARMAN: It will have a drive-up as well. The drive-up will be contiguous with our drive-up unit in the back or on the west.

MR. PROFACI: Okay. So are they on opposite sides of the building?

MR. SPEARMAN: They are.

MR. LATSKO: We actually brought a

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floor plan. I didn't know if you preferred to see that or not.

MR. SPEARMAN: Basically these are the 24 by 7 units right here. This is the vestibule, this is where the 24 by 7 access indoors would be. The drive-up units would be obviously next to the drive-up units in the rear of the building or the eastern side of the building. The walk-up ATMs are here. I guess that is of some interest because we have to have some additional light. Because of New York State ATM rules, we have to have some foot candle -- foot power that's here and also in the back of the building. This is basically the floor plan of the side.

This is what we call our anchor building. It's a little larger than what we've been building lately but we consider the Newburgh area a start in terms of building branches in the vicinity. So this is closer to a 4,000 square foot building. Kind of the biggest building we build today is around this size here.

MR. LATSKO: 300 is at the top of the page.

MR. SPEARMAN: The drive-ups would be

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back here.

MR. PROFACI: Thank you.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: My question is how high is the roof with your --

MR. SPEARMAN: The building here?

MR. LATSKO: I want to say it's twenty-four and-a-half feet right now. We're keeping within the ordinances.

MR. WARD: That's why I'm asking. If you follow the guidelines with the lighting and everything, it will be fine.

MR. LATSKO: Yes, sir.

MR. WARD: Thank you.

MR. SPEARMAN: We owe you a full lighting plan as well.

MR. LATSKO: We were going to do the photometrics and everything else after you all approved the conceptual plans and told to us move forward.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: I'll turn to Board Members for their comments. Jerry Canfield?

MR. CANFIELD: I didn't submit any

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2 written comments, but just a couple on what was
3 presented. Also on the height of the building,
4 the site as it's proposed complies with the
5 accessibility requirements as far as driving
6 lanes, the fire code. If you infringe or exceed
7 that thirty-foot limit, it changes, the widths
8 become greater. You comply now.

9 Another thing that should be mentioned
10 is the Town of Newburgh has a more restrictive
11 fire protection requirement with respect to
12 sprinklering of buildings, and this building will
13 be required to be sprinklered. So when we see
14 the details for the utilities such as water, the
15 sizing of the main and stuff, you need to take
16 that into consideration. Of course also the cost
17 of a sprinkler system.

18 MR. LATSKO: So Newburgh is more
19 restrictive than the IDC code?

20 MR. CANFIELD: The ICC, yes. The fire
21 code, yes.

22 MR. LATSKO: Okay.

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

24 MR. LATSKO: Thank you. I wasn't aware
25 of that. I appreciate that.

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CHAIRMAN EWASUTYN: Pat Hines, Drainage Consultant?

MR. HINES: Our first comment has to do with the site is a former gasoline facility. If there are any tanks on this site or if those have been removed?

MR. CAPPELLO: The tanks are gone.

MR. HINES: Then that's probably a non-issue. Jerry didn't know that either.

The stormwater management on the site, I realize you've done some calculations that show you're reducing impervious surfaces. You may have to refresh my memory. The site is not tributary to Washington Lake?

MR. COTE: That's correct. It's not.

MR. HINES: The drainage kind of stopped at the diversion channel there. It goes over to the detention pond on the other side. If you just confirm that and show that, I think that will help you with your stormwater.

Again, the redevelopment requirements in the design manual, take a look at those. If you have reduced the impervious surface you're probably okay. Take a look at that.

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Future submissions just need additional detail for potable water and sewer.

The Town of Newburgh does have a specific setup for the fire sprinkler/potable water systems that the valving has to shut off the potable water if the fire sprinklers are shut off. If whoever is designing that wants to get a hold of me, I can provide you with those details.

That's all I have.

CHAIRMAN EWASUTYN: Pat, at what time in the process should they start soliciting a City flow acceptance letter from Newburgh? Can they start at this point or --

MR. HINES: Once they have the square footage of the building down, that will dictate the hydraulic loading. Once that is confirmed, that that is the size.

MR. CAPPELLO: On that issue, we will check the records. I think when we were before you back in 2006 we did an analysis of what Lloyds was entitled to, and the existing buildings, to show that we were under the allotment, because at that time I think there was an actual moratorium going on. We were under the

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2 allotment that Lloyds was using. This building
3 still has all the connections. I would pull all
4 that and submit it. We may not necessarily need
5 to go to the City. I think we're not increasing
6 and we're still under the allotment that we
7 historically used. That will obviously be your
8 decision. I'll pull that analysis. I know it was
9 completed, I just have to find out where it is.

10 CHAIRMAN EWASUTYN: Can you supply that
11 material to Pat Hines to Jim Osborne and cc the
12 Planning Board for their records?

13 MR. CAPPELLO: Yup.

14 CHAIRMAN EWASUTYN: Bryant Cocks,
15 Planning Consultant?

16 MR. COCKS: In addition to the City of
17 Newburgh sewage flow, the applicant also will
18 need the approval of the Orange County Health
19 Department and Orange County Planning Department.

20 The plans should also be forwarded to
21 the Goodwill Fire Company to see if they have any
22 comments.

23 In regards to the zoning, the site is
24 in an IB Zone and this is an allowable use. No
25 variances will be required for any setbacks.

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I did want to check. You mentioned that there was a variance in 2006 for signage. I didn't have that decision.

MR. CAPPELLO: I e-mailed a copy. I will formally submit it.

MR. COCKS: Did they take into account the signage --

MR. CAPPELLO: I think their determination was two percent of the square footage. That will come out to like 160, or something like that, square foot of signage for this building.

MR. COCKS: If you could just include a signage chart with the ARB drawings.

In regard to the Town of Newburgh design guidelines, the drive-through aisles are in the back of the site, which is recommended.

There is parking in the front, which is not recommended, but the intent of the design guidelines has been met by providing landscaping to screen the cars on Route 300. If the Planning Board wants to discuss additional landscaping, I know the applicants said they're going to be providing a landscaping plan or possibly a

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stonewall. That's up to them.

Other than that, I have no additional comments.

CHAIRMAN EWASUTYN: Karen Arent,
Landscape Architect?

MS. ARENT: I made a note that the site plan, because the parking is in the front of the building, is not in accordance with Town of Newburgh design guidelines and that several adjacent properties proposed a stonewall to screen the parking, several adjacent properties that were recently approved, however they have not yet been built.

I question whether a sidewalk should be proposed along the Route 300 property line. On the property that's across Little Britain Road, on that site plan a sidewalk was shown. So I question whether or not there should be a sidewalk.

Condenser and other mechanical units for the building should be shown and screened appropriately.

There's landscaping comments. For example, there's some existing pine trees. Just

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make sure all the trees are labeled. Label all the plant material.

If possible, there's a view when you're traveling south on Route 300 of the parking area. That's not screened at all or won't be screened at all on the existing plan, so make sure that you screen that view.

I question whether or not it would be possible to show some landscaping under the big Home Depot sign since it's bare on that island.

Also to show the table of signage in accordance with Bryant's comments.

There's very large MHV signs on the teller machines. I didn't know whether that has to be included in the calculation for signage or not. Jerry said yes.

MR. CANFIELD: Yes, it does.

MR. SPEARMAN: Okay.

MS. ARENT: That's it.

CHAIRMAN EWASUTYN: You have Ken Wersted's comments. I think he discussed some stop bars. You'll address those comments.

Just so we have come to an understanding now and there isn't too much time

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involved later on, does the Planning Board want to see sidewalks with this project? I'll poll the Board Members. Frank Galli?

MR. GALLI: Up on Route 300, no.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: No.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: No.

CHAIRMAN EWASUTYN: Then that is a point that was discussed and we won't need to further that.

Mike, do you have anything to add?

MR. DONNELLY: Quickly, on the issue of the use, this is a federal credit union. John Cappello has written me, and he's not tried to skirt this issue at all. For the longest time in the IB and the B Zoning District, in the tables among the uses was one called business, professional and research offices and banks. Somewhere along the line, and John's theory is it was a printing error, the end, banks, part was dropped out of the IB District where this is.

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2 Nevertheless, business offices are still
3 permitted, and a credit union is not a bank. The
4 bank -- it operates very much like a bank but it
5 isn't, it's more like a business office in terms
6 of the definition. I agree with Bryant.

7 Frankly, given the development patterns in the
8 area, it appears that everyone is pretending the
9 tables read the way they used to because there
10 are certainly banks there, true banks. I'm not
11 questioning whether the use is permitted. It
12 seems to be a permitted one. John put that
13 forth. Frank doesn't disagree with it. I think
14 his saving grace is it's not technically a bank
15 but rather a federal credit union which could be
16 easily classified as a business office. It might
17 be something we want to take up with the Town
18 Board as to whether that was a printing error.
19 Actually, I think there was another one we sent
20 to the Zoning Board for an interpretation some
21 time back. I forget what district that was in.
22 I don't think it was ever an intention to change
23 that language, it just somehow showed up
24 differently in the table later on. In any event,
25 I believe it is a permitted use.

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CHAIRMAN EWASUTYN: Thank you for the interpretation.

I believe the action before us this evening -- I think maybe we should discuss it now and we can make that also part of the action. Would the Board want to hold a public hearing on this or would the Board want to waive a public hearing. Frank Galli?

MR. GALLI: Did we have a public hearing on Kohl's and the other part?

MR. CAPPELLO: Yes.

CHAIRMAN EWASUTYN: Mr. Corn, your response?

MR. CORN: Yes, sir. We did.

MR. GALLI: Do you remember what kind of turnout?

MR. CORN: Two or three people I think.

MR. GALLI: No.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: No.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: No.

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2 CHAIRMAN EWASUTYN: Then I'll move for
3 a motion to grant conceptual approval for the
4 Mid-Hudson Valley Federal Credit Union Phase III,
5 to circulate to the Orange County Planning
6 Department, and also part of that motion was to
7 waive a public hearing for the application.

8 MR. PROFACI: So moved.

9 MR. WARD: Second.

10 CHAIRMAN EWASUTYN: I have a motion by
11 Joe Profaci. I have a second by John Ward. Any
12 discussion of the motion?

13 (No response.)

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

16 MR. GALLI: Aye.

17 MR. MENNERICH: Aye.

18 MR. PROFACI: Aye.

19 MR. WARD: Aye.

20 CHAIRMAN EWASUTYN: Myself yes.

21 John, if you'd make it a point of
22 getting plans, either John Cote or John Cappello,
23 to Bryant Cocks and he'll circulate to the Orange
24 County Planning Department.

25 MR. DONNELLY: John, I believe this is

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a Type II, just so we're clear on the record,
because it's under 4,000 square feet.

CHAIRMAN EWASUTYN: Thank you ever so
much.

Any additional comments?

(No response.)

CHAIRMAN EWASUTYN: Okay.

(Time noted: 8:20 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 22, 2011

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GOLDEN VISTA

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

----- X
In the Matter of

GOLDEN VISTA
(1999-33)

Discussion Regarding SEQRA Determination

----- X

BOARD BUSINESS

Date: February 3, 2011
Time: 8:20 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
JOHN A. WARD

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

----- X

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

CHAIRMAN EWASUTYN: We have one item of

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GOLDEN VISTA

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Board Business this evening. Joe.

MR. PROFACI: The last item is Board Business, it's a discussion of Golden Vista regarding SEQRA determination for the project.

CHAIRMAN EWASUTYN: Pat Hines.

MR. HINES: I contacted Kirk Rother earlier in the week. He was finishing up the plans. He has e-mailed me revised plans which I haven't had a chance to look at, but he did also e-mail me a narrative letter in response to my comments where he has addressed each of the comments.

So based on our review of the site and the narrative responses, I feel comfortable recommending a negative declaration.

CHAIRMAN EWASUTYN: I believe also we received from Ken Wersted, Traffic Consultant, he read the revised traffic report by Atlantic that was submitted to him and he's in agreement with that. So our traffic consultant pretty much is satisfied as far as making a SEQRA determination.

Mike Donnelly, do you have anything to add?

MR. DONNELLY: You had originally

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issued a negative declaration on March 16, 2000. You wanted to look at it again based upon the changes to affordable, and I believe you would appropriately call what you would issue a reaffirmation of the negative declaration rather than a new one.

CHAIRMAN EWASUTYN: Okay. So I'll move for a motion for reaffirmation of the negative declaration that was discussed from Mike Donnelly, to schedule also the 3rd of March for a public hearing for Golden Vista.

Bryant, if you would make it a point, when you solicit the mailing list from Mr. Fogarty's office, that you also ask him to include Alex Drive because when they made a presentation before the Town of Newburgh, the minutes stated that the Town of Newburgh wanted Alex Drive to be noticed when there was a public hearing.

MR. COCKS: Absolutely.

CHAIRMAN EWASUTYN: Any comments from Board Members?

MR. GALLI: No additional.

MR. COCKS: John, just one. We did

1
2 receive that e-mail earlier in the day stating
3 that the residential lot area that we addressed
4 is going to be reduced to 161 units instead of
5 164. So it will comply with zoning.

6 CHAIRMAN EWASUTYN: For the record, who
7 sent the e-mail?

8 MR. COCKS: Stan Schutzman.

9 CHAIRMAN EWASUTYN: And he is?

10 MR. COCKS: The attorney for the
11 project.

12 MR. DONNELLY: The issue was whether or
13 not it complied with the new law and whether it
14 was grandfathered. Rather than wait for the
15 grandfathering, they're going to move forward
16 with the compliant plan which reduces it to 161
17 units.

18 CHAIRMAN EWASUTYN: Okay. Thank you,
19 Bryant.

20 For the record, I would move to set a
21 public hearing for the -- if I didn't I'll do it
22 one more time -- for the 3rd of March for Golden
23 Vista.

24 MR. GALLI: So moved.

25 MR. WARD: Second.

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CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by John Ward. 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. WARD: Aye.

CHAIRMAN EWASUTYN: And myself. So carried.

(Time noted: 8:25 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 22, 2011

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

----- X

In the Matter of

BOY SCOUTS OF AMERICA

Discussion Regarding the Covered Entrance Feature

----- X

BOARD BUSINESS

Date: February 3, 2011
Time: 8:25 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
JOHN A. WARD

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

----- X

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

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CHAIRMAN EWASUTYN: We have one other item that wasn't part of Board Business -- two items, actually, that we'll incorporate.

I'll have Mike Donnelly discuss with us Boy Scouts of America, the rendering that we have in front of us.

MR. DONNELLY: You've received a rendering, it's a proposal by the Boy Scouts of America to add an entrance, a covered entrance feature to the existing formerly Prudential building on Route 300 in the north part of Town.

What we discussed at work session is whether or not that required site plan approval. The proposal is for a structure of under 2,500 square feet. Under Section 185-56 B of the ordinance you are permitted to issue a resolution authorizing the building department to process any application for building permits without the need of further Planning Board review for site plan approval. If you're in a position to vote on such a resolution, I will prepare it for your signature.

CHAIRMAN EWASUTYN: Comments from Board

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Members?

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: It's fine.

MR. PROFACI: I'm good on that.

MR. WARD: I'm good.

CHAIRMAN EWASUTYN: Then I would move for a motion to have Mike Donnelly prepare a resolution, and to then forward that on to the Town Supervisor, Wayne Booth.

MR. WARD: So moved.

MR. PROFACI: Second.

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

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself.

MR. DONNELLY: John, there's no

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specific fee set forth under that section. You asked me to suggest to the supervisor that the fee to be charged is only that necessary to offset the cost for my preparation of the resolution.

CHAIRMAN EWASUTYN: Is the Board in agreement with that?

MR. GALLI: Yes.

MR. MENNERICH: Yes.

MR. PROFACI: Yes.

MR. WARD: Yes.

CHAIRMAN EWASUTYN: Thank you, Mike.

(Time noted: 8:28 p.m.)

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

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

----- X
In the Matter of

DISCUSSION REGARDING LOT LINE
CHANGE APPROVALS

----- X

BOARD BUSINESS

Date: February 3, 2011
Time: 8:28 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
JOHN A. WARD

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

----- X

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

CHAIRMAN EWASUTYN: The second item

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2 which wasn't listed was to ask the Board Members
3 if they would like Mike Donnelly to prepare a
4 letter to the Town Supervisor and the Town Board
5 Members to give consideration to -- how would you
6 word that as far as lot line changes?

7 MR. DONNELLY: To return legislatively
8 the option to subdivision regulations to grant
9 lot line change approvals without the necessity
10 of a public hearing and full-blown subdivision
11 review.

12 CHAIRMAN EWASUTYN: Okay.

13 MR. GALLI: Yes.

14 MR. MENNERICH: Yes.

15 MR. PROFACI: Yes.

16 MR. WARD: Yes.

17 CHAIRMAN EWASUTYN: Okay. Then I'll
18 move for a motion to have Mike Donnelly write to
19 the Town Supervisor and the Town Board to
20 consider legislative adoption to allow for what
21 is now considered to be a subdivision, which in
22 reality is a lot line change, to be redrafted to
23 consider lot line changes to be just effectively
24 lot line changes and more administrative than
25 technical in nature.

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MR. WARD: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward. I have a second by Frank Galli. 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. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

(Time noted: 8:29 p.m.)

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

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

----- X

In the Matter of

LANDS OF GEKAKIS

Discussion Regarding Processing of Amended
Subdivision Plan

----- X

BOARD BUSINESS

Date: February 3, 2011
Time: 8:29 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
JOHN A. WARD

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

----- X

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

CHAIRMAN EWASUTYN: I'll move for

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one other motion, to have Pat Hines, our
Drainage Consultant -- actually, two more.
Pat Hines, our Drainage Consultant, to speak
with Darren Doce of Vincent J. Doce
Associates in reference to processing of
the amended subdivision plan for the lands of
Gekakis.

MR. PROFACI: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by
Joe Profaci. I have a second by Frank Galli.
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. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So
carried.

(Time noted: 8:30 p.m.)

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

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

----- X
In the Matter of

MOUNTAIN LAKE VISTA

Discussion Regarding the Amended Resolution

----- X

BOARD BUSINESS

Date: February 3, 2011
Time: 8:30 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
JOHN A. WARD

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

----- X

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

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CHAIRMAN EWASUTYN: I guess the last thing just to discuss, Mike Donnelly, your further conversations with Dawn Kalinsky and Dominic Cordisco in reference to the Mountain Lake Vista subdivision and how that will be necessary to process under an amended resolution.

MR. DONNELLY: Okay.

CHAIRMAN EWASUTYN: I'll move for that motion.

MR. GALLI: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli, a second by John ward. 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. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

1
2 I think that takes care of all the
3 business in front of us. At this point I'll move
4 for a motion to close the Planning Board meeting
5 of the 3rd of February.

6 MR. GALLI: So moved.

7 MR. MENNERICH: Second.

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

12 MR. GALLI: Aye.

13 MR. MENNERICH: Aye.

14 MR. PROFACI: Aye.

15 MR. WARD: Aye.

16 CHAIRMAN EWASUTYN: Aye.

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18 (Time noted: 8:31 p.m.)
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C E R T I F I C A T I O N

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DATED: February 22, 2011