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

----- X

In the Matter of

RESTAURANT DEPOT
(2015-33)

NYS Route 300
Section 95; Block 1; Lot 8
IB Zone

----- X

SITE PLAN

Date: March 3, 2016
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
KENNETH MENNERICH
JOHN A. WARD

ALSO PRESENT: PATRICK HINES

APPLICANT'S REPRESENTATIVE: LAWRENCE MARSHALL

----- X

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

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RESTAURANT DEPOT

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MR. BROWNE: Good evening. Welcome to the Town of Newburgh Planning Board meeting of March 3, 2016. At this time I'll call the meeting to order with a roll call vote starting with Frank Galli.

MR. GALLI: Present.

MR. BROWNE: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. WARD: Present.

MR. BROWNE: At this time I would also ask Michelle and Pat to introduce themselves.

MS. CONERO: Michelle Conero, Stenographer.

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

MR. BROWNE: Thank you. John.

MR. WARD: Please stand to say the Pledge.

(Pledge of Allegiance.)

MR. WARD: Please turn off your phones or on vibrate. Thank you.

MR. BROWNE: Thank you. Our first item of business this evening is Restaurant Depot,

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project number 2015-33. This is a site plan being presented by Lawrence Marshall.

MR. MARSHALL: Good evening. This application was last on the agenda at the beginning of February. Since that time we revised the plan, primarily in grading for the site.

We've raised the entire pad of the site by two feet to remove the majority of the excess material from the site.

We've also revised the grading -- or the landscaping plan to address previous concerns of the Board, as well as including some additional plantings in the area that's reserved for potentially future expansion of the building. That will allow this space to not look so bland.

We've also been working with the Town's traffic consultant regarding the entryway. We have a small widening of the entrance. It's located outside the State right-of-way. We have revised that to minimize any -- to eliminate any potential impacts of cars or vehicles exiting the site and trucks entering. What we did was widen the entryway and taper it back to eliminate that

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potential impact. There's one minor revision to the entrance that Mr. Wersted has requested which we take no exception to.

I believe the only thing that we're outstanding -- that we're waiting on is the Department of Health acceptance of the water line because of the institution -- the inclusion of the three hydrants on the site. We completed the flow test this morning for the hydrant -- for the water main that we're tapping into. We anticipate that report and application will go in either tomorrow or early next week. It's a sixteen-inch main that we're tapping into, so there's certainly plenty of water there available for the site.

The only other outstanding would be the DOT acceptance of the modification of the entrance. We've had extensive conversations with them, we just haven't been able to get anything in writing out of them. I was initially promised a letter today, but obviously we didn't receive it.

CHAIRMAN EWASUTYN: Thank you. We did receive the Orange County Planning Department's

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comments this week. We do have a City flow acceptance letter. Pat Hines will address SEQRA as far as our mailing.

I'll open it up to Board Members for questions. Frank Galli?

MR. GALLI: No additional. They've done pretty much everything they were supposed to so far.

MR. BROWNE: I don't have anything.

MR. MENNERICH: At the February 18th meeting we set up the public hearing for March 17th for the clearing and grading. As we discussed in the work session, we want to include the site plan on that. I don't know if we need a new motion for that.

MR. HINES: It wasn't advertised as that. Again, the clearing and grading is contingent on the site plan. I think you can accept site plan comments from the public at that meeting. I don't anticipate a big public turnout. It's all commercial around there.

MR. MENNERICH: Okay.

MR. HINES: I think if you do that then

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you'd be waiving the site plan public hearing and just utilizing that clearing and grading public hearing as taking the place of both.

CHAIRMAN EWASUTYN: Maybe you'll make a motion for that at some point tonight.

MR. MENNERICH: Okay.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: No comment.

CHAIRMAN EWASUTYN: Pat Hines, do you want to review where we are with the site plan?

MR. HINES: Our first comment identifies what Mr. Marshall said, that they raised the finished floor elevation up two feet in order to eliminate the need to export material from the site.

The stormwater pollution prevention plan is acceptable to our office, and we will issue a municipal authorization letter for the supervisor to sign to allow them to get their coverage.

County Planning comments were received and it was a Local determination. They had some comments about shared parking which neither the

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Board nor the applicant are interested in doing at this site. The applicant did provide the Board with calculations documenting the 204 parking spaces are what will serve their facility. They gave the Board examples of some of their other facilities in the area based on square footage and parking that shows that that works.

DOT final approval would be a condition of the Board's approval at the next meeting.

The flow acceptance letter was received.

The Health Department was just discussed, as was the public hearing.

So the only -- the FAA no hazard letter was received, too.

The only outstanding issue is that the SEQRA mailings didn't go out until February 10th, so the Board can't do a neg dec until the next meeting as well. I think on the 17th the project would be in a position to get it's clearing and grading permit granted as well as a conditional final site plan approval.

CHAIRMAN EWASUTYN: Any questions or

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RESTAURANT DEPOT

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comments, Larry, in reference to that?

MR. MARSHALL: No.

CHAIRMAN EWASUTYN: Any motions from the Board at this point?

MR. MENNERICH: I'll make a motion that we allow the public to comment on site plan issues at the time of the March 17th public hearing on the clearing and grading.

CHAIRMAN EWASUTYN: Do you think we should also then set that agenda to read site plan and public hearing?

MR. MENNERICH: Yes.

MR. GALLI: I'll second.

CHAIRMAN EWASUTYN: I have a motion from 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. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. Motion

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RESTAURANT DEPOT

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carried.

MR. HINES: At the work session I discussed with the Board the applicants are looking to install some silt fence in anticipation of the tree clearing operation commencing soon after the 17th meeting. They're facing the clearing deadline associated with the two bat species that DEC is regulating. I will talk to Jerry Canfield. My office doesn't have an issue with it. As long as Jerry Canfield is all right. I'll discuss that with the applicant's representative after I get a chance to talk to Jerry. He couldn't be here tonight.

CHAIRMAN EWASUTYN: Do you have title to the property now?

MR. COWEN: I think we're closing on the 15th. We should by the next meeting.

CHAIRMAN EWASUTYN: And at some point that road leading in and all the debris and everything else will be picked up?

MR. COWEN: Absolutely. We have a staff and we're ready to go.

CHAIRMAN EWASUTYN: Any discussion as far as the hotel and all that trash? I mean

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anything you do to get the guy to kind of, you
know --

MR. COWEN: We've had no conversations
with them. We reached out to them once. Our
guys, when we are on site we'll make sure we go
over it.

CHAIRMAN EWASUTYN: Thank you.

MR. COWEN: Thank you very much.

(Time noted: 7:08 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 22nd day of March 2016.

Michelle Conero

MICHELLE CONERO

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

----- X

In the Matter of

GARDNERTOWN COMMONS
(2016-03)

Gardnertown Road
Section 75; Block 1; Lot 21
R-3 Zone

----- X

AMENDED SITE PLAN

Date: March 3, 2016
Time: 7:08 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
KENNETH MENNERICH
JOHN A. WARD

ALSO PRESENT: PATRICK HINES

APPLICANT'S REPRESENTATIVE: STANLEY SCHUTZMAN
THOMAS OLLEY
JAY DIESING

----- X

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MR. BROWNE: The next item of business that we have is Gardnertown Commons, amended site plan, project 2016-03. It's an amended site plan being presented by JCM Planning.

MR. SCHUTZMAN: Good evening, Members of the Board, Mr. Chairman, Consultants. My name is Stanley Schutzman, I'm a local attorney. I'm here tonight with Joe Sarchino from JMC, site development consultants; and Jay Diesing from Mauri Architects in connection with the application for amended site plan approval and subdivision approval. This is an existing -- conditional final site plan approval was authorized and approved by the Board and has been extended to May 19th of 2016. It's an existing stay. It approved 103 market value apartments.

We're here today as part of the amended site plan and subdivision approval to get approval and referral to the Board to increase the number of units, based upon Town Board authorization, for a senior housing density bonus, and also to merge five lots so this property will comprise one single lot.

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I'd like to turn the meeting over to Joe Sarchino.

MR. SARCHINO: As Stan just mentioned quickly, the merger of five lots. The project site is -- Gardnertown Road is here, Creek Run Road is here, and then the 19.7 acre property is here. When the previous development was proposed there were five lots that were created. We're going to merge them as part of this.

What I did is I thought it would be good to hand out to the Planning Board the existing approved plan just so we can show a comparison of what was approved and what was -- and what we're proposing. So if you don't mind passing that down, that would kind of refresh the Board's memory. I'm not sure how many people were on the Board then and still now, but we can go through that quickly here.

Basically if you hold the -- the plan is orientated in the same position. Here is Gardnertown Road. The same thing on the existing conditions plan.

The previously approved plan that we're amending had seventeen building groupings. We're

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showing nine here. If you look at the plan that was previously approved, the entrance drive was opposite Maurice Lane here. We're proposing the same thing. So we would come in at the same point. We have a loop system around with all on-site parking. There's forty-eight garage spaces and the rest are on grade.

One thing I wanted to point out is we have neighbors at the bottom of the page here, existing residential neighbors here. So if you look at the existing plan that was approved, from this corner to this point here there were buildings lined up along the property line here. What we've done is tried to lessen that impact to the neighbors. We have one building proposed here versus the four or five groupings that used to be from here to here. So we pushed everything up and rearranged the site.

We have a proposed clubhouse here, a similar location that was previously proposed. A tennis court in this location. A dog run here. The clubhouse has a pool with a kids play area here and a kids play area in this location.

One improvement that we've also made on

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this project is we have an emergency drive located here that would connect into Gardnertown Road, and we have sidewalks on both sides of the road all leading to a gazebo here which would be for school children. We've learned from other projects that the Board prefers something like that. So at the main entrance we have mailbox locations here, a gazebo here at the front door right where the entry drive is with a little sidewalk for the kids to get picked up. That was something we added in. So we have sidewalks on both sides, an emergency drive, a trash refuge area located strategically around the perimeter of the drive aisles.

The previously approved drawing also had a good amount of landscape that was proposed along this perimeter. We're staying with that. We have proposed evergreen and deciduous trees along the perimeter. We were able to push this building up into the site further than the others. If you'll notice on the existing drawing, these buildings were right on the setback line. We've pushed them away, this last building here, tried to maintain more of a wooded

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area here and then provided landscaping along the edge there.

MR. HINES: Joe, that building you pushed up is the senior component as well?

MR. SARCHINO: Yes. The one senior twenty-unit building is this building here in this location.

We have a turnaround here. We have a mountable curb on the turnaround. We did a fire truck ladder analysis which showed we're able to maneuver throughout the project.

We have two stormwater basins that were proposed. You can see on the existing plan the green where the two stormwater basins that they had previously proposed. We have a similar location. There's one stormwater basin and the other is over here in this area.

The discharge points from the site are these red circles here and here, the same as what was previously proposed. One thing, though, that we did eliminate, they also had a discharge point right by this neighbor's shed previously here. We eliminated that discharge point and brought the water to this basin and ultimately out to

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here to the stream, which is the same stream that this went into. We didn't feel comfortable having a discharge point right in somebody's backyard, so we eliminated that.

With that, I'll turn it over to Jay, he can go through the architecture, then I'll just come back and talk about off-site improvements.

MR. DIESING: All right. Thanks, Joe. Jay Diesing, Mauri Architects.

So as Joe mentioned, we do have nine buildings on site. Each of the buildings has a mixture of apartment units in it. There are one, two and three-bedroom units. There are just a few three bedrooms. The kind of marketing has found there's not a huge demand for that. There's eight three-bedroom units and the balance are one and two bedrooms. There's seventy-two two-bedroom apartment units and eighty-four one-bedroom units.

As Joe mentioned, the senior building down here is twenty units, and those are just one and two-bedroom apartments. All those types of units are sprinkled throughout the different buildings on site.

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The buildings themselves are a mixture of materials as far as our exterior. There's stone veneer near the base of the buildings and some taller accents, and then they're sided with alacstyle siding with some simulated shakes siding. It's vinyl.

There are three color schemes that we're looking at. You can see the cream color or light yellow, and then we're looking at a Scottish green and then a beige color. So those three color samples are all on the board.

An architectural shingle roof. There are some accent areas of metal roofing. Over our garage doors and the entrances to the buildings have some standing seam metal accent roofs, and then a coordinating window shutter color to tie in with the metal roofs.

Each of the buildings does have garages except for the senior building. So there's eight garages on each building.

This building is similar to the Orchard Hills buildings, if you're familiar with those. So that kind of gives you an idea of the scale of the building and the finished materials that will

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be on these buildings.

That's basically about it for the architectural portion of the building.

CHAIRMAN EWASUTYN: Any comments from Board Members on the ARB?

MR. GALLI: Not on ARB.

CHAIRMAN EWASUTYN: Cliff?

MR. BROWNE: No.

MR. MENNERICH: No.

MR. WARD: How many units are in one building?

MR. DIESING: Sixteen or twenty. So the buildings are two stories. On the low side, as the grade drops off -- this site has a pretty significant grade difference. On the high side or back side of the building there are three stories which allows kind of another half level of apartments.

MR. WARD: What's the height on the three story?

MR. DIESING: The overall height of this building is -- from the very low portion to the very peak of the roof is forty-four feet.

CHAIRMAN EWASUTYN: That's it?

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MR. WARD: Yeah.

MR. SARCHINO: As part of the last approval as well, off site at the intersection of Gardnertown Road and Gidney Avenue it was proposed to provide a left-turn lane -- a dedicated left-turn lane onto Gardnertown Road, and it was also proposed to have a dedicated left-turn lane coming off of Gardnertown Road onto Gidney Avenue. So we're staying consistent with that.

We also are proposing a traffic signal at this location as well. So that would be the highway improvements that are proposed.

One change that we made in looking at the design was that most of the improvements that were previously proposed were proposed along the inside curb of the intersection. That required a lot of embankment construction, retaining walls along here. We just took a fresh look at it and we found by widening on the outside of the curb we were able to eliminate much of the disturbance that was going to occur on the inside of the curb here. Basically we end up with the exact same lane widths, generally the same alignment, but

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again pushing everything to the outside of the curb. The traffic signal would be the same.

There was previously proposed a utility pole that had to be relocated, a pretty busy utility pole, so we eliminated the need for that as well.

Once we get through this initial presentation we'll be submitting to the Board a traffic signal design and everything like that. Right now we proposed and showed the proposed layout for Mr. Wersted to review. The next step would just take it a little further and we'd provide traffic signal design plans as well.

Part of also the improvement that was required that showed up on the highway plan the last time was the replacement of a culvert down by the intersection here from a fifteen-inch to a twenty-four inch. We're still proposing that as well. That would be part of the improvements shown on the highway plan.

There would be no wetland disturbance here. Also we do have a wetland on site here. There's two wetlands here and another wetland here which we had remapped, so we updated it, and

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we were not disturbing those two wetlands as well. I just wanted to make that point there.

CHAIRMAN EWASUTYN: Joe, at what point in the -- how many units have to be in place coinciding with the completion of the road improvements? Was there a trigger mechanism?

MR. SARCHINO: Not that I know of.

MR. SCHUTZMAN: There is a trigger mechanism in the developer agreement.

CHAIRMAN EWASUTYN: Can you recall what it is?

MR. SCHUTZMAN: I think it was thirty-nine units.

CHAIRMAN EWASUTYN: Thirty-nine units.

MR. SCHUTZMAN: Right. I'm talking to the Town Attorney about revising that. There's also --

CHAIRMAN EWASUTYN: Revising it to what number?

MR. SCHUTZMAN: Not with respect to that matter, with respect to other matters. So it may come up as part of that discussion depending on what the costs are and how that can be phased in.

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CHAIRMAN EWASUTYN: Roughly what might it change to?

MR. SCHUTZMAN: Something probably higher. You know, half.

CHAIRMAN EWASUTYN: When you say higher, are you talking about something lower? Approximately?

MR. SCHUTZMAN: Approximately sixty.

CHAIRMAN EWASUTYN: Let's be more specific. Okay?

MR. SCHUTZMAN: Okay.

CHAIRMAN EWASUTYN: Thank you.

MR. SCHUTZMAN: Right. So as part of being more specific I just want to point out to the Board too in the context of COs, vis-à-vis the requirement of building the senior units, I know this Board in the past has allowed that a certain number of pre-approved units could be built before the COs had to be issued for the senior units. Right now you have approval on 103 market value apartments, and we would be looking to accept a condition that says that no further COs could be issued past that point until the senior units have their CO.

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CHAIRMAN EWASUTYN: In your EAF you state there will be no phasing. In your narrative letter you suggest there's a possibility of phasing. Can you elaborate on the difference between the two?

MR. SCHUTZMAN: Yes. The existing approval permitted a four-phase construction. It's the client's intentions to build it out entirely. Depending on the timing of the approvals and what not, there may be, you know, some issues. We were just reserving some flexibility there. It's the client's intention to build it out completely.

CHAIRMAN EWASUTYN: Pat, do you want to chime in?

MR. HINES: If the project is going to be phased, we would need a detailed phasing plan showing that the project stands alone based on whatever that plan shows. If the subsequent phases are not developed, that the project can exist in whatever state that the phasing stops. If it's a construction phasing, we would also need to see that. But that's a different -- the building department will work with the applicants

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to do construction phasing and see all the buildings as they are ready, which is a typical custom here. We need to determine if it is truly phased or if it's just going to be a construction sequence that you're talking about.

MR. SCHUTZMAN: Right now the intention is for a full, complete buildout subject to the discussion with the Town Attorney and the Town Board with respect to possible modifications in the developer agreement. The client is prepared to undertake the municipal improvements immediately without waiting for even --

CHAIRMAN EWASUTYN: The only reason why I raise the question is we're sitting here listening to the plan, and I know you're good at what you do Stan, but it's always nice to know your intention as far as your conversation with the Town Board because this is the Planning Board who is reviewing the project.

MR. SCHUTZMAN: Sure.

CHAIRMAN EWASUTYN: If we don't all communicate then there's no purpose for you being here. You might as well just go to the Town Board.

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MR. SCHUTZMAN: Thank you.

CHAIRMAN EWASUTYN: Are you one of the principals?

MR. ZAGOREN: Yes.

CHAIRMAN EWASUTYN: If you don't mind, would you give your name?

MR. ZAGOREN: Steve Zagoren. We have been in conversations about the off-site work where there are two other --

CHAIRMAN EWASUTYN: Do you have a business card for the Stenographer?

MR. ZAGOREN: No, I don't. I'll give you my name and address. It's Stephen with a P-H, Zagoren Z-A-G-O-R-E-N.

We have no issue coming in literally, as long as weather permitting, once we have approval and coming in doing the off-site work immediately. I know it's something that the Town wants and needs, and I understand that there are two contributors to it, the bank and the drug store. So we are prepared to do that literally immediately once we have approval. We don't need a minimum requirement on the number of units.

CHAIRMAN EWASUTYN: Thank you.

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MR. ZAGOREN: All right.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: On the original plan, when we had the public hearing I know a lot of people showed up for the back lots. There wasn't a dog run. Now there's a dog run. Not all people are pet lovers. Is it going to be set up where a dog can stay there all day, hang out without their owners?

MR. DIESING: More like you have a dog park where people bring the dogs. You don't leave them there. It's a walking area.

MR. GALLI: Is there any possible solution to moving it over to the other tot lot in the middle?

MR. SARCHINO: Here?

MR. GALLI: Yeah. I don't see -- I don't know if they are going to complain or not. We had the public show up.

MR. SARCHINO: We can certainly look at moving that and rearranging that.

MR. DIESING: It might be a possibility to switch the tennis court and dog area.

MR. GALLI: You could do that.

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MR. SARCHINO: This is a utility easement. We could look and try to move it here if we can.

MR. GALLI: Yes. Like I said, we had a lot of people worrying about the different things. You did move the buildings and give them a lot of green space.

MR. SARCHINO: We want to try to address whatever concerns there are here.

MR. GALLI: The second issue is on the roadway improvements down on the map that you took off, coming east on Gardnertown Road down the hill, you said you're going to make a turning lane to the right and you're going to widen that.

MR. SARCHINO: Coming down Gardnertown Road?

MR. GALLI: You said you're going to widen that to make a left-turn lane. So you're going to widen it out and shoulder it?

MR. SARCHINO: There's a slight widening.

MR. GALLI: How much is slight?
There's not a lot of room there.

MR. SARCHINO: No, there's not. It's

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approximately four feet. If you'll notice now when you go there --

MR. GALLI: The bridge.

MR. SARCHINO: Yeah. We're not widening at the bridge.

MR. GALLI: You can't.

MR. SARCHINO: Actually, we are widening on this side one foot. There's almost a left turn there but it's not really there.

MR. GALLI: It's not lined.

MR. SARCHINO: It's not lined. Correct. The idea is to remove -- there's a little piece of existing curb here. We're going to remove that and stripe it accordingly, left turn lanes and have a stripe there splitting the right from the left.

MR. GALLI: You're going to take out that little island?

MR. SARCHINO: Correct. It will be striped here. There's a twelve-foot lane and then two ten-foot lanes. A twelve-foot right-turn lane and a ten-foot left-turn lane, all signalized.

MR. GALLI: Across the street, you're

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going to widen that off on the shoulder?

MR. SARCHINO: We're going to widen this over here about five feet at max, and then it tapers down.

MR. GALLI: That's before Blue Jay Drive?

MR. SARCHINO: Yes. Here is Blue Jay Drive.

MR. GALLI: That's pretty steep there also.

MR. SARCHINO: We have a little bit of grading right in the right-of-way there but it's not -- compared to what was going on here, it's so much better.

MR. GALLI: Then on the other side --

MR. SARCHINO: Here. We're going to split the road with striping to provide the through lane, through lane here, and then carry the through lane through here.

MR. GALLI: No widening?

MR. SARCHINO: No widening. Signalized.

MR. GALLI: The signal alone will help.

CHAIRMAN EWASUTYN: Weather being

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favorable, a build out like that from start to finish?

MR. DIESING: We're hoping eighteen months.

CHAIRMAN EWASUTYN: Not the project itself, the roadway improvements?

MR. SARCHINO: I would say probably two months.

CHAIRMAN EWASUTYN: Just thinking about the busy part of Town.

MR. SARCHINO: We'll have a traffic maintenance plan and stuff like that. That will be submitted next as well. It is busy, you're absolutely right.

CHAIRMAN EWASUTYN: I mean it's a needed improvement.

MR. SARCHINO: Yes, it is.

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

CHAIRMAN EWASUTYN: Comments from Board Members?

MR. WARD: I had one. Where you have the playground, the one in the center right there.

MR. SARCHINO: Playground.

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MR. WARD: Two things. You've got the dumpster there where children are going to be playing. I think that should be relocated for the summertime, the bees and everything else.

At the same time I think it's a good idea with switching the tennis court with the dog run instead of in the middle where the kids are. God forbid the kids fool around next to the fence, get bit, let the dogs loose or -- they're not unleashed, they're playing.

MR. DIESING: That's a nice green space. I think residents would enjoy that area. I think the dogs would be better off on the side.

MR. WARD: Residents in the middle don't want to have dogs barking. They're away from people.

MR. DIESING: Agreed.

MR. SARCHINO: We will see if we can make that work. I know the tennis court wants to go north, south. We'll certainly work on that.

CHAIRMAN EWASUTYN: John, do you see how things have changed over the years? We're now accommodating for dogs.

MR. McDERMOTT: A lot of progress.

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Brings back a lot of memories being here.

CHAIRMAN EWASUTYN: Welcome back to the future.

MR. McDERMOTT: Thank you. Nice being here.

MR. SARCHINO: We're finding more and more of this actually in most communities.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Did you get Ken Wersted's latest memo on --

MR. SARCHINO: I have the one dated the 26th. I did not see anything else.

MR. MENNERICH: That's the one I was referring to. His suggestion that since there's a greater number of units, that the traffic study ought to be amended.

MR. SARCHINO: We will do that. I'll talk to him about what intersections to study and we'll undertake the study.

MR. MENNERICH: Also he's going to get a copy of the new proposal for the light?

MR. SARCHINO: Yes. He wanted that. I already sent it to him.

MR. MENNERICH: Thank you.

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CHAIRMAN EWASUTYN: The only other question is on the parking you have listed what is required and what is proposed and there's a lower number.

MR. HINES: John, I'm not seeing that. I know we talked about it at work session. One extra. It's 328 and 329.

MR. SARCHINO: 328 is required and 329 is proposed.

MR. HINES: The last one on the bulk table.

CHAIRMAN EWASUTYN: The total. You're right. Good.

Pat Hines?

MR. HINES: Our first comment is that the applicant is before the Board seeking referral to the Town Board for the senior component. It's now a mixed use senior housing complex and that needs Town Board approval to implement that plan. The Board should, if it's okay with the plans, refer that to the Town Board based on the unit count that they're proposing.

Joe, I just had a question. The net area calculations, usable area, had some

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percentage. 75 percent wetlands and 100 percent --

MR. SARCHINO: We took out the wetland completely.

MR. HINES: I see that. That's what you're supposed to do. There's some calculations there that -- it has 1.15 acres of Federal wetlands, 11 percent of it is divided by 75 percent rate and 89 percent of it is divided by 100 percent rate. It's on your first sheet, note 2.

MR. SARCHINO: I see that. I think that was a calculation -- let me take a look at that.

MR. HINES: I don't know what that is. Actually, I don't think there's 1.15 acres of wetlands.

MR. SARCHINO: It's like .4. I think this might have come from the original application.

MR. HINES: I didn't know where that came from.

MR. SARCHINO: Thank you.

MR. HINES: Talking about the traffic,

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I know Ken is looking at the changes. The original traffic study had financial security based on the number of vehicles for this site and the bank and pharmacy. With the change of unit count it will probably change that apportionment based on your traffic counts. The traffic study will shake that out. There may be a need to adjust those numbers.

MR. SARCHINO: There is a difference between how much traffic is generated by a townhouse versus an apartment. I don't know if it's going to be -- we'll see what the difference is.

MR. HINES: Ken will do that. I just wanted to make the Board aware that there is an agreement out there based on the number.

The City of Newburgh flow acceptance letter will have to be updated based on the revised unit count and the current bedroom count.

Previously the Health Department, when it approved the water main plans within the site, had a pesticide and residue plan that will need to be incorporated on this site. This used to be an orchard. That came up during one of the

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earlier public hearings. There was a need to mitigate potentially pesticide contaminated soil which is buried on locations on the site. That plan will need to be updated and incorporated into this.

General note 8 was the previous allowable for deferment of recreation fees. That deferment lapsed. It was a defined period of time and it's no longer valid. If you can work it out with the Town Board. That note can't currently be on the plan because that has lapsed.

MR. SARCHINO: We will take it out.

MR. HINES: Some comments on the stormwater management plan that are technical in nature.

I discussed the number of dumpsters with the Planning Board. The Planning Board felt they were satisfactory based on the projects they have in Town.

The dog run enclosure I just brought up as a comment from the Board. We did discuss that at work session.

We're going to look for a separate plan as the project moves forward for the clubhouse,

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pool, that portion of the site. We're looking for landscaping details around that and how that's going to be developed. The code enforcement department has had issues with the amount of detail we've had on those and when they go to get constructed. They're going to want to have a detailed plan of that area of the site just to know what that's going to look like and what needs to be in place.

I actually have Mike Donnelly's comments regarding the restrictions, covenants and deeds. He informs me that's going to be Mark Taylor. You'll work through that with Mark Taylor. There's a senior component that needs to be written into the project to ensure, I think it's twenty units are senior units in perpetuity.

Just because we're relying on garages in the parking count, we need to have notes on the plans that those garages need to be maintained as available for vehicle parking, not for -- if it looks like my two-car garage, you can't get another lawn mower in. It needs to -- they need to function as garages and parking spaces because they're in that calculation.

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MR. GALLI: Number 7 of the comments, did you skip that?

MR. HINES: The surveyor of record is identified as Lanc & Tully. We need a plan stamped by them.

MR. SARCHINO: We'll include it in the next submission.

CHAIRMAN EWASUTYN: Any questions or comments from Board Members?

MR. GALLI: No.

MR. WARD: Pat, is there a -- what's the code for forty-four feet as a height?

MR. HINES: The code in this zone is sixty foot maximum building height.

MR. WARD: Thank you.

MR. HINES: They're identifying it to be thirty-seven, but there's -- the building code has a way of calculating the average height.

MR. DIESING: That was the peak of the roof.

MR. WARD: Thank you.

MR. HINES: The Board should re-declare itself lead agency. You are lead agency for the project but it does need a recirculation because

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2 of the change of scope. You can also, if you
3 felt it appropriate, refer it to the Town Board
4 for their action. The Town Board is going to
5 defer their action until the SEQRA determination
6 is reaffirmed or a re-negative dec reissued,
7 similar to I think the Board got a letter this
8 week on another project. But it does need to go
9 to the Town Board. You can start the lead agency
10 process and the referral to the Town Board if you
11 felt that was appropriate.

12 CHAIRMAN EWASUTYN: It's easy for me to
13 make a motion to declare intent for lead agency.
14 Would you give us the language for referring it
15 to the Town Board?

16 MR. HINES: The zoning code for senior
17 citizen -- mixed use senior citizen housing
18 requires Town Board action to approve that on the
19 site plan. So the Board would be referring it to
20 the Town Board based on the unit count and the
21 twenty senior citizen housing units that are
22 proposed. Those units are also size restricted
23 to 1,000 square feet per your code.

24 So the Board would be referring it to
25 the Town Board for the twenty-unit senior citizen

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housing.

CHAIRMAN EWASUTYN: I'll make a motion to declare our intent for lead agency and to refer Gardnertown Commons amended site plan to the Town Board for -- Town of Newburgh Town Board for the addition of twenty senior housing units for density bonus.

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. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. Motion carried.

Good to see you, Stan.

MR. SCHUTZMAN: As always.

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 22nd day of March 2016.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

GARDNER RIDGE
(2002-29)

Gardnertown Road near Gidney Avenue
Section 75; Block 1; Lot 4.12
R-3 Zone

----- X

SITE PLAN

Date: March 3, 2016
Time: 7:42 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
KENNETH MENNERICH
JOHN A. WARD

ALSO PRESENT: PATRICK HINES

APPLICANT'S REPRESENTATIVE: DARREN DOCE

----- X

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

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MR. BROWNE: Our next item of business is Gardner Ridge, project number 2002-29. It's a site plan being presented by Darren Doce. Dad is watching.

MR. DARREN DOCE: I'm Darren Doce with Vince Doce Associates. Jim Pellela, Tom Olley and developer Bill Milstein.

We appeared in September of 2015. We received a conceptual approval for a multi-dwelling project which consisted of a mix of non-senior units and senior citizen units. We have a total of 144 units, 108 non-senior and 36 senior citizen units.

The non-senior units are in six buildings consisting of 18 units each, 72 of which will be two-bedroom units and 36 will be one-bedroom units.

The senior building is located at the beginning of the site. That's 36 units. The preliminary breakdown is 26 one-bedroom and 10 two-bedroom.

Our access will be off of North Plank Road with an emergency access off of Gardnertown Road.

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Sewer and water will be brought in from North Plank Road and looped into the site.

That's basically an overview of the site plan. I'll turn it over now to Tom Olley to go through some of the design.

MR. OLLEY: Thank you, Darren.

Thomas Olley from Thomas Olley Engineering.

Since the conceptual plan our task was to develop the preliminary plans that are before you.

As Darren said, the access will be from Route 32 opposite Chestnut Lane. There is an easement across the WPA Acquisition Corporation. The box culvert and road was installed to the subbase, so that location is pretty much set. What we did do is we looked at the access to the adjoining property and we settled on allowing for a T configuration -- a T-intersection configuration at the top of that road to accommodate any future development on the site to the north.

I don't want to run through every aspect of the design but the important elements

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that I want to highlight is that we've updated the maps to reflect the current flood plain as shown on the latest FEMA maps.

We've also had the wetlands on the site validated or verified again by Ecological Solutions, Mike Nowicki. That was flagged and located this fall so that we have an accurate mapping of the wetlands, not relying on something that's ten years old.

So working with those environmental constraints, as you know this area is fairly steeply sloped right through the middle of the project. What we looked at was the grading constraints of the existing road, preserving the wetlands.

We also have a gas easement that runs from the WPA Acquisition site across the north corner of our property. Our design goal was that we do not cut the grade in that area. If anything, there would be some fill that would be placed, but not -- not to deal with any cut because of the cost and complexity of relocating the gas main. So that set the elevations in the north end of the site.

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In order to build building number one we'll have to do a structural fill of that area so that there's no problems with the settlement of the building or any foundation issues.

One of Pat's comments I know, maybe it's Jerry's comments, deal with that. We're prepared to address that in the site plan with conditions for issuance of the building permits.

So then what we looked at was grading the rest of the site so that we maintain a balanced cut and fill. What we've come up with is a site that will not require the export of any material. We've been able to incorporate all of the green infrastructure that's required through the DEC regulations for the storm drainage. That will consist of a bio-retention area that's going to be located within the loop at the top of the property and also combined with an infiltration bio-retention area that will be down towards the creek, and then a stormwater retention basin so that we maintain the post-development flows at or below the pre-development flows. We will have one discharge point to the stream. We will have a forty-eight inch pipe that connects the

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existing wetlands to the ditch that really flows through here. There's very little wetland vegetation that forms, so it's just a stream channel. So the storm drainage will meet all of the current DEC regulations.

As Darren had said, it will be a single sanitary sewer line that will connect from the top of the property right on down the road and out to Route 32 at Chestnut Lane.

The water will have a single tap connection and a long spur that will come up through the property, and that will also tap into Route 32 at Chestnut.

In the previously approved project the project engineer had gotten that extension. I guess it was a consecutive water system approved by the Orange County Health Department. We'll forward the reports over to Pat's office that we have on that, and we'll update that when we do go to the Health Department following the preliminary approval.

The last thing I just want to touch on is the improvements that will be made on Route 32. Even though the mix of units has changed

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somewhat, Phil Grealy from Maser Consulting has been brought on board to update the traffic counts and to take a look at the improvements that are necessary. Even though the mix of units has changed, the traffic generation from the site is going to be fairly consistent with what was originally approved. The scope of the improvements that will have to be made on Route 32 will remain the same, which will include a replacement of the signal at Chestnut so that we have heads facing into the project site. We will have two outbound lanes, a through left and a right-turn lane, and there will be a left-turn lane that will be added to Route 32 which will benefit both the north and southbound traffic. It will allow easy access into the site but also the southbound traffic turning onto Chestnut Lane.

I'm happy to answer any specific questions that the Board may have.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: Nothing at this time.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: No.

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CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: The widening of 32, there's a gas regulated station on the one side of the road.

MR. OLLEY: Right here. Yes.

MR. MENNERICH: There's room to widen the road there?

MR. OLLEY: Yes. Within the right-of-way there is. The plan is widening six feet in each direction, so the -- and there's actually -- when you look at the Bell's, there's an embankment there but there's actually enough right-of-way to accommodate that widening on that side. On the project side it's fairly flat, fairly broad shouldered, so we don't have a grading issue there. We'll have enough room in the right-of-way.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: No comments.

CHAIRMAN EWASUTYN: At this point we'll turn the meeting over to Pat Hines.

MR. HINES: We'll need an updated City of Newburgh flow acceptance letter based on the current unit count. I don't recall what the

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original flow acceptance letter granted. We'll need to check that to make sure the current unit count is covered by that.

My second comment says Mike Donnelly's review of the restrictions and covenants similar to the last project. That's going to be Mark Taylor that will do that.

Similar to the last project, we need language on the site plan that the garages will be used for parking and they will be available for that.

As Ken just mentioned, we're going to ask for you to get comments in from Central Hudson regarding the grading and construction activities within the gas line and power line easements that are traversing the site. The gas line is located in pretty close proximity to the senior housing project based on this. We need to have them approve that, any activities on that easement.

Gates on the emergency access road need to be detailed and reviewed by the jurisdictional fire department and/or Jerry Canfield's office.

DOT approval is required.

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An Orange County Planning referral will be required.

The building height is identified as thirty-five feet in the bulk table. If the buildings are higher than thirty feet they'll require twenty-six foot wide lanes.

MR. OLLEY: That's what we provided.

MR. HINES: We're just asking those be dimensioned. I couldn't find the dimensions there.

There's a thrust block chart on the plans. The Town does not allow thrust blocks. They have to be restrained joint pipe.

Standard water and sewer notes.

The flow and pressure reports that you just identified you have should be submitted.

Some of the pipes are very steep. We're asking as you develop the stormwater pollution prevention plan you take a look at the velocities discharging there.

Site development details are needed for future submissions.

We will need a landscape plan. That we don't currently have.

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Profiles for the emergency access road need to have design information.

Drainage down the emergency access road should be addressed. I know you're proposing a grass creek or some kind of proprietary pervious surface. It is very steep there so there may be kind of a flume effect as that ten percent grade comes down that hill. We're just asking you to look at that.

I didn't see the entrance drive culvert, the WPA Acquisition culvert on the profiles. It didn't seem to appear on there.

We're looking for information on the existing water -- the existing sewer in Route 32. You show the manholes but we don't have any grade where you're going to tie into those on the uphill and downhill side of the proposed connection.

The stormwater management facility, they're located well down that slope and down low. There needs to be a method to access those for maintenance. We'll need to show that roadway.

I didn't recall this but now you're

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showing an offer of dedication along Gardnertown Road. That information will need to be submitted to Mark Taylor's office. Apparently that goes to the center line of Gardnertown Road. I don't remember that being addressed last time but we're seeing it now.

MR. DARREN DOCE: It was on the last one.

MR. HINES: So that dedication will need to be accomplished.

Details of the outlet control structure. We do have some minor comments on the SWPPP, but we need that SWPPP to be more comprehensive anyway.

Again, this will need -- did we do lead agency on this?

CHAIRMAN EWASUTYN: No, we haven't. We have to do that, and we have to refer it to the Orange County Planning Department.

MR. HINES: Orange County Planning and lead agency including the DOT.

CHAIRMAN EWASUTYN: While we're talking about circulation and moving forward on the project, do you see -- would you like to have a

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consultants' work session on this now or would you rather wait until after the next meeting to fine tune and dot all the I's and T's? I'll leave it up to you.

MR. DARREN DOCE: If the Board is inclined to have a public hearing, we were hoping to schedule it for April 7th which would give you thirty days to circulate to Orange County.

CHAIRMAN EWASUTYN: You're talking about a public hearing. We still don't have detailed plans yet to declare a negative declaration. I think before we can declare a negative declaration, I don't think we can set it up for a public hearing. Correct?

MR. DARREN DOCE: Well our position was just that the comments are not major, that we could address them prior to next month's meeting if the Board would want to set up a public hearing for April.

CHAIRMAN EWASUTYN: I think we better hear from our consultants as far as doing a negative declaration and setting it up for a public hearing. I'll leave that up to the Board.

Frank Galli?

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MR. GALLI: Pat, do we have enough information?

MR. HINES: I would feel more comfortable if I had the actual -- I don't have the stormwater pollution prevention plan done. I have the technical calculations but I don't have that. I know Ken is taking a look at the traffic study. I think we're getting ahead. I would rather do the circulation, have a meeting, maybe even a technical work session, and then proceed. I don't know that the Board is going to have a public hearing or not. That's up to the Board. I think the plans need to be in better -- a little more detailed, and I've got twenty-four comments.

MR. GALLI: I don't think we're ready yet.

MR. BROWNE: I agree with Frank.

MR. MENNERICH: I agree also based on other projects.

MR. HINES: It's a little tight in that timeframe anyway for County Planning. If I get it out tomorrow and the County receives it Monday, that would -- they'd have to have it by

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Monday to make the thirty days.

MR. OLLEY: John, what is the date you'd be looking at for a consultants' meeting?

CHAIRMAN EWASUTYN: It would be the last Tuesday of the month. What's the date?

MR. HINES: It's normally the fourth Tuesday, which would be the 23rd. There's five Tuesdays in March.

MR. DARREN DOCE: We would be agreeable to, yes, setting that up.

CHAIRMAN EWASUTYN: What's the date on that again, Pat?

MR. HINES: March 22nd.

MR. GALLI: Pat, do you remember back in the day, did we have a public hearing on this?

MR. HINES: I don't recall.

CHAIRMAN EWASUTYN: The motion being put on the table right now would be to declare our intent for lead agency, to circulate to the Orange County Planning Department and to set the -- 23rd of March is it?

MR. HINES: 22nd.

CHAIRMAN EWASUTYN: -- 22nd of March for a consultants' work session.

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MR. HINES: That would be at 1:00.

CHAIRMAN EWASUTYN: At 1:00. Did anyone want to move that motion?

MR. BROWNE: So moved.

CHAIRMAN EWASUTYN: Motion by Cliff Browne.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: 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. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

MR. DARREN DOCE: Thank you.

MR. VINCENT DOCE: Could I just make one point? This project had gone to final approval before and it had all the attendant reviews. Just to clarify the question whether it had a public hearing. It had everything. It went all the way to final approval and then

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everything just stopped. I just wanted to be on record.

CHAIRMAN EWASUTYN: For the record, your name?

MR. VINCENT DOCE: Vincent Doce.

(Time noted: 8:00 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 22nd day of March 2016.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

LANDS OF ZAZON
(2004-29)

Request for a Six-Month Extension
from March 19, 2016 to September 20, 2016

----- X

BOARD BUSINESS

Date: March 3, 2016
Time: 8:01 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
KENNETH MENNERICH
JOHN A. WARD

ALSO PRESENT: PATRICK HINES

----- X

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

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CHAIRMAN EWASUTYN: There's one item under Board Business this evening.

MR. BROWNE: Lands of Zazon, project number 2004-29. They're requesting a six-month extension from 3/19/16 to 9/20/16.

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. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

I'll move for a motion to close the Planning Board meeting of the 3rd of March.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

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call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 8:02 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 22nd day of March 2016.

Michelle Conero

MICHELLE CONERO