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

----- X

In the Matter of

ALDEN & KERRY JONES LOT LINE REVISION  
(2017-08)

27 Pheasant Hollow Road  
Section 2; Block 1; Lots 92.12 & 90  
RR Zone

----- X

LOT LINE REVISION

Date: March 16, 2017  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: STEVEN PAULI

----- X

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

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MR. BROWNE: Good evening, ladies and gentlemen. Welcome to the Town of Newburgh Planning Board meeting of March 16, 2017.

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

MR. GALLI: Present.

MS. DeLUCA: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. BROWNE: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

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

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

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MR. CANFIELD: Jerry Canfield, Code Compliance Supervisor.

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

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

MR. BROWNE: Thank you.

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

MR. WARD: Please stand to say the Pledge.

(Pledge of Allegiance.)

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

MR. BROWNE: The first item of business we have this evening is Alden and Kerry Jones, lot line revision, project number 17-08. This is an initial appearance for a lot line change -- lot line revision, excuse me, being presented by Brooks & Brooks.

MR. PAULI: Good evening. My name is Steve Pauli from Brooks & Brooks Land Surveyors representing Alden and Kerry Jones in the matter of the lot line change.

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CHAIRMAN EWASUTYN: Do you want to put your plan up on the board and discuss it?

MR. PAULI: The proposed lot line change is between tax map section 2, block 1, lot 92.12 and 90. Up in the right-hand corner of the map itself is the current tax map configuration.

We propose to convey 9.14 acres from tax map parcel 92.12, the larger parcel on the top, and create parcel A.

So let me start again. We'll be conveying 9 acres from 92.12, which is this entire piece, over to this existing 4-acre house lot which is tax map lot 90. I'll stop there for a second. Is that clear? That's the conception of what we're doing.

CHAIRMAN EWASUTYN: Okay.

MR. PAULI: I'll take it from there. The purpose of this is because the son, family-owned property, wants to build a house. That's the motive of us being here and us to follow through on all of your procedures to get that final goal.

CHAIRMAN EWASUTYN: Okay. Pat Hines, do you want to discuss with him the right-of-way?

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MR. HINES: The first comment we had was it looks like the existing right-of-way terminates right past the lot that has the kennel on it and then you're proposing now to continue it further.

MR. PAULI: That is correct. Pheasant Hollow Road, designated as a private road, received approval from the Planning Board in 1989.

MR. HINES: Basically --

MR. PAULI: It does terminate at the end of tax map lot 90. We're proposing to continue a fifty-foot wide right-of-way through the lands of lot 1 to the back parcel for any future consideration.

MR. HINES: Right. So that rear parcel, also owned by Alden and Kerry Jones, is currently landlocked?

MR. PAULI: That's correct.

MR. HINES: The concern there is by extending that private road, the Town would require that private road to be constructed up to existing private road standards.

MR. PAULI: We don't propose extending

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the private road. We hope to gain access to the lot -- to the proposed house lot with only a driveway off the end of the existing private road.

MR. HINES: Understood. What happens is that other landlocked lot then doesn't have access off of -- in other words, by right-of-way it would have a 280-A issue. You wouldn't be able to get a building permit. By extending the private road as you said, that would provide access but would require the construction of a private road in accordance with the Town of Newburgh's private road specs. What we talked about at work session and what we would suggest is that another lot line change be incorporated that would make the landlocked lot right now a flag lot, providing a twenty-five foot strip down to where the private road currently ends, and then each of those lots would have fee ownership to what is a private road shown on a filed map. That would allow that future lot to be built. Also it cleans up the access. I know you may have to discuss it with your client. Rather than having to build a private road which would

1  
2 require a cul-de-sac, certainly outside the scope  
3 of what your clients are proposing now, it would  
4 be a way to address that issue by having both of  
5 those lots basically become flag lots.

6 MR. DONNELLY: That would then become a  
7 common driveway and it wouldn't have to meet the  
8 specification.

9 MR. PAULI: You would accept a  
10 twenty-five foot strip going up through there?

11 MR. HINES: Yes.

12 MR. PAULI: That does meet the existing  
13 conditions of the general properties, --

14 MR. HINES: Yeah. It involves that  
15 other --

16 MR. PAULI: -- the neighboring  
17 properties.

18 MR. HINES: It involves that other lot  
19 in the process, which appears to be under common  
20 ownership, and cleans up that landlocked lot for  
21 future development and allows a building permit  
22 to be issued because it has fee ownership out to  
23 Pheasant Hollow Road previously shown on a filed  
24 map.

25 MR. PAULI: I like what you said,

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cleaning it up. I don't believe -- I don't see any reason why we wouldn't be able to configure a twenty-five foot to proposed lot 1 and a twenty-five foot strip going back to that landlocked piece.

MR. HINES: Proposed lot 1 would remain the same and the twenty-five foot would be the rear piece. Just a piece of that wouldn't show the right-of-way, it would just be a strip.

MR. PAULI: Okay. So yes, we'll discuss that.

MR. HINES: With that, our other comments that were discussed, it has previous approval and it won't become any more -- it's getting land added to it. It won't become nonconforming in any way. That's the only comment we have.

We did want to confirm that the kennel meets the front yard setback. It was difficult to this map scale. If you could confirm that as well. It looks like it does.

MR. PAULI: We'll add that offset to the map. I confirmed that because I did get a copy of your memo. It is 60.3, so it does



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conform to the front yard setback line.

MR. HINES: That's all we have. I think we would be looking for a revised map showing that change.

Also, lot lines don't require a public hearing in the Town but they do have to conform to the notification requirements. There's an adjoiners notification or within 500 feet letter that needs to go out. My office will prepare that letter, we'll get the mailing list from the assessor and provide it to your office for the mailing. That has to be done prior to coming back to the Board.

MR. PAULI: Very good. First class mail with a notarized affidavit that we sent them out?

MR. HINES: Actually, you bring them down to the Town supervisor's secretary, she mails them out and they'll do an affidavit there. I'll work with you on that process moving forward.

MR. PAULI: I appreciate it. And do we need to get engineered a septic plan to receive final approval?

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MR. HINES: No. It's a lot line change. You'll get that at the building department.

MR. CANFIELD: Prior to the building permit.

MR. PAULI: That is in the process, because he would like -- this being the first step, but he does want to proceed. So he's already following up on that.

MR. HINES: Yup.

MR. PAULI: Great.

CHAIRMAN EWASUTYN: Jerry Canfield, do you have anything to add?

MR. CANFIELD: Nothing additional.

CHAIRMAN EWASUTYN: Comments from Board Members?

MR. GALLI: No additional.

MR. MENNERICH: No.

MR. BROWNE: No.

MR. DOMINICK: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: Mike Donnelly?

MR. DONNELLY: Nothing.

MR. PAULI: Thank you very much.

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(Time noted: 7:07 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 27th day of March 2017.

*Michelle Conero*

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MICHELLE CONERO

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

----- X

In the Matter of

331 MANNAT, INC.  
(2017-10)

NYS Route 300 & NYS Route 32  
Section 35; Block 3; Lot 1  
B Zone

----- X

SITE PLAN

Date: March 16, 2017  
Time: 7:07 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: MICHAEL MORGANTE

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

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331 MANNAT, INC.

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MR. BROWNE: The next item of business is 31 Mannat, Incorporated, project number 17-10. This is an initial appearance for a site plan, being presented by Arden Consulting Engineers.

MR. MORGANTE: Good evening. My name is Michael Morgante, I'm the project engineer for this site known as Maisies Deli, currently in the Town of Newburgh, which is located at the intersection of 300 and 32.

The site as it exists right now is simply a commercial building with a deli that's currently there. The applicant would like to propose use of that deli that is currently there with some renovations inside. They would also like to propose a gasoline filling station as part of the site.

What you see here before you is a basic layout, just a concept plan for the Board to review, of what the potential layout will look like for the project which incorporates essentially two pumps. You'd have two aisles there for access to those pumps.

There's parking located in the north

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portion of the site and in the southeastern portion of the site.

As a part of the project the applicant would also like to consider refurbishing a septic system to the property. What we've shown there is a potential location to the west of the existing building. We have done some preliminary soil testing out there, and that design is based on that preliminary soil testing.

We did receive Mr. Hines' comment letters -- comments in his comment letter and we recognize that there are some deficiencies, or I guess lack of separation distances from the septic system to property lines, both on the State highway and the neighboring properties. As we proceed forward with the project we would approach the Department of Health for any waivers or variances we would need in order to make this work.

Essentially there's a refuse spot located in the southeastern portion of the property.

We do recognize that the project is located just across the street, on the southern

1  
2 side -- I'm sorry, the western side of 32 where  
3 there's an existing gasoline station there. So  
4 we recognize the need to go to the Zoning Board  
5 of Appeals for that considerable variance, along  
6 with some other existing area variances that are  
7 required due to the pre-existing nonconforming  
8 condition of the building.

9 I will note that most of the other  
10 variances that are required on the existing site  
11 are pre-existing nonconforming, which we would  
12 approach the ZBA for. We do recognize that we  
13 need to go to the ZBA for the variance for the  
14 gasoline station and the potential variance  
15 because we're within 1,000 foot of the existing  
16 site across the street.

17 That in essence is a summary of the  
18 project that's before you tonight. We will  
19 solicit any comments from both the consultants  
20 and the Board at this point. We recognize that  
21 we would need a referral to the ZBA to move the  
22 project forward.

23 CHAIRMAN EWASUTYN: I'd like to, at  
24 this point, turn the meeting over to Ken Wersted,  
25 our Traffic Consultant.

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MR. WERSTED: We had a few traffic comments, recognizing that you'd have to go to the Zoning Board for some approvals based on the variances that you needed.

The proposed plan maintains the two existing curb cuts onto Route 300 and Route 32 in their existing configuration. Those curb cuts are pretty consistent between this property and the other properties around this intersection.

The biggest concern that we had was the parking that is available to the business now would essentially be replaced with the gas pumps kind of right in front of the building. With the cueing that you provide there, it is going to be tight. There's not going to be a lot of ability to circulate around there, particularly because, depending on which vehicle you're driving and the side of the gas pump that you're coming in on, the direction that you're coming into that intersection. We did kind of limit our comments in that respect until you come back with the zoning variances.

MR. MORGANTE: We do recognize the issues involved with that. We are already



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331 MANNAT, INC.

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considering hiring a traffic consultant. We fully recognize the maneuverability through the site as well as traffic impacts on 300 and 32, and we'll be prepared to take that next step if we can succeed in obtaining variances with the ZBA.

MR. WERSTED: We would expect with the gas station across the street, that the prices of the two would be pretty close and the gas business generated here might depend on which direction you're traveling in and which gas station might be more convenient on your trip. I don't think you're going to go out of your way to save two cents. You know, that's one of the issues.

Traffic does tend to back up past these two driveways currently. It would certainly continue to do so in the future.

I don't know that a highway work permit would be needed but I know DOT would probably be interested to see the activity here because it is on two of their State highways.

That was it. Thank you.

CHAIRMAN EWASUTYN: Jerry Canfield,

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Code Compliance?

MR. CANFIELD: You had mentioned a number of variances that are needed, and rightfully so. Existing nonconforming, correct. The canopy would create some new non-conformities. Pat and I have created a list of all the variances that would be needed, and there's quite a few.

One additional that you may give consideration to. Section 185-28 of our Zoning Code specifically spells out requirements for this type of occupancy. One of them is there's an additional 200 foot separation requirement between the fuel station and any existing areas of public assembly, which there's a restaurant located across the street that seats more than fifty. That distance is measured from either the fuel islands or the tank locations. I understand that this is a sketch plan in nature, but that level of detail is needed to verify if those variances will be needed. So not only that separation but we're going to ask you to locate the tanks because there's also a fifty-foot separation requirement from the property lines as

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331 MANNAT, INC.

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well.

MR. MORGANTE: Okay. Thank you.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: Our first comment just identifies the variances that are going to be required. The required lot area is 30,000 square feet, the required. 14,302 are provided. Section 185-28(g) for the gasoline station located within 1,000 of another one. The rear yard setback requires 30 feet where 1.2 feet is required. The front yard setback is 60 feet. Your bulk table shows it as 50 but it's 60 on State highways. So 60 is required where 30.5 is depicted. I think that's the only other variance. The canopy again is in the front yard setback as well.

The septic comments. You noted that that doesn't meet the separation from the building or the property lines. If they're going to send that to the County Health Department, that's fine, we'll need that approval.

There's no handicap accessible space provided on the site.

The parking for the site causes

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everyone to have to walk across the gasoline islands because of the existing site geometry. That's a concern. Currently customers pull up to the site and pull right in front of the building. If that happens it's going to be blocking the fuel islands the way you're showing them. I think the internal circulation, as Ken Wersted talked about, is important to evaluate.

It appears vehicles may stack up onto the State highway potentially. DOT is probably going to be weighing in on that as we circulate for lead agency. If a couple of vehicles are at the gas pumps, not many more can fit into the site.

That's all we have at this time on the schematic plan.

MR. CANFIELD: Just one other question. You have manholes and clean outs. What are they for?

MR. MORGANTE: Those were the existing septic tank and grease traps. We'll need to reroute the piping for those into the potential future location. That's what we understand. We popped the lids and that's what we saw.

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MR. CANFIELD: Thank you.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: No comments.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: No. Not at this time.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: They've just got a whole bunch of variances to take care of.

MR. MORGANTE: I'm sorry, I didn't hear you.

MR. BROWNE: You have a whole bunch of variances to take care of. We'll see where it goes.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: No.

MR. GALLI: Where are you thinking about putting the tanks? I mean the site is not big so it's not hard to pinpoint it.

MR. MORGANTE: We'll need to take a closer look at the code and make sure we take our offsets properly located in the right spot. I would imagine possibly somewhere in this area

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where it's labeled 25 feet.

MR. GALLI: Then you're within --

MR. MORGANTE: We've got to look at it.

CHAIRMAN EWASUTYN: The facade of the existing building, you'll upgrade that?

MR. MORGANTE: Yes.

CHAIRMAN EWASUTYN: Realizing that the rear of the building is visible heading north on 32, that should really compliment the side and the front of the building.

MR. MORGANTE: Okay.

MR. HINES: Mike, when you do locate the tanks you need to consider how they'll be filled and how the tanker truck is going to affect access to the site. We'll need a plan that shows that if you make it back from the ZBA.

CHAIRMAN EWASUTYN: Mike Donnelly, are you prepared?

MR. DONNELLY: I thought we were going to wait until --

MR. HINES: We're looking for more details.

MR. DONNELLY: -- a detailed plan that shows the location of the tank and the

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measurements. They have to be precise on the plan before we can send it to the ZBA.

MR. CANFIELD: Currently we're looking at seven variances, potentially nine.

MR. MORGANTE: You'd like to see me back here again first to see where the tanks are located before we get referred to the ZBA?

MR. DONNELLY: I believe so.

MR. HINES: When we refer to the ZBA we give them the specific variance list that's needed. We'll need that.

MR. MORGANTE: Fair enough. Thanks for your time tonight.

(Time noted: 7:18 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 27th day of March 2017.

*Michelle Conero*

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MICHELLE CONERO



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

----- X  
In the Matter of

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

NYS Route 300 & NYS Route 52  
IB & R3 Zones

----- X

SIXTH AMENDED SITE PLAN

Date: March 16, 2017  
Time: 7:18 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  
CLIFFORD C. BROWNE  
STEPHANIE DELUCA  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: THOMAS GODFREY

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

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MR. BROWNE: The next project before us is The Ridge, formerly known as The Loop, project number 17-01. This is the sixth amended site plan being represented by Divney, Tung & Schwalbe.

MR. GODFREY: Good evening. Tom Godfrey with Waterstone Retail Development. Here tonight with me is Mark Gratz from Divney, Tung, our civil engineer; Phil Grealy from Maser, our traffic engineer; and Steve Lopez with Tim Miller & Associates, landscape architect.

We are here tonight to update the Board on our progress on site plan amendment number six. As you'll recall, we filed a site plan amendment to construct 530,000 square feet of the 700,000 square feet that is currently approved. We have proposed deferral -- reinstatement of the deferral of the third access.

I'd like to walk through, in general, what we've been doing in terms of updates to the plan, cover a couple technical issues that we're looking to the Board for input on and overall just update the Board.

Since our last meeting at the beginning

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of January when we introduced the project, we had been working with the consultants, we've attended two consultants' workshops and have worked through some of the technical issues with that. In addition to meeting with them, on a separate track we -- not myself but someone else in the company has been meeting with the Town and Orange County IDA on rearranging the financial incentives package that was issued for this project.

We've also distributed the plans to Orange County for review. We anticipate comments back from them at some point, likely the first week in April or thereabouts.

In addition to that, we've been working with our tenants trying to get the leases amended, go through real estate committee processes with the tenants and working with potential construction lenders. As part of our tenant process -- each tenant has a different real estate committee process but they really all focus in on their space, parking lots in front of them. We establish restricted areas in front of each area where they have their parking and

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things can't be changed. So we've got some issues in terms of parking and islands and things like that that we'd like to try to get input on from the Board so that we can continue to move that process forward. It's a lengthy process to get into their real estate committee hearings. they only have them once every month usually and it's usually a sixty-day lead time to get everything in. So already as we take comments in and tweak things, we've got some inconsistencies that we need to deal with, go back to real estate committee meetings and change things.

What I'd like to do is walk you around and give you a rough idea in terms of our sequencing, what we're thinking in terms of how we'd construct this, ideal timing and things like that.

The site itself. As you know, construction had previously commenced on the site. Most of the site is clear. I don't believe there's -- it's got to be 98 percent cleared. I don't know how many, if any, additional trees need to come down.

One of the things we've done is updated

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the treeline that exists today. So the treeline that you see here in green is the treeline as it exists on the site today.

The way we would approach this, hopefully after permits and approvals, is commence construction later this spring, work on the site work in the Shop Rite area, in the BJ's area which are up on the hill. That's where most of our drilling and blasting would take place. The rock and excess fill from these two areas would be moved into the lower area and into the lifestyle area and used as fill in this lower area. It would probably take most of this year to move that. You probably wouldn't see any building construction this year. The only exception to that potentially would be Shop Rite potentially could start their foundations this fall if things went well. Other than that, most of the building construction we would hope would start in 2018, in the spring of 2018, with potential deliveries in the fall of '18. Some of those openings may kick over to 2019.

In the Shop Rite area here we've made a few minor adjustments. As you'll recall, the

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building itself and most of the improvements are exactly the same as site plan amendment number six which is currently improved. Very little has changed. We deleted the pad here.

What we have done is up in this area where we have the existing treeline now mapped and identified, we've taken the sound barrier fence which used to run kind of straight out through here and we've turned it down so that it runs across the back of the Shop Rite parking area in the rear. Across the rear of this building, the Shop Rite building, is cut into a slope, really into the side of the hill. We've got a steep slope or a potential rock face wall back there that probably runs from about fifteen to twenty feet and down to grade in here. So we've got a bit of a natural buffer in the back there already. What we're proposing to do is on the top of that, put the -- I believe it's a ten-foot sound barrier fence in this location. Behind that, on the residence side of the fence, is put a double row of trees. As you can see, it kind of infills the area that's been cut and the trees that have been removed. So that's a change

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in this area that you have not seen before. It seemed like it would work better to bring the sound barrier fence closer to the source of the potential sound, which is probably going to be the loading dock area here of Shop Rite and potentially over here.

We're in discussions with Home Goods to go next to Shop Rite there. Their loading dock would be in this area. We've got that shown on the plan here.

Other than that, we've removed a little bit of chain-link fence in this area in discussions with the Board. This area pretty much remains exactly as is, the parking and technical.

In the BJ's area, again the building pretty much sits exactly as it does in the currently improved site plan. There's been a few minor tweaks to the door location, loading dock and things like that.

One recent note that we've added is the gas area, that may be on a different timeline in terms of construction. We've added a note that if -- when the building is done and the gas

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station has not been constructed yet, that we will loam and seed. We would build all this, put all the curbs and everything, but the gas canopy and everything else in this area, we would propose to loam and seed it if it was in a different timeframe. Basically the way the deal is structured is we are responsible to build that building, so we can control that and time it. BJ's would be building their own gas station. We don't have a specific schedule in terms of when that would take place.

In the lower portion of the site, in the lifestyle area down here, we've done some diagrams that prove out the square footage. That was one of the conditions from the initial site plan approval, to make sure we had a minimum square footage of lifestyle area. I believe the requirement was 100,000 square feet. We've identified this area to be about 170,000 square feet of lifestyle area down here.

As part of the process, and I believe from a Board comment at the last meeting, we've gone back and looked at this entrance road, how it enters the parking lot and how the cars



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disperse. That's one of the technical issues that we would look to the Board for some input on. We've given a couple examples of potentially what we can do there. The way this is shown right here is when the cars come in, we've got a canoe island. The cars would have to make a choice to go left or right and disperse on either side here. When they're exiting, both the side entry points would be under stop control so that the cars coming in could move freely in and come in and make their decision to go one way or another and disperse into the parking field. We've got a second option, which I believe is in your papers there, of a slightly longer canoe island which basically extends out one more parking row in this direction. What happens is this area in here gets a little smaller. We would look to the Board for some input on that. We can go back to that when I'm done going through the whole process and presentation.

The second issue that we have a comment on was some of the nose-in parking in this area right here. We have nose-in parking and we have handicap spaces that are designed pretty much in

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the middle of each parking area which naturally leads to an accessible way. We've got two here, two here and two here. The comment came up about pedestrian access, when people are parked in these rows how would they walk and get to these stores with cars here. Obviously we've got landscaped areas and certain areas here which people would go to naturally. The accessible aisles in the handicap areas would be another source that would give them safe passage. We've got those centered in each one of those. We've looked at potentially what we could do is maybe reduce the number of parking spaces there and widen them up slightly so that there's a little more room between cars so if someone did tend to cut through cars, there's a little bit more room there for them to do that. So we would look to the Board for some input there as well.

Other than that, we've aligned some of the roadways here. Road F, which was prior shown in this area here, we'd pull that back and align that with this road right here.

In terms of the overall site infrastructure, we have looked at road A and road

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D here and looked at potentially deferring that signal. We've come to the conclusion that that's warranted and we would be constructing that signal. That seems to be warranted and will make things a little bit smoother and helps us on capacity and everything.

At this intersection here, we're continuing to study this and look at if we could either phase in the signal or, B, potentially do a roundabout. That's something that we continue to study and look at. Hopefully in the coming weeks we'll have more detailed information there on that.

Other than that, globally we will be going back through the permit itself, looking at all the conditions and the changes here. The way the permit has been written and the way the permit has been amended the prior five times is that we have approximately fifty-one conditions in the initial site plan approval, and with each amendment anywhere from four to ten to twelve additional conditions were added. In each one it refers back to the initial site plan approval and reinforces and restates that all those conditions

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are still valid, in full force and effect, unless of course they have been specifically amended in one of the prior or subsequent site plan amendments. So we'll try to put all that together. A lot of those conditions have been advanced. We've got some agreements with the Town that have been entered into since that date and time. We've got some bonds that have been issued. We've tried to stay consistent with what the prior owner did in terms of all the conditions and other agreements.

One thing that we recently reactivated is our well monitoring program for our abutters up here on the hill. In anticipation of a construction start we have reactivated that process. Through that process we have notified the abutters that we'll be restarting that program. So they've been hearing from us. There's approximately twenty-four homes up here on wells. One of our conditions is to monitor those wells. It was done before. We're restarting that program. We've been sending them certified notices and banging on doors and things up there and getting that process going.

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Other than that, we do have some conceptual architectural plans we also submitted in the package. We've had some back and forth on those. We're anticipating additional comments from, I believe, Karen on that process.

We'd really like to try to get some input and feedback from the Board on some of the parking site plan issues so we can move our process forward with some of our retailers.

CHAIRMAN EWASUTYN: Okay. Then let's do that. Let's talk about the parking, get a consensus of the Board as to what they would like to see, and some other site plan issues as it might relate to whether we'd like to see a traffic light as compared to your studies as far as a roundabout. Maybe we can come to a conclusion on that today.

I'll let the Board speak on that. The emergency access is something we should discuss and come to an agreement on this evening. I think we also should discuss the Brookside Road access, the cul-de-sac and the cleaning up of the abandoned houses ASAP.

I think some of your tenant-related

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items as far as future gas pumps and all that are more of a phasing or building issue. Let's begin to talk about the hard issues. I think that's the purpose of tonight's meeting. I think the purpose of the two consultants' meetings was to bring it down to the hard issues that we most likely will request from you.

So at this point I'll turn to Frank Galli, Board Member.

MR. GALLI: If you have Pat Hines' comments, if you have a copy of them --

MR. GODFREY: Yes.

MR. GALLI: Basically what we're really concerned about is A through E as far as hard items. I'll just touch on a couple that I think are really important.

One is the third access, and cleaning up the properties and the house on 52, and the cul-de-sac. Those people were told one thing in the beginning and it's really going downhill. I know it's been a long time, change of ownership. I think they feel left out down there. I think the access down to Route 52 is very important for the future of the project. Maybe not now but,

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you know, the Newburgh Mall was sold across the street, some things might be happening there. You never know. Things might boom and, you know, it might not be an every day access. There needs to be a point in time when you're going to need that access. I think what we told the people in the area at all the public hearings that we had was that access is important. They were all in favor of it, this was going to be going and it was up to 4,000 square feet -- 400,000 square feet. I know you're at the 530 mark. You feel you don't need it yet. I think the Board is leaning toward we need it. That's my comments on that particular issue.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: No comment.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I concur with what Frank has mentioned on that.

Also, if there was a deferment of that road we would need to have an updated traffic analysis. It covered the 530,000 square foot build. Before we had a public hearing we would need that information in a concise manner in a

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stand-alone document.

That's it, John.

CHAIRMAN EWASUTYN: I think we discussed number C as far as the relocation of the ten-foot barrier, the fence, the fact that there won't be any clearing. I think the Board is in consensus with that change as far as not extending the barrier fence to the point that it was originally.

The Board is in agreement you're showing a double row of plantings of ten-foot high trees or evergreens, that that would mitigate any impact on the residents and would be sort of consistent the original findings statement. So that is satisfactory.

MR. HINES: That's listed because it's clearly defined in the findings statement. There's a linear foot fence that was required. That's why it's there, just to get the Board's concurrence. Moving forward with the findings, it will have to be adjusted in that section.

CHAIRMAN EWASUTYN: Thank you, Pat. That's my only comment at this point.

MR. HINES: Also at Brookside Drive



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there was a barrier fence proposed for what we're calling the deferred access or emergency access. That's no longer proposed. It was there in case the road was built. I think that needs to get tied into the discussions of what Brookside Avenue looks like long term, the existing houses and the cul-de-sac. Those residents were kind of promised a complete neighborhood at the closeout of this project. I know the Board is going to discuss that further. There was a barrier fence there that may not be needed if that road is only an emergency access road or not constructed. That will also have to be cleared up in the findings.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: Following on what was the emergency access off of the upper right corner there, that definitely has to get cleaned up, all the buildings and stuff that have been vacated in that area and so on. There was an issue up in that area where just having that through there, at one point it was very, very important for fire access. One of the things we need to look at that was already mentioned, a revised traffic

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study may show that it is not needed as we thought it would be needed, but it also shows that it still is needed even with the 510, 530, whatever is being projected now. We have to look at this now as a standalone, not going to do anything beyond what this plan currently is.

Also, when the original studies were done, things had changed in the area. There's a lot of changes going on. For myself, I can't look at the former studies that we had done and this is a change, that changed, that changed. I need something. For this plan I want to see the numbers, okay, just the way it is. It may show that, you know, what you're suggesting is appropriate. It may show that it's not appropriate. We need to see the numbers.

MR. GODFREY: Phil can address that.

MR. GREALY: Just to answer that -- Philip Grealy, Maser Consulting. We had prepared an updated traffic study specifically to address the 530,000 square feet. If you remember, the last go around at the 400,000 we had updated the traffic study. In the fall of 2016 we did new traffic counts to identify current volumes, see

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what has changed. We did projections at the 530 level. There are some changes to that as a result of comments from your consultant, some clean-up items, adjusting some tables that were presented in that. I forget the exact date of our submission but it was late last year we submitted that report. It showed the analysis of 530,000 square feet with the two access points. It did go on to look at the internal intersections. As Tom had mentioned earlier, we did recommend that at the intersection AD, that that be signalized upfront. There's been some discussion about A and B being deferred. Your consultant has asked for some additional information relative to that. The analysis that was submitted, again it's just got to be adjusted, some tables and figures that were asked to be updated, which we will get back to the Board once we have the rest of this input. It did address the 530 with two access points and with the improvements that were being contemplated and permitted with DOT, both at Route 300 and at Route 52.

Just a couple things in terms of that

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updated traffic study. One of the things that we found, the counts were -- the volumes at Newburgh Mall were lower because of occupancies. We accounted for that. We kept the old higher volumes there to make sure that we accounted for that re-occupancy and higher generation.

In general, when the original studies were done we were in kind of a boom time so traffic on Route 300 was actually higher than what we counted last fall. Also in that study we did account for other projects that have come onboard that were proposed through discussions with your consultant. We actually got a list of all the projects that were either approved or in the pipeline. We added that traffic in also. We'll get you that updated study, refine these few items that Ken had asked for. But we clearly did evaluate 530 as proposed. That deals with both p.m. and Saturday conditions out there in terms of normal operations.

Emergency access is the second part of the discussion. In terms of normal operations, with the two access points at 530 we found that that would function adequately. There's, you

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know, internal things that we need to look at relative to that. That would include all of the work that was under the permits with DOT, including the roundabout at Route 52 and the improvements at the 300 access of course.

CHAIRMAN EWASUTYN: So then we're in agreement you're going to compile all this, we'll call it now scattered information, into one complete text, one volume?

MR. GREALY: Correct.

CHAIRMAN EWASUTYN: You'll refer that on to Ken Wersted, our Traffic Consultant, and we'll seek his advice as to how it's completed.

MR. GREALY: Correct.

CHAIRMAN EWASUTYN: Let's keep Ken Wersted focused on the project now. We'll sign off on what we'll call the major parking field, the design, that he'll make a recommendation to us. We'll poll the Board Members to see if they're in favor of that recommendation so we cross the -- we dotted the I on one of the components.

I still think that the Board is in favor of the emergency access. There's no doubt

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in our minds that Brookside Drive, the homes should be either made livable or you should just knock them down entirely.

Have you been back there recently?

MR. GODFREY: Yes.

CHAIRMAN EWASUTYN: Would you live there yourself? Would you want that? Let's keep it simple, Tom. No smiles, no grins. Let's get to the meat and potatoes. Would you want that in your backyard?

MR. GODFREY: No.

CHAIRMAN EWASUTYN: Okay, fine. So we understand now that that's coming off the table.

MR. GODFREY: No.

CHAIRMAN EWASUTYN: That's all. You have to look at this site as if it were in your neighborhood. Do you want this in your neighborhood or do you want to put that in our neighborhood? We don't want that site in our neighborhood. Simple as that. You don't want it in your neighborhood, we don't want it in our neighborhood. So we take it off the table.

MR. GODFREY: We do need a little time.

CHAIRMAN EWASUTYN: What do you mean by

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time?

MR. GODFREY: We have to re-engage environmental consultants and do some work on those houses. I believe there is some contamination, asbestos, in a few of those houses. I need to update those reports, get those studies.

CHAIRMAN EWASUTYN: Jerry, can you respond to this? That would be more in your field.

MR. CANFIELD: Absolutely. First off, as far as cleaning up, there are some businesses that perhaps may not be permitted there. That can be easily handled on your part. Either take the necessary steps to get permits for them to be there and the appropriate reviews or you can remove them. As the property owner, of course you're aware that's your responsibility.

As far as if there is asbestos present, you'll need to do a study before you can get a demo permit to take that down. I think what the Chairman is eluding to is that we're looking for some type of activity to take place. If you're telling us that you're in the process of doing

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these studies, then I think that would be a sign of good faith to the Chairman that that's the route you're taking.

CHAIRMAN EWASUTYN: It's an action plan. What the Board is looking for is an action plan. You're looking for action to move forward on this site. You've come here saying there's unknown answers or questions that you have from the consultants' meeting. We're going to direct you with what we want to see in place and then we'll move on. Ladies and gentlemen will move on.

MR. GODFREY: Just this week I had a conversation with Chasen Environmental, our surveyors, about just that, re-engaging them to come back out. They did some of the prior studies. They've done the survey work on the site. They also did the environmental work on the site. So I will re-engage them. I've talked to them about this, to go back out and study the three homes that are left there, do a report. We will need some remediation, I'm fairly certain, in one of the homes if not two of them for some minor asbestos that's there. We can also move



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forward on that on a timely basis.

MR. DONNELLY: The Board will eventually require that whatever you propose is shown on the plans so it's part of the site plan. Whether it's removal or restoration, it should be shown on the plan.

MR. GODFREY: Okay. I would almost anticipate that the demolition of the houses would be independent of the site plan or --

MR. BROWNE: It's all part of the same site.

MR. DONNELLY: The original proposal, and I think the discussion at the earliest times was it was all part and parcel of it. I think that's what the Board would want to see. So before certificates of occupancy are issued, that whatever is proposed in that area to the satisfaction of the Planning Board will be completed.

MR. GALLI: Put a note on the plan to be removed this house, to be removed that house.

MR. GODFREY: I'm a little confused in hearing it's a little more urgent than that.

MR. DONNELLY: It's a couple years of

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-- ultimately it's going to have to be completed. I think the Board wants to see some good faith. We want to see what you propose to do in that area after your studies.

MR. GODFREY: Okay.

MR. HINES: I think what Mr. Godfrey is saying are those houses are going to be removed sooner than potential site plan approval. Long term, there's also what that neighborhood looks like, the cul-de-sac that was proposed, is it going in. Obviously it was part of a larger construction project for the access. Right now the plan kind of ignores that portion of your property. We want to know long term what that looks like. We had a discussion at work session. You know where I'm coming from. There was a cul-de-sac there, that neighborhood was going to be complete, and there was a barrier fence in that area. That obviously may not be needed if the access drive is not there. Those kinds of issues need to be addressed on the plan. Currently they are not.

MR. GODFREY: Correct. I think I'll try to clarify a little bit. When we talk about

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deferral of the third access road --

CHAIRMAN EWASUTYN: Let's hold off before we start doing that deferral. I think we -- I was leading into that we're talking about is the major parking field and I was suggesting that we ask Ken Wersted to make a suggestion. Let's move on that so we've made a step. I think what we don't want to be doing is going back and forth, we may defer, we may not defer, we may be putting in a roundabout. We can do that for the next hour but it's time that you're losing. If you have time to come here every other month to review this project, then, you know, it will be an agenda item every other month. I don't think that's your goal. If it is, we'll accommodate you.

What would you recommend as far as a large parking field for this Board?

MR. WERSTED: Specifically speaking to the zone B area where road B comes into that parking field, the original concept had the drive aisle come straight down to the front of the building. Mark Gratz had provided a couple of different examples. In general I would say that

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either the original concept or the extended canoe island concept would be the favorable ones. If I had a preference between those two, I would say the original concept would be my preference. I know the Board may have -- we've reviewed the different concepts at work session and I would defer to the Chairman if he would want to poll the Board on the preference.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: The original one.

CHAIRMAN EWASUTYN: Stephanie? You weren't part of this.

MS. DeLUCA: No.

CHAIRMAN EWASUTYN: That's fine.

Ken?

MR. MENNERICH: Could I ask a question first?

CHAIRMAN EWASUTYN: Sure.

MR. MENNERICH: The intersection leading into the entrance there, at this point it has stop signs and they're considering a roundabout. Would either of those options change the recommendation you just made?

MR. WERSTED: The roundabout option

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wouldn't necessarily change this. We have the ability to change the inbound traffic control from a stop sign to free flowing, similar to what you see at the Newburgh Mall and other places where the approach exiting the traffic control point, that being road A and road B, doesn't have a control there so it doesn't back up into the upstream intersection. As you came into the parking field, we could remove that stop sign to allow traffic just to continue into the parking lot and avoid heavy use conditions where it backs up to the signal, the roundabout, whatever it happens to be.

MR. DONNELLY: In other words, if you had a roundabout you'd be better off with the original proposal than you would be with the canoe?

MR. WERSTED: I don't think it would matter in that respect.

MR. MENNERICH: Thank you. I would go for the original.

CHAIRMAN EWASUTYN: Thank you.  
Cliff Browne?

MR. BROWNE: Yeah, the original

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straight in approach.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: The original approach.

But Ken, would you still have any type of traffic devices there, stop lights at all, or no?

MR. WERSTED: In the parking field or at the intersection of the road?

MR. DOMINICK: The intersection.

MR. WERSTED: You would still have control at the intersection, whether it's a stop light, a roundabout. I think at work session we were pretty much agreed that the stop sign wouldn't necessarily work, particularly for the amount of approaches coming into that. There may be a natural deferring of the traffic signal or that intersection control, particularly if you only have building A being constructed at that time. Through your construction phasing, naturally it will probably get deferred some way eventually. As you come into the actual parking field you'll have at least some control on the two sides as they come into that major aisle.

CHAIRMAN EWASUTYN: Tom, what's your

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objection to putting in a traffic light?

MR. GODFREY: In this area here?

CHAIRMAN EWASUTYN: Yes.

MR. GODFREY: We found roundabouts work much better. Unfortunately here, the current design with the amount of lanes coming into this probably doesn't lend itself to a roundabout. Just long term we found that they tend to be more effective.

CHAIRMAN EWASUTYN: Can we just poll the Board Members now to see whether they want to have a roundabout, in which case, as you said earlier, you were in the process of designing that, or if the Board would like to have a traffic signal there?

We understand where we're going with the parking field. We're going with the original design. We understand that there will be no signal. Due diligence as far as Brookside Drive. We've come to an understanding as far as the barrier, that we'll go with the concept that you're proposing.

So I'd like to poll the Board Members now for your benefit, our benefit and time in

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general. What would you prefer to see?

MR. GALLI: The traffic signal.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: A signal.

MR. MENNERICH: The traffic signal,  
mainly because if you do a roundabout it's going  
to take up more space, there's going to be more  
impervious surface and probably cut into some of  
the green area.

CHAIRMAN EWASUTYN: Okay.

MR. BROWNE: Definitely a signal.

MR. DOMINICK: A roundabout is not the  
answer, especially at a mall during the holiday  
season. No way. A traffic signal.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Definitely a traffic signal.

You were saying traffic circles don't  
work with signals. Everywhere I know, New  
Jersey, up by Boston, all the circles do have  
traffic lights before they enter. Right hand,  
whatever you're doing to get into the circle.

So I believe a signal, no circle.

CHAIRMAN EWASUTYN: What's outstanding  
at this point?



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MR. WERSTED: I think that covered the traffic items in terms of the traffic study.

Phil had provided some documents in December, some follow-up material after a consultants' work session in February. I know he's working on some more now. I think the Board is just looking to have it comprehensively come together for one benchmark study of the current proposal. I think that addresses --

CHAIRMAN EWASUTYN: Things like nose-in parking makes sense because it would allow for people coming in and out of buildings. Those designs are basic.

Pat Hines?

MR. HINES: Items A through E. Item D, I'm not real clear about the emergency access versus the deferred Route 52. I don't know where we are with that in the discussion. I've heard deferment, I've heard emergency.

CHAIRMAN EWASUTYN: I think we'll poll the Board Members as to whether they want to see the emergency access put in with the 530,000 square foot build out or if they want to defer that to a later time when they're proposing as

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THE RIDGE

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much as 700,000 square feet. So let's bring that up for final discussion now.

Frank Galli?

MR. GALLI: If the traffic study warrants it -- if the traffic study doesn't warrant it as a full entrance, then I would go for the emergency entrance only. If the traffic study says it needs another entrance, then of course I'm going to go with the entrance.

CHAIRMAN EWASUTYN: I'm not really clear on what you're saying. Can you --

MR. GALLI: In other words, when Phil gets all his stuff in to Ken Wersted and says okay, so you need a third access -- I don't know if it's going to. Maybe they know. We don't know -- then I want a full access. If it doesn't, I at least want the emergency access put in.

CHAIRMAN EWASUTYN: Thank you. That's understandable.

Stephanie?

MS. DeLUCA: I think it's important to have an emergency access also. I would go along with that.

CHAIRMAN EWASUTYN: Thank you,

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Stephanie.

MR. MENNERICH: I concur with what's been said so far.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: I agree with Frank a hundred percent.

MR. DOMINICK: Yes, I believe you do need the emergency access road. It comes down to response time and safety for both the public and your tenants. If something major happens in your complex, you're probably going to get twelve fire departments responding, three of them will come south on 300, four of them would travel north on 300, and three would come from the 52 area, and the neighboring one to come up road B there. You travel 300 any time of day, in the afternoon, during peak hours, it's pretty congested. Weekends it's a nightmare sometimes. On top of that, trying to get to an incident, you need that access road.

CHAIRMAN EWASUTYN: Thank you.

John Ward?

MR. WARD: I definitely think an emergency access, especially where you were

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proposing Brookside. When you first were showing everything, you didn't even mention anything with access for going up the back way. You were telling about the project. It seemed like you were avoiding the issue where to have access going out. What I'm trying to say is we're definitely pushing an access road no matter what the situation with the traffic study.

CHAIRMAN EWASUTYN: Jerry Canfield, any comments at this point?

MR. CANFIELD: I have nothing to add.

CHAIRMAN EWASUTYN: Mike Donnelly?

MR. DONNELLY: No.

CHAIRMAN EWASUTYN: Okay. Can you summarize for us as to what you're in agreement to do based upon the conversation we had this evening?

MR. GODFREY: Yeah. I think we are in agreement on almost everything.

Our one concern would be the construction of the emergency access road. That's a fairly large undertaking. It probably involves close to 3 to 4,000 lineal feet of roadway. We've got some substantial grade

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changes down in here. We've got ledge and some serious topo and other issues to deal with.

I think prior, and just to set the record straight, I think what we were proposing was the deferral of the third access road in it's entirety with the sound barrier fence and everything else, just like it was done in site plan amendment number three. So we continue to show all of those improvements on the plan. What we have been proposing is the exact same language as is in site plan amendment number three, that once the gross square footage goes over 530,000 square feet, that we would have to build the third access road, the Brookside Road connection, all the traffic improvements with New York State DOT, and the Brookside shortening of the cul-de-sac as part of that. So I think our proposal was exactly as it was prior. We were talking about the deferral of not just the roadway but the Brookside and the sound barrier fence.

The emergency access road has been a new issue for us. That was never brought up prior on the other site plan amendments. We have

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not had any real data to study it and to look at it, to come up with other solutions. We have dug into it a little bit and looked at a traffic management plan that was drafted. We had dealt with the holiday periods, involved potentially hiring local police, off-duty police, coming up with signage plans, meetings before the peak holiday season -- peak holiday periods to come up with a management plan to make sure everything worked here. We had also in the conditions some emergency preemption opticom devices that we're incorporating into that traffic management plan which would be provided. So we have not really had the opportunity at all to look at or explore any alternatives in terms of emergency access. We do have obviously two primary accesses that we are --

CHAIRMAN EWASUTYN: Tom, we understand. That's why we polled the Board Members. The Board Members asked for the emergency access. We're not going to take the time or get involved in the type of financing that you're looking for. That would cover a lot of the costs that we're currently talking about. That would be borne

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upon you. It would be derived in other forms of getting money. Your packaging of this package isn't before us.

Frank Galli, you had something.

MR. GALLI: I had one quick comment or question. You have to go down to the stream anyway with the piping and stuff like that. One of the options you might look at, instead of coming off 52 if you could come off the cul-de-sac road. I don't know how much difference there is. That's just an option to get the emergency access in. Another point. So that's something to look at.

CHAIRMAN EWASUTYN: So at this point we'll give you that option. We do want the emergency access, whether you come in directly -- I'll poll the Board Members -- off of Route 52 or if you come off the Brookside cul-de-sac.

Are we in agreement with that. Frank Galli?

MR. GALLI: Yes.

MS. DeLUCA: Yes.

MR. MENNERICH: Yes.

MR. BROWNE: Yes.

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MR. DOMINICK: Yes.

MR. WARD: Yes.

CHAIRMAN EWASUTYN: That's the way we'll go. I apologize but that's the way we'll go.

MR. HINES: The only other item we had asked previously at the work session and at the previous Board meeting was regarding the lifestyle portion of the project. The applicant has provided the Board with a colorized plan showing what they feel the lifestyle center has developed into. Obviously it's changed over the last twelve years from what was originally proposed to, for lack of a better term, a Woodbury Common type atmosphere, more walkable. We heard from the previous owners that the original proposal wasn't something a tenant would buy into. So they provided you with a colorized plan that I think identifies 170,000 square feet of the smaller retail area that's been developed into the lifestyle center. The findings require a minimum 100,000 of that in the first phase of the project. So they just wanted to get the Board, as we work towards adjusting the findings,



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to concur that that is the lifestyle center area. It's the smaller stores. During architectural review the Board will have some control over each of those regarding the facades. The landscaping has been deferred in those areas until they have tenants and individual landscaping plans. The pedestrian scale portions of that project will be presented. It's an issue that's been carried forth over the last decade. We just want to make sure the Board is still on board with what is the lifestyle center, what the lifestyle has become.

CHAIRMAN EWASUTYN: Let's keep that thought in mind. So we're at a point now where we will be receiving revised plans. We still have the lifestyle center that we're discussing.

At some point in time, Mike, we received the revised plans. We look at that as far as the original findings. So that's kind of the -- they both have to come together.

MR. DONNELLY: Yes. I think there's three pieces here. One is, and I think it's other than traffic and probably traffic as well, the Board needs to be sure that the environmental review that was done for the other project covers

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this project and there are no new significant adverse environmental impacts that flow from the changes. I think it's clear almost all of that is true because the project is greatly reduced in scope. When Phil is finished with that traffic study where we are now changing the trigger for the third entrance from the 400 to this higher number, that if that shows that that is supportable, then we would be in a position to issue a SEQRA consistency determination, a declaration that this project falls within the scope of the earlier environmental review. We then have to turn to the findings because there were very specific statements of SEQRA finding mitigation measures, and some of those involved things like the lifestyle center, the fence for soundproofing and what not. We'll have to examine those and make sure any of the old findings that are inconsistent with the new project are amended to correspond to what the new project is. I think that can be something we will work on in draft form but not finalize until after the public hearing in case other concerns come out of the public hearing that warrant an

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amendment to the findings.

CHAIRMAN EWASUTYN: My question to you at this late of the evening, should we be looking at the lifestyle center or can we manage that at the following meeting? I'll ask the Board Members how they want to move. I'll ask for your suggestion.

MR. DONNELLY: Part of it is the architectural treatment. The look and the concept of the lifestyle center was a look and feel type idea. We know that that bus has left the station and no tenants are interested in what the original proposal was in terms of look and feel. There's still a sense that we wanted to have something that was a smaller scale, that had a look to it architecturally, pedestrian friendly that would have somewhat of a feeling of a downtown area. I think you need to be comfortable with what is now being proposed is that. I don't know that you can do that without looking at some conceptual architectural renderings.

CHAIRMAN EWASUTYN: Can we take a brief period of time and go through that now?

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MR. GODFREY: I'll be happy to do that. What we're defining as the lifestyle center is everything from this intersection forward. That is consistent with what has been in the prior couple site plan approvals. As you can see, it's the area of the site that does not contain any of the larger retail boxes. Those have all been kept, obviously, to the rear of the site. So it's the most visible area of the site in the front. You'll notice that in this area we have a concentration of restaurants and pedestrian crosswalks here. We've got two or three restaurants in this area, another two or three planned in here. We've got the pedestrian crosswalk leading over to a park in this area. We've got the nose-in parking and additional wide curb areas that can handle benches and plantings and things like that all designed in this area.

Some of the buildings in this area you'll see are broken up, smaller in scale and size. We've got one, two, three buildings here, two buildings here. So visually when people drive in they'll see it's smaller scale buildings with probably a little more detail. Even in the

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back you'll see some of those broken up. Some of these will even be slightly different than everything else. A little bit different than what's going on over here. So that has been our intent. I believe it's been consistent with what has been proposed in the past. That was our understanding of what the lifestyle component was. We've tried to maintain that consistency. I believe this area from here over is exactly consistent with site plan amendment number five where everything I think remains exactly the same.

CHAIRMAN EWASUTYN: Do you have any architecturals or renderings as to what you're proposing to do with your concept of the --

MR. GODFREY: Yes. We had submitted a conceptual architectural review package in the original files which Karen has and has reviewed and commented on.

CHAIRMAN EWASUTYN: Do you have something with you this evening is what I meant to say?

MR. GODFREY: I can dig it out.

CHAIRMAN EWASUTYN: Rather than trying

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to visualize what we can't see, maybe we can put something up.

MR. DONNELLY: While Tom looks, I think from a descriptive point of view, that accurately describes what the lifestyle center became, not what it was originally. I think all of the elements that were outlined, pedestrian scale, smaller break ups, for exactly what it had become.

CHAIRMAN EWASUTYN: So it's consistent.

MR. DONNELLY: Yeah.

MR. GRATZ: For the benefit of the new Board Member, Mark Gratz from Divney, Tung & Schwalbe, civil engineer.

Just to reinforce Tom's point as he's gone through it, basically this is site plan amendment numbers four and five. It really hasn't changed from the intersection of 300 with the exception of some minor tenant tweaks. One of the things that was done to address the pedestrian feel or the lifestyle center feel was you have pedestrian lighting in the front of the buildings in this area, typically more closer to the fourteen-foot high poles, basically lining

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the front and -- center and front of these shops as well. That was a key element at that time.

MR. GODFREY: I have one copy. This was submitted.

CHAIRMAN EWASUTYN: If you could show that to Stephanie.

MR. GODFREY: Okay. Would you like me to walk you through it?

What we've done is we've proposed to amend the conceptual architectural review package which the Board had previously approved. Basically we've updated the site plan to be consistent. It's the same architect. A lot of the exact same features. This is conceptual in nature. Each individual building will be required to come back for a full architectural review. With that we would work through the landscaping and the details in front of each building. This was used as an example.

What we did do -- I believe Shop Rite had previously been approved for architectural review.

What we tried to do here was provide elevations for the BJ's building which is a

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little unique, it's in the back. The Dick's building, Shop Rite, like I said, has already been through the architectural review process. Then we tried to give some detail in this area, this building in particular as well as the pedestrian crosswalks. You'll see some elevations on there of that. So we tried to give you a flavor of exactly the pedestrian crosswalk, the pergolas, what things would look like. We have examples of lighting, both parking lot lights and pedestrian style lights that are in the sidewalk . We've got examples in there of the planters, landscape planters that we propose in the sidewalk. Again, we've got them shown on the plans throughout this area but they would really come under full architectural review for each building in the future.

We've also got a picture in there of a similar project, The Ridge in Rochester, New Hampshire, which gives you a feel and flavor for some of the materials in a recently built project. We would like to continue a lot of those details.

MS. DeLUCA: This is good. Okay.



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CHAIRMAN EWASUTYN: Michael, are you suggesting the Board move for a motion that we accept the --

MR. DONNELLY: If you're comfortable with it. I think what we wanted to make sure is before anything moves forward further, we get to work on the amended findings, that you're comfortable with at least at the conceptual level, the current formulation of the lifestyle center, both between it's layout and conceptual architecture.

CHAIRMAN EWASUTYN: Having heard from Mike Donnelly, I'll poll the Board Members.

MR. GALLI: I'm fine with the lifestyle center.

MS. DeLUCA: Agreed.

MR. MENNERICH: Yes.

MR. BROWNE: Yes.

MR. DOMINICK: Yes.

MR. WARD: Yes.

CHAIRMAN EWASUTYN: In summary now, we're going to get a complete traffic report to Ken Wersted and at some point in time we're going to need to be working on the findings statement.

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Then I guess from that we'll go on to a SEQRA consistency determination.

MR. DONNELLY: Yes.

CHAIRMAN EWASUTYN: Okay.

MR. WARD: John, I had one question about the lifestyle. The parking, has that changed in width since the previous until now?

MR. GODFREY: The parking spaces?

MR. WARD: In lifestyle. Ken recommended possibly widening the spots.

MR. GRATZ: Once again, Mark Gratz. That is an open question. There was the recommendation of a possible alternative by Ken Wersted, your Traffic Engineer. Right now all of our parking spaces are in the exact same form as required by code, a minimum of nine foot. We do have -- we are technically over parked for the center by about fifty spaces. We could eliminate several spaces to widen selected areas of parking and still be within the zoning.

MR. WARD: The reason why I'm asking, the atmosphere looks better, not congested with cars. You're trying to get a lifestyle look. I understand they can park somewhere else, too. It

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looks nicer.

MR. GRATZ: Only on the front parking.

MR. WARD: That's what I meant.

MR. GRATZ: I've got to be honest. As consultants we're going back and forth. We wouldn't mind polling the Board on it, too. The way we've laid out the plan and the location of the handicap spots, the handicap access aisles are generally centered amidst the parking bays. It kind of draws the person into the sidewalk in that area. At worst case scenario, somebody has to walk maybe four or five spaces one way or the other, either ahead of the landscape island. Widening the spaces in front, you're basically encouraging people to cross anywhere. There's different schools of thought on that, too, from a safety standpoint. Do you just want people walking across that front aisle anyway or is it better to have -- okay. So we'll be glad to do whatever the Board would like in that instance because we do have the space. We could eliminate it, we could widen the spaces in front of the lifestyle stores.

CHAIRMAN EWASUTYN: Does the Board have

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a preference as to -- that would be 10 by 20 compared to 9 by 18. To increase some of the 9 by 18s to 10 by 20 or to work with the configuration.

MR. HINES: John, I think it would be the width. If you start extending the length, it's going to impact the plan.

CHAIRMAN EWASUTYN: So it would be --

MR. HINES: 10 by 18.

CHAIRMAN EWASUTYN: Thank you. 10 by 18 parking spaces or to have the handicap parking in the front of some buildings which would allow for greater accessibility.

Frank Galli?

MR. GALLI: I'm fine with that.

MS. DeLUCA: Yes.

CHAIRMAN EWASUTYN: Which one are you going with, the handicap or the --

MR. GALLI: Not the handicap but the wider one.

CHAIRMAN EWASUTYN: 10 by 18.

Stephanie?

MS. DeLUCA: I'm fine either way. 9 by 18 is okay, too.

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CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: If it's double lined like our requirements are, 9 by 18 would be all right.

CHAIRMAN EWASUTYN: So far we have two that would be 10 by 18, one that would be --

MR. GALLI: When you make it 10 by 18, isn't it just double lined?

MR. HINES: No.

MR. GALLI: Then I'd rather have it double lined like Ken said.

MR. HINES: You're 9 by 18s are currently required to be double lined but it's measured from the center line of that double line, your 9.

MR. GALLI: As long as I can open up my door and not hit the car next to me.

MR. HINES: I can't guarantee that.

CHAIRMAN EWASUTYN: We're talking about 9 by 18 double striped.

MR. GALLI: Fine.

MS. DeLUCA: Fine.

MR. MENNERICH: Fine.

MR. BROWNE: That's the current code?

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CHAIRMAN EWASUTYN: You have two  
choices in the code. That would be one of them.

MR. BROWNE: Yes.

MR. DOMINICK: Fine.

MR. WARD: Yes.

CHAIRMAN EWASUTYN: That resolves that.  
I think that concludes the business for  
this evening. Thank you, gentlemen.

(Time noted: 8:20 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 27th day of March 2017.

*Michelle Conero*

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MICHELLE CONERO

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

----- X  
In the Matter of

CORTLAND COMMONS  
(2017-11)

5452 Route 9W & Cortland Drive  
Section 9; Block 1; Lot 60  
B Zone

----- X

SITE PLAN

Date: March 16, 2017  
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  
CLIFFORD C. BROWNE  
STEPHANIE DELUCA  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: STANLEY SCHUTZMAN

----- X

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



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MR. BROWNE: The next item is Cortland Commons, project number 17-11. It's being presented by JMC Planning & Engineering.

MR. SCHUTZMAN: Good evening, Members of the Board. My name is Stan Schutzman, I'm a local attorney. With me tonight on behalf of the applicant, Farrell Holding Company, Limited, is Joe Sarchino to talk about some engineering matters and Jay Diesing to talk about some architectural matters.

I wanted to talk to the Board first with respect to the legal issue of access. There is a permanent easement, which I'll provide to Mike Donnelly, over Cortland Drive for access, ingress and egress, to the property as for motor vehicles and pedestrians as well as a right to construct and maintain the roadway. There are three prohibitions to the use of the property as part of that easement. They include a gas station, a repair garage and a truck shop. Our application is in compliance with that, so we meet all the terms and conditions of the permanent access easement.

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MR. DONNELLY: When I see it I'll report to you. I assume I'll report what Stan has just said.

MR. SARCHINO: That driveway is in this location.

MR. SCHUTZMAN: I'll turn it over to Joe to talk about engineering matters, unless the Board has any specific questions I can answer with respect to ingress/egress.

CHAIRMAN EWASUTYN: Thank you.

MR. SARCHINO: So the Board can get an idea where the project is, here is the Cortland Drive intersection here with 9W, fronting along 9W. The site is 3.2 acres in size. It's zoned in the B District which allows residential -- retail use.

This is the site plan that's proposed. It has a two-building arrangement, 8,700 square feet here, a 2,500 square foot restaurant pad with a drive-through entrance -- a drive-through pick up.

The entrance to the property. The entrance drive here is a right in/right out on 9W and a full function driveway on Cortland. That

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driveway would come down to a signalized access point here.

We have light fixtures shown at twenty-two feet high around the perimeter of the property.

The site utilities are served by -- we're going to have a septic system. In this location here will be a lawn area for the sanitary sewer.

Water main. There's an existing water main in Route 9W. We'd extend a line up to the property to serve the two buildings.

Stormwater would be via an underground stormwater system here and a potential basin in this location with a discharge to 9W.

With that, I'll turn it over to Jay and he can take you through some of the architecture.

MR. DIESING: Good evening. I'm Jay Diesing from Mauri Architects.

As Joe mentioned, there's two buildings on the site. Building A is 8,700 square feet and it will be subdivided based on the requirements as far as how large the spaces would be. It's a traditional all hip roof structure. This is the

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side that would be facing Route 9W, the west facing side. This side has kind of a column structure at the front and some different roof lines to help accentuate and differentiate the different tenant entrances. The building is going to be clad in a variety of materials, cultured stone veneer from the base up to the window sills and some higher accent areas on some of the taller portions of the building. Vinyl siding as the main field of siding, and then there's some vinyl simulated shake siding in different areas of the roof. The main roof itself is an architectural roof shingle, and then we have some accent areas that will be a bronze standing metal seam roof. I have samples of all the materials here, all the colors that are going to be picked out or that were picked out.

Building B, the restaurant building, very similar in design and materials. Again, a hip roof structure, simulated stone veneer, horizontal vinyl siding, shake siding and an architectural roof.

CHAIRMAN EWASUTYN: Thank you.

MR. DIESING: Thank you.

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CHAIRMAN EWASUTYN: Ken Wersted, how does it look traffic wise?

MR. WERSTED: It looks substantially similar to the previous project that was proposed here a number of years ago. That project and applicant had conducted a traffic impact study before the signal was in with pretty similar types of uses that did go through the Board's review. DOT had looked at it. DOT made some suggestions on the access point to Route 9W. We transmitted those original comments and suggested that the plans be circulated again to the agencies to see if those comments are still valid. I know DOT would be interested to see this project again, particularly because a lot of the personnel there have changed and the people who reviewed it back then aren't there today.

In terms of the traffic, it will really, I think, depend on what's being proposed for building B. The other building may be consistent with what was previously proposed, but building B may be different based on whatever use is going to be planned to go in there.

The drive-through did change from what

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was proposed previously. The earlier application assumed it was going to be a bank with the drive-through. This is saying fast food restaurant also with a drive-through. I think for the most part we would look to get an update on the trip generation to see if that's consistent with what was previously proposed. If a new traffic study is warranted, we would request one of those.

There is some sidewalk that has been provided and crosswalks across Route 9W at the Morris Drive/Cortland Drive intersection. Depending on, again, the uses here, it may be a point of pedestrian trip generation, either from the neighborhood across the street or from Orchard Hills or Parr Valley. We would ask the Board to consider whether they have an opinion as to sidewalks in this neighborhood.

Outside of that, we had one minor comment about the garbage enclosure.

Beyond that, that was the extent of our comments at this time.

CHAIRMAN EWASUTYN: Joe, in talking and listening to Ken Wersted talk about proposed

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sidewalks, do you have a -- what are your thoughts on that?

MR. SARCHINO: Right now you can see on the area of the white line in this location there is an existing sidewalk here and crosswalks at the traffic signal/intersection here. Right now we have not proposed sidewalks along the frontage. If that's something the Board is interested in, we can certainly look at that.

We did make an application, a stage 1 application to the DOT. Mr. Wersted did indicate that this was part of a previous application, which it was. I think that was prior to the light. So that should be a difference now.

We did move the right in/right out driveway further down to the west -- east, I'm sorry, but we have 274 feet from the intersection here to the driveway. I think that was an increase of about 60 feet. So we did increase that separation.

We did make a stage 1 application and we'll see what they have to say about it. If we did want to come out with the sidewalk along the project, it would probably be here. We'd have to

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look into getting a crosswalk, to this island here probably would be the best. That gives an access to the site from the residential developments up in this location. That is something we can look at.

CHAIRMAN EWASUTYN: Does the Board have an opinion on that?

MR. GALLI: It would be a nice feature. There's a lot of people in that area, a lot of development going on. People are walking. You see them all the time alongside the road.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: I agree. Living in that area, it's a nice feature to be consistent with what else has been developed along that 9W corridor.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: At first I was thinking just your back entrance there, the sidewalk could connect in there for that. I'm not sure about the --

MR. SARCHINO: Up here?

MR. MENNERICH: Yeah. But for people on the other side of 9W, if there's an access for



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them to get to the light, that would be more beneficial for them to cross at the light and then come up.

MR. SARCHINO: We can look at both ways. I think a lot of the traffic -- pedestrian traffic that would come down into the property would be from Orchard Hills and the other residential development here. Orchard Hills would come right down through here. It may be more convenient to cross at this point and then enter into the property. I'm not sure how many people would be walking along the frontage of 9W.

MR. GALLI: You've got Parr Meadow across the street.

MR. SARCHINO: If they got to this point here they could come up and go in. Something to think about. We can look at it and propose something.

MR. MENNERICH: Basically the roadways are internal and they would come down to the street there on the south and come out towards the light I would guess.

CHAIRMAN EWASUTYN: The existing crosswalk.

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All right. In your resubmission if you could show two design concepts, the Board will look further on that.

Let me speak to Cliff Browne and hear from Dave Dominick and John Ward also on the topic.

MR. BROWNE: The 9W sidewalk, I don't see much going on there. On the back side I think is much better.

MR. SARCHINO: Here?

MR. BROWNE: Yes.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: I agree. A sidewalk would add value to that, especially when we're trying to clean up the 9W corridor. It would make it more attractive as well.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I like the sidewalk going to the front entrance where you were proposing it.

CHAIRMAN EWASUTYN: Let's see both concepts since we're kind of split as far as the majority vote.

MR. SARCHINO: Okay.

CHAIRMAN EWASUTYN: We'll briefly

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discuss it, since we're on the topic of the 9W corridor. Pat Hines mentioned the design guidelines as far as parking in the front of the building. When you redesign your concept, if you could provide us with some mitigating measures.

MR. SARCHINO: We will look into that, certainly.

CHAIRMAN EWASUTYN: At this point we'll turn to Jerry Canfield, Code Compliance.

MR. CANFIELD: Just a couple things, Joe. On the site, the building height, if it exceeds thirty feet the drive aisles need to be twenty-six feet in the vicinity of the building. I know you have designed for twenty-four feet. I think the EAF says that the building height is twenty-nine. If you actually scale the elevations, it's like thirty-two. Maybe just a clarification if it exceeds thirty feet or not.

MR. DIESING: Is it a difference if it's the mean height or peak height?

MR. CANFIELD: Yes. Peak height.

MR. DIESING: Okay. The peak of one of these towers, that is a little over thirty. The main hip roof, though, is -- that's at the

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twenty-nine. It's just one of these little accent towers. I'm not sure which way you would deal with it.

MR. CANFIELD: You may want to bring it down if you can't get the two feet. The difference is the aerial access road requirement.

MR. DIESING: Just be under thirty?

MR. CANFIELD: If you keep it under thirty you can keep the twenty-four foot width.

Also, just a clean-up item. On the EAF it depicts it's in Newburgh School District. The project is located in the Marlboro School District.

We talked about the drive.

Also in future submissions if we could just locate the closest fire hydrant. There may be a need to bring a hydrant in. I don't know what the linear footage is of the main to be extended into the site. There's a requirement to have a hydrant within fifty feet of the FD connections. These buildings will be required to be sprinklered. I think you acknowledged that by bringing in the six-inch main. You're going to bring four-inch to the building. I'm assuming

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that you know that or you're expecting that.

MR. SARCHINO: Correct.

MR. CANFIELD: We can look at that.

The other question that I had was there are some rock outcroppings on the site to the north. Do you anticipate blasting?

MR. SARCHINO: That's something that we're going to look into. We have to complete some additional borings.

We are showing a retaining wall in this location here. We are going to look into maybe making this a one-way entrance and pull that pavement in and reduce that retaining wall. That's something that we'll reflect on the next submission that we make to the Board.

MR. CANFIELD: Also, Pat will talk about it too, he mentions to the Board about the height of the retaining wall. I'm sure the Board may want to see some visuals on the north end of that site. Those retaining wall heights are pretty steep. For a visual impact, what you're going to look at and see.

That's all I have, John.

MR. SARCHINO: We identify the tops and

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bottoms of the wall. They did vary in height. I think the max is about fourteen or fifteen feet. If I'm able to pull that in we'll reduce the visual impacts on that.

MR. HINES: They're almost twenty feet by the retention pond. They're going to want to see a rendering of that.

MR. SARCHINO: We'll work on trying to reduce those and provide more information.

CHAIRMAN EWASUTYN: Pat, your comments?

MR. HINES: Our first comment had to do with what Mr. Schutzman discussed, the access off of the private road. We'll get that.

Our next one mentions the retaining wall. It's about sixteen feet at the property line with the adjoining condominiums. Constructibility of that needs to be looked at.

We'll be looking for a stormwater pollution prevention plan for the drainage in the future. We have some technical comments on the lateral.

The septic system proposed will need a DEC SPDES permit. It's over 1,000 gallons a day. Orange County Health Department approval.

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That leads into a comment that Jerry and I were discussing at work session. We've seen these buildings in the B Zone labeled retail buildings become restaurant tenancies. The septic system is going to control that. You may want to look at the design of the septic to make provisions should some of the 8,700 square feet be utilized as that tenant. Right now your designs are limiting it to retail. Similar to the buildings just to the south, a couple restaurants have moved into those uses. You have to look at your parking calculations as well. It will expand your tenants. For this site the septic system will control the amount of tenants you can have. We've had other retail buildings become multiple restaurants and cause problems with the parking calculations. As you're designing that septic system you may want to take that into account along with the parking calculations.

Front yard. Your bulk table, I think it's the restaurant/fast food. Front yard setbacks along State highways are 60 feet. The bulk table needs to be correct. I think you have

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to push your restaurant back a foot to comply with that. There's a buffer requirement but I think you meet it. Default in the B Zone to the R3 Zone where the condominiums are. The design had guidelines we discussed, or the Board discussed.

The parking in the front yard is contrary to the design guidelines, however the Board can issue waivers. Normally the applicants will propose some form of mitigation. In the past it's been increased landscaping or stonewalls. We'll leave that up to you, what to propose to mitigate. The idea is not to have the cars parking with the front of the cars lined up all along the State highway there. Obviously the geometry of the site may dictate that you park in the front, but that will need to be addressed. It looks like there's an issue with your parking calculations anyway. We'll have to look at that in the future.

Ken discussed the circulation.

It would be appropriate now for the Board, if it wanted to, to declare lead agency. You have DOT, DEC, Orange County Health, and it



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will need Orange County Planning submission as well.

CHAIRMAN EWASUTYN: After this evening, the adjoining property owners.

MR. HINES: I was going to get to that. The adjoining property notification will be required prior to your return. In the past, because of the proximity to Parr Valley, I think notification was given to the homeowners association --

CHAIRMAN EWASUTYN: Correct.

MR. HINES: -- rather than the numerous condominium owners. I don't know if that's appropriate or if we can do that. It will be a -- it's only first class mail now, it's not certified as it was.

CHAIRMAN EWASUTYN: I remember doing that.

MR. HINES: We did it because we had the certified mailing and it was a substantial amount of money for Orchard Hills.

MR. DONNELLY: At some of the public hearings we did that. On the notification to the homeowners I think it would be satisfactory.

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CHAIRMAN EWASUTYN: I'll poll the Board Members for questions or comments. John Ward?

MR. WARD: My question is do you know what restaurant is going in to the drive-through?

MR. DIESING: I don't think there's anything selected or planned yet.

MR. WARD: That might affect traffic and everything else. Very good. Thank you.

CHAIRMAN EWASUTYN: Dave?

MR. DOMINICK: No questions.

CHAIRMAN EWASUTYN: Cliff?

MR. BROWNE: Nothing more for me.

MS. DeLUCA: No.

MR. GALLI: I'm good.

CHAIRMAN EWASUTYN: Okay. Then having heard from Pat Hines, our Consultant, I would move for a motion to declare our intent for lead agency for the site plan.

MR. MENNERICH: So moved.

MR. WARD: Second.

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

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CORTLAND COMMONS

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Okay. Thank you.

MR. SCHUTZMAN: Thank you very much.

MR. DIESING: Thank you.

MR. HINES: I'll need a bunch of sets  
for circulation when you get a chance.

(Time noted: 8:42 p.m.)

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

I, MICHELLE CONERO, a 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 27th day of March 2017.

*Michelle Conero*  
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MICHELLE CONERO

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

----- X

In the Matter of

RAM HOTELS, INC.  
(2016-21)

Unity Place  
Section 97; Block 2; Lot 37  
IB Zone

----- X

TWO-LOT SUBDIVISION

Date: March 16, 2017  
Time: 8:42 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: LAWRENCE MARSHALL

----- X

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

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RAM HOTELS, INC.

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MR. BROWNE: The next item of business we have is RAM Hotels, Incorporated, project 2016-21. It's a site plan being presented by Lawrence Marshall.

MR. MARSHALL: Good evening. Just to update the Board, we had made very minor changes to the overall site plan that was previously presented at last month's meeting.

We have made changes to the plans to address the engineer's comments that we received. We do have a series of comments, follow-up comments, to those which we plan to address and we take no exception to.

We also have comments from your traffic consultant, which also we take no exception to and plan to address.

Some of the outstanding items on this: We have not received the flow acceptance letter yet from the City of Newburgh. We are still working on the landscaping plan. We have not been able to coordinate the review of that yet. Pretty much we are just back to kind of continue the process of the site plan review in conjunction with the subdivision.

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The clearing and grading permit. The clearing permit has been issued to the applicant. Just to update the Board, I know that doesn't necessarily pertain to this Board as it is a building permit -- building department issue, but the applicant updated yesterday that that work is planned to be completed next week. There's been a slight delay just because of the recent snowfall.

CHAIRMAN EWASUTYN: Okay. I'll start off with Board Members if they have comments.

Frank Galli?

MR. GALLI: Nothing additional.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: Nothing.

MR. MENNERICH: No questions.

MR. BROWNE: Nothing.

MR. DOMINICK: No.

MR. WARD: Nothing.

CHAIRMAN EWASUTYN: I'll turn to Ken Wersted, our Traffic Consultant.

MR. WERSTED: We reviewed the submission and noted a couple of changes from the original, which included moving the southernmost

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driveway to the common property line with this parcel and also lot 2. We think that's appropriate because it can become a shared use driveway for lot 2. If you look at the overall plan, lot 2, the southern extent of their property goes down to the curb area. If you were to put in a second driveway it would be really close to that curb and sight distances for that lot 2 driveway may become an issue. We think a shared driveway in this area is appropriate.

We would just ask that you confirm the sight distances there because a lot of the trees along Unity Place, they look very nice but we would just want to ensure that the branches aren't too low where they are affecting your sight distance coming out.

The striped median on Unity Place, you'll see an example at the Jehovah's Witness project where they removed some of that median striping to provide a left turn into the site. We would expect that a similar feature would be done here, otherwise technically you would be turning left in from the travel lane and not using the median. We would look for that at



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RAM HOTELS, INC.

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future submissions.

Then a cross access easement to the Newburgh Plaza is being provided. As part of our submission we provided just a general concept of how that cross connection might look within that area. There may be some areas outside the easement that might require some grading, particularly on this property. Presumably this cross connection would be something done in the future if lot 2 were ever developed. It would also require permission from the Newburgh Plaza. To plan for the future and allow these cross connections, we would just look for the Board to ensure that anything that is going on with the RAM Hotel project wouldn't necessarily preclude that from happening in the future. Meaning if lot 2 were to come through and try and construct this cross access, that the owner of lot 1 wouldn't say that you can't grade on my property. We want to have that understanding at this point.

MR. MARSHALL: It's a great suggestion. We've gone over that with the applicant and we'll incorporate that, certainly.

MR. WERSTED: I might look to Pat or

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Mike to --

MR. DONNELLY: We'll have some kind of declaration or easement that will provide both the common driveway easement and maintenance agreement as well as the cross access.

MR. MARSHALL: We'll work on that and submit a document to you.

MR. DONNELLY: Yes.

MR. WERSTED: That was the extent of our comments.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: Just some detail items. I'm sure we'll see them at some point.

Hydrant locations, we need to talk about that. Perhaps we can get together. I have an idea that perhaps you could relocate one hydrant off of Unity Place on the site and then add one in the rear.

Again, you may have heard earlier the requirement. I see you bringing the water service into the rear of the building. There's a requirement to have a hydrant within fifty feet of that fire department connection. We can talk

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RAM HOTELS, INC.

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about that.

MR. MARSHALL: We -- I'm sorry. Go ahead. I don't mean to interrupt you.

MR. CANFIELD: Water line details, they show a twelve-inch. There's an eight-inch out in the street and there's, I believe, an eight-inch coming into the building.

MR. MARSHALL: That's a typo.

MR. CANFIELD: The detail shows a twelve. That might be a spillover. It's not twelve-inch pipe.

Also, there's a detail on there for two-inch copper, K copper. I don't think that's the case here either. You may want to clean that up.

Also gas. I'm assuming you're going to bring in gas to the building.

MR. MARSHALL: Yes.

MR. CANFIELD: The gas line location and the regulator and meter location, typically we'll see that.

The biggest thing, Larry, is we're looking for conflicts with any of the other services underground, telecommunication and

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RAM HOTELS, INC.

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electric as well.

Then I have a question. I know you went to the Zoning Board for a height variance. Were there any suggestions or requirements for the FAA as far as lighting or anything like that?

MR. MARSHALL: No. From the ZBA or the FAA?

MR. CANFIELD: Either.

MR. MARSHALL: No. The FAA gave it no restrictions as far as any sort of required lighting, strobe on top of the building. The ZBA didn't -- they accepted the FAA letter.

MR. CANFIELD: The proximity of the guide path, I guess it's a question. Is it something that should be looked at?

MR. HINES: Do you have a no avoidance?

MR. MARSHALL: Yeah.

MR. HINES: If you could submit that.

MR. MARSHALL: I'll check it. I thought I submitted it with the first submission. I'll certainly resubmit it.

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

CHAIRMAN EWASUTYN: Thank you.

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Pat Hines?

MR. HINES: We have some technical comments on the water line. Just a suggestion that sheet 3 and 4 be labeled as utility and grading plans. I spent some time flipping through looking for the utility plan. They're all just labeled grading.

The location of the hydrants Jerry Canfield just discussed.

The City of Newburgh flow acceptance letter is outstanding and must be received prior to any approvals.

A couple of pavement types are shown on the plans. They should be identified, the ones that are going to be used.

A stormwater facility control agreement will be required prior to final approval.

You have the comments on the drainage, the point discharge. The bio-retention is still a concern. There should be some sort of level spreader or some sort of detail provided.

Landscaping of the stormwater facilities. Just a suggestion that your detention pond is going from a wet pond in it's

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RAM HOTELS, INC.

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current condition to a dry pond but it will be full of water during storm events. Whether or not that's going to be fenced. It doesn't have the 1 on 5 slope that would normally be required to not be fenced. That is up to you and your client, though. It's not going to be owned by the Town.

A shared access agreement needs to be filed with Mike Donnelly's office, or reviewed by Mike Donnelly's office.

That's all we have to date. A lot of technical clean-up items.

CHAIRMAN EWASUTYN: Would you make a recommendation to the Board at this time, do you have enough information to make a SEQRA determination?

MR. HINES: I do. The applicant submitted an environmental assessment form to the Board. We have reviewed that and we have prepared a suggested part 2 for the Board's use. I can go over those various items of the components of that which we have identified for the Board.

The first is impact on land. We

1  
2 suggested that that answer be a yes due to  
3 bulleted item A, the proposed action may involve  
4 construction on land where depth to water table  
5 is less than three feet. We suggested that that  
6 would be a small to moderate impact. The project  
7 will require a pre-construction notice to the  
8 Army Corp of Engineers for some minor filling  
9 activity on Federal wetlands. The proposed  
10 action may involve the excavation of more than  
11 1,000 tons of natural material. That material  
12 will be graded on site. We would suggest that be  
13 a small to moderate impact. The proposed action  
14 may result in increased erosion, whether from  
15 physical disturbance or vegetation removal. We  
16 identified that as a potential small to moderate  
17 impact and note that a stormwater pollution  
18 prevention plan in compliance with the Town's and  
19 DEC requirements.

20 We suggest that impact on geological  
21 features, that answer would be a no. There are  
22 no significant geologic features on the site.

23 Impacts to surface water, we suggested  
24 that that be a yes. Bulleted item D, the  
25 proposed action may involve construction within

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or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body. Due to the presence of Federal wetland and slight fill, we suggest that that be a small to moderate impact. The proposed action may create turbidity in a waterbody, either from upland erosion runoff or disturbing bottom sediments. We suggested that would be a small to moderate impact. The proposed action may increase erosion or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies. That would be a small to moderate impact. Again, the existing detention pond is going to be enlarged and low-impact development features have been added to the site plan.

Number 4 is impact on groundwater. We suggest that that is not an impact that would be reviewed. The project is connected to the potable water and sanitary sewer systems for the Town.

Impact on flooding. We suggested that that impact would be no. The proposed action may result in development on lands subject to



1 flooding. There are no floodplains on the  
2 project site.

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4 Impacts on air. We suggested that that  
5 would also be no. The project doesn't meet any  
6 of the thresholds or bulleted items.

7 Impacts on plants and animals. We  
8 suggested that would be yes with a small to  
9 moderate impact. The proposed action may cause a  
10 reduction in population or loss of any threatened  
11 or endangered species as listed by New York State  
12 or the Federal Government. We suggest that that's  
13 a small to moderate impact. Any potential tree  
14 clearing that would affect the two species that  
15 may inhabit the site during the summer are being  
16 undertaken during the timeframes where no impact  
17 to that species would occur.

18 Impact on agricultural resources. We  
19 suggested the answer would be no. There are no  
20 proposed agricultural impacts.

21 Impacts on aesthetic resources is also  
22 a no. The land use of the proposed action are  
23 obviously different from or are in sharp contrast  
24 to current land use patterns between the proposed  
25 project and a scenic or aesthetic resource. The

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RAM HOTELS, INC.

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project is zoned for the appropriate use as it is relatively commercial in the area.

Impact on historic and archaeological resources. The applicant has submitted the environmental assessment form which did not identify any State historic or archaeological resources on the site.

Impact on open space and recreation. We suggested a no.

Impact on critical environmental areas. The project is not located in the Town's critical environmental area.

Impact on transportation, we suggested that that would be a no. The traffic report has been provided and Ken Wersted has reviewed those impacts and provided comments. The driveways have been relocated based on those comments.

Impact on energy, we suggested that that would be a yes. The project will obviously use some form of energy but it does not exceed any of the bulleted items under that.

Impact on noise, odor and light. We're suggesting that that answer also be a no. It doesn't exceed any of the bulleted items.

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RAM HOTELS, INC.

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Consistency with community plans. The project does not impact that. The project is appropriately zoned for this use.

Consistency with the community character. We would suggest that that answer also be no as the project is consistent with the underlying zoning.

With those and the Board's input on those, we would recommend a negative declaration.

CHAIRMAN EWASUTYN: Questions or comments on the presentation that Pat Hines just made?

MR. GALLI: No.

MS. DeLUCA: No.

MR. MENNERICH: No.

MR. BROWNE: No.

MR. DOMINICK: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: Okay. Then having heard the recommendation from our Consultant, Pat Hines, for declaring a SEQRA determination, I'll move for a motion to declare a negative declaration.

MR. DOMINICK: So moved.

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RAM HOTELS, INC.

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MR. GALLI: Second.

CHAIRMAN EWASUTYN: A negative declaration for the RAM Hotel. I have a motion by Dave Dominick. 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.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Okay. Then I'll poll the Board Members. It's discretionary whether or not they want to hold a public hearing.

MR. DONNELLY: John, the subdivision requires one.

MR. HINES: There is a subdivision.

CHAIRMAN EWASUTYN: Thank you, Michael.

Okay. Then Pat, can you give us, not the next meeting but the meeting thereafter?

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RAM HOTELS, INC.

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MR. HINES: The second meeting in April will be the 20th. April 20th.

CHAIRMAN EWASUTYN: Would we have enough time to circulate for that?

MR. HINES: Yes.

CHAIRMAN EWASUTYN: Okay. Michael, Pat Hines, the public hearing, it would make sense to have it both on the site plan?

MR. DONNELLY: I would think so. If you're going to hold it you might as well address both elements.

CHAIRMAN EWASUTYN: I'm sorry for not listening.

MR. HINES: April 20th. There's five Thursdays in March so we have time.

CHAIRMAN EWASUTYN: I'll move for a motion from the Board to schedule a public hearing for the RAM Hotels for the site plan and two-lot subdivision on the 20th of April 2017.

MR. GALLI: So moved.

MR. WARD: Second.

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

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MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Thank you.

MR. MARSHALL: Thank you very much.

(Time noted: 8:58 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 27th day of March 2017.

*Michelle Conero*

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MICHELLE CONERO

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

----- X

In the Matter of

U.S. CRANE & RIGGING  
(2016-14)

18 Route 17K  
Section 97; Block 1; Lots 21.2  
IB Zone

----- X

AMENDED SITE PLAN

Date: March 16, 2017  
Time: 8:58 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  
CLIFFORD C. BROWNE  
STEPHANIE DELUCA  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: ANDREW FETHERSTON  
LARRY WOLINSKY

----- 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 U.S. Crane & Rigging, project 16-14. This is an amended site plan being presented by Maser Consulting.

MR. WOLINSKY: Mr. Chairman, Members of the Board, my name is Larry Wolinsky, I'm the Attorney for U.S. Crane, from the law firm of Jacobowitz & Gubits. With me is Andrew Fetherston, project engineer; Tom Auringer, our project principal; Tim McLoughlin, in-house counsel; Art Seckler, our project architect; and Alan Zuckerman, consultant for the project.

The purpose of this evening is ongoing site plan review. We are in receipt of the letters from the consultants who did not see that there were any significant comments. I'm sure that they'll go through them with you.

As you know, we're hoping to move this project along. There's a concurrent process going on with the Town Board whereby the Town Board has to designate this the LHI overlay zoning. There will be a Town -- ultimately be a Town Board public hearing with that. There was also an informational public hearing with the

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public, which I know the Chairman attended and some others may have attended.

So we're here this evening hopefully to move forward with the environmental review and complete it, if possible, and get a determination in light of the fact that there's been a public information session and there will be another public hearing. Whether there is one additional one needed at the Planning Board, we hope that would not be the case.

MR. GALLI: To set the record straight, the Planning Chairman was not at the public hearing. I was there.

MR. WOLINSKY: I'm sorry. Forgive me. My partner gave me the wrong information.

MR. DONNELLY: You look alike.

CHAIRMAN EWASUTYN: I take that as a compliment.

MR. WOLINSKY: You're both really good looking guys.

CHAIRMAN EWASUTYN: I should be so young.

MR. WOLINSKY: I thought John Cappello mentioned John was there.

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CHAIRMAN EWASUTYN: I saw John at the gym.

MR. WOLINSKY: Maybe that's how it transpired.

In any event, one last thing before I turn it over to Andy. To update you on the site plan, we noticed that there was a report in The Times Herald Record that mentioned there would be fabrication of cranes -- not fabrication, manufacturing of cranes at this location. That is incorrect. There is no manufacturing of cranes. We wanted to set that straight for the record. There will be fabrication. That is not the same as manufacturing, obviously.

It's up to the Board whether you want Andy to further review the site plan. I don't know --

CHAIRMAN EWASUTYN: Pat, why don't you discuss -- let's start the way we have throughout the evening and then we'll get to your question.

Ken Wersted, you looked at this as far as traffic impacts.

MR. WERSTED: We reviewed the site plan and didn't have any significant comments relative

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to the traffic operations. We think it's going to be a relatively minor impact at Route 17K and that Route 17K will be able to accommodate the proposed traffic movements.

The couple of concerns we had were just asking the applicant's engineer to check the turning radii of the larger vehicles coming in from 17K. Currently that driveway is very wide, plenty of room to drive tons of stuff in and out. There's a proposal to narrow that down, make it a little more generalized, put a sidewalk across the front, which is consistent with the neighboring Dollar General. The turning movements going in might be affected by the guide rail that's there and the narrowness of the entrance. So take a look at that.

Then as I was reviewing the truck circulation plan, there may be an area to the north of the employee parking lot where a truck turning template may cut across what I'm assuming to be some of the crane storage lanes. Continue around to about 11:00 on that circulation. Right about there.

MR. FETHERSTON: What there is, Ken, is

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all of the old striping is shown on here. We didn't erase some of it. Maybe to clarify we'll erase -- it goes to a number of spots where there's existing striping there. We can remove that.

MR. WERSTED: Thank you. I did have an e-mail conversation with DOT. They would look to get an application and work through their process. I don't think they would have any issues with what's being proposed, but certainly there would be a highway work permit to do the work within their right-of-way.

That was all I had.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: Just a couple questions. There was a note on the plan about the overhead wires to be relocated. How is that going to happen? Is it going to be put underground or on the entranceway?

MR. FETHERSTON: To be determined still, Jerry. We'll clarify that. We'll clarify that.

MR. CANFIELD: Okay. I understand that

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at the informational meeting there were some fire department comments.

MR. FETHERSTON: Yes.

MR. CANFIELD: I'm in the process of trying to track them down so we can address them. I know of one, the emergency access, which you have addressed. I believe there were some other hydrant issues and what not.

MR. FETHERSTON: Can we talk to that just for a second? Do you mind?

MR. CANFIELD: Absolutely. If it's okay with the Chairman.

CHAIRMAN EWASUTYN: Yes.

MR. FETHERSTON: There might be three folks from the fire department, four folks. We had some good conversation. They had the bulk of the conversation. They had the bulk of the comments with us one on one after we had that public information meeting. What I did show them was there is a hydrant out at Stewart Avenue here. I think it's connected to a twelve-inch line. There's another hydrant about here, also on a twelve-inch line. There's another hydrant here at this location serving this building.

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They were saying that they had 1,000 feet of line is what they carried. I was showing the firemen what 500 feet was. 500 feet is the extent of my scale to the scale of this drawing. Just what this hydrant could cover, this hydrant can cover and what this hydrant could cover, the whole site is covered as far as the buildings. That was really the extent of the conversation on the hydrants.

We did talk about the emergency access. I can not get a fire truck to swing there. I can't get any trucks. I don't want any trucks to go up there, flatbeds or semis. A UPS truck, Fed Ex truck, that's what that's intended for, and just for the employees. The fire truck can come in and then pull back out. That's what we were proposing for that. A gated entrance.

MR. GALLI: Where was that again?

MR. FETHERSTON: That's over here. We had a full motion entrance there on the first plan that I showed the Board. We took that off after having a number of conversations and we put a gated access there. It's just a good spot for it. It's a good distance away from and on a

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different road from our main entrance.

CHAIRMAN EWASUTYN: Jerry, does that suffice?

MR. CANFIELD: We'll look at that. I don't have a clear picture on what it is they were asking as far as the hydrants and stuff. We can take a look at that --

MR. FETHERSTON: Okay.

MR. CANFIELD: -- and further discuss it.

The other question I had also was it's a relatively close distance between the back of the properties on 17K and the actual building itself. Maybe, Andrew, you can tell us what's proposed there or any type of shielding or buffer, or what that's going to look like.

MR. FETHERSTON: Right now we're proposing forty-one feet between the property line and the back of the building, a twenty-six foot drive aisle, a sidewalk, retaining wall or grading to change the grade from what's coming from the rear of these now businesses to our drive aisle. The reason is that this building is so snugged up. It's a 95 acre site. Only 25



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acres is pavement but about 7 or 8 of it is out of the floodplain. The whole thing with this project was keep the new building out of the floodplain. That floodplain line is here. It goes right across and then dances as the Quassaick goes towards the culvert at 17K. This is my closest point right here for the floodplain. I wanted to keep this building out of the floodplain. These two are already in. They're grandfathered. One of them is a car wash. It's not going to be impacted by a flood. That was really the reason to snug that building down into this location.

MR. GALLI: What mitigation are you going to do for the houses up front?

MR. FETHERSTON: There's not really much planting we can do here. They're not homes. Now they are businesses. If those businesses wanted some additional landscaping, I'm sure we could accommodate them with that. Right now the building is proposed with soundproof or sound --

MR. SECKLER: Arthur Seckler. They would be acoustically lined metal panels on the building with additional sound attenuation added

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to the interior along that southern edge face of the building.

MR. FETHERSTON: Right now the vegetation that's there is all deciduous. Right now you're looking right through it at 5,000 cars. In the future, the ones closer to Stewart, they'd be looking at the building wall as opposed to the cars.

MR. CANFIELD: Could we back up? The gentleman's name for the steno?

MR. SECKLER: Arthur Seckler.

CHAIRMAN EWASUTYN: Did that answer your question?

Pat Hines?

MR. HINES: We noted that the site has been redesigned to provide emergency access which will be gated.

Comments from the jurisdictional fire department are outstanding.

The City of Newburgh flow acceptance letter must be received prior to any approvals. Mr. Fetherston is familiar with that process.

Crane and truck parking have been delineated on a more central portion of the site.

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The balance of the site is proposed to be utilized for passenger vehicles.

Expansion of the contractor yard LHI use beyond those delineated on the plan will require future review.

Right now the Board is looking at a certain intensity of use that's been proposed. I think Mr. Wolinsky might want to listen to this.

MR. WOLINSKY: I'm sorry?

MR. HINES: I think you're going to start yelling at me.

MR. WOLINSKY: I've read your comments.

MR. HINES: Comment 3, I think the Board is looking at a certain intensity of use that's been delineated on the plans. There are a certain number of crane/large truck parking areas and activities dedicated to the U.S. Crane operations. The balance of the site will continue to function as it does today with passenger vehicles. What I'm suggesting is that that is the use that the Board is reviewing on the site. Any expansion outside of that area would need to return for an amended site plan review.

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MR. FETHERSTON: I guess the only thought I had on that was when we were talking with the Town Board regarding the LHI, it was asked do we want to apply it to a portion of the site or the entire site. Naturally we want to apply it to the entire tight.

MR. HINES: We're looking at intensity of use of site plan. What I don't want to have happen is that the entire site becomes a crane parking area.

MR. WOLINSKY: That would be your normal standard operating procedure with any development, would it not be?

MR. HINES: I'm good with that. We heard different at the last meeting. I just want to get that on the record that this is the intensity of use. Any change would need --

MR. WOLINSKY: If there was an expansion in the future, you'd want to look at it.

CHAIRMAN EWASUTYN: Will there be a note on the map stating that?

MR. DONNELLY: We'll put it in the resolution as well.

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MR. HINES: I'm glad we're all in agreement on that.

We'll need architectural renderings and future submissions for the Board to review.

The sanitary sewer lateral is at an elevation such that it only serves the office portion of the building.

MR. FETHERSTON: We'll look at that. I think that the intent originally, just so the Board understands, the office is up eleven feet above the floor of the fabrication shop so that the office can look down at the work that's going on. We missed that, you're right. We want a bathroom down in the fabrication shop and also in the office. We'll correct that.

MR. HINES: Okay. That's fine. That may need an elevator for Jerry. I'm not sure what that use requires.

Technical comments on the water main.

Technical comments on the sewer.

Proposed hydrants on the site should be reviewed.

The stormwater pollution prevention plan has been developed to incorporate water

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quality controls. There's going to be less impervious surface on the site. They've incorporated some landscaping and removed some pavement on the overall site. We're generally okay with the stormwater.

The proposed structure is located at the side yard setback, so a standard note is required.

The parking lot plan prior to the issuance of CO should be added.

This also has the issue with the design guidelines. The employee parking is located in the front yard setback in some portions. That's not consistent with the design guidelines. There may be some proposed mitigation similar to what we just talked about.

MR. FETHERSTON: Can we talk to that just for a second? Mr. Chairman, it is the front -- it is a front yard on Stewart Avenue, however not used as any type of entrance but for emergency access. We're proposing to landscape it. I guess besides what we proposed, knowing we want to have it for a full access for the emergency vehicles, we were just proposing

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screening. Any other mitigation --

CHAIRMAN EWASUTYN: Can you discuss with us what the plant material is you're proposing? Deciduous trees, are they evergreens, what height, what caliber?

MR. FETHERSTON: It's all on the plan. I could read it. Sure I can do that. I'm not a landscape architect.

CHAIRMAN EWASUTYN: There's common names associated with it.

MR. FETHERSTON: Right. Let me see. White Pine and Red Oak is one of the larger ones. PA, Norway Spruce. So there's a mix I guess.

CHAIRMAN EWASUTYN: And there's a variety. There are evergreens and they are six to eight feet that you are originally putting in?

MR. FETHERSTON: Five to six feet on the Spruce and the White Pines.

CHAIRMAN EWASUTYN: Can you increase that to six to eight?

MR. FETHERSTON: Sure.

CHAIRMAN EWASUTYN: The caliber on the deciduous trees is what size?

MR. FETHERSTON: Two to two-and-a-half.

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CHAIRMAN EWASUTYN: That would be standard. That's fine.

MR. FETHERSTON: Okay.

CHAIRMAN EWASUTYN: Is the Board satisfied with that? I think that's -- for the location.

MR. GALLI: I still have an issue with if you're going to do any more behind those buildings on 17K.

MR. FETHERSTON: Here?

MR. GALLI: Yes.

MR. FETHERSTON: Okay.

MR. GALLI: Think of something and come back the next time.

MR. FETHERSTON: Probably the best thing that I can do would be to move the building. I've got some play here. I can't screen in that limited area, it's just too tight. I already talked to my landscape architect. He didn't even put anything there.

CHAIRMAN EWASUTYN: Is it too expensive to put in a six-foot kind of decorated fence or something?

MR. FETHERSTON: No, no.



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CHAIRMAN EWASUTYN: A white vinyl fence?

MR. FETHERSTON: That could certainly go.

MR. GALLI: I'm fine with that. Make an effort to screen it.

MR. FETHERSTON: Six-foot white vinyl, total privacy fence.

MR. GALLI: It helps.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: You mentioned the building is going to have a lot of noise attenuation in it. Is the purpose of that to reduce the noise for the office above so that those people can work in peace or is it for the neighbors?

MR. SECKLER: The office operation really is complimenting the fabrication shop. There will be detailers, draftsmen in there, foremen that run the fabrication shop. It's really not for sound attenuation between the office and the fabrication shop, although that would help. It's really from the building to the adjoining property is the reason we're increasing the acoustics along that south elevation of the

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building. It will be an insulated panel and we're going to add some additional sound attenuation along that facade of the building.

MR. BROWNE: An assumption on my part. Has there been a study on your part as to how much sound attenuation is required to reduce the noise that will be produced?

MR. SECKLER: No. We have not done that analysis.

MR. BROWNE: Okay.

MR. SECKLER: The floor of that building also along that elevation is lower than the grade on the outside. There is an elevational difference of about eleven feet, as Andy mentioned, at the west corner of the building and slightly less on the southeast corner of the building. Part of that exterior wall will be a foundation wall below grade.

MR. BROWNE: Okay.

MR. SECKLER: The floor of the shop is recessed.

MR. DONNELLY: It is in an IB Zone. Inherently IB type uses will have some degree of noise, perhaps odors, other things. It's not

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like it's a residential neighborhood.

MR. BROWNE: I was curious because when the business goes to the extent to incorporate noise deadening things in the building in the architecture, typically it kind of tells me there's a lot of noise being generated.

Also, I thought I mentioned it or heard at one point that the hours of fabrication would be typically a dayshift type operation, --

MR. FETHERSTON: That's right.

MR. BROWNE: -- not -- okay.

MR. FETHERSTON: That's absolutely right. That was in a narrative that we gave on the original. That was on the narrative that we gave to the Town Board as well. Yes.

MR. BROWNE: Thank you.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Andrew, just briefly, at the informational meeting you had how many people that showed up and what were the concerns?

MR. FETHERSTON: I think we sent out to ninety-two, I think you said, and there might have been twenty, twenty-five. Some of that was made up with the fire department folks, some of

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it was made up with the supervisor, Frank was there.

MR. GALLI: Their main concern was the Stewart Avenue entrance. Any truck traffic on Stewart Avenue was a big thing. Cleaning up the site as far as the entranceway, making it look nice. Basically they weren't against the project. They had some concerns with the traffic and stuff like that. They were real concerned about Stewart Avenue, trucks taking a short cut and that type of thing.

MR. DOMINICK: Which won't happen; right?

MR. FETHERSTON: If you're a driver it would just be foolish. I've got a four-lane highway here, I've got a four-lane highway at 300, all stop light controlled. Rather than going through a neighborhood with either a tractor trailer or a truck crane. It's just not the way they would go.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: My question is, and you suggested it just now, how far could you move the building back?

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MR. FETHERSTON: I have this landscaped slope here, John, that -- all I really want is the drive aisle. I want that road. I want to get my vehicles from one side to the other. I can pull it that close. I think it's probably about thirty feet. Probably around thirty feet or so. Maybe a little better.

MR. WARD: I'm suggesting possibly look into that.

MR. FETHERSTON: That would allow the screening.

MR. WARD: That's what I'm trying to say. For the businesses in the front, whether it's residents or businesses, it's too close to them.

And at the same time, where are you loading all the equipment outside?

MR. FETHERSTON: Everything is loaded inside. There's cranes that will run the inside of the building.

MR. AURINGER: Overhead cranes inside the building.

MR. FETHERSTON: There's three bays. Three doors, three bays, and the overhead cranes

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can run from one end to the other. Everything will be loaded inside. Should the building be to capacity with steel, which is not anticipated, I did leave an area back here behind the building for other miscellaneous outdoor storage just to have an area in case that should happen. It's not anticipated.

MR. HINES: I think you better look at the plan. I don't think you have thirty feet to play with.

MR. AURINGER: I was going to say if we could compromise to that thirty feet and knock it down.

MR. HINES: If you looked at your landscape area behind the building, it's very wide on the east side of the building but it narrows down to nothing on the west side. If you push your site plan back thirty feet you're going to be into the floodplain or floodplain development permit.

MR. FETHERSTON: That's not what I'm looking at. I'm looking at taking the building and sliding it thirty feet like this. That would take me to the edge of the curb here. This road

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gets adjusted a little bit. Maybe I don't have all that storage, maybe the storage is parking. I would pick up -- you know, I think I could do thirty feet at the max. So if we can do twenty feet. If I got twenty feet, at least I can plant some trees, I can do some screening. Thirty would be the max based on the scale.

MR. WARD: My other question is I know it's the noise. Everybody wants to know about the noise. Like he said with the crane on top, when you're unloading that stuff, I've seen it personally, it's not noisy. Fabricating can be noisy. Like you're doing welding and they are banging and everything else. Will that be enough soundproofing with that building?

MR. SECKLER: I believe it would be. The building itself, there are three bays, as Andy indicated. The bays will serve different purposes. Material will be brought in up through the west elevation. The overhead cranes would disperse the steel throughout the shop. There will be different stations within the building. The building is 185 feet wide, so we're really spreading that out. I don't think that would be

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a concern.

MR. WARD: I know a lot of people are concerned about traffic with noise going out. I know they leave like at 3:00 in the morning. To be able to go into the city they have to leave early. I don't think that's going to impact anything with traffic. So that's my own opinion, though.

MR. FETHERSTON: What we had talked about I think at an earlier meeting, just I'd like to just rehash that quickly if we could. Say an empty truck -- say a truck comes in loaded with steel, comes in, is offloaded by the cranes, can drive out one of the two bays here, come back and pull into any one of these spaces here. If he's going to go out let's say the next morning, pull into the shop, get loaded, come back out around and stage, you're right, not pull out until early in the morning so they can beat the rush hour to get into Manhattan, if that's where they were going, or one of the boroughs.

MR. WARD: With the front entrance we were talking sidewalks and making it all nice there.



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MR. FETHERSTON: We just extended the sidewalk. What Ken is saying about maybe widening that up a bit, maybe looking at the guide rails so there's no other barriers. We'll certainly look at that. Ken was talking about narrowing it because it is incredibly wide right now. Maybe we got a little aggressive with narrowing it. We can look at it again.

CHAIRMAN EWASUTYN: So the point is now are we relocating the building back thirty feet or relocating the building back twenty feet?

MR. FETHERSTON: Twenty feet would be doable.

CHAIRMAN EWASUTYN: Are you acceptable of that?

MR. WARD: Yes.

CHAIRMAN EWASUTYN: So let's make that part of the record, we're relocating the building back twenty feet.

I guess, Frank, rather than putting up a vinyl fence they'll come back with some type of landscaping.

MR. GALLI: As long as it mitigates any situation.

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CHAIRMAN EWASUTYN: Okay. Pat, we are,  
at this point in time --

MR. HINES: That leads into my next  
comment. I have one comment. I'm assuming these  
cranes are going to be stowed down, ground level.  
We're not going to have twenty cranes sticking up  
in the air?

MR. AURINGER: You're not going to have  
twenty cranes up in the air but the existing  
building is going to be a maintenance shop.  
They're hydraulic so they telescope out for  
maintenance and are sucked back in and go back in  
the stow position.

MR. HINES: We're looking for long-term  
visual impacts. That would be a nice way to  
advertise if you had twenty U.S. Cranes.

MR. CANFIELD: Your name?

MR. AURINGER: Tom Auringer,  
A-U-R-I-N-G-E-R.

MR. HINES: My comment 14 is based on  
the additional information submitted, the  
detailed plans, the stormwater pollution  
prevention plan. We're recommending a negative  
declaration for the project on the redevelopment

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of the site.

MR. DONNELLY: SEQRA closeout is required before the Town Board can pick up the designation of the LHI. The applicant will not return until that's accomplished.

CHAIRMAN EWASUTYN: Let me poll the Board Members first to see if they want to have a public hearing.

Frank Galli?

MR. GALLI: Start down on that end, John.

CHAIRMAN EWASUTYN: Okay, fine. John Ward, do you want to have a public hearing?

MR. WARD: I think yes.

MR. DONNELLY: Let me note they will have one at the Town Board.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Yes.

MR. DOMINICK: Yes.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: Yes.

MR. MENNERICH: No.

MS. DeLUCA: Yes.

MR. GALLI: I think the one at the Town

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Board will be sufficient enough.

CHAIRMAN EWASUTYN: So right now we have one, two, three -- we have the majority rules. We'll have a public hearing. So we'll schedule that for the 20th I guess also.

MR. DONNELLY: I don't know that you can until the Town Board has rezoned it. We don't know when the Town Board will take that up; right?

MR. HINES: We don't know that.

MR. DONNELLY: We could do the hearing, you just can't take action.

CHAIRMAN EWASUTYN: Okay. So this will be a two-part motion. We'll declare a negative declaration on U.S. Crane & Rigging and we'll schedule a public hearing for the 20th of April. I'll move for that motion.

MR. DOMINICK: So moved.

MR. GALLI: Second.

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

(No response.)

CHAIRMAN EWASUTYN: I'll move for a

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roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 9:28 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 ^ day day of ^ Month 2017.

*Michelle Conero*  
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MICHELLE CONERO

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

----- X

In the Matter of

CVS  
(2015-23)

Corel Place  
Section 60; Block 3; Lot 5.2  
B Zone

----- X

AMENDED SITE PLAN

Date: March 16, 2017  
Time: 9:29 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  
CLIFFORD C. BROWNE  
STEPHANIE DELUCA  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: PATRICK O'LEARY

----- X

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

MR. BROWNE: Our next item of

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CVS

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business is CVS, project number 15-23. This is an amended site plan being presented by Cuddy & Feder.

CHAIRMAN EWASUTYN: Let's summarize where we left off at the last meeting.

MR. O'LEARY: I believe we've identified all the issues at the last meeting. The revisions we had to make to the plans essentially consisted of commencing in this area on the entrance to the drive along the entire front and down the side over here by 52.

We received the comments from the County. I think they were, I would suggest, positive for the changes to the project overall.

We also received DOT's comments. I'll briefly touch on those because as we submit the revised site plans, just to avoid any confusion, they don't match the ones we have. I believe they are very minor in nature.

Coming along the right-of-way they would like us to revise the truncated dome side here at the sidewalk. It won't be visible from a site planning perspective but it will be located



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here by the sidewalk.

They would like us to make the sidewalk across the entire front five feet wide. We are more than happy to accommodate that.

There is a manhole in the sidewalk and they have asked us to move it one way or the other to get it out of the sidewalk. I do believe we have sufficient room to accommodate that, slide it back into the grass area. I don't see any issue with that.

Relative to the crosswalk here, it's still in question whether they would prefer the pinstripes going across here or the piano keys. We're perfectly happy with pinstripes or piano keys as long as there's no issue with the Planning Board here.

Finally, they had one more comment regarding they would like to see a directional sign, it would probably have to be somewhere in this area, that says Union street is this way coming out. They do think there will be some cut through traffic. What they would like to see is proactive for the person who is cutting through and provide appropriate direction. We're happy

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CVS

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to accommodate that. We will create a sign that says Union street that way.

Finally, the last two comments are changing -- they have a couple new details regarding the driveway entrance here. Minor deviations in the details.

CHAIRMAN EWASUTYN: Pat, do you have anything to add?

MR. HINES: I have nothing to add. We are in favor of all the changes that were made to the plan.

County has signed off.

I think we have the standard condition that a DOT highway work permit is required.

CHAIRMAN EWASUTYN: Ken Wersted?

MR. WERSTED: I have no comments on the plans.

MR. CANFIELD: Nothing additional.

CHAIRMAN EWASUTYN: Mike Donnelly, would you give us --

MR. DONNELLY: I've included your reaffirmation that the negative declaration was earlier issued, which I think you should incorporate into the resolution.

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The first condition is except as hereby modified, all conditions attached to the original granting of site plan and ARB approval are to remain in effect. This approval is subject to and conditioned upon satisfaction of the same as if those conditions were set forth herein at length. The second condition will be the DOT sign off and highway work permit on the amended proposal. Lastly, the standard condition that nothing may be built on site that is not shown on the site plan itself.

I believe this also involves an amended ARB approval or am I incorrect? I will include language that approves the amended ARB approval. I'm sure you'll want to see it first.

CHAIRMAN EWASUTYN: Do you have that? You're showing it without the retaining wall?

MR. O'LEARY: Right.

CHAIRMAN EWASUTYN: We'll move for a motion to approve the ARB for -- the amended ARB for the CVS pharmacy.

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by

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

(No response.)

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Okay. The next motion is to approve  
the amended site plan for CVS pharmacy subject to  
the conditions presented by Planning Board  
Attorney Mike Donnelly in the resolution.

MR. GALLI: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: Motion by Frank  
Galli. Second by Dave Dominick. Any discussion  
of the motion?

(No response.)

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

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MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Let's have a general understanding.

The final procedure, everyone is going to be calling tomorrow morning saying we want to drop off the site plans to be signed; correct? If the phone rings now at this time at night we're assuming nobody is in the office to say come on in. Correct?

MR. O'LEARY: That is correct.

CHAIRMAN EWASUTYN: This late in the evening we're all thinking similarly. That's great.

Let Pat Hines explain to you what is necessary in order for someone to sign the site plan and then the fact that it will have to be coordinated when they're dropped off.

The bonds are in place.

Have the inspection fees been put in

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place?

MR. HINES: The bonds and inspection fees have been in place. They were substantial enough and the changes actually reduced the scope of the work on the plans.

MR. DONNELLY: The stormwater maintenance agreement?

MR. HINES: The stormwater maintenance agreement needs to be executed. It had final approval last time. I have to follow up. I'll follow up on some of those resolution conditions.

We'll need a final set of plans once the DOT changes have been made. You have some changes for DOT. You'll send those final set of plans in and I will review them.

There will be a need for checking the escrow to see where we're at with consultant fees and such. That's about it.

Because it had final approval before, a lot of the housekeeping stuff has been done.

CHAIRMAN EWASUTYN: You'll get a copy of the plans to Pat Hines based upon what he's saying.

MR. O'LEARY: Correct.

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MR. HINES: We'll need to see the five-foot sidewalk, those changes you made for DOT, and that will become the record set for stamping.

MR. O'LEARY: We have to make those changes so I will not be there tomorrow.

MR. HINES: That's good.

MR. DONNELLY: We're closed Saturday.

CHAIRMAN EWASUTYN: Thank you all.

MR. O'LEARY: Thank you very much.

CHAIRMAN EWASUTYN: I'll move for a motion that we close the Planning Board meeting of the 16th of March.

MR. MENNERICH: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: Motion by Ken Mennerich. Second by Dave Dominick. Roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

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(Time noted: 9:37 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 27th day of March 2017.

*Michelle Conero*

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MICHELLE CONERO