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

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In the Matter of

NYC DEP DELAWARE AQUEDUCT REPAIR  
(2011-15)

Roundout-West Branch Tunnel  
Section 8; Block 1; Lots 15.2 & 22.2  
B/AR Zone

----- X

AMENDED SITE PLAN

Date: March 19, 2015  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: CHRISTOPHER VILLARI

----- 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 19, 2015.

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

MR. GALLI: Present.

MR. BROWNE: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

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

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield, Code Compliance Supervisor.

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

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

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

MR. WARD: Please stand to say the  
Pledge of Allegiance.

(Pledge of Allegiance.)

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

MR. BROWNE: Thank you. The first item  
of business we have before us is an amended site  
plan for the New York City Department of  
Environmental Protection, Delaware Aqueduct  
repair, project number 2011-15. It's the  
Rondout-West Branch Tunnel. It's being  
represented by the New York City reps.

I'd ask them to introduce themselves at  
this time.

MR. VILLARI: Sure. Thank you very  
much for having us. My name is Chris Villari.  
It is my duty to fall on my own sword because as  
I normally do and have the last few years, I

1 normally come with a sheet with a roll call so  
2 you know who is in attendance. To attempt to  
3 make up for that, I have collected business cards  
4 from my colleagues and provided them to the  
5 Stenographer. Just as a reinforcement, I would  
6 ask when I call up my colleagues to talk, they  
7 introduce themselves, and maybe spell your name  
8 if you could. Hopefully that's adequate for the  
9 Board.  
10

11 This evening we have provided the Board  
12 with an official submission for expansion of what  
13 we're calling our shaft 5-B site. It is  
14 basically going to double the size of the site.  
15 We're adding an additional 30 and change acres to  
16 the site for purposes primarily of muck disposal  
17 and stormwater treatment. I will eventually give  
18 the floor to Ted Dowey who is our lead engineer  
19 for this project.

20 In addition to that, we also had some  
21 changes to our landscaping which was approved in  
22 the previous site plan. I will introduce Phil  
23 Simmons who is going to discuss the particulars  
24 of the changes to the landscaping design.

25 So with that, I will ask Ted Dowey to

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please introduce the amended site plan.

MR. DOWEY: Good evening. I'm actually the project manager for the design of the bypass tunnel project. I'd like to walk you through some of the components of the property just to the north of the shaft 5-B property that we're looking to buy.

I hope you can see this. So just to orient you, running north/south along the bottom of the page is Route 9W. Presently we have an entrance into the site here on the existing shaft 5-B site which winds its way up to the shaft which is located here. So here we have the existing site and this sort of L-shaped piece.

This site will allow us to run our job more efficiently. It will take truck traffic off the road, it will help us with -- just make it more efficient all around.

I'll go through some of the components of it on the next drawing. The next drawing is just zooming in a little bit. Here's shaft 5 here. One of the things we want to be able to do is to treat the water that comes from the tunnel, while we're building the tunnel, in an efficient

1  
2 manner. So that water will be pumped out of the  
3 shaft. It will be -- we're going to be  
4 developing the settling ponds up here. One of  
5 the ponds is sufficient, but if we have to take  
6 one out of service or we have to muck one of them  
7 out, we need to have two of them. That water  
8 will then drain into a water treatment plant, and  
9 that water, when it's treated, will go into a  
10 piping system which eventually takes the water to  
11 the Hudson River through a force main. That's  
12 one of the uses of the site.

13           The second use of the site down in this  
14 area is to handle the stormwater on the site  
15 during the construction phase. So we have a  
16 series of -- we have an entire SWPPP which is  
17 going to be presented to you at a later time.  
18 I'm going to sort of put off discussions on the  
19 SWPPP. This is associated with handling the  
20 stormwater during the construction.

21           If we're building the tunnel and  
22 excavating the tunnel, we're going to have a  
23 tunnel boring machine. That tunnel boring  
24 machine puts reinforced concrete segments in  
25 between the machine to widen the tunnel. We

1  
2 require a lot of them. It's nice to have a place  
3 to put them and it's nice to have a significant  
4 storage space. So we anticipate that we will be  
5 storing segments in these two areas here.

6 Here we have an area for storing the  
7 topsoil. As we develop these sections we're  
8 going to be taking topsoil off and storing it in  
9 this area here for later use.

10 One of the big uses for this is to take  
11 the tunnel rock and place it on this property in  
12 an engineered and designed fashion so that we  
13 don't have to truck it elsewhere and put it on  
14 the roads. Here it's just a much neater and  
15 cleaner solution to what we do with the tunnel  
16 materials.

17 If you'll look closely at the drawings,  
18 it says excavated material area. It's actually  
19 the area that will be filled in using the  
20 excavated material from the tunnel. So this will  
21 -- these will -- these two pieces of the site  
22 will be developed early on while the contractor  
23 is mobilizing and building the tunnel boring  
24 machine. Once they start mining, they need to  
25 have the water treatment system in place. They

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will need some place to store their segments and they need to have a place where they can put the excavated material from the tunnel in this section.

I'm just going to jump ahead two slides here just to reassure you that we have studied the area where the tunnel material will be going. We have sampled the bedrock. We know the bedrock will withstand the additional material being put on top of it. We have sampled the existing what we call overburden or soils and there's nothing there that causes us concern. The rock itself, as it is placed in this section of the site, will be graded to either DOT or other specifications which define common fill in our contract. So it's an engineered fill and it will be placed and compacted in place. The idea is also it will be draining some of the water. The water comes on it and it will drain through.

Another part of this entire thing is the water handling. Some of the water that falls on the site during construction and while we're building this area will come through the fill but ultimately you see these sort of channel areas or

1 swales, and they are designed in order to take  
2 the runoff, put it -- bring it in a controlled  
3 fashion laterally and ultimately bring it down to  
4 a settling pond down here on this eastern portion  
5 of the site. This during construction will be  
6 pumped up to this settling pond, so no water will  
7 be leaving the site during construction.  
8

9 If anybody has any questions, please  
10 interrupt.

11 MR. GALLI: John.

12 CHAIRMAN EWASUTYN: Frank Galli.

13 MR. GALLI: A question on the -- you  
14 said you'll put rock on that site that you want  
15 to purchase. Is that going to be visible from  
16 the road? I know right now if you look at your  
17 site you don't see anything. If the crane wasn't  
18 there you wouldn't think anything was going on.  
19 The site looks really good, it's well maintained.  
20 You see the crane, the flag. You wouldn't know  
21 anything was going on if you just rode by.

22 The piece down there, is it going to be  
23 rock or is it going to be sand?

24 MR. DOWEY: It's going to be crushed  
25 rock.

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MR. GALLI: You're talking what size roughly? Three-quarters, an inch?

MR. DOWEY: From three-quarters up to six inches.

MR. GALLI: You're going to have quite a bit of it.

MR. DOWEY: Right. There's going to be a lot of material put in here. I think Phil could best address that because he's been associated with the landscaping and renderings and has some photographs which will answer that question.

MR. SIMMONS: This is one of the pictures from the -- it's a rendering of what it will look like post construction. From 9W you will mainly see the trees. We are leaving a sixty-foot buffer of existing vegetation. The trees are tall so it will shield -- screen the view.

MR. GALLI: We also had a concern because there were like three houses down there, three or four houses below that, with the runoff.

MR. DOWEY: Right. So during construction the runoff will be captured in this

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settling basin here and then pumped up to the  
settlement basin here.

If it's okay with you, I'll advance to  
the final status. I think this is the drawing  
that's going to address that. What happens is  
that the settling ponds come out. This  
particular settling pond comes out and the site  
is essentially restored to the way it is now.  
Phil will get into the details of what that looks  
like. That is one particular area down here  
where these existing swales will continue to  
exist and it will go into a settling pond here.  
There is a large sort of spillway which spreads  
the water out and allows it to go into the  
buffer, and then ultimately, if there is  
sufficient water for it to spill, it will go into  
the buffer.

MR. GALLI: The last question I have is  
you said you're going to pump it to the Hudson  
River. After you clean it it goes to a water  
treatment plant?

MR. DOWEY: Correct.

MR. GALLI: What route are you taking  
to get to the Hudson? Is it going down strictly

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River Road near the water plant, that place that sells the water bottles around the corner?

MR. DOWEY: Right. It's going to come from this site, it's going to get onto the shaft 5-B site. We know that portion of it we're going to allow the contractor to figure out due to the piping that gets us down next to 9W. And then under the existing contract there is a force main that's already been installed under 9W which takes it down to the Colandrea -- the Poland Spring water bottle site, and then it goes down -- is that River Road -- next to the cemetery. That will be installed under the second contract. Then it cuts the corner and goes down and crosses underneath River Road. That's still River Road; right? And it's going to go onto the power plant property, and from the power plant property discharge into that little inlet.

MR. GALLI: Okay. So you're going to be tearing up the road alongside the cemetery?

MR. DOWEY: That will occur, yes.

MR. GALLI: What size pipe is that going to be?

MR. DOWEY: It's a 20-inch pipe.

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So ultimately when we're done the site gets restored to something similar that you see on the 5-B side here. There are lifts and the drainage system is sort of left in place. We have access to maintain the settling pond down here. Then ultimately there's a landscaping component which I will turn over to Phil. This sort of shows the layout of the land on the property prior to the installation of the landscaping.

If there are any further questions.

MR. VILLARI: Do you want to -- are you okay with us moving on to the next --

CHAIRMAN EWASUTYN: Thank you for asking. I'll see if the Board Members have any questions at this point.

MR. WARD: Not right now.

MR. VILLARI: Phil Simmons is going to discuss some of the landscaping, both from the existing site plan approved as well as amendments, and in addition go into some detail having to do with the new property.

I will preface this, though, that the landscaping is subject to the City's Public

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2 Design Commission, and the Public Design  
3 Commission very often takes very heavily into  
4 account the opinion of the local Planning Board.  
5 So I think as Phil goes through the landscaping  
6 changes, one of the things that we ask that you  
7 keep in mind is if it is acceptable we will be  
8 looking for some sort of a recommendation or  
9 opinion, memo or something that it is acceptable  
10 so that we can present it to the Public Design  
11 Commission.

12 With that, I'll let Phil Simmons  
13 continue.

14 MR. SIMMONS: Just to first jump into  
15 the landscaping changes that we have on the  
16 existing shaft 5-B site. We've had a couple of  
17 issues. One, we had a survey issue where we  
18 couldn't put trees in what turned out to be the  
19 State right-of-way, the State DOT right-of-way,  
20 so we had to pull those back. So we'll be  
21 repositioning some of the plantings in this area.  
22 We've got new plantings here, shrubs and trees.

23 On the slope we had some soil depth  
24 issues that we needed to address, so we had to  
25 rearrange the plantings as well with some of the

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access along the benches here.

At the top along the ring road we had to adjust one of our security barriers, so that again we rearranged some of the trees. We redesigned the landscaping in this area for the final condition.

The major idea or the major intent that we had with our original landscaping plan was to make sure specifically this slope, there was some visual diversity, it wasn't a monoculture sort of slab. What we've done is adjusted our landscaping, keeping that intent in mind so there still will be visual diversities, species that are suitable for bat habitat. We will be planting mini Shagbark hickories, et cetera to meet our environmental commitments to the State and the community.

Our intent was to, since we already had a good design here, was to make certain our design of what we're calling the west connection support site or the former Bell property, that it was complimentary to what we already -- to our existing site. So similarly we'll have -- inside of the buffer, the 60-foot buffer of existing

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2 vegetation, we'll use similar species. Our idea  
3 was to have a mix of meadow and successional  
4 forest to leave flexibility for what we may do in  
5 the future with this particular site.

6 For now what will happen is we'll have  
7 plantings that will contribute to successional  
8 forest and meadow, so we'll have wildflower  
9 meadow mix in these lighter areas and we'll have  
10 saplings and trees in these darker areas, a mix  
11 of oaks, maples, shagbark hickories, some pines  
12 and cedars to allow this forest to regrow.

13 With that, we can show you a couple of  
14 the renderings. These are excerpts from the set  
15 of figures that we submitted earlier. This is a  
16 during construction rendering. This is one of  
17 the views that had been asked for, sort of an  
18 aerial view looking through the 5-B site onto the  
19 Bell site in the distance. As you can see,  
20 there's some of the visual diversity of plantings  
21 during construction. We'll be planting more this  
22 spring and some in the fall to make certain that  
23 we bring the site into line with the landscaping  
24 plan. 9W is down here, the construction area,  
25 and then into the site which we'll clear and then

1  
2 develop our ponds and fill area.

3           Moving on to a post construction site  
4 -- post construction view. It's the same view,  
5 the aerial looking through the existing site into  
6 the Bell property. So you'll notice there are  
7 more trees in this area. Some of the trees are  
8 more mature in this view. Again the visual  
9 diversity along the slope, and then the  
10 reforestation and the meadow mix on the Bell  
11 property.

12           A different view from the roadway.  
13 This is a post construction view from the south  
14 of the site along 9W, so looking up into the 5B  
15 site. This is the auto shop. Then beyond, far  
16 beyond, is the Bell property.

17           What else do we have? We have the view  
18 that we just had shown before which is from 9W  
19 post construction. So you can see behind these  
20 trees is our stormwater management pond, the site  
21 entrance, the slope. We did have to put some rip  
22 rap panels in to deal with some sloping issues.  
23 The landscaping will grow up around it.

24           This is not our property along the road  
25 frontage but beyond that is the Bell property.

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So to address the question from before, mainly what you'll see are the trees, the existing trees, and then eventually trees will grow up behind it.

MR. HINES: I think that last few you showed addressed what Frank asked. Looking north, kind of northwest, you're going to see the trees missing from that view or through your entrance drive. That one there.

MR. SIMMONS: Then the last board is just the aerial view rendering of the whole site, the shaft 5-B site. This is post construction so you can see, you know, the lay down areas are gone. This will be reforested and meadowed. We'll maintain the shaft site so if we ever have to get into it again we can. So we'll maintain the roadway up there.

The support sites of the Bell property, meadows, reforested, this is where the slope would be, and on this side we still delineated the buffer here.

So that's what we're planning on, and hopefully it's acceptable to the Board. We'll maintain the neighborhood character which is

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generally forested.

MR. GALLI: What's the future use for the Bell property? I know it's fifteen, twenty years.

MR. SIMMONS: We haven't decided. Again, we're leaving that decision until later.

Dan, do you want to add anything?

DAN: We're leaning towards keeping it.

MR. SIMMONS: Just to reiterate what is in the cover letter and the project description, we realize we still owe a stormwater pollution prevention plan, and that will be coming. Right now we're in the common review process with our BWS watershed stormwater people. They'll ask us a lot of hard questions, we'll modify our SWPPP accordingly and be able to get it to Pat to review.

We also have an environmental review supplement that we'll provide. As of now we're pretty certain there will be no environmental impacts. We're doing our last bits of analyses, natural resources and historical resources, et cetera, air resources. There will be no change in essentially what we said in the initial

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environmental impact statement.

We do expect a reduction in truck traffic. We're still refining those numbers because we want to make certain for the environmental review we get that correct so that we understand what's coming on site for the segments and other construction lay down -- construction deliveries and we balance that with the reduction in trucks from the excavated material that will no longer go out on the roads. So that will be coming in the coming weeks and we'll be able to submit that.

MR. HINES: Do you foresee reaffirming the findings or --

MR. SIMMONS: Reaffirming the findings?

MR. HINES: How that process is going to work. I realize you're generating the information now. Is there going to be new findings, amended findings?

MR. SIMMONS: We'll add a supplement that addresses the west connection support site, the Bell property itself and the -- I mean it will go through all of the analyses but there are no significant adverse impacts.

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MR. HINES: I think there's probably benefits actually.

MR. SIMMONS: Yeah, there will be benefits.

CHAIRMAN EWASUTYN: Mike, do you want to add anything as far as the environmental review?

MR. DONNELLY: You feel you will do a supplemental EIS and amended findings. We ask that as you develop those you get us copies.

MR. HINES: That was my question. Is it a supplemental EIS or supplemental information?

MR. SIMMONS: It's supplemental information to be appended to the initial EIS.

MR. VILLARI: The findings won't change.

MR. DONNELLY: All right.

MR. SIMMONS: With that, we understand we need to submit these supporting documents. Is there anything else that the Board needs to -- that we need to deliver in order to advance towards an approval?

CHAIRMAN EWASUTYN: Mike Donnelly, Pat

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Hines?

MR. HINES: I would like to see the --  
I believe there's three houses in the area that  
this surrounds. If you could add those  
residential structures to the plans just so we  
can see where they are. I have a concern if  
there was a failure of the fill material, if  
there was an overflow from the stormwater  
management facilities, of where that's going to  
go. Even long term when the one that's going to  
remain, the stormwater facility that's going to  
remain, that has a level spreader, for lack of a  
better term, where that flow is going to go.

MR. SIMMONS: You're specifically  
talking about these?

MR. HINES: Those houses there. It  
looks like the discharge may be right above that  
center house there from the one stormwater pond  
that's going to be below the muck pile. We're  
going to be looking for that.

I have a lot of comments on the SWPPP  
and things we'll be looking for in the SWPPP. I  
know you have my comments.

I just wanted to talk about the

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stability of the muck material. I know you said it was going to be various sizes. I've seen some of the material that comes out of these boring machines. It's all similar sizes. You have a basis to believe it's going to be a mix of sizes or --

MR. DOWEY: Yeah. The rock that was physically used to construct the flat area in the 5-B site went through the same process where the rock was blasted.

MR. HINES: That was blasted first.

MR. DOWEY: Right. So if we have a boring machine we're liable to get a lot of fines. It's going to have to be sorted in a way that it meets the specifications that we have in the specs so that we're not just taking the muck and putting it over there. It's going to have to be processed.

MR. HINES: If you can provide us that. My concern is that you get too much similar size particles and you're trying to compact, for lack of a better term, marbles. You need that mix. If that's what you're hopeful of, I think that will work better for you. I'm worried that you

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get all the same size particles or all three-quarter inch stone size particles. If the geology is consistent and the machine is consistent it may be an issue.

MR. DOWEY: We can give you the specs from the contractor if you'd like to see what the gradation is.

MR. HINES: Okay.

CHAIRMAN EWASUTYN: Mike Donnelly?

MR. DONNELLY: Nothing else.

CHAIRMAN EWASUTYN: Back to the Board Members. Frank Galli?

MR. GALLI: I'm good.

MR. BROWNE: I think it was pretty well covered. Thank you.

MR. MENNERICH: On the landscaping, they mentioned that they would like a letter from our Board saying that the landscaping meets our desires. It would seem to me we should have our landscape architect review their plans.

MR. DOMINICK: On that last aerial photo, can you just point out where the rock is going to be put in correlation with 9W, the distance between --

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MR. SIMMONS: Here's 9W. This is our property line. The next line is the 60-foot buffer. Most of the material will be in this leg of the facility. Some will be in this area as well. There will be fill in that area. Off the top of my head I don't know the distance from 9W to --

MR. DOWEY: I don't know what the width of that property is.

MR. DOMINICK: Thank you.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Pat covered my questions.

CHAIRMAN EWASUTYN: I'll poll the Board Members. Do the Board Members feel the landscape plan is acceptable for them or do you want to refer it to Karen Arent for a sign off. Frank Galli?

MR. GALLI: I mean they've been doing the landscape right along as they've been progressing, and they are adding more this spring.

The question you're asking is do we want her to look at the Bell property landscape?

CHAIRMAN EWASUTYN: Do we find what

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they are presenting tonight, what Chris Villari asked, they need a letter --

MR. GALLI: I'm fine with a letter from us instead of her. I mean they met all our, not our demands but they've done everything we told them to do and they've never varied from it. I'm okay giving them a letter from the Planning Board if we can do that. I don't think we have to add another level to it.

CHAIRMAN EWASUTYN: Cliff Brown?

MR. BROWNE: I think based on their track record I'll go with it.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I kind of disagree. I think there's maybe some information that Karen has, based on working in this area, about certain species or certain plantings, whether they'll survive or not. I don't think it has to be an extensive review, but --

CHAIRMAN EWASUTYN: Okay. Dave Dominick?

MR. DOMINICK: I'm in line with Frank and Cliff. From the time this project started it's been well kept, meticulous and organized. I

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see it continuing like that.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I feel it's appropriate for what they're showing us.

CHAIRMAN EWASUTYN: Okay. Then I'll agree in favor of Frank Galli, Cliff Browne, Dave Dominick and John Ward.

Mike Donnelly, can you prepare a letter on behalf of the Board?

MR. DONNELLY: Sure.

MR. SIMMONS: Just a couple more details so that everyone understands. With the force main, last time we met it's our understanding that that would be more of a code compliance issue. Our plans are to submit the final design to Jerry along with the flood plane development permit application and any clearing and grading or road opening permits that you may require.

Do we still have the right understanding or do we need to --

MR. HINES: It's just the utility line.

MR. CANFIELD: That was a previous approval anyway.

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MR. SIMMONS: Okay. That will be forthcoming.

MR. MENNERICH: Have the details for the landscaping been completed?

MR. SIMMONS: Yes, they have.

MR. MENNERICH: And has the Planning Board been provided with those details?

MR. SIMMONS: Yes. They're in the package you have before you. If you look at the end of the package you'll see them.

MR. MENNERICH: Thanks.

MR. SIMMONS: It lists species, sizes.

CHAIRMAN EWASUTYN: Additional questions or comments?

MR. MENNERICH: I'm good.

CHAIRMAN EWASUTYN: What stage are we at now, Chris?

MR. VILLARI: What depth?

CHAIRMAN EWASUTYN: What stage?

MR. VILLARI: In terms of this meeting or the project?

CHAIRMAN EWASUTYN: Where would you like to go from here?

MR. VILLARI: I think we've said

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everything we're going to say tonight, save only to thank the Planning Board and the Consultants, in particular Ken Wersted and Pat Hines who have already submitted comments based on the application that we submitted. Other than that, I think we presented everything we came here to say.

CHAIRMAN EWASUTYN: Ken, you didn't have an opportunity to speak this evening. Do you want to add anything at this time?

MR. WERSTED: I don't have anything additional. Mr. Simmons kind of recapped the information that they're going to provide. Once it is provided we'll review it.

MR. GALLI: I would like to know how far they are, John.

CHAIRMAN EWASUTYN: As far as the depth of the tunnel?

MR. GALLI: The depth.

MR. VILLARI: 495 feet down.

MR. GALLI: Ahead of schedule?

MR. VILLARI: We are currently a little bit ahead of schedule. A week-and-a-half.

MR. GALLI: It's going to snow

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tomorrow.

CHAIRMAN EWASUTYN: Do you think there may be an opportunity in the near future for the Planning Board to be invited for a site inspection?

MR. VILLARI: Absolutely. Given the inclement weather and the rough winter that we had, plus the holidays, we ended up having to kind of shift things around. Now that that's all behind us, we can absolutely do that.

MR. GALLI: Thank you.

MR. VILLARI: I'll coordinate that.

CHAIRMAN EWASUTYN: We look forward to that.

MR. VILLARI: Thank you very much.

(Time noted: 7:30 p.m.)

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

MR. MENNERICH: John, concerning the letter that's going to be sent to the DEP, what exactly can we say? I mean I heard the comments from people on the Board that it was based on their past performance and their ability to make replacements and everything, that we think they'll do a good job. We're not really

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commenting on the landscaping plan.

CHAIRMAN EWASUTYN: So then we'll make the letter state based upon the landscape plan that was submitted and the site plan that we received. I mean they outlined all the plants, they outlined the quantity, the species and the variety.

MR. MENNERICH: You're comfortable with that?

CHAIRMAN EWASUTYN: Yeah.

MR. MENNERICH: Okay. I got the feeling it was mainly based on the performance they've had in the past.

CHAIRMAN EWASUTYN: And the quality of work they've been doing.

MR. MENNERICH: I think we ought to put that in the letter.

MR. DONNELLY: I'll elaborate. The Board has been satisfied with the past performance and quality of work.

MR. MENNERUCH: Thanks.

CHAIRMAN EWASUTYN: And the plans submitted.

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

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

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DATED: April 9, 2015

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

----- X  
In the Matter of

KOZLOWSKI SUBDIVISION  
(2015-04)

254 Quaker Street  
Section 2; Block 1; Lot 9  
AR Zone

----- X

PUBLIC HEARING  
THREE-LOT SUBDIVISION

Date: March 19, 2015  
Time: 7:30 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- 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 a three-lot subdivision, public hearing. This will be Kozlowski Subdivision, project 2015-04, being presented by Charles Brown.

First, before we do the public hearing; Mike, would you briefly go over the purpose of the public hearing?

MR. DONNELLY: The proposal next up is a subdivision. Before the Planning Board takes action on a subdivision application it is required to hold a public hearing. The purpose of the public hearing is for you, the members of the public, to bring to the attention of the Planning Board issues or concerns about which they may not be aware. This project has been before the Planning Board here before, but you, living near the project, may know more about it than the Town's consultants or the Planning Board. After the applicant gives his presentation, the Chairman will ask those who wish to speak to identify yourself by raising your hand. We'd ask you to step forward so we can hear you better. If you'd tell us your name, spell it for the Stenographer, and tell us where

1  
2 you live in relation to the project. We would  
3 ask you to direct your comments to the Planning  
4 Board. If you have questions that can be easily  
5 answered, the Planning Board will either ask the  
6 applicant's engineer or one of the Town's  
7 consultants to answer it.

8 MR. BROWNE: Thank you.

9 At this time I'd ask Ken Mennerich to  
10 read the notice of hearing.

11 MR. MENNERICH: "Notice of hearing,  
12 Town of Newburgh Planning Board. Please take  
13 notice that the Planning Board of the Town of  
14 Newburgh, Orange County, New York will hold a  
15 public hearing pursuant to Section 276 of the  
16 Town Law on the application of Kozlowski  
17 Subdivision, project 2014-05. The Kozlowski  
18 Subdivision is a proposed three-lot single-family  
19 residential subdivision located on the west side  
20 of Quaker Street, across from the New York State  
21 Thruway Authority rest area. The site is 13.5  
22 plus or minus acres. The parcel is located in  
23 the AR Zone. Premises is located at 254 Quaker  
24 Street, designated on the Town's tax maps as  
25 Section 2, Block 1, Lot 9. Said hearing will be

1  
2 held on the 19th day of March 2015 at the Town  
3 Hall Meeting Room, 1496 Route 300, Newburgh,  
4 New York at 7 p.m. at which time all interested  
5 persons will be given an opportunity to be heard.  
6 By order of the Town of Newburgh Planning Board.  
7 John P. Ewasutyn, Chairman, Planning Board Town  
8 of Newburgh. Dated February 20, 2015."

9 MR. BROWN: Thank you, Ken.

10 My name is Charles Brown, I'm the  
11 engineer for the applicant.

12 As Ken stated, the subject parcel is  
13 across from the Modena Thruway yard on Quaker  
14 Street. It's 13.86 acres and it's in an AR Zone.  
15 It contains an existing single-family residence  
16 serviced by a well and septic.

17 The proposal is to create two new  
18 building lots. Each building lot would support a  
19 single-family home. They would also be serviced  
20 by individual wells and septic. They would be  
21 accessed off of Quaker Street via a common  
22 driveway.

23 The development area of this project --  
24 the whole lot again is 13.86 acres but the  
25 developable area is only about 3.9 as the rest of

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the lot is New York State wetland NB-32 and also floodway. The wetlands were flagged by Mike Nowicki, a consultant, and surveyed by a licensed surveyor.

Just for the record, we had actually originally looked at maybe doing four lots here, but due to the extent of the wetlands only three lots were viable.

We're here for any comments from the public or the Board.

CHAIRMAN EWASUTYN: Thank you, Charlie.

Is there anyone here this evening that has any questions or comments? Please raise your hand and give your name and your address.

(No response.)

CHAIRMAN EWASUTYN: Let the record show that we had no one from the public show up for the public hearing.

At this point we'll turn to Pat Hines, our Planning and Drainage Consultant.

MR. HINES: They've addressed our previous comments. There's some outstanding housekeeping items. The access and maintenance agreement must be approved. The driveway

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location needs to be approved by the highway superintendent, as well as a road name because of the flag lot nature and the -- I think Jerry mentioned last time there were no numbers left along Quaker Street to give these Quaker Street addresses, so a road name approval is required.

It's in the AR Zone so it needs the ag notes on the plans, that there is other active farming in proximity of this.

There was a question of the wetlands buffer or wetlands location, so I'd like to get a copy of Mike Nowicki's wetland delineation report. With the Board's permission, once I get that report I'll meet out in the field with either the applicant's engineer or Mr. Nowicki to just confirm the layout of that. They were avoiding any impacts to the mapped wetlands that they showed, so it didn't go to DEC. Mr. Nowicki is a very knowledgeable person in the field, I have confidence in his work, but there was some question so we will, with the Board's permission, follow up on that as well.

That's all we have.

CHAIRMAN EWASUTYN: Okay. I'll poll

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the Board Members to see if they are in favor of Pat Hines meeting with Mr. Nowicki in the field to verify the delineation.

MR. GALLI: Yes.

MR. BROWNE: Yes.

MR. MENNERICH: Yes.

MR. DOMINICK: Yes.

MR. WARD: Yes.

CHAIRMAN EWASUTYN: Let the record show that Pat Hines will meet out in the field to verify the delineation as it's shown for the wetlands.

MR. BROWN: With respect to the access, we have talked to the highway super. He had no problem with it. He promised me a letter today which I did not get.

The maintenance agreement, it's my understanding Mr. Safiotti forwarded that to Mike.

MR. DONNELLY: The common driveway easement and maintenance agreement I have reviewed and it is satisfactory. It will remain a condition because it still has to be recorded.

MR. BROWN: The road name was before

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the Town Board last night, but due to the length of the agenda they bumped it to Monday. We anticipate that being approved on Monday.

Pat, Mike is actually going to be in town next week, so I'll set that up.

MR. HINES: Okay.

CHAIRMAN EWASUTYN: Comments from Board Members?

MR. GALLI: No additional.

MR. BROWNE: Nothing more.

CHAIRMAN EWASUTYN: Just for the record, what name are you proposing, or names?

MR. BROWN: Strider Road. Strider Lane. Strider Road.

CHAIRMAN EWASUTYN: Any other additional comments? Jerry Canfield?

MR. CANFIELD: Nothing additional.

CHAIRMAN EWASUTYN: I'll move for a motion from the Board to close the public hearing on the -- how do you pronounce that name --

MR. BROWN: Kozlowski.

CHAIRMAN EWASUTYN: -- Kozlowski three-lot subdivision.

MR. DOMINICK: I'll make the motion.

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MR. WARD: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

Pat, do you think it's necessary to ask the applicant to waive the 62-day timeframe?

MR. HINES: I was going to suggest we use the standard note like we do on a DOT permit out there, unless there's a significant change, that they wouldn't have to come back as a condition of approval. I don't have any problem approving it tonight subject to that field review.

MR. BROWN: I'm okay with that.

CHAIRMAN EWASUTYN: Is the Board okay with that?

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MR. GALLI: Yes.

MR. DOMINICK: Yes.

CHAIRMAN EWASUTYN: At this point I'd like to turn to Mike Donnelly, Planning Board Attorney, to review the conditions for final approval that will be in the resolution.

MR. DONNELLY: First of all, we'll need a sign-off letter from Pat on the items in his review memo.

What's the date of that memo.

MR. HINES: Its just the comments for tonight. We didn't produce a new memo. It was just housekeeping.

MR. BROWN: The last memo from the last meeting?

MR. HINES: They're in there. We can use tonight's comments.

MR. DONNELLY: We'll also need a letter confirming your field visit that the wetland delineation is accurate. If there's any change required, the applicant will have to return for an amended approval. The approval is conditioned upon the Town Board approving the name of the roadway. The highway superintendent's approval

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is required. There is a condition requiring the recording of the common driveway easement and maintenance agreement. I have already approved it as to form.

There's no offer of dedication here at all.

MR. HINES: No.

MR. DONNELLY: It's just a private road?

MR. HINES: No securities.

MR. DONNELLY: The last condition is the requirement of payment of fees in lieu of parkland at \$2,000 per lot totaling \$6,000.

MR. BROWN: It should be 4.

MR. HINES: There's one existing lot.

MR. DONNELLY: I'm sorry.

CHAIRMAN EWASUTYN: Any questions or comments from the Board or its Consultants?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a motion to approve the three-lot subdivision subject to the conditions presented in the resolution by Planning Board Attorney Mike Donnelly.

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MR. GALLI: So moved.

MR. WARD: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself. Motion carried.

MR. BROWN: Thank you very much.

MR. HINES: Charlie, just for reference, if you could have deep test 6 staked just so we know where we are.

MR. BROWN: I don't know if it's still there. Okay. I'll take care of that.

(Time noted: 7:40 p.m.)

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

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

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DATED: April 9, 2015

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

----- X  
In the Matter of

HUDSON VALLEY CHRYSLER DODGE JEEP RAM  
(2015-01)

200 Auto Park Place  
Section 97; Block 2; Lot 11.2  
IB Zone

----- X

SITE PLAN

Date: March 19, 2015  
Time: 7:40 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JOSEPH SARCHINO

----- X

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

1  
2 MR. BROWNE: The next item of business  
3 we have is Hudson Valley Chrysler Dodge Jeep Ram,  
4 project number 2015-01. This is a site plan  
5 being represented by John Meyer Consulting.

6 MR. SARCHINO: Good evening. Joe  
7 Sarchino with John Meyer Consulting. I'm here  
8 tonight for Hudson Valley Chrysler Dodge project.  
9 We made a resubmission to the Board based on the  
10 comments we received at the last Planning Board  
11 meeting.

12 Some of the modifications that we've  
13 made to the plan include showing a truck turning  
14 analysis which you have in your package. It  
15 shows the trucks coming in from Auto Park Drive  
16 here, coming into the site, unloading here,  
17 backing out and coming back out Auto Park Drive.

18 A couple other things that we added to  
19 the plan was a sign here in this location  
20 indicating that only ownership or employees are  
21 able to go into this portion of the parking lot  
22 because it was gravel.

23 We were requested to get a sewer  
24 approval letter from the City of Newburgh. We  
25 requested that. The town engineer sent a letter

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to the City requesting that letter. That has been completed, so we're waiting to get a response from the City on that.

There's also a buffer requirement. We were asked to locate the residential zoning district adjacent to the IB district which the project is in, which you'll see is in this location. There's a requirement that a buffer strip be provided in Section 185-21 C that the Planning Board needs the review of. I've included in the submission photographs of the buffer that exists in this location. There's three photographs in your package. There is a substantial evergreen buffer along this perimeter of the property now. Even in the winter it's very substantial. We feel it's adequate. In addition, this crag rises as you get off the site which provides additional buffer to the parking lot that's in this location.

Again, we're not proposing expanding anything. That's the existing parking lot to remain.

There's also two variances that still remain that we were looking for a referral to the

1                   Zoning Board tonight from the Planning Board.  
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3                   That will be to keep the parking where it's  
4                   located along Route 17K and not provide the 35  
5                   foot buffer. And also there's a requirement of  
6                   100 foot setback from the residential zone that  
7                   we would have to get a variance on as well to  
8                   keep the existing parking within the limits that  
9                   are presently shown.

10                   That's basically the summary of what  
11                   the submission -- resubmission took into account.

12                   We received comment letters from the  
13                   Board. I'm not sure if the consultants, if you  
14                   want them to review them themselves, Mr.  
15                   Chairman.

16                   CHAIRMAN EWASUTYN: Ken Wersted is here  
17                   this evening. We'll take the opportunity of  
18                   hearing from Ken and the others, please.

19                   MR. WERSTED: Thank you. We've  
20                   reviewed the revised site plan. All of our  
21                   comments have been addressed. The truck delivery  
22                   route has been proposed and provided, and it  
23                   demonstrates that a car carrier can pull into the  
24                   site, mainly from the rear, and then pull in,  
25                   deliver vehicles and then exit. We note that

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it's on the lot 5 property that the action kind of takes place. The vehicles coming in or the truck coming in and out will use that driveway. So as long as that property owner is okay with the use of it, then --

MR. SARCHINO: I expect the next time we come to the Board after the Zoning Board we'll have that easement in place.

MR. WERSTED: And the only other comment was about the plantings around the main driveway in the front. As long as they're below sight distance level, then --

MR. SARCHINO: Those plants only get to about two feet high.

MR. WERSTED: Great. Those are all the comments that we had.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: The applicant's representative has submitted the photos of that buffer. The Board should evaluate those to determine if they are acceptable as the buffer plantings. It does show a very dense evergreen buffer between the exist -- in the existing condition. It's many years old, probably as old

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as the dealership itself. I think the Board should go on record if they feel that's acceptable.

CHAIRMAN EWASUTYN: Let's stop for a moment and poll the Board Members. Do you find the rendering that was shown acceptable?

MR. GALLI: The plantings and everything are acceptable. He's still going to the Zoning Board.

MR. HINES: They still need the 100 foot buffer waiver between the IB and the R-2.

MR. GALLI: It's all grown so it's there. It's mature.

MR. DONNELLY: What the code says on the residential buffer is provided that there's 35 feet, you don't need to require the applicant to plant it if you determine that the vegetation currently exists is adequate to meet the intent of the code.

MR. GALLI: It's adequate I think.

MR. HINES: The other section for the variance is the 100 foot. That's different from the one we're discussing now.

CHAIRMAN EWASUTYN: What's existing

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now, does the Board find it to be adequate?

MR. GALLI: Yes.

MR. MENNERICH: Based on the pictures that they have presented, yes.

MR. DOMINICK: Yes.

MR. WARD: Yes.

CHAIRMAN EWASUTYN: Let the record show that the Board found the existing vegetation to be adequate.

MR. HINES: The next comment has to do with both the fence and the access from the -- I got a call from Time Warner I believe it is under the same ownership. That needs to be granted.

The City of Newburgh flow acceptance letter which was discussed.

I believe we had a County Planning referral on this. We received back a local determination. They commented on the gravel parking area and some landscaping.

Just at this point we're at a referral to the ZBA.

CHAIRMAN EWASUTYN: Any additional questions or comments from Board Members?

MR. GALLI: No.

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CHAIRMAN EWASUTYN: Mike, you had suggested during the work session that for the benefit of the ZBA, this might be the appropriate time to make a SEQRA determination.

MR. DONNELLY: Yes. You had issued a notice of intent to serve as lead agency on February 5th. More than thirty days have passed. You can finalize your lead agency status. We discussed at work session that there are no significant environmental impacts likely possible from the project, therefore a negative declaration would be in order.

CHAIRMAN EWASUTYN: Thank you. At this point then I would move to declare a negative declaration for the Hudson Valley Chrysler Dodge Jeep Ram site plan.

MR. MENNERICH: So moved.

MR. DOMINICK: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

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MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. Motion  
carried.

Mike Donnelly, at this time would you  
give the wording for the referral to the Zoning  
Board of Appeals?

MR. DONNELLY: Yes. The referral we  
discussed earlier is the possibility of two but  
now it appears only one variance will need to  
be --

MR. HINES: It is still two. The front  
yard one -- it is two. It would have been three  
but the front yard one was handled under the  
previous subdivision for the entire auto park.  
The variances that are required are the 35-foot  
strip along 17K to be landscaped and then that  
100-foot buffer with the newest of the Town  
buffer regulations.

MR. DONNELLY: Where only 75 feet is  
provided?

MR. HINES: Yeah. Not even. It's less  
than that. 100 is required.

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MR. SARCHINO: It's section  
185-18(5)(a).

MR. HINES: There's parking depicted in  
that buffer within the 100 feet.

MR. DONNELLY: So the 100-foot buffer  
and the 35 front yard. Very good.

CHAIRMAN EWASUTYN: Okay.

MR. SARCHINO: Thank you very much.

CHAIRMAN EWASUTYN: I'll move for a  
motion to approve the letter referral to the  
Zoning Board of Appeals.

MR. GALLI: So moved.

MR. WARD: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye myself.

Thank you.

(Time noted: 7:49 p.m.)

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

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

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DATED: April 9, 2015

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

----- X  
In the Matter of

GOLDEN VISTA/MEADOW  
(1999-33)

Meadow Hill Road  
Section 60; Block 2; Lot 9.1  
R-3 Zone

----- X

AMENDED SITE PLAN

Date: March 19, 2015  
Time: 7:50 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JOHN CAPPELLO

----- X

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

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MR. BROWNE: The next item of business we have is Golden Vista/Meadow, project number 1999-33. This is an amended site plan, concept, being represented by John Meyer Consulting.

MR. CAPPELLO: Good evening, everyone. My name is John Cappello, I'm an Attorney with Jacobowitz & Gubits. I'm here tonight on behalf of both Meadow Hill Holding, LLC, who is the current owner of the property and the holder of the site plan approval, and the perspective purchaser, DP Realty, Inc. The two principles have asked me to apologize. They had prior commitments so they couldn't be here tonight. We do have the executive VP, George Carponia, here tonight. I also have, as you know, Joe Sarchino here, the project engineer. For a little diversity we have Tom Barton, our project architect.

Really what we're here tonight is to present some slight site plan modifications. I'm going to let Joe take you through the detail. The reality is the road pattern, the unit count, the unit ratio, everything is going to stay the same. My clients are looking at the site plan

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and believe for their product that they think is marketable would like some minor changes. The bulk of the changes will reduce slightly some of the disturbance and just slightly relocate the units.

So we're here to present this to you tonight, then hopefully with your nod Mr. Sarchino will do the final details regarding the changes for your consultants.

With that, I'll let Joe present here and go through the detailed changes.

MR. SARCHINO: What I did is I had the plan that's been approved by the Board down below here just so you can compare the differences between the two proposals. So this is the plan that had been approved previously by the Board.

We'll go through what the changes are. As John indicated, we are proposing 161 market rate rental units. Of the 161 there's proposed to be 18 senior apartments as well, just staying consistent with the existing approval.

The access drive and the road system is actually exactly the same as what was approved here. The basic center line of the road is the

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same as what was approved.

The differences are the unit types are different. This is a ten building configuration versus an eleven building configuration. Two story buildings, still staying the same.

One of the other big differences is you'll see parking -- a lot of parking along the roadways. Here we have the larger buildings are eighteen-unit buildings with twelve garages, and then there's a smaller unit type that's twelve units with eight garages. So a lot of the parking is inside and also driveway parking spaces. This resulted in a slight reduction of impervious surface from this plan, which is a good thing we feel.

We also took the clubhouse, which was located here in the beginning of the project, and located it more central to the proposed units, in that location, just off the circle. We liked the idea of coming down and seeing the clubhouse there. The clubhouse also has a pool in this application with the tot lot adjacent to it. So basically all the recreation activities would take place internally in the property. We're not

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going here where there's residential homes in this location. We took the tot lot that was here, took that out and we have the tot lot in this location. We also had another one between these two units, which we've combined the tot lots into one location. We feel that one and two-bedroom units aren't going to generate many children, so we think the one tot lot is more than adequate.

The previous plan had basements in all the units. These are all slab on grade. We're trying to balance the cut and fill, generate less cut. There was a big surplus we felt last time, so we're trying to eliminate that. We're still working on final details of the grading but we're trying to balance it.

The previous application had a stormwater basin down in this location adjacent to these properties. We're working on pulling that up and pulling that away from those properties to get a little more separation. So this would remain existing conditions in here.

Let's see. The previous approval had dumpster locations throughout the property.

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What's going to happen in this application, which we feel is a little improvement, is the people will have the garbage stored in the garages. The units that don't have a garage will have a storage area here, which Tom, the architect, will describe a little better, but have a storage area here which then they'll be able to bring out their garbage can so we won't have dumpsters in the exterior of the development.

That's basically I think a summary of most of the changes and/or improvements we feel we made. With that, I'll turn it over to Tom and he can just go through the architecture with you.

CHAIRMAN EWASUTYN: Tom, do you have a business card for the Stenographer?

MR. BARTON: Yes, I do.

My name is Tom Barton, I'm the founding principal of Barton Partners, architects and planners. We're located in suburban Philadelphia in Norristown and we also have an office in Philadelphia. We've done quite a bit of work for the applicant over the years, and we do -- we are known for doing rental housing.

One of the things we wanted to look at

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was what's appropriate for the marketplace and what's the best response in light of the existing conditions, the site plan that was approved and the market conditions. We felt that what we call a carriage home product was an appropriate way to go.

What we're looking at is one and two-bedroom units. Each of the units has a direct entry either on grade or through a direct stairway. So there's no common hallways, no shared stairways, anything like that. Every unit has a door on the street. That's one of the upgrades of this rental project. It's a luxury product in that it has that.

As was mentioned, each of these modules represents six units, either repeated two times in the twelve-unit building or three times in the eighteen-unit building. With those units we have -- within that six-unit module we have four garages. So two of the units do not have garages. Each of those garages is behind -- is going to have an automatic garage door opener, it's going to have direct access to the unit from the inside. So you don't have to walk outside

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with your groceries, you walk directly in your unit just like a modern single-family home.

Each of the units has a balcony location, so outdoor living, either in the rears or fronts.

Then lots of glass area, wide open plans. The one bedrooms are approximately 850 square feet. The two bedrooms, there are a variety of sizes that hover around 1,100 square feet.

Split bedroom plans, two baths in all the two-bedroom plans and then one bath in the ones.

Nine-foot ceilings which is appropriate for an upgraded market rate product. So everything is really brought up to current standards, energy efficient, New York State code requirements.

All the first floor units are fully accessible under your State handicap codes, and all units will be adaptable per your code. All the units on the first floor will meet all your handicap codes and the buildings will be fully in compliance.

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The building is a protected wood frame structure, which means it's a sprinklered building. All the structural members are fire protected as well.

What we're looking at here is a building with -- we're looking at a masonry base on the building, a gray cut stone, and then above we're looking at horizontal siding with some highlights of some vertical borgon backing type siding with gable ends. So it there will be a low maintenance structure, masonry material for durability. This is a structure that will hold up over a long period of time. Our client holds the property so they're looking for that durability over time.

What else can I add? I will have -- I know we're having another meeting in a few weeks hopefully, and I will have more details on the plans for the clubhouse at that time. I don't have the plans with me, just representative front elevations at this time.

If there are any questions, I'll be glad to --

CHAIRMAN EWASUTYN: Questions,

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comments?

MR. WARD: The framing and all, is it prefabbed or is it stick built?

MR. BARTON: It will be panelized, but essentially that's stick bit. The walls come out in panels, they're flat panels, and they're put up in larger components, not an individual stud at a time. Technically it's stick framed, it's not modular, but it will be done in a panelized way for speed of construction, quality, efficiency.

MR. WARD: Okay.

MR. BARTON: Roofs will be roof trusses. No living spaces in the roofs. They're all trusses. Again, premanufactured for efficiency and speed.

MR. BROWNE: On the senior units, we understood that they're going to be dispersed throughout the --

MR. BARTON: No. When we got involved -- we do a lot of senior housing, and under the Fair Housing Act you have to keep them all together. The Federal Fair Housing Act requires that they're all in the same building. So

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they'll be in the same type of building. There will be some minor tweaks to the plans but the eighteen units are going to be located essentially in an eighteen-unit building like this.

MR. BROWNE: One of the concerns we were talking about was Newburgh has a maximum square footage for those units and how you can integrate that. That answers that question.

MR. BARTON: We will have to make modifications -- slight modifications to this building within the envelop to adjust the building to your requirements, but they're smaller than the market rate units. Slightly smaller than the market rate units we're proposing. Under the Fair Housing Act they have to all be in one building.

MR. BROWNE: How you control it to disperse as far as --

MR. SARCHINO: Initially we thought we were going to disperse them, and the more we got into it we found out we couldn't do that.

MR. MENNERICH: I think the changes you made in the project are all beneficial compared

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to what the previous plan was. It looks better and will be more functional with the way you have it laid out.

MR. GALLI: The height of the tallest building?

MR. BARTON: Here it is. I lucked out. 33 feet to the ridge.

MR. GALLI: 33 feet.

MR. DOMINICK: Was it your idea to move the clubhouse?

MR. BARTON: Our idea? No. We did not get involved in the site plan. I think it was a good move.

MR. DOMINICK: It makes sense and very logical.

MR. SARCHINO: Working with the owners and us, we thought it would be a better fit.

MR. BARTON: The terminus at the entry makes a lot of sense. It's a focal point. The leasing office will be in there so when they come in it's obvious where they park, all of that.

MR. SARCHINO: There will be a full time super that will be -- will have probably a space in that clubhouse to live in, but there

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GOLDEN VISTA

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will be somebody on the site twenty-four/seven in addition to the rental office that will be there. So they have --

MR. BLUM: It will be in front of one of the units.

MR. SARCHINO: But there will be somebody there twenty-four/seven, which is a very good thing as far as to just keep an eye on things.

MR. HINES: That keeps the unit count at 161?

MR. SARCHINO: 162.

CHAIRMAN EWASUTYN: We crossed that bridge before.

MR. HINES: I just wanted to make sure.

MR. DOMINICK: You've got a pool and a tot lot. Do you have any other plans for any other recreational facility? A tennis court or something?

MR. SARCHINO: In the clubhouse there's going to be --

MR. BARTON: The clubhouse amenities will include leasing offices, they'll include a meeting -- a general meeting on a common meeting

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room. In addition there will be an exercise fitness area, there will be -- we haven't gone through all the programming yet but usually we put in a small theater area so you can come and watch a football game or watch a movie, and kids can do that as well. I was just in a clubhouse yesterday and they had, you know, cartoons going and there were a couple kids in there watching cartoons. It's whoever gets there first. Anyway, you have that kind of amenity. Usually a business center of some sort so they have access to the internet. In fact, I'm sure the whole project will be wired for access to the internet. The market is looking for that today. In the clubhouse itself there will be wifi, you can come in and hook in and talk to your friends virtually. There will also be the ability to do usually some conferencing and that kind of thing. Conference room. What else do we put in them?

MR. BLUM: Billiard.

MR. BARTON: A billiard room. We sometimes do a laundry where they can do a larger load, like sheets and blankets, that kind of thing, small like two-unit -- a unit like that.

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GOLDEN VISTA

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A mail room could likely be in the clubhouse. We have to talk to --

CHAIRMAN EWASUTYN: For the record, the gentleman in the back who is kind of shooting from the hip, do you have a name?

MR. BLUM: Michael Blum.

MR. BARTON: I will have the plans with me at our next meeting.

MR. DOMINICK: But no type of larger scale facility, like a walking track, tennis court, any of that, basketball court?

MR. BARTON: No. No. Generally even in much larger facilities we don't do those kinds of amenities. That's unusual. It's usually more passive sort of amenities.

MR. DOMINICK: That's not what your market is looking for?

MR. BARTON: It's really not. These are people that are working, they're busy all the time. They, quite frankly, probably are young people, they're generally out having fun, doing whatever.

MR. DONNELLY: The applicant is also paying a substantial fee in lieu of parkland.

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They're both providing some recreational amenities and paying the fee in lieu of. The Town is not getting gipped.

MR. WARD: I've got a question.

CHAIRMAN EWASUTYN: With the other one?

MR. WARD: My question is I'd like to get an idea of the garages, less parking and all. Down by your rotary it's smaller than original. You have 20 feet instead of 35.

MR. GALLI: The old rotary was 35 foot.

MR. SARCHINO: I can take a look at that. I thought we had that the same. It looks the same, but I will check.

MR. WARD: I like the idea of not having the parking outside, too. The way you did it is perfect.

CHAIRMAN EWASUTYN: Before I turn to our Consultants, I'll poll the Board Members to see if they'll grant conceptual approval for the amended Golden Vista site plan.

MR. GALLI: Yes.

MR. BROWNE: Yes.

MR. MENNERICH: Yes.

MR. DOMINICK: Yes.

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MR. WARD: Yes.

CHAIRMAN EWASUTYN: Let the record show that the Planning Board granted conceptual approval for the amended site plan for Golden Vista.

At this point, if the Board is in agreement, we'll turn to our Consultants for a brief review of their comments.

Ken Wersted, Traffic Consultant?

MR. WERSTED: The proposed changes don't change any of the affects of the transportation system off site. The conclusions and mitigations proposed will be consistent.

John Ward touched on the traffic circle. I think Jerry may have scaled it off and it may have changed a little bit. We just want to make sure on the design to navigate through there.

CHAIRMAN EWASUTYN: Jerry, do you want to chime in with that note?

MR. CANFIELD: I can provide Joe with the largest apparatus, the fire apparatus, that will go in there. I can give you the dimensions of it, the cut sheet for it so you can calculate

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the driving lanes. The 26-foot width driving lane is fine. It's adequate with the building height that was mentioned, it's just the radius and the actual lane width on the circle is what appears to have gotten a little bit smaller.

MR. SARCHINO: We'll check that for sure.

CHAIRMAN EWASUTYN: Anything else, Jerry?

MR. CANFIELD: Pat and I were just discussing, we heard in the presentation that there possibly could be decks or balconies on the rears of these buildings. As they're proposed, they're right up against the setback line. I know Pat will go through his comments. One of them was to have the buildings staked out during construction to assure that the building doesn't end up over the line. With the addition of decks, that may create a setback issue, so you may want to look at that. There's a couple buildings right up against the setback line.

MR. BARTON: We double checked -- we'll double check that. I believe they're within the building envelop.

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MR. SARCHINO: They're set in.

MR. BARTON: We cut them into the building. They don't project out. We'll double check that.

MR. HINES: We learned that issue the hard way on another project.

MR. BARTON: I understand.

MR. SARCHINO: I've been there, too.

MR. BARTON: The way the building is designed, they're cut into that envelop.

MR. CANFIELD: They're inside the footprint?

MR. BARTON: They're inside the footprint.

MR. CANFIELD: Thank you.

CHAIRMAN EWASUTYN: Pat Hines, do you want to summarize your comments?

MR. HINES: Just for everyone, my first comment left the 100 off the 161. I was just checking Tom Annarumo's blood pressure. It is 161, not 61 units.

Compliance with the senior housing requirements. We want the notes on there stating the minimum sizes For the one and two-bedroom

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senior housing units per the code.

An updated SWPPP is being prepared and should be submitted.

I addressed at work session there previously was a sidewalk that headed over towards the Newburgh School District property. Unfortunately that sidewalk would terminate at a stonewall and a treeline, so we suggested that that not be constructed to encourage possibly small children using that with no connection. So that's been removed from the plans.

We discussed several tot lots have been combined into the one more centrally located one.

Utility plans are being updated.

The note requiring stakeout of the structures due to their proximity to the setback lines.

While we were looking here, the one setback, the rear yard is shown as 60. It's actually 50. I think it's a typo. Just clean that up.

You discussed the mix of the senior housing and how that was going to be handled. We're aware of that.

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Then we'll be looking for revised landscape plans. Just a typical of how the units will be landscaped on the submission. That's what we had before. As long as they're consistent, showing a typical building layout, that's appropriate.

We're looking to receive the detailed engineered plans and we'll continue our review.

MR. GALLI: John, I just had one question. On the emergency access off Maggie Road, does that have to get reapproved since there's new owners of the Maggie property?

MR. HINES: I think that was filed way back when.

MR. SARCHINO: There's an easement filed.

MR. HINES: The utilities connections are through there too as well.

MR. GALLI: I saw it there.

MR. HINES: Part of the history since 1999.

CHAIRMAN EWASUTYN: Mike Donnelly, Planning Board Attorney?

MR. DONNELLY: I have nothing to add.

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CHAIRMAN EWASUTYN: Okay. I think that pretty much covers it at this point.

MR. SARCHINO: I just have one request. In making the submission for the April 2nd meeting, we're working hard on getting all the engineering done and we'd like to make the submission on March 24th. I could have everything delivered on the morning of the 25th, Wednesday morning, to your office and to Pat and everybody else, if that is okay with the Board and your Consultants.

CHAIRMAN EWASUTYN: And then you'll just -- you know the necessary -- not the necessary. The required sets of plans that I need internally at the Planning Board. Then you'll mail directly to our Consultants.

MR. SARCHINO: Everybody else, just like I've been doing. Maybe I'll call you Monday morning to coordinate.

CHAIRMAN EWASUTYN: So I can put a note in. That's fine.

MR. SARCHINO: Thank you.

MR. BARTON: Thank you very much.

(Time noted: 8:12 p.m.)

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

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

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DATED: April 9, 2015

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

----- X  
In the Matter of

DUNKIN DONUTS  
(2014-02)

302 NYS Route 32  
Section 14; Block 1; Lot 43  
IB Zone

----- X

SITE PLAN

Date: March 19, 2015  
Time: 8:13 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: MARK WARNER

----- X

MICHELLE L. CONERO  
10 Westview Drive  
Wallkill, New York 12589  
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DUNKIN DONUTS

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MR. BROWNE: Our next item of business is Dunkin Donuts, project 2014-02. It's a site plan being represented by Mark Warner.

MR. WARNER: Yes. We're here for site plan approval.

Some of the comments that we went through last time was the traffic study, which has been completed, and also the septic testing on the existing septic had been done and it's been approved, which I have copies of all of those. I believe the traffic study has been sent. I don't know if you received a copy. You did. Okay. We went through Zoning, got the approval there.

So it's just the comments from the Board and comments from the Consultants.

CHAIRMAN EWASUTYN: Okay. At this point we'll turn to Ken Wersted, our Traffic Consultant.

MR. WERSTED: We received the traffic study. I have a couple comment letters in case you didn't get it.

MR. WARNER: Yes. Thank you.

MR. WERSTED: We reviewed the study and

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it followed industry accepted practices and methodologies. We looked at the estimate for future traffic volumes without the project, which included a two percent growth rate, it identified two approved projects that have kind of stalled over the years, and we did a comparison of how that growth rate used in the traffic study would compare with inclusion of those projects.

Ultimately we found that the use of the two percent growth rate would take into account the Polo Club and Driscoll, residential subdivisions that had been approved but not yet constructed.

We looked at the trip generation estimate based on ITE data. We concurred with the estimate of a total of 190 trips coming and going from the facility. We concurred with the assumption that approximately fifty percent of those trips would come from traffic already driving by the site, so those would represent customers who are traveling down Route 300 or Route 32, stopping at the site and then continuing on to their primary destination.

There was some information and references provided regarding some transactions

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that were collected at the Ellenville site which demonstrated that that facility had about 50 transactions, which would translate into about 100 trips coming and going. We had asked if you're going to make a comparison that this site might be similar to that and operate at a lower volume than what ITE says, we'd like to see more comparison of how large that facility is, how much parking it might provide, what kind of traffic volumes might be on 209 so that we can kind of compare it to this location.

The trip assignment appeared to take a hundred percent of the traffic and sign it through the neighboring intersections. Unless we read it wrong, you could take a credit for the amount of pass-by traffic that goes through there. So if our comment is accurate, you could re-look at it and actually reduce the traffic going through the intersection and update the analysis.

The level of services were documented at the neighboring intersection of Route 32 and Route 300. They were found -- the intersection was found to be operating at level of service D

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under existing conditions, which wouldn't change under the future conditions with any great significance.

The proximity of the existing site driveway to the signal certainly poses some challenges for access, namely because of the amount of cueing that occurs on Route 32 today. But the additional traffic coming and going, it will be difficult, to say the least, to come and go from that driveway, particularly in the morning peak hour. Even in the afternoon peak when traffic is mostly heading out of Newburgh, four to five cars will cue up on that southbound approach and block that driveway. So that's going to be kind of a reality of how that intersection and site driveway is going to operate. It won't be that much unlike the other three corners at that location, the Sunoco on one side, the deli on the other and the Italian restaurant. All three of those have two access points, one to each corner, and they're all approximately within the same distance to this one.

The site plan proposed thirteen parking

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spaces based on what's required for a retail store. The Board, at it's discretion, could require more or less parking based on what's proposed.

We asked that you -- the engineer justify if that will be adequate or not for the facility, just given the amount of turnover that might happen coming to and from there.

Then the last comment we had was that any work proposed in the State right-of-way would have to get a DOT permit. They started a new process which is designed to help expedite their reviews and moving the applicant through the process. We provided some website information and some instructions that if you are making any connections there, you go to their website and follow along to solicit comments.

MR. WARNER: Okay.

MR. WERSTED: One thing that we did talk about in work session was the stonewall on the north side, that it provides a barrier between the courthouse. It may be beneficial to provide at least a gap wide enough for people to walk through. You may have some customers right

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DUNKIN DONUTS

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next door that won't want to jump over the wall and won't want to walk around it. So we added that to the list.

MR. WARNER: Okay.

CHAIRMAN EWASUTYN: Pat Hines, Planner and Drainage Consultant?

MR. HINES: Just an update on that. A representative of the jurisdictional fire department was in earlier and requested a couple of additional breaks in the stonewall that's parallel to Route 32 for fire department personnel access, but it would also allow any potential pedestrians in there to duck in between the wall rather than walk along the whole length. If you could address that on the plans.

My first comment identifies variances that were needed. I was aware you went to the ZBA for your interpretation on the use. Apparently you received the bulk requirement area variances that you needed as well.

You had stated that the septic system had been tested and approved. We're looking for that information. I don't know who approved it. That could be submitted to the Planning Board.

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MR. WARNER: I have a letter.

MR. HINES: A letter from?

MR. WARNER: The engineer.

MR. HINES: Okay. We're looking for that documentation of the design information.

MR. WARNER: (Handing.)

CHAIRMAN EWASUTYN: Do you have an additional copy for the Planning Board records?

MR. WARNER: Yes (handing).

MR. HINES: DOT approval.

The revised Town of Newburgh water system notes were forwarded to your consultant. They need to be added to the plans.

The building is proposed to be sprinklered. The sprinkler and potable water system needs to be setup and valved per the Town's requirement. If the sprinkler system valves are turned off, the potable water to the building is also turned off such that the occupants know the sprinkler systems are shut off.

The drainage on the site. There's a small reduction in impervious surface based on the proposed landscaping, so drainage is not an

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issue on the site. It's going to flow where it continues -- where it goes today.

The lighting on the site is proposed to be 20 feet 6 inches. The Town of Newburgh has design guidelines. A facility such as this would have a maximum of 16 foot pedestrian scale lighting. That's a requirement the Board has in the past issued waivers for that. If you can document that, you know, with the change in the lighting you would need a lot more of them or something. I believe there's only one light proposed, so we would be leaning towards the 16 foot lighting.

The parking in the front yard setback is another design guideline which you provided stonewalls for. The Board would have to provide you with that waiver, assuming that the stonewall screening of the vehicles is acceptable.

Then just for the Board, the entire parking lot is proposed to be milled and overlaid, so it will look like a new facility when the new structure is constructed.

County Planning referral is also required for this.

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CHAIRMAN EWASUTYN: Okay. Comments from Board Members?

MR. WARD: Can I --

CHAIRMAN EWASUTYN: Yes.

MR. WARD: With your parking lot, I hope you go by the guidelines, paved and striping. At the same time, I'm emphasizing curbing all around, plus in the back more than just the concrete parking with the curb there. God forbid somebody goes over the edge and down or whatever. Curbing I recommend highly.

MR. WARNER: Are you just recommending it in the back or all the way around?

MR. WARD: All the way around.

MR. HINES: That would result in a drainage issue if they put it all the way around. It's going to be difficult to curb the entire site and still control the drainage. You're going to make a bathtub out of the parking lot.

MR. WARNER: If I can make just one comment. Where that slopes, if you put the curbing in the back, either openings would have to be made in that curbing --

MR. HINES: If in fact you do curb it,

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DUNKIN DONUTS

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a series of drop curbs to allow the drainage out  
would be appropriate.

MR. WARD: That would be fine.

MR. HINES: You may want to look at a  
split rail fence. A split rail fence or a wooden  
guide rail would function. I'm just suggesting  
to the Board Members.

MR. WARD: I'm looking at senior  
citizens coming out, God forbid. And we  
emphasize the stonewall having the opening  
because you don't want pedestrians going on 32.

MR. WARNER: Right. I know. I walked  
down there with the snow to do the septic test,  
so I know about that.

MR. WARD: Thank you. Oh, one more.  
I'm suggesting two 16-foot lights instead of just  
one overall for the character of the area. It  
looks better that way than one big light.

MR. WARNER: Okay.

CHAIRMAN EWASUTYN: Thank you.

Dave Dominick?

MR. DOMINICK: Nothing.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I agree with John about

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DUNKIN DONUTS

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the lights.

MR. WARNER: No problem.

MR. BROWNE: Nothing more, John.

MR. GALLI: I have a question. If we have a winter like we did this year, where are you going to put the snow?

MR. WARNER: That was a discussion that we had. Back in this buffer area here, we were talking about there, because that's really the only place at this point that you would be able to put it, or you would have to remove it at that point.

CHAIRMAN EWASUTYN: Keeping in mind the height of the piling of snow will affect --

MR. WARNER: Yes.

CHAIRMAN EWASUTYN: -- the visibility along the road.

MR. WARNER: We can't do anything on the entrances. People pulling out on 32 or 300 would be a problem.

MR. GALLI: It's a very tight site. Very small.

MR. WARNER: Yes.

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

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CHAIRMAN EWASUTYN: At this point we can't take action until we refer it to the Orange County Planning Department. I suggest that you get copies of the plans to Pat Hines and he'll do the circulation. It will give you an opportunity to respond to some of the questions that our consultants had.

Do you feel at this point your signage has been covered as far as your road frontage, where you're looking to put up, so you won't have to go back to the ZBA? At some particular time we'll have to do ARB approval.

MR. WARNER: Okay.

MR. HINES: I was going to say a public hearing.

CHAIRMAN EWASUTYN: I'll ask the Board Members at this point if they want to have a public hearing?

MR. GALLI: They had a public hearing at the Zoning Board, Jerry?

MR. CANFIELD: Yes, we did.

MR. GALLI: Was it crowded? Was there a lot of concern?

MR. CANFIELD: No. There was not a lot

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of public attendance.

MR. GALLI: They had one public hearing on it. The Zoning Board approved what they needed to get done. Basically we're just -- I don't know if it would be necessary to have another public hearing. The project has already been designed and stuff through the Zoning Board.

CHAIRMAN EWASUTYN: Okay. Cliff Browne?

MR. BROWNE: No.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I don't think so.

MR. DOMINICK: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: Okay. Let the record show that the Planning Board waived the need for a public hearing on the site plan for Dunkin Donuts.

MR. GALLI: Because there was one held at the Zoning Board.

CHAIRMAN EWASUTYN: Because there was one held at the Zoning Board and our information is there was little, if any, attendance by the public voicing concern about the project. Okay.

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MR. WARNER: Thank you.

(Time noted: 8:26 p.m.)

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

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

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DATED: April 9, 2015

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

----- X  
In the Matter of

JIN KANJANAKIRITUMRONG  
(2014-08)

Granting of Final Approval

----- X

BOARD BUSINESS

Date: March 19, 2015  
Time: 8:26 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

----- X

MICHELLE L. CONERO  
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CHAIRMAN EWASUTYN: We have two items that came in late. One was something I forgot. We did get the sign off for Darren Doce's project on Meadow Hill Road.

Pat Hines.

MR. HINES: The proposed, I believe it's a nail salon on Meadow Road. We received the County Planning comments. It was a local determination.

I received supplemental information from Doce's office regarding the location and ultimate discharge of the proposed swale.

Those two outstanding items have been addressed. The Board would be in a position to issue a final approval.

MR. BROWNE: Would you give the project number on that for reference?

MR. DONNELLY: 2014-08.

CHAIRMAN EWASUTYN: Mike Donnelly, do you want to present the conditions of the approval?

MR. DONNELLY: This is a site plan. It is also ARB but no changes are proposed to the building at all.

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Pat, no sign off letter from you?

MR. HINES: Everything is fine.

MR. DONNELLY: Okay. We'll tie into the ZBA approval that was granted and any conditions they imposed to be added to ours. The ARB condition would be no changes can be made to the building without an amended ARB approval. There's no need for any financial security --

MR. HINES: None.

MR. DONNELLY: -- because it's an existing building with no changes. The only condition then to be added would be our standard condition that says no equipment or fixtures can be built on the site not shown on the site plan without an amended approval.

CHAIRMAN EWASUTYN: For the record I'll move for a motion to approve project number 2014-08, did you say Mike?

MR. DONNELLY: Yes.

MR. DOMINICK: I'll make the motion.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Dave Dominick, a second by Ken Mennerich. Any discussion of the motion?

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JIN KANJANAKIRITUMRONG

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(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Thank you.

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

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

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

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DATED: April 9, 2015

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

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In the Matter of

DOMINGUES - HICKORY HILL SUBDIVISION  
(2011-17)

Request for a 90-Day Extension

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BOARD BUSINESS

Date: March 19, 2015  
Time: 8:28 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

----- X

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

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CHAIRMAN EWASUTYN: The other item we received late today was a letter from Talcott Industries, Charles Brown, in reference to the Hickory Hill Subdivision. It stated that on December -- he's looking for a 90-day extension.

MR. HINES: It expired March 6th and it will run until -- expired March 8th and it will run until June 6th.

CHAIRMAN EWASUTYN: Having heard from Pat Hines, I'll move for a motion to grant that approval.

MR. GALLI: So moved.

MR. WARD: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

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CHAIRMAN EWASUTYN: That concludes the business for the evening. With that I'll move for a motion to close the Planning Board meeting of the 19th of March.

MR. MENNERICH: John, concerning the letter that's going to be sent to the DEP, what exactly can we say? I mean I heard from comments from people on the Board was based on their past performance and their ability to make replacements and everything, that we think they'll do a good job. We're not really commenting on the landscaping plan.

CHAIRMAN EWASUTYN: So then we'll make the letter state based upon the landscape plan that was submitted and the site plan that we received. I mean they outlined all the plants, they outlined the quantity, the species and the variety.

MR. MENNERICH: You're comfortable with that?

CHAIRMAN EWASUTYN: Yeah.

MR. MENNERICH: Okay. I got the feeling it was mainly based on the performance they've had in the past.

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HICKORY HILL SUBDIVISION

103

CHAIRMAN EWASUTYN: And the quality of work they've been doing.

MR. MENNERICH: I think we ought to put that in the letter.

MR. DONNELLY: I'll elaborate. The Board has been satisfied with the past performance and quality of work.

MR. MENNERUCH: Thanks.

CHAIRMAN EWASUTYN: And the plans submitted.

Anything else? We had a motion by -- I'm sorry to close the meeting.

MR. WARD: I think I did.

CHAIRMAN EWASUTYN: John Ward. I don't remember.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: A second by Dave Dominick. Any further discussion?

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

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MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 8:31 p.m.)

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

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

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DATED: April 9, 2015