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

----- X

In the Matter of

GARDNERTOWN COMMONS  
(2004-19)

Intersection of Gardnertown Road & Creek Run Road  
Section 75; Block 1; Lot 21  
R-3 Zone

----- X

AMENDED SITE PLAN  
PHASING PLAN

Date: April 21, 2011  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JOHN CAPPELLO &  
LORRAINE POTTER

----- X

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

1  
2 MR. BROWNE: Good evening, ladies and  
3 gentlemen. Welcome to the Town Planning Board  
4 meeting of April 21, 2011. At this time I'll  
5 call the meeting to order with a roll call vote  
6 starting with Frank Galli.

7 MR. GALLI: Present.

8 MR. BROWNE: Present.

9 MR. MENNERICH: Present.

10 CHAIRMAN EWASUTYN: Present.

11 MR. FOGARTY: Here.

12 MR. DONNELLY: Michael Donnelly,  
13 Planning Board Attorney.

14 MS. CONERO: Michelle Conero,  
15 Stenographer.

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

18 MR. COCKS: Bryant Cocks, Planning  
19 Consultant.

20 MS. ARENT: Karen Arent, Landscape  
21 Architectural Consultant.

22 MR. BROWNE: At this time I'll turn the  
23 meeting over to Tom Fogarty.

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

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(Pledge of Allegiance.)

MR. FOGARTY: If you have a cell phone, please turn it off at this time. Thank you.

MR. BROWNE: Our first item of business this evening is an amended site plan, phasing plan for Gardnertown Commons. It's project number 2004-19. It's being represented by John --

MR. CAPPELLO: John Cappello and Lorraine Potter of Lanc & Tully, and others.

Good evening, everyone. As you recall, through the long process of the Gardnertown Commons project, we've received all the approvals from the Planning Board. We are at the position now where we're applying for building permits to build the first building in phase 1 as the model building, and also the clubhouse. I know there were some notes on the map as to when the recreation was built. The applicant determined, for marketing purposes, to go ahead and proceed with the clubhouse and the model, which is building 1.

At the time of preparing the plans for building 1, the marketing folks had said, you

1  
2 know, the buildings with decks -- as you also may  
3 recall, some of the buildings had patios, some of  
4 the buildings had decks. Part of that was just  
5 the way it was designed and part of that was for  
6 issues relating to setbacks and other issues.

7 Building number 1, which is the  
8 building we're seeking a building permit for  
9 right now, we have provided some information that  
10 we could exchange the patios and put decks on  
11 that building without encroaching into any  
12 setbacks, without any major grading, or much  
13 grading at all, putting the buildings in the  
14 exact same location. It would provide a better  
15 unit and it would also reduce the amount of  
16 retaining wall we would have to build. We went  
17 in for the application to the building inspector  
18 and the building inspector noticed a difference  
19 between patios and decks. We're here tonight  
20 to ask permission to go for decks on that  
21 building. We also wanted to relay to the Board  
22 that we're examining other aspects of the site to  
23 see if there's any other locations where we may  
24 be able to replace decks with patios, and what,  
25 if any, impact it would have on the site plan.

1  
2                   Tonight really what we'd like is the  
3 Board's input. We'd like to be able to proceed  
4 with building 1, to build the model, build it  
5 with decks, start getting people in, start  
6 getting some sales. So that would be issue  
7 number one.

8                   In the best of all worlds, if we could  
9 get a determination from the Planning Board that  
10 says as long as there are no encroachments into  
11 any of the setbacks, be it buffer, be it distance  
12 between buildings associated with switching out a  
13 patio to a deck, or any major grading, that we  
14 would be able to do other buildings. If you want  
15 to wait until later until we have a more  
16 definitive on that issue, we would defer to your  
17 Board. For building 1 we'd like permission  
18 tonight.

19                   The other issue that came up is there  
20 was a note on the plan, which I think is a pretty  
21 standard note on most of your plans, that says  
22 before a building permit is issued all site  
23 improvements have to be installed. When you go in  
24 with the model, and we're bringing in the  
25 machinery, we'd like to get the model under

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2 construction while we're doing the site  
3 improvements following the phased stormwater  
4 SPDES, as you know, we have. We would coordinate  
5 that. I believe that's usually how models are  
6 done. I know there was some discussion, I just  
7 don't recall if there was ever any indication,  
8 and the building inspector raised it. So what  
9 we'd like is permission to modify that note so we  
10 can begin construction of the clubhouse in  
11 building 1, knowing that it won't be occupied  
12 until improvements are satisfactory. At least  
13 that we can get in while we have the machinery in  
14 there, begin construction so people can see  
15 progress, hopefully they'll come look at the  
16 models, and we can begin with the rest of the  
17 project and complete the improvements for phase  
18 1.

19 CHAIRMAN EWASUTYN: Questions from the  
20 Board at this time?

21 MR. GALLI: I'm fine with everything.

22 CHAIRMAN EWASUTYN: Cliff Browne?

23 MR. BROWNE: Not just now, John.

24 CHAIRMAN EWASUTYN: Ken Mennerich?

25 MR. MENNERICH: Nothing concerning

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building 1.

CHAIRMAN EWASUTYN: Tom Fogarty?

MR. FOGARTY: Not at this time.

CHAIRMAN EWASUTYN: Mike Donnelly?

MR. DONNELLY: John, is that map note that you spoke of on both the subdivision plat and the site plan or just on the site plan?

MR. CAPPELLO: I think the notes were on the subdivision plan that I --

MS. POTTER: I don't recall.

MR. DONNELLY: If what the Board is going to do is grant an amended approval, I want to know whether the resolution has to amend both the subdivision approval and the site plan approval.

MS. POTTER: The subdivision was filed.

MR. DONNELLY: It would only be an amended site plan.

MR. CAPPELLO: I think that only showed the lots. I don't think the notes carried over. It might have referred back to the site plan.

MR. DONNELLY: It was not a condition of the Planning Board resolution. As to your map note alone, we'd be happy to substitute a

1  
2 condition that says no certificate of occupancy  
3 will be issued until the infrastructure shown on  
4 the plans is complete.

5 MR. HINES: Did we add that note? We  
6 looked quick at work session and couldn't locate  
7 it.

8 MS. POTTER: The building inspector --  
9 I'll tell you where it was.

10 MR. CAPPELLO: I think it probably is a  
11 standard note.

12 MS. POTTER: On page 15, note number 5,  
13 and the phasing schedule on page 16 from the  
14 approved site plan, both indicate many items that  
15 must be completed before any building permits are  
16 issued.

17 MR. DONNELLY: Are there still some  
18 items that need to be completed or you're asking  
19 to have all of those removed?

20 MR. CAPPELLO: It would be perfect if  
21 we said CO. We understand -- I think it says  
22 road up to the topcoat, that we could bond the  
23 topcoat. Really what we're looking for is the  
24 building to begin marketing it. We understand  
25 that we'd have to have the improvements in for



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COs, or a bond if there's a few trees that  
couldn't be planted because of the weather or  
something.

CHAIRMAN EWASUTYN: Our consultants.  
Pat Hines?

MR. HINES: I'm okay. I took a look at  
the modified plans. It actually reduces the  
height of the retaining wall switching from the  
patios -- in front of the patios to the decks.  
The wall goes from about twelve or thirteen feet  
high down to probably four-and-a-half feet at its  
highest point because they're able to use the  
grades that were there on the buildings. I don't  
have any problem with that change on this  
building. I don't know how it affects the rest.  
I didn't look at the rest of the site. I know  
Karen did. It seems like the COs will prevent  
anyone from moving in prior to having that work  
finished. That's typically what we do as well,  
building permits to be issued for buildings but  
no COs until the improvements are in.

CHAIRMAN EWASUTYN: Bryant Cocks?

MR. COCKS: I have no comments at this  
time. The applicant addressed everything I was

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bringing up to the Planning Board.

CHAIRMAN EWASUTYN: Karen Arent,  
Landscape Architect?

MS. ARENT: Building 1 is fine.  
There's patios over the setback line and they  
have to stay patios on some of the buildings.

MR. CAPPELLO: We're in the process of  
looking through all the units and seeing which  
ones potentially could be changed and which ones  
aren't in. Hopefully we can do that while the  
model is being built.

MS. ARENT: Perfect. It makes great  
sense to do that.

CHAIRMAN EWASUTYN: John, you have  
other people here. Is there more to your  
presentation?

MR. CAPPELLO: Only if the Board wants  
to hear. We have our marketing folks. The Board  
was wondering why --

CHAIRMAN EWASUTYN: I think for a group  
of people who like to be educated, any time we  
have an opportunity to understand the conditions  
before us, I think it makes decision making a lot  
easier. So if you don't mind.

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MR. CAPPELLO: Sure. I have our architect, Bill Pendergast. Bill is -- you're more familiar with Barry who has been at most of the meetings. Bill is his partner. Barry is in Mexico.

MR. PENDERGAST: Somewhere sunny and warm.

CHAIRMAN EWASUTYN: Do you have a business card?

MR. PENDERGAST: I probably do. I'll dig one out.

CHAIRMAN EWASUTYN: At the end would you please give it to the Stenographer?

MR. PENDERGAST: Sure. Again, really we're here for just the issue of the decks versus the patios. The decks, in most cases where the grade is lower, makes a lot more sense, makes it a more usable feature. The patios are much below the first floor level, and that requires a set of stairs to go down to a patio. People are carrying things down the stairs to a patio. It's a bit inconvenient as well. The idea is, as John said, we're looking at each individual unit to see if we can substitute decks for patios. In a

1  
2 lot of cases it will make more sense from a  
3 functionality point, and also from an aesthetic  
4 point as well. There won't be a lot of stairs  
5 running all over the place in the backs of  
6 buildings to get to patios. From my perspective  
7 it's the right way to approach this.

8 CHAIRMAN EWASUTYN: Any other questions  
9 from anyone?

10 Mike, would you prepare for us --

11 MR. DONNELLY: I will. John, I think  
12 they're asking for two different things. One was  
13 just building 1, the patio conversions, but he  
14 also asked if it was possible you would authorize  
15 as many other patios conversions as the applicant  
16 desired provided they didn't create  
17 encroachments. So that was one request. The  
18 other is when they finalize what they want to do,  
19 they would return and show you the other  
20 conversions. I would need to know which way  
21 you're going before I outline the resolution.

22 CHAIRMAN EWASUTYN: Discussion from  
23 Board Members?

24 MR. GALLI: I want to see the other  
25 ones to make sure everything is okay. I don't

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have a problem with building 1 to move forward and stuff like that. The other one, I'd like to at least see where it's going to be.

MR. BROWNE: I would prefer they come back for review on that part also.

MR. MENNERICH: I think that the review of the setback is one thing but there also could be some grading issues and changes, too. I think the other one should come back.

MR. HINES: In this case it actually reduced the amount of grading. I didn't look at the rest of them on the site.

MR. FOGARTY: If there's going to be changes, I'd like to obviously see them.

Are you going to do the same thing with each phase, do a model first as you move into these different other phases?

MR. CAPPELLO: That's a good question. If we have the first phase built and occupied, whether we would need a model or just a sales office I'm not sure. We have our marketing folks here who can respond to that.

MR. ATKIN: My name is Tom Atkin. This is my partner, Allan Leeds. We have a company

1 called On-Site Sales & Marketing and we just do  
2 sales and marketing for new home builders. We've  
3 been doing it for, well, together about fifteen  
4 or sixteen years, and we competed against each  
5 other for about the same amount of time before  
6 that. So we have done condominiums, new homes,  
7 single-family homes, all sorts of projects  
8 throughout the years. What it is our plan to do,  
9 what we hope to do is to build a model complex,  
10 generally two homes that will be totally  
11 merchandised, decorated, with a sales center, and  
12 it would be our hope to keep that as a sales  
13 center through the life of the job. We find, in  
14 this market particularly, people need to feel  
15 that they've arrived at what they have been  
16 hoping to find, and a model home gives them that  
17 feeling. We're not just selling town homes,  
18 we're also selling a lifestyle community. Again,  
19 in this very difficult marketing time people are  
20 concerned that the builders may not complete the  
21 amenities that we promised them. We've seen it.  
22 We've seen where builders have not put in the  
23 pools, they haven't done it, and they haven't  
24 even completed the project. So by having at  
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2 least the clubhouse, if not the swimming pool and  
3 some of the other things, but the clubhouse, when  
4 people first start to come it gives them that  
5 feeling that this is a very successful project,  
6 it's going to be, and they're going to get what  
7 they have been promised.

8 We're very excited about the project,  
9 and if you have any questions with regard to our  
10 marketing campaign or anything --

11 CHAIRMAN EWASUTYN: Explain your  
12 marketing campaign a little bit.

13 MR. ATKIN: First of all, we cannot  
14 sell until we have an approved offering plan for  
15 the first phase or first condominium because in  
16 actuality each phase is a separate condominium.  
17 In today's very difficult loan situation, FHA  
18 financing, basically for each condominium that we  
19 have, I think the first condominium is twenty-two  
20 -- something -- twenty-two units, they have to  
21 be substantially built out for us to do closings  
22 if people are going for FHA loans. So we do some  
23 pre-sale marketing, we do create priority lists.  
24 When our models are ready, then we bring people  
25 in and hopefully start doing deals right away.

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2 So it will be a condominium-by-condominium  
3 project that all sort of collapses into a  
4 homeowners association. Generally, even with the  
5 clubhouse, even if it's available for people,  
6 they're generally not charged fees for the  
7 clubhouse until there are enough people in.

8 We do heavy marketing through the  
9 internet, print media certainly to be able to get  
10 people to our website. Public relations  
11 campaigns. It's a thorough sales and marketing  
12 campaign. We also, most likely, will offer the  
13 brokerage community an opportunity to come on.

14 MR. GALLI: Have you done any projects  
15 locally in the area?

16 MR. ATKIN: Not in Newburgh. Not in  
17 the Town of Newburgh. We are currently marketing  
18 Hidden Creek in Monroe. That's a very successful  
19 community. Probably following the same kind of a  
20 plan. You may not have seen it advertised but we  
21 have sold forty-seven residences. I think today  
22 we had two closings, which brings us up to thirty  
23 -- thirty closed. Exactly thirty so far. We're  
24 about to open our third of what will be five  
25 phases. It's 134 town homes. It also has a



1 clubhouse, the swimming pool, tot lot, basketball  
2 court in the summer. The people are already  
3 using the clubhouse, the exercise room, billiards  
4 room, that kind of thing. It's a little bit  
5 larger. Basically pretty much the same target  
6 market. People have to travel a little further,  
7 prices will be a little bit less, but it's the  
8 type of project that should sell very nicely,  
9 even in the very challenging environment.  
10

11 CHAIRMAN EWASUTYN: Cliff, anything on  
12 that?

13 MR. BROWNE: To follow the  
14 condominiums, are they all going to be the same  
15 footprint?

16 MR. ATKIN: Actually, I think we have  
17 nine different floor plans. Quite a variety. A  
18 couple of our plans are actually flats, one-level  
19 living, and then there are other town homes that  
20 are --

21 MR. BROWNE: So your first building is  
22 going to incorporate each of those different  
23 types of --

24 MR. CAPPELLO: I'm sorry. The first  
25 building has two major types and -- three major

1  
2 types and two variations of one of the types. So  
3 it's really four. The second building brings us  
4 some other different units, including the stacked  
5 flats Tom just mentioned.

6 MR. BROWNE: I was just kind of curious  
7 if there's different types as you go out to the  
8 other units, if you're going to be able to have  
9 the hands-on show and tell in the original set of  
10 models. Would you end up moving models --

11 MR. ATKIN: Those would be the models.  
12 That's the first thing anybody sees as you drive  
13 into the community. It keeps that totally out of  
14 the construction zone.

15 One of the models we're doing, which is  
16 the second unit in, the first building, happens  
17 to -- that or the variation of it is forty  
18 percent of the product in the total project. So  
19 that's the workhorse unit.

20 The other ones also have I think about  
21 ten or twelve percent of the -- comprises ten or  
22 twelve percent of the units. The balance will be  
23 sold off the plans until we get far enough to  
24 walk people through.

25 MR. BROWNE: Okay. Thank you.

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MR. ATKIN: You're welcome.

MR. ATKIN: I do have a business card.

CHAIRMAN EWASUTYN: Does your partner have one also?

MR. LEEDS: I'll have to get one.

CHAIRMAN EWASUTYN: Please.

MR. ATKIN: You can cross out my name and put his on.

CHAIRMAN EWASUTYN: However you would like.

Mike, we understand that the Board would like them to come back. Can you begin to present with us a resolution for granting the amended site plan for the phasing plan for Gardnertown Commons?

MR. DONNELLY: The resolution will be fairly simple. The resolution will be approval of the site plan, second amended final phasing plan for Gardnertown Commons. It will recite that in essence there are three things being changed here. The first is the phasing plan itself, the second is the modification of certain of the patios to decks, and I guess all of them in building number 1?

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MR. HINES: Yes.

MR. DONNELLY: And request that the map or plan note that prohibited issuance of building permits before infrastructure was completed be modified. No other resolution conditions will be changed. I will simply add to the approval of the amended plans a condition that will say the applicant is authorized to amend the plan -- old plan notes that prohibit issuance of a building permit until completion of the infrastructure improvements. I will need from Lorraine an updated plan set to put into the resolution itself. Then we'll carry over all of the conditions of the earlier approvals.

CHAIRMAN EWASUTYN: Questions from Board Members. Frank Galli?

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: Nothing.

MR. FOGARTY: No questions.

CHAIRMAN EWASUTYN: Any additional comments from our consultants?

MR. HINES: No.

CHAIRMAN EWASUTYN: Having heard the

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conditions for the amended site plan --

MS. POTTER: I have one quick question. Will we be able to move forward with building the model and the others at this time prior to us coming back with the other buildings? I just want to make sure that there's no misunderstanding.

MR. DONNELLY: The resolution should be done next week, --

MS. POTTER: Okay. Thank you --

MR. DONNELLY: -- if you get me the plan set.

MS. POTTER: I'll make sure I get you the plans.

CHAIRMAN EWASUTYN: Thank you. Any additional questions?

(No response.)

CHAIRMAN EWASUTYN: Then I'll move for a motion to grant the amended site plan for the second phasing plan for Gardnertown Commons subject to the conditions that were presented by Attorney Mike Donnelly.

MR. GALLI: So moved.

MR. FOGARTY: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

Just as a matter of record, please continue to note the project number on all submissions.

MS. POTTER: Yes.

MR. CAPPELLO: Thank you very much.

(Time noted: 7:21 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: May 14, 2011

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

----- X  
In the Matter of

G&M ORANGE, LLC  
(2011-07)

Crossroads Court & Route 17K  
Section 95; Block 1; Lot 73  
IB Zone

----- X

CONCEPTUAL SITE PLAN  
ARCHITECTURAL REVIEW BOARD

Date: April 21, 2011  
Time: 7:22 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  
THOMAS P. FOGARTY

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

APPLICANT'S REPRESENTATIVE: ROBERT DALY

----- X

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



1  
2 MR. BROWNE: Our next item of business  
3 is G&M Orange, LLC. This is a conceptual site  
4 plan and ARB, project number 2011-07, being  
5 represented by Robert Daly.

6 MR. DALY: Yes. It's good to be back  
7 here with you. We were last here on the 7th.

8 I'll be brief. Basically what we  
9 provided you with is a change in the site plan  
10 for conceptual approval. The nature of the  
11 change I think is desirable from the point of  
12 view that it provides for a less intrusive site  
13 development, fewer retaining walls, and I think  
14 overall a nicer appearance.

15 One item that we felt very strongly  
16 about is we wanted to discuss the question of  
17 pursuing a Zoning Board of Appeals opportunity  
18 with regard to the buffer and parking and the  
19 buffer in the front side of Route 17K. This  
20 would be the buffer area here. We moved the  
21 building back six feet, I believe it is, and took  
22 all of the parking out of that buffer area. So  
23 there is no parking in that buffer area. There  
24 is only the access driveway which comes onto the  
25 site to the front of the building, the front

1  
2 being on the Route 17K side. The access driveway  
3 comes off of Crossroads Court. That access  
4 driveway is in the buffer. I know we did receive  
5 a comment from the Planner, Bryant Cocks, with  
6 regard to this. We took the opportunity to  
7 discuss it, and I believe the code does allow for  
8 an access driveway in the buffer, but that would  
9 be the only intrusion in the buffer area.

10 Other comments and changes that were  
11 made will be discussed by Mark Day. I've got Mark  
12 Day here.

13 Let me take a minute also to introduce,  
14 I've also got Steven Markovits, Counsel, to  
15 address questions that the Board or the  
16 professionals might choose to raise.

17 Thank you, Mr. Chairman. I'll turn it  
18 over to Mark Day.

19 MR. DAY: Good evening. Mark Day, Day  
20 Engineering. I'll give you a card in a moment.

21 Just to reiterate a little bit off what  
22 Rob said, we took the comments from the Board and  
23 from the consultants. Basically we regraded the  
24 site.

25 The big difference in the plan is that

1  
2 we eliminated that plan and we are -- we had an  
3 access on the side.

4           One of the things that's happening here  
5 is the lower level of this building is now going  
6 to be assembly for the bikes. The original  
7 request from our client was that he would like to  
8 be able to access this basement, not for any  
9 other reason than moving the equipment in. As  
10 you can imagine, the equipment that they utilize  
11 in this facility, some of these things are large  
12 and they require quite a bit of room to be able  
13 to move them in. We initially looked at that.  
14 After getting the comments and realizing that  
15 there is some better ways to do this, what we've  
16 done is eliminate that, we've regraded the site,  
17 we've raised the grade in the front of the  
18 building, as Rob said we relocated the parking to  
19 the westerly side of the building. We were able  
20 to meet the parking requirements. What we are  
21 doing in lieu of the access is we're providing a  
22 removable set of panels here, concrete panels,  
23 adjacent to the building. We're going to provide  
24 an opening in the foundation wall. This will  
25 only be used very sporadically because its only

1  
2 purpose is to allow us to move in with the  
3 equipment, and in the event that they have to  
4 repair or get new equipment or take old equipment  
5 out, that would be the only way we would use it.  
6 So after long discussions we decided, look, this  
7 is a better way to go. It's more cost effective,  
8 it eliminates virtually all the retaining walls  
9 except for a small retaining wall. I mean we  
10 were, I believe, eighteen foot before. We're now  
11 six feet next to the cemetery. We have a small  
12 wall here next to the existing creek. We were  
13 able to provide more green space. We were able to  
14 minimize a lot of the impervious. I know the  
15 Board hasn't seen this plan.

16 CHAIRMAN EWASUTYN: Can you turn the  
17 easel? It's difficult to see.

18 MR. DAY: Yes, sir. Our landscape  
19 architect was able to prepare a plan. Again, you  
20 don't have that. If I could go over it quickly.  
21 We're doing a considerable amount of landscaping  
22 in the back. We're landscaping the entire buffer  
23 in the front between the building and the  
24 driveway and 17K. We're also providing two tiers  
25 of landscaping next to Crossroads Court, both

1  
2 next to the building and between the driveway, or  
3 parking lot if you will, and Crossroads. We're  
4 also doing a heavy vegetative buffer between the  
5 proposed parking and the creek. We've also  
6 provided a landscaping island in the front of the  
7 building which was prior posted as a sidewalk.

8 We were able to raise the grade to the  
9 front entrance so we were able to eliminate the  
10 stairs and handicap ramp. You'll be able now to  
11 walk into this building at grade.

12 We have an elevator inside where, when  
13 the time comes and they need to bring a bike up,  
14 they'll bring it up interior and just roll it out  
15 the front door. It's just going to be much  
16 easier.

17 We eliminated the pump station for the  
18 storm sewer system. So we think it's a better  
19 plan.

20 We think we can provide a better  
21 vegetative buffer. Pretty much I think it's a  
22 better plan than we had here last time. If  
23 there's any questions about it, I could answer.

24 CHAIRMAN EWASUTYN: We'll start with  
25 the Board Members. Frank Galli?

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MR. GALLI: The parking that you were talking about, we were discussing at the workshop that the overflow parking piece of property that was with the original old Orange County building is now to going to be part of this building?

MR. DAY: No. It's a separate parcel.

MR. DONNELLY: But it's available for use for overflow parking for this parcel?

MR. DAY: It is, yes.

MR. GALLI: But it won't be this parcel. It's going to be it's own parcel but available to this parcel?

MR. DAY: Yes, sir. It's a separate parcel. I'm not sure of the ownership but it is available.

CHAIRMAN EWASUTYN: Steve Markovits, I believe you're the attorney?

MR. MARKOVITS: I'm the attorney for Orange County Choppers.

CHAIRMAN EWASUTYN: Who is the attorney that represents G&M?

MR. DONNELLY: I spoke to Steve on the phone.

CHAIRMAN EWASUTYN: That conversation

1  
2 discussed the ownership of the reserved piece of  
3 property. If we approve this, the condition would  
4 be that that piece would be tied into --

5 MR. DONNELLY: What we had done with  
6 Orange County Choppers, when they proposed their  
7 restaurant, and recognizing the need for the  
8 overflow parking, we required that they record an  
9 instrument that would link, since it was a  
10 separate parcel, the ability to use that to this  
11 site plan, and I think it's likely that the  
12 Planning Board will want a similar condition  
13 here, given the possibility with events, even on  
14 the reduced scale that you spoke of, that that  
15 land would be needed for parking.

16 MR. HINES: With the previous  
17 restaurant it wasn't overflow, it was required,  
18 which is why we wanted it permanently encumbered  
19 with that site.

20 CHAIRMAN EWASUTYN: Right.

21 MR. GALLI: With this new project,  
22 first they weren't going to have any events. Two  
23 weeks ago they weren't going to have any events.  
24 Now in the narrative they are going to have  
25 events. Now that they're going to have events, I

1  
2 think that overflow parking should be attached to  
3 this. We attached it for a different reason on  
4 the other parcel but we had it in case we needed  
5 it.

6 MR. DALY: Mr. Chairman, if I might  
7 just interject here. I think Mr. Galli is -- his  
8 point is one that I did take the opportunity to  
9 discuss with Counsel, and that is the definition  
10 of events. When Macy's says it has a sales  
11 event, it is expected that the event will fit  
12 within the property and that their existing  
13 parking will satisfy the requirements that go  
14 with the events. Orange County Choppers has  
15 events, and the expectation is that these events  
16 will take place and the parking that is provided  
17 will be satisfactory for the events that they're  
18 having. A special event, and this is where I  
19 tried to draw a distinction, and I just wanted to  
20 take a minute and make sure we do. A special  
21 event which OCC has had in the past, and they'll  
22 be the tenant here but we're saying that there  
23 would be special events to be, you know, very,  
24 very limited, even with further discussion. Are  
25 there going to be special events where you're



1  
2 going to require additional parking beyond what  
3 your site is providing for? The response that I  
4 got was we're not anticipating that. We're not  
5 anticipating. If we did, we would certainly  
6 notify the community. So recognizing that, that  
7 is the distinction I want to make sure that we  
8 put there so everybody understands that what  
9 we're looking at when we call something an event,  
10 you might have the Make-a-Wish Foundation come  
11 in, and the Make-a-Wish Foundation is -- they're  
12 there on the site. You might have the fellows  
13 over from West Point. They came over, it was off  
14 hours, it's a special event. They're there doing  
15 something unusual for them. They came, they saw  
16 what was going on in the facility and enjoyed  
17 themselves. No special requirement for additional  
18 parking because it was all accommodated with the  
19 existing site, with the existing parking.

20 The reduction in scale that we're  
21 providing here with this site plan, we felt if a  
22 special event were to be slated, it would be one  
23 where, in conjunction with the Town, we would let  
24 you know what it is. Does that make sense? I  
25 hope.

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CHAIRMAN EWASUTYN: To me it doesn't make sense.

MR. DALY: It doesn't make sense?

CHAIRMAN EWASUTYN: Your explanation makes sense but the conversation that we had with Mike Donnelly earlier in the day where there seemed to be a general agreement, which Frank Galli is talking about, that for simple terms this residual piece of property, which would have been used for the restaurant, will now be transferred over for reserved parking for, whether it be events or special events.

MR. DONNELLY: Let me follow up on Pat's comment, because he reminded me of how we handled it. When Orange County Choppers' initial site plan represented this land as available for overflow parking, we did not require that it be tied to a recorded instrument --

CHAIRMAN EWASUTYN: Right.

MR. DONNELLY: -- because the parking was not needed for the required parking. When they had an amended site plan that had a restaurant and that land was needed as required parking is when we imposed the recorded

1  
2 condition, and that may seem the appropriate way  
3 for you to follow here. I don't think we have to  
4 cross that bridge now. I think you probably need  
5 to hear more from your traffic engineer and what  
6 not to see. Either option I think is one you  
7 could consider. What is important is that at  
8 least the land is available so that in the event  
9 of events of an extraordinary or special nature,  
10 that there is a place for people to park.

11 CHAIRMAN EWASUTYN: If the Board moves  
12 in that direction, are you in a position to make  
13 that part of the agreed site plan?

14 MR. DALY: I can't answer that question  
15 because I haven't really discussed it with my  
16 applicant.

17 CHAIRMAN EWASUTYN: Frank, do you want  
18 them to pursue looking down that avenue?

19 MR. GALLI: Yes, I do. I think every  
20 one of those events, they've always used the  
21 extra parking lot. It wasn't always a special  
22 event. I just think that that parking lot needs  
23 to be with that -- if they weren't having any  
24 events they'd have enough parking. Now we're  
25 going to have some events, maybe some special

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events, and they want to stay with the same parking.

CHAIRMAN EWASUTYN: Frank Galli has been to several events, so he's experienced.

MR. DALY: I understand. That's why I tried to address that issue. The one thing I would point out, and I'm sure the Board is aware, if the parking requirement is met with the current site plan, this would be a requirement beyond the existing requirements of the Town that we meet with the preparation of this site plan.

MR. BROWNE: Let me interrupt you. What you're saying is if you stay with the existing parking, then you're making a statement you will not have any events that require any additional parking? Is that what I'm hearing? That's what you said; right?

MR. DALY: Yes.

MR. BROWNE: You will not have any events ever on this part that would not require additional parking? That's going to go in the record.

MR. DALY: Just -- there's no definition in the code that I could find that

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defines event. That's why I was trying --

MR. BROWNE: Leave out the word event. You will not do anything on this property that's going to require additional parking? We're talking about this other area.

MR. DONNELLY: That's the problem with this use. The experience that we've had is it doesn't fit into the category of required parking. I think there was a concession on Orange County Choppers' part right from the beginning that on occasion overflow parking would be needed. The requirement of its usage was on two levels. First, an availability pledge. Secondly, a recorded instrument that tied it. I think what the Board is saying to you is if you're going to have events, and you've said that you will, find out from your client whether they're able to, with a recorded instrument, tie that parking lot to the site so the Board can decide which way it's going to go on that condition.

MR. DALY: Fine.

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

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2 MR. FOGARTY: The only thing I'm  
3 thinking, obviously Orange County Choppers is  
4 going into this new facility and we don't know  
5 what's going to happen with the old one.  
6 Hopefully it's sold and someone else is going to  
7 be using it. This is the unknown. I mean you  
8 don't know what's going to go in there, whatever  
9 their needs are going to be parking wise and  
10 things like that. So I think it would be wise  
11 for Orange County to maybe tie down that parking  
12 lot in case you do have facilities rather than  
13 have the new guy come in and have him tie it down  
14 somehow. That was my only thought.

15 CHAIRMAN EWASUTYN: Cliff Browne?

16 MR. BROWNE: Going back to what I call  
17 the basement now. You mentioned that you're  
18 going to be having equipment -- you're going to  
19 be bringing equipment in. Once it's in, on a  
20 rare occasion possibly taking it out and doing  
21 whatever.

22 MR. DAY: Correct.

23 MR. BROWNE: What type of equipment?

24 MR. DAY: They have C&C machines. They  
25 cut -- they're water jets that cut large plates

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of steel because they make a lot of their own products for the bikes. I can tell you some of these things are -- you know, they're probably sixteen, eighteen feet.

MR. BROWNE: Major manufacturing equipment?

MR. DAY: Yes, sir.

MR. BROWNE: Okay. You also mentioned that you wanted to have a couple of temporary slabs on the wall.

MR. DAY: Well, I drew a graphic of it the best I could. This is the building proper. This is the basement area where manufacturing would occur. Originally we were going to grade right down to this level. I think you may have seen it on the old plan. Based on the comments from the Board and the consultants, we decided no. What we should be doing here is providing temporary concrete panels. You've probably seen these. We're going to put structural steel here at this level so that if they have to, they can come with a crane, pick these up, back them off, remove the steel and then they can roll their equipment out in this access area way, pick it up

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with a crane, load it and off site it. This is all in the parking area, so you would not see this. This is going to be --

MR. BROWNE: From your description originally, what I thought I heard you say was there would be panels here. You're going to dig down, take the panels out?

MR. DAY: No.

MR. BROWNE: Thank you. Got it.

CHAIRMAN EWASUTYN: Additional comments from Board Members?

MR. MENNERICH: By the cemetery where you were going to have the real high wall, I know there was a concern about being able to build that wall on your property.

MR. DAY: Yes, sir.

MR. MENNERICH: Now with the lower wall, have you determined that that's --

MR. DAY: Yes, sir. We're going to be using a Ready Rock wall. It's a gravity wall. It doesn't need geogrid. Mr. Hines was concerned about the fact an eighteen-foot wall, rightfully so, would require a geogrid, which means a certain distance behind the wall -- being that



1  
2 it's a gravity wall we wouldn't have to do that.  
3 These are basically pockets and they're full of  
4 stone. They rely on gravity instead of a  
5 geofabric to resist global stability. It's less  
6 of an impact to this area here. We're able to  
7 maintain a ten to twelve-foot buffer from the  
8 actual property line. That can be landscaped  
9 once we're done because there's no geogrid to  
10 affect where you can't have roots.

11 MR. MENNERICH: Thank you.

12 CHAIRMAN EWASUTYN: Comments from Board  
13 Members. Karen Arent, Landscape Architect?

14 MS. ARENT: This plan is, much more  
15 than the previous plans, aesthetically pleasing.  
16 We'll have to take a look at the landscape plan.

17 There is erosion along that stream  
18 channel. Will somebody be looking at that as  
19 part of this?

20 MR. DAY: I did notify Janice  
21 Wintowski. She is trying to make an appointment  
22 with Mr. Go -- I can never -- he's one of the  
23 gentleman for Habitat.

24 MR. HINES: Doug Goggler.

25 MR. DAY: Yes. He's going to be coming

1  
2 down with Janet to review it. We right now  
3 aren't seeking a permit. She may give us what  
4 she's calling an emergency permit to do it if she  
5 feels stabilization is required, which I think  
6 she's going to.

7 MS. ARENT: Okay. That's it.

8 CHAIRMAN EWASUTYN: Bryant Cocks,  
9 Planning Consultant?

10 MR. COCKS: In regard to zoning and the  
11 issue with the 45 foot buffer, I did take a  
12 second look at it. As Mr. Daly mentioned, a  
13 variance wouldn't be necessary for the 45 foot  
14 buffer because of the access drive being there.

15 With the bulk table, though, it's  
16 listed as no maximum building height when it's  
17 actually 35 feet. You guys have your building  
18 listed at 38.33.

19 MR. DAY: I have to ask you where  
20 you're getting that from? We only found 40  
21 percent. In the bulk regs in the Town Code it  
22 stipulates 40 percent.

23 MR. COCKS: I also saw the table of  
24 bulk regulations, 315-05. There's new zoning  
25 codes from `09. I have it here.

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2 MR. DAY: Okay. The one online still  
3 must be old for the E codes because it still  
4 lists it as 40 percent.

5 MR. COCKS: For the retail use you guys  
6 have listed it is 35 feet.

7 MR. DAY: We can meet it. The 38 was  
8 the old plan. When I raised the grade it brought  
9 it right to the stem wall. We are 35. I did  
10 pick up -- we did forget to change it when we  
11 resubmitted.

12 MR. COCKS: Okay. My next comment was  
13 regarding access for the manufacturing. Now when  
14 you guys get most of your equipment in and you  
15 don't have to use that steel frame, is the  
16 elevator going to be straight through the front  
17 lobby if you're bringing in motorcycles to get  
18 fixed?

19 MR. DAY: No. The elevator is actually  
20 in the back corner here. It's going to remain  
21 back there because of the size of it. What  
22 they're going to do is roll bikes in from the  
23 back. It's going to have two doors, front and  
24 back. They're going to roll it in and roll it  
25 directly out into the retail and out the front

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door.

MR. COCKS: Loading and unloading of say stacks of sheet metal is through the front door?

MR. DAY: That was the concession they made, and I think rightfully so. They don't have such large deliveries as they would. Most of the stuff is smaller.

MR. COCKS: Okay. Is the applicant going to be providing a loading zone at some point over there? I know you're at the front door. I didn't want, per the fire code, a truck to be stopped in that front access drive.

MR. DAY: We could try to get it. Most of the deliveries are off hours. They're not during normal business hours. We could provide a dock back here. That is what we anticipate as being employee parking on the west side. That area would be normally open. We could provide that.

MR. COCKS: Okay. The area around the building, the sidewalk is very wide. Is that going to be planted at all or is that going to be for display of motorcycles?

1  
2 MR. DAY: Actually, you don't have the  
3 benefit of the plan, I'm sorry. The easterly  
4 side is -- we're going to provide that. That's  
5 landscaping. That's a five-foot buffer, if you  
6 will. The other side is sidewalk. So we're  
7 going to leave that open for people that are  
8 walking in from this side or parking here. They  
9 would be able to walk up to the front of the  
10 building because that is the only entrance for  
11 say patrons.

12 MR. COCKS: Okay. Will there be  
13 outside display of motorcycles in that front area  
14 there?

15 MR. DAY: It's not anticipated at this  
16 time. The building has windows in the front so  
17 they'll be able to, you know, display their  
18 museum bikes and, you know, other things.

19 CHAIRMAN EWASUTYN: Tables or chairs as  
20 far as eating during the warm months?

21 MR. DAY: We haven't talked about it.  
22 We're not anticipating that. No, sir.

23 MR. COCKS: If there is going to be any  
24 street furniture, benches or anything like that  
25 out front, that just has to be labeled on the

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plans also.

Just in the narrative there's just a discrepancy between the hours of operation for the cafe. I'm not sure which one you guys were going to go with. That needs to be addressed.

There were two studies submitted. The first was regarding threatened and endangered species. The study concluded there was no impact on the Indiana Bat or Bog Turtle, or any other threatened or endangered species.

The cultural resource study, the phase 1-A did ask for the Planning Board to consider a fence surrounding the existing cemetery. We discussed it at the work session and I know that that is on DOT property. I don't know if it would really be feasible or actually look aesthetically pleasing to put say a six-foot high metal fence surrounding that. We were discussing the possibility of putting a fence along your property line to maybe just separate the parking lot from the cemetery and not have people trying to walk through there.

CHAIRMAN EWASUTYN: Bryant, when we refer this to SHPO, will they be commenting on

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things like that?

MR. COCKS: I think so.

CHAIRMAN EWASUTYN: Why don't we wait until we get a response back from SHPO.

MR. COCKS: Okay. That's fine.

And we discussed the special events.

Also, I know we previously discussed just the waiver of the design guideline requirements for the parking in the front yards.

Other than that, I didn't have anything.

MR. GALLI: I just have a couple questions. Is there -- besides the manufacturing, and selling, and displaying bikes, do they plan on taking in other lines? That's what we were discussing for the display out front.

MR. DALY: I'm not aware of that.

MR. GALLI: I know they had the Cote. It's just their own -

MR. KROLL: We only have our own. That's all we have.

MR. GALLI: Okay. Maybe this is a question for the attorney. This is an IDA project

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or no? Like the last one. Did you get approved for that?

MR. MARKOVITS: No.

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

CHAIRMAN EWASUTYN: Any additional comments from Board Members?

(No response.)

CHAIRMAN EWASUTYN: Pat Hines, Drainage Consultant?

MR. HINES: We just talked about the phase 1-A and B which will be submitted to SHPO for the SEQRA review.

I think this plan takes into account the site features much better than the previous plan, taking into account the lot geometry, the stream and the topography. Reducing the retaining walls is a plus there.

The previously issued DEC permit for the culvert under Crossroads Court is still labeled there. That needs to be removed.

We talked about event parking which will need to be addressed.

We don't have any technical details. They're waiting for conceptual approval. This



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plan certainly functions better on the site than the last one.

We'll be awaiting submission of detailed plans.

CHAIRMAN EWASUTYN: Mr. Daly, you'll coordinate with Bryant Cocks and Bryant Cocks will make all the circulations to the Orange County Planning Department.

What other agencies along with SHPO?

MR. COCKS: We have the City of Newburgh for sewer flow acceptance, the Town of Newburgh Highway Department, Orange County Health Department and Orange County Planning Department, the Orange Lake Fire Department, the Town of Newburgh Ambulance Corp and SHPO. So that makes seven.

CHAIRMAN EWASUTYN: You'll work with Bryant submitting the necessary plans and Bryant will do the circulation.

MR. DALY: Yes, sir.

CHAIRMAN EWASUTYN: Okay. At this point I'll move for a motion from the Board to waive the design guideline standards as far as having parking in the front yard.

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MR. MENNERICH: So moved.

MR. FOGARTY: Second.

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

MR. BROWNE: Yes, John. We should recite the reason we're waiving that.

CHAIRMAN EWASUTYN: Does someone want to make a reason? Karen, do you -- or Bryant Cocks, why don't you put a reason.

MR. COCKS: Due to the fact that this property is surrounded by three separate roadways and there are three front yards, it would be virtually impossible to be able to tuck the parking in the side or rear yard since there isn't one. The applicant is going to provide screening along Route 17K and Crossroads Court to screen the parking areas. I think the intent of the design guidelines can be met.

CHAIRMAN EWASUTYN: We have a motion by Ken Mennerich. We have a second by Tom Fogarty. We have discussion by Cliff Browne. We'll amend that motion for the reason that this waiver is granted based upon the recommendation of our

1  
2 Planning Consultant, Bryant Cocks, which was just  
3 discussed as part of the minutes.

4 I'll move for a roll call -- any  
5 further discussion?

6 (No response.)

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

9 MR. GALLI: Aye.

10 MR. BROWNE: Aye.

11 MR. MENNERICH: Aye.

12 MR. FOGARTY: Aye.

13 CHAIRMAN EWASUTYN: Myself. So carried.

14 At this point I'll move for a motion to  
15 grant conceptual site plan approval for G&M  
16 Orange, LLC.

17 MR. FOGARTY: So moved.

18 MR. BROWNE: Second.

19 CHAIRMAN EWASUTYN: I have a motion by  
20 Tom Fogarty. I have a second by Cliff Browne.  
21 Any discussion of the motion?

22 (No response.)

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

25 MR. GALLI: I'll vote yes for the

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G&M ORANGE, LLC

conceptual site plan. In the future if the parking isn't satisfied, I'm not going to vote yes on anything in the future.

MR. BROWNE: Aye.

MR. MENNERICH: Aye with the same reservation Frank Galli expressed.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

Thank you.

(Time noted: 7:50 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: May 14, 2011

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

----- X

In the Matter of

MID-HUDSON FEDERAL CREDIT UNION  
(2011-01)

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

----- X

CONCEPTUAL PHASE II SITE PLAN  
ARCHITECTURAL REVIEW BOARD

Date: April 21, 2011  
Time: 7:50 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JOHN CAPPELLO

----- X

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

1  
2 MR. BROWNE: Our last item of business  
3 is Mid-Hudson Federal Credit Union, conceptual  
4 phase II site plan and ARB, being represented by  
5 John Cappello.

6 MR. CAPPELLO: Good evening, everyone.  
7 John Cappello again. I'm here with John Cote  
8 from Langan Engineering; and Joe Korn, project --  
9 property owner; and our representative from Mid-  
10 Hudson Federal Credit Union to present the Mid-  
11 Hudson Valley Credit Union site plan.

12 I'm sure you're all aware this is the  
13 Newburgh Plaza on Union Avenue. We were here  
14 about a month-and-a-half ago, had presented the  
15 plans, presented the architectural. We received  
16 concept approval and went back to do the detailed  
17 plan. John is appearing tonight to present the  
18 detailed plans.

19 I think the majority of the comments  
20 really related to around the landscaping and the  
21 view from Union Avenue. We've submitted  
22 substantially revised plans that include a wall  
23 along the front of the space. As soon as John  
24 gets up here I'll let him provide the details.

25 We feel that we've responded to the

1  
2 comments, have reached out to the consultants for  
3 some input and we're here tonight hopefully to  
4 discuss conditional approval.

5 MR. COTE: Good evening. I'm John Cote  
6 from Langan Engineering. The plan set that we  
7 submitted included -- went beyond the original  
8 concept plan to include the full suite of the  
9 engineering drawings, the site plan, grading  
10 plan, utility plan, details for purpose of  
11 construction. The modifications we made were  
12 predominantly related to the landscaping.

13 We had discussions with your  
14 professional, Karen Arent, regarding what the  
15 combination of landscaping would be. The  
16 dominant feature was to add inclusion of a stone  
17 laid wall up along Route 300. What we did, as  
18 opposed to having just one linear wall, we  
19 actually supplemented with additional landscaping  
20 and did a combination of both wall landscaping to  
21 make that an attractive appearance along the  
22 frontage. We also did some additional  
23 replacement of planting areas that were existing  
24 that will be taken out to make it more coincident  
25 with the theme being provided throughout the rest



1  
2 of the facility. We added additional pockets of  
3 landscaping on the various corners as well as  
4 screening around the proposed transformer  
5 location and what would be ground-type plantings  
6 around the building. They're low-lying  
7 plantings. That's part of the security of  
8 financial institutions to prevent any  
9 obstructions or places where people can in effect  
10 hide.

11 Right now the plan maintains the  
12 thirty-four parking spaces that we have.

13 Circulation wise we've added on the  
14 site plan proper drive arrows to show which way  
15 all the directions go.

16 In addition to maintaining the  
17 circulation that we had with the inclusion of the  
18 wall front and parking that we had previously  
19 proposed, we also provided all the utilities and  
20 the grading and how it's going to interconnect as  
21 far as positioning of the buildings. Basically  
22 the building will be set at an elevation that's  
23 approximately equal to the existing building  
24 that's out there right now, just for visual if  
25 you were to drive onto the site.

1  
2 The area drains itself. In terms of  
3 the proposed stormwater, it will maintain its  
4 connection to the existing on-site stormwater  
5 system. Part of the overall redesign with the  
6 addition of all the landscaping has resulted in a  
7 reduction of the overall impervious for the site.

8 Then with that, both the sidewalks  
9 along the south side and the connection through  
10 allow a link to the Home Depot portion, which  
11 then there are sidewalks that make its way  
12 throughout the rest of the site.

13 One comment by Mr. Wersted was  
14 regarding this access drive. What we did is we  
15 are going to look to maintain it. We're  
16 requesting to maintain it. It is a one-way in.  
17 It no longer allows the exiting maneuver for the  
18 purpose of allowing people to make a decision to  
19 come in to this point, and beyond that they can  
20 also circulate around the site if they'd like to  
21 pass the main driveway.

22 Other than really just getting the  
23 details down as far as creating drainage  
24 utilities and changes for the landscaping, that's  
25 really the heart of it. What you saw previously,

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along with the architectural remaining in the fashion it was presented the last time we were here, that's the nature of the revisions.

CHAIRMAN EWASUTYN: Thank you, John. Frank Galli, Planning Board Member?

MR. GALLI: I don't have any questions on the site or the actual building itself. I think it's going to look really nice up there.

The gentleman in the audience from Newburgh Plaza, I do have a concern that I don't think we should tie to this but the fence in the back part, that's falling down.

MR. KORN: We keep re-putting it back up.

MR. GALLI: Maybe after six years you can put something permanent.

MR. KORN: It needs the State to sign off on the clean up.

MR. GALLI: I realize that. The fence you have up there keeps falling. I know it's snowplows but it looks ugly. I mean it's really an eyesore. It's been six years. If we can get something more permanent that will look pretty decent. Like I said, it has nothing to do with

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this project but since you're in the audience I've got a chance to vent to you, so I might as well take an opportunity for the Town.

I'm fine with the project. It's good.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: I'm good with the plan.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I'm good with the plan.

I think there's some items that our consultants brought up that need to be addressed.

CHAIRMAN EWASUTYN: Thank you. Tom Fogarty?

MR. FOGARTY: I think one of them was the forty-foot lighting fixtures, which there's no need for that.

MR. COTE: The reason that we used the forty foot was to be coincident with what was used on the site. There are existing fixtures that were there and we're supplementing them.

CHAIRMAN EWASUTYN: The design guidelines have changed, or there wasn't a design guideline at the time. In keeping with what has been approved along that corridor, we're going to ask you to -- I'll let Karen speak on that --

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adjust the height of those lights.

Karen.

MS. ARENT: The height of the lights should be twenty feet or less. On the project across the road you have three different sizes of lights.

MR. COTE: We can work with the different light size. I'll coordinate with the owner.

CHAIRMAN EWASUTYN: I think what we're getting to is we're going to set a height now.

MR. COTE: Sure. I mean I'll redesign it with that height in place. I can coordinate the technical adequacy of it with your consultant.

MS. ARENT: Another point that was brought up during discussion at work session was to increase the height of the wall from twenty-four inches to thirty inches.

MR. COTE: One of the reasons I originally asked for that is we had talked about the walls, and part of the client's take on this was with the investment in the architecture and having the stonewall base along the physical

1  
2 building itself, his concern was creating a wall  
3 that ended up adding as kind of a view corridor,  
4 to a lesser degree an obstruction. Rather what  
5 he'd like to do is maintain the two foot. He  
6 basically said it allowed us to add additional  
7 plantings throughout to supplement that. I  
8 originally said we could do a three-foot wall and  
9 go back to our original plan, just supplement the  
10 lesser planting scheme. If it's possible we'd  
11 like to ask for that two foot --

12 CHAIRMAN EWASUTYN: The front of the  
13 building on that rendering, which is the front  
14 now?

15 MR. COTE: The elevation -- this is --

16 CHAIRMAN EWASUTYN: That would be the  
17 front?

18 MR. COTE: This is that elevation here.

19 CHAIRMAN EWASUTYN: So then you would  
20 go from the stonewall that may be two-feet high  
21 to -- what's the height of the stone along the  
22 building?

23 MR. COTE: That's around two-and-a-half  
24 to -- I don't have a depiction. I think it's two-  
25 and-a-half feet high.

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CHAIRMAN EWASUTYN: Then your eyes would carry to that.

MS. ARENT: The only thing is all the cars are going to be in front of that.

MR. COTE: It was one of the questions I asked.

MS. ARENT: I understand. It's up to the Board.

MR. COTE: That was the logic behind the revision to bringing the wall into the scenario, supplementing it with additional landscaping to allow for the two foot. So you'll still get the visual of the wall but then you'll have the additional planting. That is what we would like to request if possible.

CHAIRMAN EWASUTYN: And the width. The original -- originally you had said you didn't see a need for that much mitigation because of the width of the, we'll call it between Route 300 and the building itself. How much of a green area is along there?

MR. COTE: Bear with me.

CHAIRMAN EWASUTYN: That's a fairly large green area.

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MS. ARENT: That's true.

CHAIRMAN EWASUTYN: It does soften things.

MR. DONNELLY: Karen, am I correct that if we go to twenty feet we don't need a design guideline waiver?

MR. COCKS: Twenty feet is okay.

MS. ARENT: That's correct.

MR. COTE: Right now what we have is from the edge of the current Route 300 curb line to our interior curb line is thirty feet worth of green area.

MS. ARENT: It does help a lot.

CHAIRMAN EWASUTYN: That's a large area to soften the impact.

MS. ARENT: That's true.

CHAIRMAN EWASUTYN: The Board would accept a twenty-four inch wall?

MR. FOGARTY: That's fine.

CHAIRMAN EWASUTYN: Cliff?

MR. BROWNE: Yeah. I think Karen's comment about the cars in front of it, I don't think it would make much difference if it's a two foot or thirty foot -- thirty inch. Yeah, I'm



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okay with that.

MR. GALLI: The plantings will cover it.

CHAIRMAN EWASUTYN: Anything else, Karen?

MS. ARENT: You're going to need to submit a cost estimate. On all correspondence regarding the project and the cost estimate and the check for the bond, everything should have the Town project number on it.

MR. COTE: Yes. 2011 --

MS. ARENT: Yes. The condenser units for the building, where will they be located and how will they be screened?

MR. COTE: That's a pocket area here. Again, it's going to be screened up to that eighteen-inch height.

MS. ARENT: So it's taken care of. Thank you. That's it.

CHAIRMAN EWASUTYN: Bryant, you have two significant points. I think one is --

MR. COCKS: The first is regarding the signage for the site. A variance was granted in 2006 that states the allowable signage on site is

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2 equal to two percent of the total gross floor  
3 area for all buildings on site, totaling 4,900  
4 square feet, which would end up with 1,400 square  
5 feet of signage allowed. They didn't say that  
6 it's two percent of each building. It's two  
7 percent of the total. So I didn't know what the  
8 applicant was planning on for signage on the  
9 building and what signage they were going to put  
10 on the pylon sign. If it was only two percent it  
11 would only be 79 square feet. I'm not sure what  
12 the exact number of square footage of signage is.

13 MR. COTE: What I could do for that --  
14 the original application that had the variance  
15 has an actual signage allocated to that  
16 particular tract, to the phase III tract. The  
17 signage proposed by the applicant is slightly  
18 below that amount. It's above the 79 the way it  
19 was allocated because all the other signs were  
20 physically determined. What I can give back to  
21 you is the actual sign package that was  
22 originally submitted. It will show what that  
23 number is that was allocated to phase III. I can  
24 show you the signage from the applicant's  
25 architectural drawings that will give you the

1 true square footage to show it's compliant with  
2 that. What we would like to do is we'd work  
3 under that original variance that was granted and  
4 work under that amount that was approved for that  
5 phase III portion of the site. I can provide that  
6 documentation from the prior application.  
7

8 MR. COCKS: Yeah. Along with that,  
9 could you please just put the signage chart on  
10 the plans so the building department can  
11 reference that?

12 MR. COTE: Absolutely. I'll give you a  
13 figure to go with it so it identifies each of the  
14 signs and the square footages clearly, and what  
15 was previously proposed and what is currently  
16 proposed.

17 MR. COCKS: That would be great.

18 The other issue was regarding the sewer  
19 flow acceptance from the City of Newburgh. I  
20 think you had a number that was already addressed  
21 but that is going to need to be in place before  
22 the Board can grant final approval for the  
23 project.

24 MR. COTE: With the prior negative  
25 declaration the flows were considered from the

1  
2 Lloyd's redevelopment to the new Kohl's,  
3 PetSmart, and this was in that package. It was  
4 in the package as the 3,090 I think something  
5 square feet, or 80 some square feet. So we have  
6 a table that's revised that shows the flow, and  
7 ultimately that flow still -- the difference is  
8 -- I have the table with me. I can give you that  
9 if you don't mind. The flow is still, in all  
10 effect, what it was previously which is below the  
11 Lloyd's. I can provide you the negative  
12 declaration and those two tables, what we had for  
13 the original approval and what it would be now.  
14 The difference is something like 90 gallons per  
15 day on the overall between the pre and post, the  
16 previous gas station renovated facility versus  
17 the current financial institution. When you look  
18 at the numbers, I think it was a difference  
19 between -- I think it was not even a .1 gallon  
20 per minute. It was less than that with the change  
21 in the flow. I actually have the table. If you  
22 don't mind, I can give that to you now.

23 MR. HINES: It's his comment but I'll  
24 look at it. We needed that. We can't give an  
25 approval until that matches.

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CHAIRMAN EWASUTYN: There was something similar to this we discussed, and I can't think of the project. Jim Osborne acknowledged that it was in compliance.

MR. HINES: Was it the Homewood Gas Station? A little bigger.

CHAIRMAN EWASUTYN: I don't remember. We have discussed this and acted on this with Jim Osbourne's concurrence.

MR. GALLI: It wasn't Target, was it?

CHAIRMAN EWASUTYN: It was more recent than Target. I couldn't remember that far back.

MR. CAPPELLO: We did the same analysis as Target when we did the Kohl's and PetSmart. We followed that.

CHAIRMAN EWASUTYN: But we did get a sign off for -- the City flow acceptance sign off.

MR. CAPPELLO: We were exceeding.

CHAIRMAN EWASUTYN: Who made that a final approval, though?

MR. CAPPELLO: I think the Planning Board just acknowledged it.

CHAIRMAN EWASUTYN: I don't think --

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MR. KORN: Lloyd's had never been disconnected.

CHAIRMAN EWASUTYN: I think what we can do, rather than reviewing this now, we could if -- Pat, we could act on this under Board Business at a later date when you've had a chance to review with it Jim Osborne, or do you feel you're in a position to make that decision now?

MR. HINES: I'm okay because they are showing it less. In addition to that, when they come back for restaurant A, which I believe is proposed to be somewhere inside that falling down fence. There's a significant amount in phase II. It's this building as well as the restaurant.

CHAIRMAN EWASUTYN: There is capacity?

MR. HINES: There is capacity on the site now, yes.

CHAIRMAN EWASUTYN: Okay, fine.

MR. HINES: Just for the record, the original Lloyd's retail, so we have it on the record, was 24,981 gallons based on 1 gallon per day per square foot. The total build out of the site, including the future restaurant, is 23,476 gallons per day.

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CHAIRMAN EWASUTYN: Okay.

MR. GALLI: So they all meet the flow acceptance?

MR. HINES: Correct. They're under the originally approved limit that was tributary to the City of Newburgh.

MR. GALLI: So that will save a year.

MR. HINES: That will save a year. Correct.

MR. CAPPELLO: What I hear is we should start on restaurant A now.

CHAIRMAN EWASUTYN: Bryant, do you have additional comments?

MR. COCKS: My only other additional comment is just the issue of a waiver of the design guideline requirement for the parking in the front of the site.

CHAIRMAN EWASUTYN: And the reason why we would grant that waiver?

MR. COCKS: There's two. One is this is an existing site and the parking lot is going to be in the same area. The other is that the applicant is providing a stonewall and additional landscaping to mitigate impacts and screen the

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cars.

CHAIRMAN EWASUTYN: Based upon the discussion that Bryant Cocks, our Planning Consultant, made to us, we're waiving the design guideline standards, we're allowing parking in the front. I'll move for that motion.

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: Any discussion of the motion?

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

Bryant, I don't remember, did we waive the public hearing which was discretionary for this site?

MR. DONNELLY: Yes. On February 3rd.

CHAIRMAN EWASUTYN: Thank you, Mike.



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Pat Hines, any additional comments?

MR. HINES: We took a look at the stormwater management evaluation that was submitted in the original report and did confirm that this site is tributary to the existing detention pond on the northwest portion of the site. It is not tributary to the City of Newburgh's water supply, which was a concern during the initial evaluation.

The site is converting a former gasoline station, which would be considered a stormwater hotspot, to a less intense use of a bank facility, and there is a reduction of .15 acres of impervious surface that is now going to be pervious surface based on the increase in landscaping. Based on that, the site complies with the original approval of the stormwater management report and complies with the new stormwater regulations by taking that stormwater hotspot out, reducing the impervious surface, and it does discharge not to the water supply.

Our other comment is I believe that the structure needs to be sprinklered. Jerry Canfield is not here tonight but I believe any

1 structures greater than 2,500 square feet need to  
2 have sprinklers. This only shows a one-inch  
3 water line. You may need to upgrade that water  
4 line to be in compliance. Those details need to  
5 be in compliance with Town standards, that when  
6 the sprinkler is shut off, the potable water to  
7 the building is also shut off.  
8

9 My last comment has to do with the  
10 temporary fencing in the southeast corner, which  
11 was discussed.

12 I have one more. You were going to  
13 give me information on the tanks that were  
14 removed from the site.

15 MR. COTE: Just the records of the  
16 prior removal of the tanks. I'll get that for  
17 you.

18 MR. KORN: Hopefully we're close to  
19 getting something off the desk out of New Paltz.

20 MR. COTE: The records have all been  
21 submitted.

22 MR. KORN: It's been there since the  
23 tanks were removed three years ago. Hopefully  
24 we'll get the letter back.

25 CHAIRMAN EWASUTYN: Really?

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2 MR. KORN: The tanks were removed three  
3 years ago when we did the Kohl's. All that  
4 remains is a couple pipes in the canopy. We  
5 didn't want to tear the canopy. We've been  
6 waiting for the file and we've been told by the  
7 Attorney General's office they requested DEC to  
8 close this file and issue papers. We're trying  
9 to get it.

10 MR. HINES: I would suggest those be  
11 required prior to issuance of a building permit  
12 to close that out. Jerry Canfield can follow up  
13 on that.

14 CHAIRMAN EWASUTYN: Mike, do you have  
15 that?

16 MR. DONNELLY: I'll put it in.

17 MR. KORN: It's been a nightmare.

18 CHAIRMAN EWASUTYN: Would you like to  
19 make a summary at this point?

20 MR. CAPPELLO: We would ask the Board  
21 for conditional final based upon the reduction of  
22 the light fixtures to twenty feet, addressing the  
23 engineer's comments as it relates to sprinklering  
24 the site and upgrading the water line as  
25 necessary, and submission of confirmation from

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the DEC regarding the removal of the tanks from the site, and payment of all fees. I'm trying to remember the rest of the part of the resolution.

MR. HINES: I think that the DEC can be a building permit issue with the building department rather than waiting for signing of the maps.

CHAIRMAN EWASUTYN: Okay. Comments from Board Members before I refer to Mike Donnelly, Planning Board Consultant?

MR. GALLI: They can't stick the fence in there; right?

MR. HINES: That is on this site, so --

MR. GALLI: I'll take his word that he's going to fix it.

MR. CAPPELLO: If you want to call the DEC to get them to get us -- while they're giving us the thing, they could sign off on that site and we could remove that fence. I don't know how many years we've been waiting on that also.

MR. BROWNE: I'm good.

MR. MENNERICH: No.

MR. FOGARTY: As long as the owner is here, we spend a lot of time on landscaping and

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2 how it's going to look. This is a great addition  
3 to that 300 corridor. We've seen many times when  
4 everything is done and all the plants are in, no  
5 one takes care of them. Plants die, grass dies.  
6 I've seen it happen two or three times. The only  
7 thing I'm asking you to do is just water it, take  
8 care of it. It's a nice site.

9 MR. KORN: Those plants have grown  
10 pretty well over the years.

11 MR. FOGARTY: It's going to be a nice  
12 addition.

13 CHAIRMAN EWASUTYN: Mike Donnelly, you  
14 can you present us -- have we approved the ARB?

15 MR. DONNELLY: I was going to ask you  
16 that.

17 CHAIRMAN EWASUTYN: John, for the  
18 record can we just go through the ARB, realizing  
19 that at some point in time you'll have to  
20 complete an ARB form? Do You want to walk us  
21 through the improvement for the ARB? Unless you  
22 want to come back another time.

23 MR. COTE: From a presentation point of  
24 view, I have the original boards that were  
25 presented. I don't know if -- from a description

1 point of view, I'm not sure if I can cover all  
2 that relative to the renderings that were  
3 previously provided. In addition to that, we  
4 have a material board here that basically  
5 identifies the different types of materials that  
6 will be proposed around the new building. I'm  
7 going to apologize if I don't articulate it as an  
8 architect would. The previous presentation  
9 talked about some of the earth tones that would  
10 be used on the building. I spoke earlier about  
11 the lower portion of the perimeter of the  
12 building and the feature at the entrance. There's  
13 a visual stone veneer that's presented for that  
14 purpose. The shingle types in terms of a -- I'll  
15 call it a tan earth tone type look. There will be  
16 a series of, around the windows, type brown here  
17 metal trim treatment that will be in an anodized  
18 aluminum. The gutter downspouts will have their  
19 color to work with the siding. I want to call it  
20 -- I'm not sure if this is cementitious clapboard  
21 that you're using. On some portions of the  
22 building, the upper reaches where the signs are  
23 and the gable area, there's an EIFS with a  
24 particular color tone that you see here. Those  
25

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2 are the principal materials to be used throughout  
3 the building. On the canopy it will match the  
4 roof style compared to the shingles, and there  
5 will be treatments at the base of the columns and  
6 the stone work that's used on the base of the  
7 building to marry the two together.

8 CHAIRMAN EWASUTYN: Karen, it's  
9 important that it be tied in with what's  
10 discussed tonight as far as the ARB and notes  
11 or --

12 MS. ARENT: We need a drawing that  
13 lists all the materials and the colors that  
14 you're presenting, and also a note that the stone  
15 will match the native indigenous stone in the  
16 Town of Newburgh.

17 MR. COTE: The wall is annotated that  
18 way on the site plan. On the building as well?

19 MS. ARENT: Yes.

20 MR. COTE: Okay.

21 MS. ARENT: For it to match the  
22 stonewall as much as possible and the native  
23 stone.

24 MR. COTE: Color wise, as long as it  
25 fits within the palette --

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MS. ARENT: Right. If it's possible, just a similar pattern. Usually it's possible.

MR. COTE: Okay. This might be a little different because of the --

MS. ARENT: A little different is fine.

MR. COTE: -- stone lay. This visual color wise but the indigenous stone may be more uniform in appearance when you do the laid stone. This has some variation. When you talk about distressed brick --

MS. ARENT: It's hard to tell from that sample.

MR. COTE: I can bring it over to you if you'd like.

MS. ARENT: It's up to the Board.

CHAIRMAN EWASUTYN: I think that's reasonable. What you're trying to do is make something as reasonable as possible.

MR. COTE: We'll look to marry it as much as we can to that color. Consistencies of stone.

MS. ARENT: It's not going to be perfect. We understand that.

CHAIRMAN EWASUTYN: Frank Galli?



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MR. GALLI: I think it will look good. They do a good job of decorating their buildings. It's pretty nice.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: I agree. I think it's a good project.

MR. MENNERICH: I agree, too. It will be a very nice addition, especially as compared to what's there now.

MR. COTE: Fair enough.

CHAIRMAN EWASUTYN: Tom Fogarty?

MR. FOGARTY: No additional comments.

CHAIRMAN EWASUTYN: So Mike, we'll make the resolution for both the site plan --

MR. DONNELLY: And ARB. This is a Type II action. There's no further SEQRA required.

You sent a notice to the Orange County Planning Department and they've reported a Local determination.

The conditions are as follows: You will need sign-off letters from the Planning Board engineer, from Karen Arent, from Creighton, Manning, and from Bryant Cocks. In addition, in terms of the issue raised in Pat Hines' letter

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2 regarding the closure letter on the tank, that  
3 shall be delivered to the Town before any  
4 building permit shall be issued. Karen's report/  
5 letter will need a revised plan to be submitted  
6 showing lighting poles reduced to twenty feet,  
7 again before the plans are signed. The applicant  
8 has obtained the City flow letter, at least for  
9 the flows that are on the site at present. A  
10 demolition permit is required. You'll need to  
11 get that from the code compliance department.  
12 We'll have our standard Architectural Review  
13 Board approval condition, and we'll add to that  
14 the requirement that the applicant submit a  
15 completed Architectural Review Board application  
16 with the required materials and notes that Karen  
17 mentioned earlier. Finally, we'll need a  
18 landscape security and inspection fee.

19 I assume the inspection fee is \$2,000?

20 MS. ARENT: Yes.

21 MR. DONNELLY: Our usual condition  
22 which states that no outdoor fixtures or  
23 amenities not shown on the plan may be  
24 constructed without amended site plan approval,  
25 and that includes outdoor canopy units,

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et cetera.

CHAIRMAN EWASUTYN: And the resolution will also state that the Planning Board waived the design guidelines --

MR. DONNELLY: For the reasons that were stated earlier.

CHAIRMAN EWASUTYN: Additional comments from Board Members. Frank Galli?

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: No.

MR. MENNERICH: No.

MR. FOGARTY: No.

CHAIRMAN EWASUTYN: Having heard the conditions of approval for the Mid-Hudson Federal Credit Union for both site plan and ARB presented to us this evening by Attorney Mike Donnelly, I'll move for that motion.

MR. GALLI: So moved.

MR. FOGARTY: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: Myself. So  
carried.

Thank you.

(Time noted: 8:20 p.m.)

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

I, Michelle Conero, a 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: May 14, 2011

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

----- X  
In the Matter of

ELM FARM SUBDIVISION  
(2000-09)

Request for an Extension of COnditional  
Preliminary Subdivision Approval

----- X

BOARD BUSINESS

Date: April 21, 2011  
Time: 8:20 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

----- X

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

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2 MR. BROWNE: We have three items for  
3 Board Business this evening. The first item is  
4 Elm Farm Subdivision, project 2000-09.

5 The applicant is requesting an  
6 extension of conditional preliminary subdivision  
7 approval which will run from May 8, 2011 to  
8 November 4, 2011.

9 CHAIRMAN EWASUTYN: I'll move for that  
10 motion, to grant an extension to the conditional  
11 preliminary subdivision approval as stated by  
12 Cliff Browne for Elm Farm Subdivision.

13 MR. MENNERICH: So moved.

14 MR. FOGARTY: Second.

15 CHAIRMAN EWASUTYN: I have a motion by  
16 Ken Mennerich and a second by Tom Fogarty. Any  
17 discussion of the motion?

18 (No response.)

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

21 MR. GALLI: Aye.

22 MR. BROWNE: Aye.

23 MR. MENNERICH: Aye.

24 MR. FOGARTY: Aye.

25 CHAIRMAN EWASUTYN: So carried.

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(Time noted: 8:21 p.m.)

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DATED: May 14, 2011



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

----- X

In the Matter of

GOMEZ MILL HOUSE  
(2009-01)

Request for an Extension of Conditional  
Final Site Plan Approval

----- X

BOARD BUSINESS

Date: April 21, 2011  
Time: 8:22 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  
THOMAS P. FOGARTY

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

----- X

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

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MR. BROWNE: The second item of business is Gomez Mill House, project number 2009-01.

The applicant is requesting an extension of conditional final site plan approval which will run from April 16, 2011 to April 16, 2012.

CHAIRMAN EWASUTYN: I'll move for that motion, to grant conditional final site plan approval extension for the Gomez Mill House Foundation.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: Myself. So

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carried.

My understanding in talking to the representative from the Gomez Mill Foundation is they're waiting any day now for the money to be released from Albany to move forward on this project. That's what we're waiting for. Now that the State has approved the budget, they feel the money will be coming shortly.

(Time noted: 8:24 p.m.)

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DATED: May 14, 2011

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

----- X  
In the Matter of

CENTRAL VALLEY REAL ESTATE  
(2007-14)

Request for an Extension of Conditional  
Final Site Plan Approval

----- X

BOARD BUSINESS

Date: April 21, 2011  
Time: 8:24 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  
THOMAS P. FOGARTY

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

----- X

MICHELLE L. CONERO  
10 Westview Drive  
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(845)895-3018

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MR. BROWNE: The third and final Board Business item is Central Valley Real Estate, project number 2007-14.

The applicant is requesting an extension of conditional final site plan approval which will run from February 8, 2011 to February 8, 2012.

CHAIRMAN EWASUTYN: I'll move for a motion to grant that extension for Central Valley Real Estate.

MR. FOGARTY: So moved.

MR. MENNERICH: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

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I would like to thank you all and wish you all a happy holiday.

I'll move for a motion to close the Planning Board meeting of April 21st.

MR. GALLI: So moved.

MR. FOGARTY: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: And myself. So carried.

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

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

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DATED: May 14, 2011