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

----- X

In the Matter of

NEWBURGH TOYOTA
(2009-15)

Route 17K (Across from Stewart Airport)
Section 89; Block 1; Lot 67
IB Zone

----- X

SITE PLAN

Date: April 1, 2010
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
JOSEPH E. PROFACI
THOMAS P. FOGARTY

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

APPLICANT'S REPRESENTATIVE: GREGORY SHAW

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

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MR. BROWNE: Welcome to the Town of Newburgh Planning Board meeting of April 1, 2010. At this time we'll call the meeting to order with a roll call starting with Frank Galli.

MR. GALLI: Present.

MR. BROWNE: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. PROFACI: Here.

MR. FOGARTY: Present.

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

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield, Town of Newburgh.

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

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MR. COCKS: Bryant Cocks, Planning Consultant, Garling Associates.

MS. ARENT: Karen Arent, Landscape Architectural Consultant.

MR. BROWNE: At this time I'll turn the meeting over to Joe Profaci.

MR. PROFACI: Please join us in a salute to the flag.

(Pledge of Allegiance.)

MR. PROFACI: If you could please switch off your cell phones. Thank you very much.

MR. BROWNE: Thank you. The first item of business we have this evening is Newburgh Toyota. It's a site plan being represented by Gregory Shaw.

Greg.

MR. SHAW: Mr. Chairman, if it's all right, I thought maybe we'd start with the architectural review tonight.

With me tonight is Dan Barteluce who is the architect for the project. He will review the architectural review.

MR. BARTELUCE: Good evening. What I have in front of you is the first floor plan of

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the proposed Newburgh Toyota. The first floor is about 36,000 square feet and the second floor level over the offices, over the parts area is about 8,700 square feet for a grand total of about 45,000 square feet of building area.

The showroom. There's a new car delivery here on one side that has three lanes for cars. There's a service department in the rear which is about 14,000 square feet, a parts storage which is behind the showroom which is about 3,000 square feet. The second level, which is just offices, is 4,500 square feet. The second level, just to give you a sense, it's just this portion here. Most of it is parts storage, some offices. The showroom itself is a two-level showroom, so the offices -- the owner and the manager and conference room look down into the showroom itself. There's the grand stair that takes you up, and a handicap elevator.

Back to the first floor. The entrance -- this is kind of a typical Toyota dealership. They have a national standard. We kind of follow those standards. We've done several of these. They have a portal in the front, which here is

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free standing, that you walk under and into the vestibule. They have a small lounge area and the showroom itself with offices.

We received some of the comments back, and what we're doing here is -- just to show you the various elevations, the front elevation facing Route 17, this entrance portal, the actual entrance door is glazing, clear glazing, up to a band here of aluminum panel and signs that talk -- and we have another board on that, that talk about Newburgh, the Toyota with the icon and the Scion sign.

What we've done is show you where the mechanical units are on the roof, and we drew a sight section, because there was a concern that you would see these units on Route 17. There's quite a grade difference from the floor elevation from Route 17. We took a sight line here, a car on Route 17 looking up. The parapet actually hides the units. We deliberately put them in the rear of the property. We have a site plan somewhere. Anyway, we deliberately located the units as far back as we could for the showroom and as far back as we could for the service area.

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There's no screening because they're out of view from all views, from the south, from the north. We cut this section right through the berm, the parking area here. Actually, as you get close to the building they become less apparent because of the -- as you get closer and closer. These are where we located the units. This is that portal that I mentioned. We've highlighted them in yellow. So we took this unit deliberately as far back as we could, but because of the grades you can't see it anyway. These others are even further back. There's a sight line study we did from here, but that's so far beyond at best you wouldn't see the top at all.

MR. GALLI: Where is the elevator on that one?

MR. BARTELUCE: The elevator is here. It's just a slight projection above the roof. It doesn't project beyond -- because of the height we have on the second floor, it doesn't project beyond the height of the actual parapet.

MR. GALLI: It's not one a car can go up on?

MR. BARTELUCE: No. It's strictly an

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ADA elevator for handicap customers or office employees to get to the second floor.

We did some renderings. This is our signage board. Before I actually show you that, we'll take this board. This is an actual computerized rendering showing the grades that Mr. Shaw put together. The original sketch that we had done we hadn't -- we weren't really rendering it with the final grades and topo.

The comment that there was a wall, a white wall in front of the building is actually now -- Greg has taken the grades up so high that it's just the outline of the curb. It's just a concrete curb you'll see. There's no wall.

This is the sign pylon at the road front, and then there's a sign here for Scion. The portal itself gets two signs, it gets the name of the actual dealership, which is Newburgh, and then the Toyota with the icon above. The signage, we did this one area and it doesn't show the rooftops but it shows the little projection there. The signage board that we put together -- we have about 624 linear feet of frontage. We're allowed 312 square feet of signage. We depicted

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each sign that we have. The Scion which is this illuminated black background, white letters that are illuminated, the white icon for the actual Toyota, the Toyota logo underneath it and then Newburgh. The sign that we have out front, the pylon sign which is only 8 feet tall and 10 feet wide, we took the signage for just the letters, the icon and the Scion logo which is only 13 square feet. You double that and we're well under the 312 square feet that we're required. We have 252 square feet of total sign area if we're allowed to just take the sign off that background which is -- and then double it for the other side. So we're well within the sign criteria if you accept the way we calculated that particular sign pylon. As you can see in the rendering, it's not like it's 30 feet tall and a big glaring thing. It's pretty nondescript. As it relates to the way they design these, there's a corporate design. Again, it's only 8 feet tall and 10 feet wide. It is illuminated. We have done the calculations so that it depicts all the signs and we're at 252.

The materials that we've selected are

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also part of the corporate standard for Toyota. The base of the building is this silver lukavon which is the look of the building. The red stripe is also a lukavon panel which is the stripe above the wall. The glass is all clear glass. The black is the store front system itself. The back side of the building and the sides of the building are either Drive-It stucco or split face masonry. For the base of the building we're using masonry, the split face that matches the gray of the stucco and the metal, and then above that is stucco which is this panel. There is some white paint that we'll use for gutters and everything like that. It's relatively quiet as far as colors other than a little red strip that you see in this rendering. The portal is something that's a white plastic. It's depicted here. It's illuminated from -- internally illuminated so it's just a warm glow that's on the portal itself. The garage doors that you see here are all glass -- high speed glass doors. So relatively simple. They're pretty much the standard other than what we picked for the block. I.

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Think that concludes at least the presentation. Any questions, I'm more than happy to answer.

CHAIRMAN EWASUTYN: I'll start with Board Members. Frank Galli?

MR. GALLI: Nothing additional, John.

MR. BROWNE: You mentioned two of the signs being illuminated. What type of illumination are we talking about?

MR. BARTELUCE: They're all internally illuminated with neon. They're all relatively quiet as far as the amount of light that comes out of them. The red plastic, which is the Toyota sign. The black dealer sign is internally illuminated but it's just a glow around it. The Scion is just the white letters that would be white plastic on a black background.

MR. BROWNE: Is that acceptable to the code?

MS. ARENT: Yes.

MR. BROWNE: Okay.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I have no questions.

CHAIRMAN EWASUTYN: Joe Profaci?

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MR. PROFACI: Just explain what you meant by saying that you took the sign off of the pylon to calculate the square footage.

MR. BARTELUCE: Well rather than taking that whole mass as 80 square feet, you know, like the building, we wouldn't take the whole building so we just took the sign, the icon -- the Toyota name and the icon for Scion and calculated that area only, not the 10 by 8 background.

MR. PROFACI: Is that permissible?

MS. ARENT: I don't think so. Jerry can speak better on it. I think the building department makes a rectangle around the entire sign with the letters, especially if the whole pylon will be illuminated.

MR. BARTELUCE: No, the pylon is not illuminated. Just the letters.

MS. ARENT: Jerry can speak about that.

MR. CANFIELD: If it's all signage, contrasting colors, it's all figured. That is signage.

I'm a little confused here on what your question is, Karen.

MS. ARENT: He's taking the Toyota and

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that symbol that goes like this and just calculating the square footage of that instead of taking a rectangle around the whole --

MR. CANFIELD: It would be the whole rectangle.

MR. BARTELUCE: We have 624 linear feet of frontage. We're allowed half of that. We're allowed 312 linear feet. The pylon, this little pylon is 80 square feet a side. So it would be 160 square feet, because it's two sided, out of our 312 square feet that's permitted of the entire building. So --

MS. ARENT: We suggest you might need a variance for signage.

MR. BARTELUCE: We don't want to do a variance. We prefer not to.

MR. CORDISCO: I'm not sure -- if I may, Mr. Ewasutyn.

CHAIRMAN EWASUTYN: For the record would you introduce yourself?

MR. CORDISCO: Sure. I'm Dominick Cordisco from Drake, Loeb on behalf of the applicant.

When you're saying create a rectangle

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around the signage area, are you talking about just a rectangle around here or are you counting the entire pylon? Because he's counting the entire pylon.

MR. CANFIELD: And so would we.

MR. CORDISCO: Essentially the entire structure would be considered signage, even though we only have lettering and the icon across the top? That's what I wanted to clarify.

MR. BARTELUCE: Well if that's not acceptable, then we'd like to -- we really don't want to go to the Board for a variance for a couple square feet of signage. We've tried -- you know, this is a corporate, you know, decision. We've tried to reduce all the elements of the signage. We can't seem to get to that square footage to reduce all of this. We think it's inappropriate to build a bigger scale and then put the sign on the building that's so small you can't find it. Rather than asking for a variance we would consider just taking this 93 square foot Scion sign off the building. If that's acceptable then we're actually under the square footage of 312.

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MS. ARENT: That's perfect

CHAIRMAN EWASUTYN: Jerry --

Jerry Canfield is familiar with this because he works for the Town. It would be his advice and recommendations we would go with.

MR. CANFIELD: If what they're proposing at this time is to alter your total signage schedule, then perhaps you may want to submit a plan with the signage that does comply. You always have the option at a later point in time to then apply for the additional signage.

MR. BARTELUCE: I mean what we're over, we can eliminate this sign. Take it off the building, take it off the application and then we're under the square footage counting the whole pylon as 80 square feet. Actually 160 square feet.

MR. CORDISCO: I think that's what we'll do at this point to keep the project moving forward.

CHAIRMAN EWASUTYN: Tom Fogarty?

MR. FOGARTY: Could you talk a little bit about lighting, outside lighting?

MR. BARTELUCE: Greg will talk about

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the exterior lighting as it relates to the parking lot. There's no building lighting, there's no lighting on the face of the building at all. Whatever is illuminated would be -- the dealership is open at night and it would be just coming out of the showroom. The only thing that's illuminated is this pylon they call it which is internally illuminated in this U shape form. There is no other building lighting. You can see how dimly lit that is. With the kind of money they spend on these things. You can see -- actually if I pass these around, this is another building that has all the same elements that you can see with the gray and the red stripe and it's not a beacon of light, it's just a glow, a very subtle glow.

CHAIRMAN EWASUTYN: Does that answer your question?

MR. FOGARTY: Yes. Thank you.

MR. BARTELUCE: My project architect took it another step, which was very nice of him. He has, on the drawings, depicted the foot candle level at the sidewalk. On one side here where the pylon is at that point is 3 foot candles, and

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then it moves -- as you get closer to the entrance it actually drops to 2, and when you get to the one side it drops to 1.9. So it's pretty minimal. As you move out, say about 10 feet from the portal itself, it drops to 1.7 to 1.4. So that's pretty minimal as far as illumination. As you get toward the back it will drop to 0.

MR. FOGARTY: Thanks.

MR. MENNERICH: A question on the Newburgh sign that's on the building. Is that illuminated also in the black?

MR. BARTELUCE: It's just black and it sits on the white background. Is it the white plexi? So it's the white plexi that we show on our material board that you see in those photographs and then the black sign against it. There's enough contrast --

MR. MENNERICH: It will stand out. Personally just thinking about the signage for your site, the fact that it says Newburgh there, to me, you know, well it's in Newburgh. I don't really associate seeing Newburgh there as Newburgh Toyota. If it said Newburgh Toyota as one word, I would say yeah. To me it's --

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MR. BARTELUCE: You see from those photographs again this is a corporate -- they design the pylon and what the dealer name is -- the name is Newburgh for a lot of reasons.

MR. MENNERICH: For somebody driving on the roads, they see Newburgh. Yeah, I'm in Newburgh. I guess by the requirements it has to be counted as signage but --

MS. ARENT: I wondered that myself when I looked at it.

MR. MENNERICH: I questioned whether we need to consider that as signage.

MR. BARTELUCE: Okay.

MR. MENNERICH: That's it.

MR. DONNELLY: I think those issues go to the building department anyway as to how they compute it.

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

MR. CANFIELD: Nothing on architectural review.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: I normally don't comment on ARB but there's a retaining wall, number 2,

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barely visible in front of one of the detention ponds and there's a selection of brick veneer or stone facing. The detail says it will be reviewed by the Architectural Review Board.

MR. BARTELUCE: It's the same split face stone we cladded that with. Actually the wall is on Greg's drawings. That's just the retaining wall.

MR. HINES: It is going to be that block look then?

MR. BARTELUCE: Yeah.

CHAIRMAN EWASUTYN: And how much of that area is exposed?

MR. HINES: I'm not a hundred percent sure but it's the first thing you see on the site past the Auto Auction berms.

CHAIRMAN EWASUTYN: Can you pick up a copy of the site plan and denote that on the site plan? Something that's more visible.

MR. SHAW: This is the pond, this is the wall that he was talking about which separates the parking area from the wall. The purpose of it is twofold, to retain the earth and also keep the cars from hopping the curb and

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going into the pond.

CHAIRMAN EWASUTYN: And the height of that wall?

MR. SHAW: If you give me a second I'll give you an exact dimension. We did a detail of that wall.

MR. HINES: It's exposed probably four feet. Three to four feet.

MR. SHAW: That sounds about right.

CHAIRMAN EWASUTYN: That's a reasonable height. Okay.

MR. HINES: Actually it's three or four feet behind. It's about five or six feet from the front. The detention pond is in front of it. So five to six feet.

MR. BARTELUCE: And the grade is obviously dropping off quickly.

CHAIRMAN EWASUTYN: Bryant Cocks, comments on the ARB?

MR. COCKS: None on the ARB.

CHAIRMAN EWASUTYN: Karen Arent?

MS. ARENT: I have no further questions.

CHAIRMAN EWASUTYN: Okay. So you're

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going to I guess accommodate the signage right
now to --

MR. BARTELUCE: Yes.

CHAIRMAN EWASUTYN: -- meet code.

MR. BARTELUCE: We will eliminate the
Scion sign which will bring us under the 312 that
we're allowed. That sign is 90 some square feet.

CHAIRMAN EWASUTYN: I'll move for a
motion to approve the ARB for the Newburgh
Toyota.

MR. PROFACI: So moved.

MR. GALLI: Second.

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

MR. BROWNE: It would be important to
note in the motion that it's being approved with
the conditions that that sign is coming off.

CHAIRMAN EWASUTYN: Okay. I'll amend
the motion to state that the signage for the
Newburgh Toyota dealership will be in compliance
with the allowable signage for that site plan.

MR. PROFACI: So moved.

MR. GALLI: Second.

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CHAIRMAN EWASUTYN: I have a motion by Joe Profaci, a second by Frank Galli. Any further 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. PROFACI: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

MR. BARTELUCE: Thank you very much.

CHAIRMAN EWASUTYN: Greg, do you want to go along with the site plan now?

MR. SHAW: Yes. I would like Dominick to make some introductory remarks before I make my presentation.

MR. CORDISCO: I just wanted to bring the Planning Board up to speed. The last time we were here the Planning Board circulated for lead agency. I think we did get one or perhaps more comments from DOT and others which we will

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address as we go along.

I believe the Board also, last time we were here, granted concept approval for the plans allowing Greg to do his detailed engineered drawings.

CHAIRMAN EWASUTYN: Thank you.

MR. SHAW: Thank you. I'm sure the Board is familiar with this site. It's a 5.6 acre parcel on the north side of Route 17K immediately west of the Auto Auction. The building Dan presented to you as far as the size and what goes inside the building.

What we're proposing with respect to our site development is 20 spaces which have been reserved for customers and visitors, employees 30 spaces for a total of 50.

With respect to car service, we've allocated 55 spaces for service and also interior service.

With respect to car storage which is in the rear of the site, the plan indicates 138 spaces.

We are lucky in that we have in front of the property Town water and sewer. We have a

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16-inch size water main which we'll be tapping into. The building will be sprinklered as will hydrants be located around the building.

There's a low-pressure sewer main in front of our parcel also, I believe it's 10 inches in diameter, that we'll be pumping into. With respect to water and sewer, we've addressed those two utilities.

With respect to storm drainage, we prepared a stormwater pollution prevention plan which compliments this drawing. We have what's known as two-pocket ponds which collects the stormwater, treats the stormwater and detains the stormwater from flows from one year up to a storm frequency of a hundred years. So the flow flowing off our site is no greater after development than prior to development. This stormwater will be discharged into the State right-of-way where it presently flows. It will flow in a westerly direction underneath our driveway, then immediately cross 17K heading in a southerly direction through an arched culvert which runs through the woods on Stewart Airport's property.

The property is also in the FAA zone,

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the airport overlay district. On the previous submissions I've indicated that we're well below the maximum building height that's permitted. So that issue has been adequately addressed.

In the submission that we made to the Board, and your consultants' review was a complete submission incorporating everything from landscaping to site lighting to storm drainage to the pollution prevention plan. A full submission.

Before I sit down I just want to spend one minute talking about the landscaping. I know at the last meeting we spent some time reviewing it. Realizing full well you have the Auto Auction immediately to the east of us, and they've done a very nice job on the easterly portion of their property with respect to berms and walls and additional berms with landscaping on top. What we have is a 1,200 foot section of low lying area where the berms end and our site begins where you look out over the acres of macadam pavement and you look out over the stormwater retention pond. We've certainly done a better job than that. We have not upgraded our site, nor can we upgrade our site to that which

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exists further to the east. They did a very nice job. We think we've done a thorough job with respect to the landscaping. We've tried not to buffer the site. It's 17K, it's a heavily traveled State road and it's partially going to be buffered by the fact the site sits so high up in the area over 17K. What we tried to do with respect to the 35 foot wide landscape buffer is to come in with landscaping that complimented the site, not necessarily blocked it. This is a commercial enterprise. They want to be on 17K because they want it to be visual. Honestly I think they probably want it to be more visual than where it is because it is sitting up on a hill and you're not going to be able to see all of it. With that being said, the landscaping that we've provided I think works well with the site. If it's an issue of augmenting it a little bit, of course. We'll more than consider it.

One good point that did come out in the consultants' comments, and I thank Karen for it, she brought up the word display area. Where are you going to display cars. That's something that slipped through the cracks in my office. What we

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would like to do is in front of this parking area is have a display area. I figure we can put about eight cars and we'll have a mountable curb in that area. We'll have to do some type of treatment. It won't be lawn or mulch chips. It will be something that has a hard base to it, maybe some type of stone. Something of that nature. I would like to incorporate that in the next -- actually hopefully the final submission that we're making to the Board to have this area reserved for display of vehicles.

So that's a brief overview.

Dominick, do you want to add anything?

MR. CORDISCO: On that particular point I think there was also a question as to whether or not there would be potential for vehicle storage along here, along this side across from the sign. I believe that was one of the comments. We're not proposing to put any vehicle storage there, nor are we proposing to put any cars on stilts or anything like that.

MR. SHAW: Very simply, that area is just too steep. It's about a 12 percent grade.

MR. DONNELLY: Otherwise you would.

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CHAIRMAN EWASUTYN: We needed that because I sense you all came in rather tense. Dominick is having a hard time sitting down. You haven't actually thrown anything at me yet. So we're like walking a very fine line. Let me talk to you about this.

MR. SHAW: Please.

CHAIRMAN EWASUTYN: We spent 20 minutes during the work session, 25, trying to figure out a way that Greg Shaw wouldn't have a heart attack. Realizing that you were going to come in very defensive, which so far your posturing has been very defensive. If you know anything about this Board, you don't have to be defensive Dominick. I think now is the time that we relax.

What we discussed and what Karen said is exactly what you're talking about. We understand that the owner of this property wants visibility. We understand that he's a merchandiser and he wants to merchandise this property.

Karen, why don't you begin.

MS. ARENT: We just want it to look good. Show the display areas, show some

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landscaping around the display areas, even walls if that works or whatever. Just do a really nice aesthetically pleasing display area. I can see them in the hill here. Well landscaped.

CHAIRMAN EWASUTYN: And paving maybe to set the cars on.

MS. ARENT: Beautiful paving. Something to set the cars off. There's nothing wrong with displaying the cars. What I think everybody doesn't like is when everybody thinks there's no cars going to be displayed and then they're just put on the lawn every which way and it really doesn't look good. Basically my comments are just asking you to show us a really great way to display the merchandise. I think that would be helpful for Toyota too. If people see this beautiful display, you would want to go there and shop.

The other element of the landscape is your design is pretty much one layer. There's like no layering. Basically you have crab apples and then the spruce trees. It would be nice to -- like at the Auto Auction, they have a couple layers. They have the spruce trees and the

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shrubs in front. You don't have to hide the site but maybe make it a little more layered instead of lying low on the berm.

MR. SHAW: Sure.

MS. ARENT: You know, it's almost engineered because you have that one layer of plant materials that goes up and down that layer but it's really a line. If you could just somehow add a little more layering while still seeing the site.

CHAIRMAN EWASUTYN: Make it an example of what we can say to other people basically this is a good display area.

MS. ARENT: That corridor is beautiful.

CHAIRMAN EWASUTYN: We're looking to see it being merchandised.

MR. SHAW: The bulk of the revisions I have to make to the drawing is really with the landscaping. Is it possible to work with Karen independent of this Board so that the drawing that's presented back to this Board is something that has her blessing to eliminate a lot of revisions?

CHAIRMAN EWASUTYN: That's up to the

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Board Members to decide. Frank?

MR. GALLI: Work with her as far as hours and hours?

MR. SHAW: No, no, no.

MR. GALLI: She comes at a costly price.

MR. SHAW: Oh, I know that.

MR. GALLI: You're looking to save money. So are we. I'm not opposed to that but I think -- as John said, I don't think it's going to be rocket science. If you drive around different states you see Lexus dealers, I know they're part of Toyota. You see a car on the lawn, it's landscaped nice, a couple spot lights on it at night just to showcase it. You have the perfect location here to do it right. We're not looking for many trees and many stonewalls and things like that. When you see the landscape and see the building, see the frontage, you don't have to block it with landscape, berms and walls and stuff like that. We just want it to look really sharp.

MR. SHAW: That makes a lot of sense.

CHAIRMAN EWASUTYN: Cliff, what's your

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take?

MR. BROWNE: Basically the same thing. When I'm driving around what I notice is what I would call the upscale dealerships. They're like what you presented here with the show area. I think Karen suggested maybe a couple, three different spots. We have a car here, a car here. A design so that that's where it's supposed to go. Like Frank said, maybe some lights on it at night or something.

MR. GALLI: We don't want them stuck on the front lawn like Nissan.

MR. BROWNE: Right.

MR. CORDISCO: We said last time we were here we had no intention of doing that.

MR. BROWNE: That type of little thing can set it off as an upscale thing versus --

MR. SHAW: Understood.

MR. MENNERICH: I think Greg should communicate with Karen about ideas and concepts. Maybe if you have sketches before you finalize the drawing. It makes more sense not to have multiple go arounds on this. I would agree that they should.

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CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: I'm also fine with you working with Karen. I mean not to have Karen design it. Of course whatever ideas you have, if you want to run them by her. Like Ken said, I don't want to have to go back and do this multiple times. I'm fine with that.

CHAIRMAN EWASUTYN: Tom?

MR. FOGARTY: If it would prevent you from coming back here again, you know, I'm all in favor of that.

CHAIRMAN EWASUTYN: We're really looking to provide you with your needs, we just really don't know what it is your needs are.

MR. LAUZON: I know exactly what you're talking about.

CHAIRMAN EWASUTYN: Do you know what you're looking for?

MR. LAUZON: Yes.

CHAIRMAN EWASUTYN: I'm not looking to be sarcastic.

MR. LAUZON: We're not going to be parking cars on the grass. That's not my style, first off. When I do things it's going to be

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first class.

CHAIRMAN EWASUTYN: This is your opportunity to come up with what you want. If you need the assistance of Karen, that's fine. We're not looking to -- I spent the first 20 minutes of the meeting talking about you and trying to make everyone relax.

MR. SHAW: I've been before this Board too many years.

CHAIRMAN EWASUTYN: I know this is a transition that is new to you and may not be comfortable. Again, we want to accommodate what he wants to do there and just understand it.

MR. FOGARTY: John was concerned about not giving you a heart attack. I did not participate in that conversation.

MR. SHAW: What we'd like to do is resolve the landscaping and come back to this Board one more time for final. That's why if we can get -- if we can cement the deal with the landscaping I think everything else will fall into place.

CHAIRMAN EWASUTYN: Let's talk about planning issues, let's talk about drainage issues

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and issues that pertain to fire protection,
prevention and circulation.

We'll start with Jerry Canfield.

MR. CANFIELD: All of our previous
comments from December have been addressed. Mr.
Shaw has submitted adequate hydraulic data with
respect to my comment questioning the use of the
six-inch water main. With the data that Mr. Shaw
submitted, he has demonstrated that there will be
adequate flow to support the sprinkler system and
additional hydrants. Pat's comment is typically
we do not allow the six inch. That is not a
hard, fast rule. It's typically looking for
flow. What Mr. Shaw has displayed is they do have
the flow there with the Town system.

Our other comments have been addressed
with respect to relocation of the hydrant and
there was a clean-up note. All of our items have
been addressed.

CHAIRMAN EWASUTYN: Pat Hines, Drainage
Consultant?

MR. HINES: Our first comment was just
addressed, the six-inch and eight-inch water
main.

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Wall section 3 needs a note stating it will be submitted.

Stamped plans for the design to the code enforcement department for a building permit.

We discussed the wall section 2. It identified a block veneer which was discussed here at the architectural review portion of the project. That's been clarified.

We have a clean-up item on the hydrant.

A flow acceptance letter will be required from the City of Newburgh for the project.

MR. SHAW: We submitted it and we're waiting.

MR. HINES: I can't help you with that anymore.

MR. SHAW: I know you can't.

MR. HINES: I wasn't sure if there were buildings on the site. Reading the drainage report, there was an indication of --

MR. SHAW: There was one residence which was removed maybe four or five months ago. There's no buildings left.

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MR. HINES: A clean-up item on the drainage report. The outlet control structure and modeling for that. I know Mr. Shaw has that comment.

We have a comment on the dual pipes at the front entrance way which needs to be addressed with some other method of conveying that stormwater.

Then just a clean-up comment on the pumps specified for the pump station.

Otherwise the plans are in pretty good shape as discussed at work session. Our technical issues are minor and we wouldn't have a problem with a negative declaration.

CHAIRMAN EWASUTYN: Thank you.

Bryant Cocks, Planning Consultant?

MR. COCKS: We sent this out for lead agency on December 3, 2009. Orange County Planning Department had no comments.

We have conceptual approval from the DOT.

A highway work permit is going to be needed. That can be a condition of final approval.

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Those were the only two letters we got back at this point.

The bollard detail, can you simply indicate what color that's going to be?

You did add a note of the landscape bond.

Also, a lighting plan was shown with 17 foot high lights which are in conformance with the Town of Newburgh design guidelines.

Other than that, all our comments were addressed.

CHAIRMAN EWASUTYN: Karen, I think we pretty much understand the landscaping at this point.

MS. ARENT: Yes.

CHAIRMAN EWASUTYN: As Dominick mentioned earlier, at this point I'll move for a motion to declare ourselves lead agency for the Newburgh Toyota dealership.

MR. GALLI: So moved.

MR. FOGARTY: Second.

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

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Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: Myself yes. So
carried.

At the recommendation of our
consultants, I'll move for a motion to declare a
negative declaration for the Newburgh Toyota site
plan.

MR. PROFACI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by
Joe Profaci. 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. PROFACI: Aye.

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MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: Myself yes. So
carried.

Based upon the regulations, it's
discretionary whether or not the Planning Board
would want to hold a public hearing on the site
plan. I'll poll the Board Members to see if they
want to have a public hearing.

Frank Galli?

MR. GALLI: No.

MR. BROWNE: No.

MR. MENNERICH: Before I say yes or no
could I ask one question? The New York State DOT
asked for this traffic impact study. Have you
had any further conversation with them, what
they're expecting in that study?

MR. SHAW: I only can explain to you my
conversation with Phil Grealy, our traffic
consultant. That letter was written by a Bonnie
Lyons who is in charge of SEQRA up in
Poughkeepsie. She lately has been throwing out
the word traffic impact studies to planning
boards such as yours in response to SEQRA
whether that's warranted or not. That's Phil's

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opinion, not mine. Unfortunately now that she put it in writing we're going to have to do that traffic impact study. What Phil thinks is appropriate is the analysis of our intersection and also 17K and Governor Drive. It's really just a mini-traffic study because it's truly not warranted. We have to do it and we will do it because it's going to be a requirement of a permit. That is cropping up more and more, at least in the SEQRA letters that the planning boards are getting back.

MR. CORDISCO: That particular letter, you know, as someone who practices SEQRA, was troubling to me because it came out of the SEQRA unit at DOT. The first sentence says of course they consent to you being lead agency for coordinated review. We all know that when you're doing a coordinated review you're binding the other agencies to your SEQRA determination. The second paragraph goes on to say under SEQRA they're going to require a traffic impact study. The two things don't make sense. My wife suffers from insomnia and this is the kind of thing that puts her to sleep at night. I say we got this

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letter from DOT and it doesn't make any sense and it puts her right out.

In any event, you know, as Greg said, we're going to do the study to satisfy them. We don't think it's warranted but --

MR. DONNELLY: My advice to the Board earlier had been although technically you and I have had this discussion many times over, that should that trigger a need for us to make an independent evaluation as to whether the study is required and if one was required do it under the auspices of SEQRA and then let the DOT use that study to implement their permitting review process. I'm reading that letter as meaning that they want to see a study that addresses their permitting requirements only and that therefore they would have ignored whatever study we did.

MR. CORDISCO: Correct. Correct.

MR. DONNELLY: I don't mean for that to sound cynical.

MR. CORDISCO: I think that's accurate. It was in the context of their permit application.

MR. DONNELLY: Therefore I said to the

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Board if everything was clear here then a negative declaration was appropriate.

CHAIRMAN EWASUTYN: And that really follows Quickchek which you received tonight because Lyons really is referring at a local level to Zibby Zacharia who would then be issuing the highway work permit. So I think it's all within that same --

MR. CORDISCO: Correct.

MR. MENNERICH: I don't think we need a public hearing.

CHAIRMAN EWASUTYN: Thank you.

MR. MENNERICH: Sorry for the confusion.

CHAIRMAN EWASUTYN: Thanks for keeping focused on what the motion was. Thank you because I went adrift.

Again, we just got something from Lyons that's identical. It is a boilerplate letter that's being circulated now.

MR. CORDISCO: I wish we could perhaps tweak that boilerplate letter because it's a little misleading.

MR. PROFACI: No public hearing.

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MR. FOGARTY: No.

CHAIRMAN EWASUTYN: Let the record show that the Planning Board polled and all Members agreed not to have a public hearing.

How would you like to discuss -- do you want to meet with Karen? Just for the record, we understand that it's your choice.

MR. SHAW: What I'd like to do is do two things simultaneously, revise the drawing as per the other consultants' comments and try to come up with a landscape plan that would be satisfactory to this Board, to Karen and my client and submit it to her independently and let her review it. At some point in time hopefully she'll say I'm fine with it, and then at that point I come back to this Board for final approval knowing it has her blessing and it will be the last submission for the Board.

CHAIRMAN EWASUTYN: Karen, are you comfortable with that or do you think it would be good to sit down and do it in a personal way?

MS. ARENT: I think perhaps we could have the option of sitting down because if it's totally perfect we don't need to sit down. If

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it's not totally perfect, then maybe sit down.

CHAIRMAN EWASUTYN: How ever you feel most comfortable.

MR. SHAW: I think your suggestion makes more sense.

CHAIRMAN EWASUTYN: All right.

MR. SHAW: Thank you.

MR. DONNELLY: I just had one item of clarification. Bryant, you said the County had no comments. Was that in relation to the lead agency designation?

MR. COCKS: It was a Local determination.

MR. DONNELLY: Very good.

(Time noted: 7:45 p.m.)

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

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

DATED: April 12, 2010

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

----- X
In the Matter of

LANDS OF GALLAGHER
(2008-15)

Ashley Drive
Section 43; Block 5; Lot 2.21
R-3 Zone

----- X

TWO-LOT SUBDIVISION

Date: April 1, 2010
Time: 7:45 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
JOSEPH E. PROFACI
THOMAS P. FOGARTY

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

APPLICANT'S REPRESENTATIVE: ROBERT JAMES

----- X

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

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LANDS OF GALLAGHER

MR. BROWNE: Next is the Lands of Gallagher, a three-lot subdivision being represented by Robert James.

MR. JAMES: What we have is a proposed two-lot subdivision of a 4.9 acre parcel, lands of Ed Gallagher, at the end of Ashley Drive.

We originally came in with a three-lot proposal and we scaled it back to two lots. One of the lots has an existing house, septic system, and we have municipal water.

We had the vacant lot, a smaller lot, 1.3 acres. It shows a proposed house. It would be connected to the municipal water system and have an individual sewage disposal system.

The remaining lot, the existing house lot, would be about 3.6 acres.

We're in the R-3 zone and we meet all the minimums for lot area and setbacks.

CHAIRMAN EWASUTYN: Thank you. I'll turn at this point to our consultants. Bryant Cocks, Planning Consultant?

MR. COCKS: Yes. The only change in the bulk table is the lot building coverage should show a maximum of fifteen percent instead

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of twenty, and the lot surface coverage should show thirty percent instead of forty.

We have no comments on the site layout.

You're going to need to get Town of Newburgh highway department approval for the driveway location on Ashley Drive.

A signed and sealed survey sheet is going to be needed.

The E.A.F. has to be revised to indicate that you got the information on threatened and endangered species from the DEC.

Other than that, a public hearing is going to be necessary.

We have no further comments.

CHAIRMAN EWASUTYN: Pat Hines, Drainage Consultant?

MR. HINES: Our comments have to do with the septic system. We noted that you're proposing a shallow absorption trench system but the deeps and percs appear to be inadequate for an in-ground system.

MR. JAMES: The deep tests, especially in the area of the reservoir expansion area, the lower was a little tighter. It's a conservative

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LANDS OF GALLAGHER

design but --

MR. HINES: We were just suggesting --
it certainly meets the code requirements but
you're bringing in fill that may or may not be
needed. It meets the code requirements, we just
wanted to bring it up to make sure the deeps and
percs could support that.

Then we need a note saying there's no
wells or septic within the hundred foot, two
hundred foot down gradient.

MR. JAMES: I think everything on there
is --

MR. HINES: It's just the standard
note.

That's all we have on the two-lot
subdivision.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. CANFIELD: I have nothing.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: No additional.

MR. BROWNE: Nothing more.

MR. MENNERICH: No questions.

MR. PROFACI: Nothing.

MR. FOGARTY: No comments.

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LANDS OF GALLAGHER

CHAIRMAN EWASUTYN: Mike, as you suggested during the work session, we had granted conceptual approval for the original three-lot subdivision and tonight we'll just grant a conceptual approval for the two-lot subdivision.

MR. DONNELLY: I think that would be a good idea.

CHAIRMAN EWASUTYN: I'll move for that motion.

MR. PROFACI: So moved.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

As suggested by our consultants, I'll move for a motion -- there's two parts to the

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LANDS OF GALLAGHER

51

motion, to declare a negative declaration for the two-lot subdivision for the lands of Gallagher and set May 5th for a public hearing.

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?

(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. PROFACI: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

Bob, if you would work with Bryant Cocks as far as the mailing and the circulating. If we could have, two days prior to the actual meeting, your certified registered receipt returned to the Planning Board office.

MR. JAMES: Okay.

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LANDS OF GALLAGHER

CHAIRMAN EWASUTYN: Bryant, you'll work with him.

MR. COCKS: Yes. Also, if you could send me a copy of the plans, I'll forward them over to the highway department.

MR. JAMES: I was going to ask you that.

CHAIRMAN EWASUTYN: I wanted to discuss that. I noticed on two of our reviews tonight they talked about needing Darrell's approval. How do we -- do we want to just let Bryant be responsible for doing these coordinations now with the highway department?

MR. HINES: I think so. I've reached out to them but they've been really busy. I was going to set up a meeting and talk to them. I know Bryant, as a matter of course, does those mailings.

CHAIRMAN EWASUTYN: Okay. Then we'll just automatically know you'll take that responsibility.

MR. COCKS: Yeah. When we declare our intent for lead agency I usually send them out if they're an interested or involved party. Not

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LANDS OF GALLAGHER

declaring it but I'll still send that out to them.

CHAIRMAN EWASUTYN: I make it a practice of cc'ing Darrell in his mailbox of everything we get anyway. I don't know if it's necessarily read or not read but he's kept abreast of things.

MR. JAMES: Thank you.

(Time noted: 7:52 p.m.)

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

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

DATED: April 12, 2010

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

----- X
In the Matter of

LANDS OF SCENIC VIEW
(2010-06)

Orchard Drive
Section 1; Block 1; Lot 138
AR Zone

----- X

TWO-LOT SUBDIVISION

Date: April 1, 2010
Time: 7:52 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
JOSEPH E. PROFACI
THOMAS P. FOGARTY

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

APPLICANT'S REPRESENTATIVE: LAWRENCE MARSHALL

----- X

MICHELLE L. CONERO
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LANDS OF SCENIC VIEW

MR. BROWNE: The last item we have for business is the subdivision of Lands of Scenic View, a two-lot subdivision being represented by Lawrence Marshall.

MR. MARSHALL: This is a proposed two-lot subdivision on the westerly side of Orchard Drive. Actually the northerly bounds of the property is the property line -- boundary line between Orange County and Ulster County, the Town of Newburgh and the Town of Plattekill. The proposed subdivision is a re-subdivision of lot 6 of the Scenic View Land Developers subdivision, a six-lot subdivision that was completed in 2007. The property is located in the AR zoning district.

We're taking the 7.7 acre parcel and subdividing it into a 5.8 acre parcel and a 1.9 acre parcel.

The previous subdivision, the six-lot subdivision, showed the house that's located on 6-A in the exact location that we continue to show it. The new house would be located on 6-B along Orchard Drive with a new sewer system that we've tested and designed.

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LANDS OF SCENIC VIEW

The sight distances along Orchard Drive are adequate for the speed limit in that area.

I think that's about it.

CHAIRMAN EWASUTYN: Thank you, Lawrence.

Jerry Canfield, do you have any comments?

MR. CANFIELD: We have no comments on this.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: Just some comments on that access and utility easement. I noted the lot number may be referred to differently in the --

MR. MARSHALL: The access and utility for the --

MR. HINES: It references -- the lot number is different. In the previous subdivision did we do an access and maintenance agreement between those two lots?

MR. MARSHALL: I don't believe we did between the two lots. I think we just granted the easement.

MR. HINES: The easement. Because it could potentially lead to two houses using the

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same driveway. We're suggesting that Mike Donnelly's office receive a copy of an access and maintenance agreement between the two. I think the lots are in common ownership now.

MR. MARSHALL: The lots are currently in common ownership.

MR. HINES: Now would be the time to clean that up.

The highway superintendent's comment on the new driveway location.

The lot identification system, and I know Bryant has a comment on that too. The Board likes to consecutively number them, so there should be a 6 and 7 rather than the A and B.

I noted that you're requesting a waiver from the stormwater management requirements. You'll be the first one under the new regulations the Town adopted two or three months ago I think, updated regulations. What we're asking is just to provide a limit of disturbance and then show the area for that so when you go to the Town Board we can tell them it's X number of square feet. My office will work with you on getting that to the Town Board.

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LANDS OF SCENIC VIEW

CHAIRMAN EWASUTYN: Can I interrupt for a second? Mike and Pat, in the case of the ZBA where we're making referrals to the ZBA, we outline what the referral is. In the example of a waiver and the first time to the Town Board, should we be preparing a letter outlining to the Town Board, and who would then draft that letter?

MR. HINES: I think that's what I was suggesting. I'll get that information and I'll work with them and the Town Board, put it together in the context of the ordinance.

MR. DONNELLY: What's different about the variance is the Town law says that the Planning Board shall -- it doesn't say shall. May give a report at the request of the Zoning Board. We short circuit that so we don't take another thirty days and just send the referral letter in. I think it makes more sense, since this is an engineering issue, to have Pat write the letter.

MR. HINES: Once I get that information I can check it with the ordinance. I'm not clear myself on that process for waiving under the ordinance or just how much information may be required. We may be able to address on the plans

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LANDS OF SCENIC VIEW

what's needed. I just don't know yet.

CHAIRMAN EWASUTYN: Any input or questions from the Board Members?

(No response.)

CHAIRMAN EWASUTYN: Thank you.

MR. HINES: That's all we had.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

MR. COCKS: As mentioned, the lot numbering, I had that comment.

In the E.A.F. if you could just list where you obtained data for the threatened or endangered species.

I actually said this was an Unlisted action. I didn't realize there was active agricultural, which makes it a Type I action.

This is going to be a coordinated review and has to be sent to the Orange County Planning Department, the Town of Plattekill, the Town of Newburgh highway department and also the Town Board for the stormwater waiver. So if you could just send five copies of the plans to our office and then I can send out all that information next week.

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On the bulk table you just have to add the lot building coverage maximum of ten percent and the lot surface coverage maximum of twenty percent.

If you'll provide a signed copy of the wetland delineation that was done for the last subdivision, we can have that for our files.

Also, in the last subdivision lot 6 paid the recreation fee. It was \$1,500 then. The new lot is going to have to pay \$2,000 now for the recreation fee. You are able to defer that until the time of building permit if you want. If you want to do that you have to put a note on the plan and do a certificate. If you'd like to do that send me an e-mail and I can send you the note to put on the plan. If not it will have to be paid when the plans are signed. Whatever you decide.

CHAIRMAN EWASUTYN: Any comments from Board Members?

MR. GALLI: No.

MR. BROWNE: No.

MR. MENNERICH: No.

CHAIRMAN EWASUTYN: I'll move for a

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LANDS OF SCENIC VIEW

motion now to grant conceptual approval to the two-lot subdivision of the Lands of Scenic View.

MR. MENNERICH: So moved.

MR. PROFACI: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

Okay. We'll start circulating.

MR. DONNELLY: I think you should issue a lead agency notice of intent.

CHAIRMAN EWASUTYN: Thank you. Because it's a Type 1 action. I'll move for a motion to declare our intent for lead agency.

MR. PROFACI: So moved.

MR. FOGARTY: Second.

CHAIRMAN EWASUTYN: I have a motion by Joe Profaci. I have a second by Tom Fogarty.

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LANDS OF SCENIC VIEW

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: And myself yes. So
carried.

(Time noted: 7:59 p.m.)

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

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DATED: April 12, 2010

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

----- X
In the Matter of

LANDS OF RAMON
(2004-38)

Request For Two Ninety-Day Extensions of
Conditional Final Approval

----- X

BOARD BUSINESS

Date: April 1, 2010
Time: 8:00 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
JOSEPH E. PROFACI
THOMAS P. FOGARTY

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

----- X

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LANDS OF RAMON

MR. BROWNE: Under Board Business we have three separate items. First is Lands of Ramon requesting for two ninety-day extensions of conditional final approval which was granted on September 3, 2009.

CHAIRMAN EWASUTYN: I'll move for a motion to grant that extension for the Lands of Ramon as presented by Cliff Browne.

MR. PROFACI: So moved.

MR. GALLI: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

(Time noted: 8:01 p.m.)

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DATED: April 12, 2010

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

----- X
In the Matter of

RHODA REALTIES
(2007-41)

Request For Two Ninety-Day Extensions of
Conditional Final Approval

----- X

BOARD BUSINESS

Date: April 1, 2010
Time: 8:01 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- X

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RHODA REALTIES

69

MR. BROWNE: The next item is Rhoda
Realties, a request for two ninety-day extensions
of conditional final subdivision approval which
was granted on October 15, 2009.

CHAIRMAN EWASUTYN: I'll move for a
motion to grant that extension.

MR. FOGARTY: So moved.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: Myself yes. So
carried.

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

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

----- X
In the Matter of

CHRIS KELLY SUBDIVISION
(2006-07)

Request For Two Ninety-Day Extensions of
Conditional Final Approval

----- X

BOARD BUSINESS

Date: April 1, 2010
Time: 8:02 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
JOSEPH E. PROFACI
THOMAS P. FOGARTY

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

----- X

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MR. BROWNE: The last item is Chris

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CHRIS KELLY SUBDIVISION

72

Kelly Subdivision, a request for two ninety-day extensions of conditional final approval which was granted on September 3, 2009.

CHAIRMAN EWASUTYN: I'll move for a motion to grant that extension for the Chris Kelly Subdivision.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: Myself yes. Motion approved.

I think that really winds it up. I'll move for a motion to close the Planning Board meeting of April 1, 2010.

MR. GALLI: So moved.

MR. PROFACI: Second.

CHAIRMAN EWASUTYN: I have a motion by

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CHRIS KELLY SUBDIVISION

Frank Galli and a second by Joe Profaci. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

I wish you all a happy Easter.

(Time noted: 8:03 p.m.)

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

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DATED: April 12, 2010