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

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In the Matter of

SUBDIVISION OF LANDS OF SCENIC VIEW
(2010-06)

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

----- X

TWO-LOT SUBDIVISION

Date: April 15, 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
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: LAWRENCE MARSHALL

----- X

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

1
2 MR. BROWNE: Good evening. Welcome to
3 our Town of Newburgh Planning Board meeting of
4 April 15, 2010.

5 At this time we'll call the meeting to
6 order with a roll call vote starting with Frank
7 Galli.

8 MR. GALLI: Present.

9 MR. BROWNE: Present.

10 MR. MENNERICH: Present.

11 MR. PROFACI: Here.

12 MR. FOGARTY: Present.

13 MR. WARD: Present.

14 CHAIRMAN EWASUTYN: Present.

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

21 MR. DONNELLY: Michael Donnelly,
22 Planning Board Attorney.

23 MS. CONERO: Michelle Conero,
24 Stenographer.

25 MR. CANFIELD: Jerry Canfield, Town of

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Newburgh.

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

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

MS. ARENT: Karen Arent, Landscape
Architectural Consultant.

MR. BROWNE: At this time we'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 have cell phones,
if you could turn them off, we'd appreciate it.
Thank you.

MR. BROWNE: The first item of business
we have on tonight's agenda is the subdivision of
Lands of Scenic View, a two-lot subdivision being
represented by Lawrence Marshall. I don't see
Lawrence.

Nobody is outside; right?

MS. ARENT: He's walking in right now.

MR. MARSHALL: This is a proposed two-
lot subdivision. Actually I think we were in

1 front of you guys just a couple weeks ago. It's
2 the old lot 6 from the Scenic View Land
3 Development that was completed March 7, 2007.

4 We're not changing the previously
5 approved location for the house on lot 7. What
6 we're doing is subdividing a 1.925 acre parcel
7 off the front of the parcel which is now labeled
8 lot 6 and the rear parcel will now become lot 7.

9 There were some questions at the last
10 meeting regarding the -- regarding whether or not
11 -- regarding the new stormwater laws and how we
12 fell underneath them. We worked with Pat Hines
13 on that. I think we have a solution to that
14 issue.

15 I think the only other really
16 outstanding comment that we had was just the
17 numbering of the lots. Previously we had them
18 6-A and 6-B. We changed them to 6 and 7.

19 CHAIRMAN EWASUTYN: Pat Hines, Drainage
20 Consultant?

21 MR. HINES: As Mr. Marshall just
22 stated, we reviewed the stormwater management
23 ordinance with regard to their request for a
24 waiver. We don't believe they need a waiver for
25

1 this. Section 157-4 (B)(4) exempts single-family
2 residential developments that disturb less than 1
3 acre that don't require construction of a new
4 roadway, either public or private. This does not
5 have that. It only has a .4 plus or minus acre
6 area of disturbance. The previous lot was
7 already -- previous house site was already
8 approved on lot 6.
9

10 With that we believe that the
11 stormwater management issues were resolved with
12 the sediment erosion control plan that's been
13 prepared for the project.

14 I believe a private road access and
15 maintenance agreement has been submitted to Mike
16 Donnelly. All of our previous comments have been
17 addressed.

18 CHAIRMAN EWASUTYN: Jerry Canfield?

19 MR. CANFIELD: We have nothing.

20 CHAIRMAN EWASUTYN: Bryant Cocks,
21 Planning Consultant?

22 MR. COCKS: The applicant made all the
23 requested changes regarding the EAF and lot
24 numbering, as he said.

25 We did forward this to the involved and

1 interested agencies on April 1st and we haven't
2 heard back from them yet, but as of this time we
3 have no further comments.
4

5 CHAIRMAN EWASUTYN: Karen Arent?

6 MS. ARENT: I didn't review this.

7 CHAIRMAN EWASUTYN: I'll ask the Board
8 Members for their comments. Frank Galli?

9 MR. GALLI: No additional.

10 CHAIRMAN EWASUTYN: Cliff?

11 MR. BROWNE: Nothing more.

12 MR. MENNERICH: No questions.

13 MR. PROFACI: Nothing, John.

14 MR. FOGARTY: No comment.

15 MR. WARD: No questions.

16 CHAIRMAN EWASUTYN: At this point I
17 would move for a motion to declare ourselves lead
18 agency for the Lands of Scenic View two-lot
19 subdivision.

20 MR. FOGARTY: So moved.

21 MR. MENNERICH: Second.

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

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MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried. Motion carried.

I'll move for a motion to declare a negative declaration for the two-lot subdivision and to schedule the 20th of May for a public hearing.

MR. MENNERICH: So moved.

MR. PROFACI: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich. I have a second by Joe Profaci. Would there be 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.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

Mike, do you have anything you want to add at this time?

MR. DONNELLY: No.

CHAIRMAN EWASUTYN: If you'd make it a point of speaking with Bryant Cocks and arranging for a public hearing.

MR. MARSHALL: Sure.

CHAIRMAN EWASUTYN: Lawrence, if you could make it a point, maybe two days before the hearing, to submit the registered receipts, I'd appreciate that.

MR. MARSHALL: Sure. Will do. Thank you.

MR. GALLI: I just told Cliff I won't be in town that day so I'll give them to him.

(Time noted: 7:05 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: May 2, 2010

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

----- X

In the Matter of

QUICK CHEK
(2010-04)

Route 9W across from Leslie Road
Section 25; Block 5; Lots 1 & 8
B Zone

----- X

SITE PLAN
ARCHITECTURAL REVIEW BOARD

Date: April 15, 2010
Time: 7:05 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
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: JEFF MARTEL

----- X

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

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QUICK CHEK

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MR. BROWNE: The next item of business Quick Chek, Route 9W, site plan and ARB. It's being represented by Jeff Martel of Bohler Engineering.

CHAIRMAN EWASUTYN: Jeff, if you don't mind, can we start with the ARB first?

MR. MARTEL: Sure. Essentially in terms of architecture -- as far as the site plan -- again, Jeff Martel from Bohler Engineering. Chuck Olivo is here from Stonefield, and Bob Pallario from Quick Chek --

CHAIRMAN EWASUTYN: Can you talk a little slower. We have a Stenographer.

MR. MARTEL: Chuck O-L-I-V-O. Bob P-A-L-L-A-R-I-O from Quick Chek will be with us momentarily.

The site plan has been designed with the canopy and the store essentially side by side, somewhat atypical from the normal gas station layout. If you can focus ON the building, and I'll show the elevations in a minute.

In terms of the site plan I'd like to point out that the main store entrance is

1 actually facing the gas pumps on the northern
2 facade and the building actually has a dual
3 entrance to the rear on the southern facade. So
4 the front of the building here, I'll show you in
5 a minute, has the portrayal of the front
6 entrance. Essentially the main entrances are
7 going to be on the north and south side of the
8 building. What that allows us to do, most
9 importantly, is bring the loading zone to the
10 rear of the site.
11

12 In terms of the elevations themselves,
13 this is an architectural rendered elevation
14 prepared by the project architect, gk+a
15 Associates, which I believe is submitted in color
16 for the Board to review. What you see here is
17 the four elevations of the building. The north
18 elevation, as I pointed out, is the elevation
19 facing the gas pumps. This has the main primary
20 store entrance to the facility. What you'll see
21 is a significant amount of glass frontage along
22 this facade. The focus of that glass, or the
23 reasoning for that glass is to provide a visual
24 connection between the gas pumping facilities and
25 the inside of the store. When you look at the

1 floor plan you'll notice that the cashiers on the
2 main employee area actually look out towards the
3 front of the building, and that allows that
4 visual connection with the gas pumps. It also
5 provides a quicker way for the customers to get
6 in and out -- who are paying cash who come in to
7 the store to pay for the gas.

8
9 The south elevation, which is the
10 second elevation, would actually be that rear
11 entrance that I described. So it has another
12 front door to focus on that parking to the rear.

13 The west elevation is actually the
14 elevation that would front on Route 9W. This
15 doesn't have a front door but has been dressed
16 with two columns and a window treatment to give
17 it a little more appeal than just the massing of
18 the brick along that frontage.

19 The east elevation, which is our rear
20 facade, would have the loadings. It has just
21 one-single loading door painted to match the
22 brick.

23 The materials that we're proposing to
24 utilize we believe are, you know, a little nicer
25 than your typical what I consider your retail

1
2 architecture which is the normal square or
3 rectangular building. What we've done here is we
4 obviously provided the brick on the facade but
5 then we provided basically a false roof or false
6 angle to try to give it some shape as opposed to
7 the typical rectangular look. You'll see those
8 angles towards the side.

9 And then the front entrance has a main
10 vestibule, you'll see has a little bit additional
11 treatment there as well as the two signs on the
12 south and the west elevation. What we've done in
13 an attempt to compliment the building is
14 attempted to mimic that architectural style of
15 the canopy which you'll see at the bottom here.

16 This north/south elevation, the long
17 side, is actually perpendicular to Route 9W. The
18 short facade or the east/west elevation is what
19 is parallel to Route 9W.

20 You'll see we have no signage on the
21 east/west. We do have one sign, a normal gas
22 station type with the Quick Chek logo.

23 The columns themselves will be brick as
24 opposed to that normal steel tubular shell that
25 you usually see on the columns, white or whatever

1 the branding is. Typically that's just the metal
2 wrapping on the steel column. Here we actually
3 encase it in a square manner with brick. Then
4 what we've done is we've added that roof
5 treatment to the canopy as well, which is about
6 three-and-a-half feet. Again, it will be shingle
7 with a little bit of an angle there to give it
8 that mansard look. The idea is the structures
9 are intended to compliment each other.
10

11 We believe the signage to be modest,
12 and it is in compliance with the Town code as we
13 interpret it.

14 There are three signs on the building,
15 above each of the front doors as well as the
16 Route 9W elevation, and then we have the Quick
17 Chek logo there and words on the canopy. We are
18 proposing one free-standing sign out towards 9W.
19 We'll provide in color the elevation of that.
20 That's where footage -- in that location I should
21 say, I pointed out here on the site plan, is
22 located adjacent to our driveway on the north-
23 bound side of the driveway. We did provide a
24 signage table. I assume you look at signage with
25 the Architectural Review Board. Is that --

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QUICK CHEK

CHAIRMAN EWASUTYN: Continue on.

MR. MARTEL: Okay. As a summary, what your code actually outlines is essentially an allowable signage which is a function of the length of the street frontage. What we actually are permitted is 358 square feet of signage. That's what we interpret to be the total amount of signage for the site. There are some regulations as to the height and the setbacks in terms of the free-standing sign, as well as identification signs for the purposes of entrances. What we're showing here is three wall signs, as I said, and one free-standing sign for a total of 362 square feet. So we're below -- that 362 is inclusive of the enter and exit signs. Excuse me. It's 356 as opposed to 358 allowed. So 358 allowed, 356 proposed. That's three wall signs, the two canopy signs and the free-standing sign. The free-standing sign is approximately 100 square feet, again at that entrance.

CHAIRMAN EWASUTYN: Let's talk about materials. I know Joe Profaci was questioning during the work session maybe the shingles on the

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QUICK CHEK

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roof. If you could --

MR. GALLI: Before we get into materials, because it might be part of that, you have those shaded areas on top of the roof. I see the real long one above Quick Chek and the two short ones on the side. Are they the --

MR. MARTEL: What that is --

MR. GALLI: Is that screening?

MR. MARTEL: That's the HVAC equipment. Those are screened walls for sound and visual.

MR. GALLI: I just wanted to make sure. Okay.

CHAIRMAN EWASUTYN: We discussed that during the work session. We'll gradually walk into some things. Sometimes with renderings -- your rendering actually has different shades of color than what we have. That's what we'd like to understand.

Joe.

MR. PROFACI: Well that was the question mark here because in our rendering the roof is much lighter in color and it almost has a purplish hue to it. That looks darker. It looks more like a charcoal or a slate gray. So which

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QUICK CHEK

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one --

MR. MARTEL: It's actually the function of the printer I guess. That's unfortunate. This was printed by the architect and this is the colors that we are proposing. So I apologize for that. I do see the difference in shades there. That was actually printed by our office for the purpose of producing them to the Planning Board. These would be the colors that we would be proposing. We're happy to provide supplemental photos of Quick Chek. The same brick is used at other facilities in Orange County and Ulster County. Sometimes the actual real-life photos --

MR. PROFACI: Do you have any sample materials?

MR. MARTEL: We can bring a sample board as well. I don't have any with me this evening.

MR. BROWNE: What you identify on that is what our code folks look at and say that's what you put up by the same manufactured numbers.

MR. MARTEL: We can provide a sample board, and we're happy to do that.

MR. PROFACI: Okay.

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QUICK CHEK

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CHAIRMAN EWASUTYN: Let's talk a little bit about the screening of the mechanicals on the roof.

MR. MARTEL: The HVAC equipment, as I said, is located on the roof. Essentially what you can picture is the roof is actually almost where this shingled canopy starts. The rest, what you see here, is also just a false facade on the building to give you some additional height and shape. What the architect has done is provide that screening several feet above the HVAC equipment, primarily for sound mitigation, and that's what you're seeing there above the shingles. It's meant to match and be of a similar color, you know, to kind of harmonize with the building materials.

MR. GALLI: It's going to be the same color as the roof?

MR. MARTEL: Well what you're looking at here is what we believe to be accurate which is a color that we think is kind of -- we don't have an exact color match there but --

MR. GALLI: What is it going to be made out of as far as --

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QUICK CHEK

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MR. MARTEL: It's the synthetic material. It's not a normal construction material. It's primarily meant for sound mitigation as I said. So it's the synthetic wall that is essentially done around the HVAC.

MR. GALLI: And what about over the gas pumps, the suppression system?

MR. MARTEL: The suppression system is concealed pretty well. There's the small canisters that -- again, the roof line of the canopy is actually in this green area. The roof above it again is false. Those canisters sit on the deck of the canopy which is almost at the bottom. So you have them up seventy feet and those canisters are approximately three feet. So they're shielded appropriately. The canopy itself is only fourteen-and-a-half feet to the under clearance, so we can provide the fire suppression right there at the bottom as opposed to extending -- sometimes you see on the older canopies that are a little bit higher you see the extension because there's max elevations that -- I think it's be fifteen feet six inches that those have to be mounted.

1
2 MR. GALLI: Are you going to bring in
3 real pictures? If that's the case, try to get
4 the ones of the rooftop units with that material
5 so we can see what it looks like.

6 MR. MARTEL: Okay.

7 MR. BROWNE: On the canopy, one of the
8 concerns that I have is this facility is going to
9 be lower than 9W.

10 MR. MARTEL: Correct.

11 MR. BROWNE: I don't want to see the
12 top of the canopy, the fire suppression. The way
13 it's being built, the design, you happen to be
14 along the length going away from 9W, so it's
15 going to be a fairly long distance back.

16 MR. MARTEL: From perspective it's a
17 good comment. Looking at the site plan for a
18 second, just to give you a feel for the
19 elevations -- I apologize, I'm just going to look
20 at this to make sure I get these elevations
21 correct. The canopy itself sits at approximately
22 elevation 295. The southern road frontage is
23 approximately 305 and the northern road frontage
24 is approximately 292. So you do have about a
25 13-foot grade change. On the lower side I don't

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QUICK CHEK

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think that concern is there because the bottom -- the pavement here sits higher than the road. I think your comment is valid from the southern approach where you're sitting up at elevation 305 and this is 295.

Now, what I noted was the bottom of the canopy is 14 1/2 feet and we have a green fascia of 3 1/2 and then a mansard of 3 1/2. So the effective elevation is approximately 21 feet above the 395. That's going to the 415 -- 315, excuse me, whereas this elevation is only 320. So I still think we're 10 feet above that. If you picture sitting in your car about 5 feet above the grade, you're at about 310 which is still 5 feet lower than the canopy. So I don't think you're going to get that approach of really looking down into it. To get a feel about another maybe 500 feet up the road, the grade change only goes up about 1 or 2 feet. I think you would have to be plus or minus -- I don't know the exact elevations of the road but you'd have to be several thousand feet away from the site to be able to look down above the canopy. I don't think practically that will catch your eye

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from that distance.

MR. BROWNE: Thank you.

CHAIRMAN EWASUTYN: Ken?

MR. MENNERICH: I have no questions.
The colors that are on that rendition certainly
are much better than what was in the copies we
got.

MR. MARTEL: That's what happens when
you have an engineer print out an architect's
work. I didn't do it justice. I apologize.

CHAIRMAN EWASUTYN: Joe?

MR. PROFACI: I have nothing.

CHAIRMAN EWASUTYN: Tom?

MR. FOGARTY: I have no comments. I'd
be interested in seeing the actual materials, the
roof and so on.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: The screening, as long as
you coordinate to blend it in, that will look
fine.

CHAIRMAN EWASUTYN: Jerry?

MR. CANFIELD: Nothing on the ARB. If
you want to discuss signage now or later --

CHAIRMAN EWASUTYN: Let's finish with

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this.

MR. HINES: I have nothing.

MR. COCKS: I have nothing on the ARB.

MS. ARENT: I just had a question about the color of the HVAC screening. You said -- I don't know if you actually mentioned what color it was.

MR. MARTEL: No. I think I didn't. Honestly I don't know exactly what the spec is. I think with the material board we'll clarify that. The idea is, you know, to be matching with the shingle.

MS. ARENT: So ideally it's gray?

MR. MARTEL: Ideally it's gray. Probably realistically a slightly different tone.

MS. ARENT: As long as it's not white or something like that.

MR. MARTEL: No, no, no. I don't know how well you can see it from there. It's shown here as a light gray and the shingle is shown as a dark gray.

MS. ARENT: Can you make sure that's all labeled, and colors too, on your submitted drawing?

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QUICK CHEK

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MR. MARTEL: The final elevations. We'll bring a material board and photos as well the next time we see you folks.

CHAIRMAN EWASUTYN: Okay. Jerry Canfield, did you receive his review comments?

MR. MARTEL: Jerry Canfield. I believe so. No, I don't believe we did.

CHAIRMAN EWASUTYN: Jerry, do you want to take the opportunity to discuss them now?

While Jerry is discussing it I'll give you a copy that you could --

MR. CANFIELD: We reviewed the signage calculations that you had submitted. With respect to what is allowable per our municipal code, and I think you had stated 358.4 actual is what's allowable, which is correct. I don't know if you've taken into consideration your pylon being a double-faced pylon which would be -- I believe it's 99 square feet times two. The signage total of all the signage is a cumulative. So your total signage, as per my calculations with your chart that you had submitted on sheet 4, I look at it that you have 463.7 square feet of signage total which has put you at about 105

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QUICK CHEK

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square feet over what's allowable.

We were discussing at the work session that we thought that perhaps it was that you did not figure the double faced on the pylon.

MR. MARTEL: That's correct. I didn't personally realize that was the interpretation, to count both sides since it's only visible from one. I did only count it as one single. We counted the sign facade one time as 99.9 square feet, and then three facade signs at 71.9 each on the three elevations I described, and the two canopy signs at 20.3. So that's probably the 100 plus or minus square feet discrepancy. It makes sense that that's what it is. I assume that's the interpretation of the Town. So in that case we're not going to be requesting a variance. We would be amending our application accordingly to come under whatever you calculate as the total allowable square footage. I think you said it's the same as what we did, the 358 number. We're consistent there.

MR. CANFIELD: We pretty much match with the discussion of the other side.

The other question that I had, and it's

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QUICK CHEK

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not really a big issue but I believe you exempted the directional signs which basically are only 9 square feet. If it's your proposal to proceed to the ZBA for a variance, the suggestion would be just to go for everything that you need. I mean it's only a 9 square foot difference but --

CHAIRMAN EWASUTYN: Let Mike Donnelly elaborate on what your options might be as far as signage.

Mike.

MR. DONNELLY: I think you had three. One is to amend your plans to bring the signs within the limitation that the code fixes, and I think Jerry is telling you the directional signs would need to be included within that.

CHAIRMAN EWASUTYN: Jeff, please. I mean the purpose of my talking is to discuss with you the three options.

MR. MARTEL: Got you.

CHAIRMAN EWASUTYN: If you give him the attention, that would be polite.

MR. MARTEL: Understood.

MR. DONNELLY: The second option would be to go to the Zoning Board to get the needed

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2 variances. Of course you'd have to wait for site
3 plan approval until the Zoning Board finished
4 that task. The third option would be to present
5 a site plan that has a reduced sign plan at the
6 present time, get your approval, then pursue the
7 variances that you might need, and then return to
8 this Board with an amended approval showing those
9 signs with the variance. That would enable you,
10 if you wish to do so, to move forward with
11 construction or other agency approvals, or
12 whatever you needed to do.

13 MR. MARTEL: That sounds like the most
14 reasonable I think. Whether we choose to I guess
15 go -- we would amend our application now to be
16 compliant. Whether we choose to carry the
17 process forward, I think we'll make that decision
18 another day.

19 MR. DONNELLY: That's fine.

20 CHAIRMAN EWASUTYN: Okay. That's
21 reasonable.

22 So what we understand now is, for the
23 benefit of the Board, the Board would like to see
24 the materials that would coincide with the ARB
25 approval. We don't have those materials tonight,

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2 so at a future meeting you'll have everything
3 that we need along with noting on the plans what
4 those colors would be, what those specs would be.

5 Okay. Now let's begin discussing the
6 site plan.

7 MR. MARTEL: Sure. The site plan is --

8 CHAIRMAN EWASUTYN: Whose comments do
9 you have? Whose comments have you received?

10 MR. MARTEL: I have Mr. Hines'
11 comments, I have Mr. Cocks' comments and Mr.
12 Wersted's comments.

13 In general the plan is very close to
14 what was originally submitted and presented to
15 you last -- at the last meeting. We did
16 resubmit, at the beginning of the month, revised
17 plans. Without going through each item, the
18 large changes were and related to the water
19 service, bringing a new eight-inch main on the
20 property for the purpose of fire protection
21 purposes where we previously only showed a two-
22 inch line. So that was significant in nature.

23 The drainage comments, I understand we
24 do have some still remaining.

25 We did revise the height of the field

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2 stonewall, which, as you recall, is along the
3 frontage of 9W and a little bit perpendicular to
4 9W there, giving ourselves some treatment at the
5 entrance. We did revise that wall to four feet
6 as per your professionals recommendations. I
7 made some changes in terms of the landscaping,
8 the types of species and the amount of material
9 and what have you consistent with the comments we
10 had.

11 We also provided some different revised
12 details in terms of some area lights, again field
13 stonewall, the privacy slats on the trash
14 enclosure, and of course the detailed
15 architectural plans as well.

16 At this point -- excuse me. One last
17 thing was the addition of the sidewalk along our
18 property. There was a comment from Mr. Wersted
19 in terms of the treatment here on our northern
20 end. The concept of providing a sidewalk from
21 property line to property line along the north/
22 south direction was added as well.

23 Those are essentially the changes that
24 we did make. We did get a chance to review the
25 letters, and I don't know if your professionals

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will be going through them or if you want me to address one or two of the key comments, I can certainly do that.

CHAIRMAN EWASUTYN: Why don't you have some discussion.

Jerry Canfield, do you have anything you want to add to the site plan?

MR. CANFIELD: No. Our previous comments from February 16th have all been addressed. They dealt with the water main size, which they have increased. We asked for additional fire hydrants, which they have installed. We previously commented that the turning lanes are all compliant with the fire code.

All of our other comments have been addressed.

CHAIRMAN EWASUTYN: Pat Hines, Drainage Consultant?

MR. HINES: Our first comment has to do with the -- I met with the town engineer and the highway superintendent regarding their concern with a drainage issue along the rear easterly property line. They're requesting the applicant

1
2 consider granting the Town an easement for
3 correction of a drainage issue that comes to the
4 rear of the properties that have a common rear
5 property line with this parcel. I've had the
6 opportunity to talk to Mr. Martel and I believe
7 he's relayed that request to his client which --

8 MR. MARTEL: Yeah. In concept, as we
9 talked about today Pat, Quick Chek is agreeable
10 to that, and we ask the Town, you know, so we can
11 do it as part of this process, to provide us with
12 whatever legal instrument it is. The concept, we
13 agree to it and have no objection to it.

14 CHAIRMAN EWASUTYN: Mike Donnelly do
15 you want to discuss that?

16 MR. DONNELLY: I think the town
17 attorney will take care of that. I'll contact
18 him.

19 MR. MARTEL: Thank you.

20 MR. HINES: I have a couple of clean-up
21 details on the stormwater management, but more
22 importantly we have a comment regarding the
23 functioning of the detention pond and the water
24 surface elevations in the detention pond in
25 relation to the stormwater management piping on

1
2 the site. I did speak to Mr. Martel today about
3 that. I believe that we've come to a consensus as
4 to how that can be resolved. It's just going to
5 take some extra design work to accomplish that.

6 I know Mr. Martel was going to speak to
7 the manufacturer of the proprietary filtering or
8 storm receptor type device, it's called an
9 Aqua-Swirl unit, to determine what impact it
10 would have if it was surcharged and submerged. I
11 don't know if you have the ability to do that.

12 MR. MARTEL: Unfortunately I couldn't
13 reach him this afternoon. I agree with
14 everything you've stated. We'll essentially go
15 to the manufacturer, clarify the questions and
16 address them accordingly. We'll get those
17 answers and provide them to you and any revised
18 design elements accordingly.

19 MR. HINES: The rest of our comments
20 have to do with whether or not those filtering
21 practices and that proprietary sediment device
22 will function with the entire storm volume
23 directed to them. The engineer is going to take
24 a look at whether they can move some of those
25 systems offline, receiving only the water quality

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volume that they're needed to treat. It may reduce the size of the filter required which will save on some long-term maintenance, and initial construction costs also.

Our final comment is that we're awaiting submission of the plans for the sanitary sewer disposal system. We have seen previously a design for a sanitary sewer disposal system which looks similar to the one on the plans, but I believe that the Quick Chek folks are working on getting an engineer to actually design that sanitary system. So we don't have that yet.

That's our comments to date.

MR. MARTEL: Just to add again, everything Pat has said is correct. What's shown on the plan right now as far as the septic, it was a design by Kleinfelder. They're a consultant that Quick Chek had in terms of their septic. There was a submission made to the County for the approval. I'm speaking of actually about a year-and-a-half in the past. That was before you folks for the original application. We were probably on the ten-yard line, so to speak, of getting that permit when the project went on

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hold. So we've retained that original design that Kleinfelder has done for reasons that don't need to be discussed tonight. Likely Kleinfelder will not be continuing with it. Quick Chek is actually pursuing an alternate professional to finish out the permitting. We do, you know, trust in the work Kleinfelder has done to date in terms of the soil testing, design and what have you and think it will be nearly identical to what they designed and what we show on the plans today. As soon as we get those plans we'll provide them to the Town.

CHAIRMAN EWASUTYN: As far as the -- eventually you should be applying for a resolution for approval. There will need to be submitted a maintenance schedule for the drainage system that you're putting in. That would be approved by -- how would that work, Pat?

MR. HINES: For the maintenance, that would be reviewed by our office. I'd work with Jim Osborne and Mark Taylor to make sure it's acceptable to the Town. The new Town stormwater management regulations require site plans that are approved with stormwater management

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facilities to submit an annual certification to the Town so that the Town can document compliance with it's MS-4 permit.

CHAIRMAN EWASUTYN: That would be one of the conditions as far as final approval that would need to be submitted.

MR. MARTEL: We've worked with Pat's firm in other municipalities with the same idea, and I'm sure the agreement will be similar. Quick Chek is again agreeable in concept. We're happy to have that as a condition of approval.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

MR. COCKS: My first comment was just we received a Local determination from Orange County Planning Department in a letter of March 4, 2010.

We also received a letter from the New York State Department of Transportation just consenting to the Planning Board as lead agency and conceptually approving the plan.

I have a work permit is going to be needed for the approval of the site plan.

We are going to need a signed and

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sealed survey sheet for final approval.

We discussed at work session the threatened and endangered species, the potential for them on the site. We read the note in the revised EAF and that's okay. We think that issue is wiped out.

Other than that, the other thing we just discussed at the work session was -- can you just explain the reasons behind having the double bollards in each parking spot?

MR. MARTEL: It is primarily a safety element. Something our office has worked with Quick Chek on over the last ten years. It's actually pretty common in a lot of other facilities that are being built now. The idea is because of the quick turnover in the facility and the fact that we actually don't provide any curb around the building, the thought there is that providing the proper protection for the pedestrians on the concrete sidewalk around the building is essentially priority number one. So those bollards essentially provide a barrier between the parking area and the pedestrian areas, and obviously the front door. We do have

1 a small seating area noted on the plan as well.
2 So it's primarily a safety function. From a
3 business perspective, unfortunately Quick Chek
4 has fallen victim to a couple people literally
5 going through the storefront for whatever reason,
6 getting in their car and instead of reverse
7 you're in forward or what have you. Our office
8 has personally done several -- patched up several
9 7 - 11s and Wawas down in south Jersey, other
10 convenient stores in nature. What you'll see at
11 other convenient stores is just strictly a bar
12 cross the front of the building, really
13 protecting the front of the real estate of their
14 building. Obviously it didn't have merit for the
15 sidewalk, or pedestrian safety as well. We've
16 wrapped it around the three sides of the building
17 for that reason. It is a dark green color which
18 is essentially meant to match this -- the color
19 that you'll see here and band on the signage. So
20 it is a dark green color. You may have noted
21 some of the older facilities, maybe in New
22 Windsor when it was first constructed or some of
23 the other ones where it used to be red. We've
24 gone away from the red completely. That jumped
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out as a visual. The dark green has a much better ability to not have that visual impact.

MR. COCKS: I have no further comments.

CHAIRMAN EWASUTYN: Karen?

MS. ARENT: I apologize for not getting my memo to you.

MR. MARTEL: No problem.

MS. ARENT: I will get it to you.

One minor comment. There are twenty-four plants on the north side of the entrance drive and I just need you to label it.

The stonewall that you're raising to four feet, it's because you're using it as a fence around the stormwater management basin to protect it from -- well, in accordance with the Town of Newburgh code. You having the fence meet the stonewall, I understand from Jerry that it's important to make sure that there's no foot holes where the fence meets the wall that somebody could climb over. You might want to draw that detail.

MR. HINES: He did.

MS. ARENT: Good.

Stonewall, but where the fence meets --

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MR. HINES: It's right on the detail.

MS. ARENT: Okay. Great. So it's solved. Thank you. That's it.

CHAIRMAN EWASUTYN: There was one other important --

MS. ARENT: Right.

CHAIRMAN EWASUTYN: -- detail picked up in the review, and there's a -- there's some portions of your sidewalk that are lands of others.

Karen, do you want to bring him along?

MS. ARENT: Yes. Some of the sidewalk is on the DOT property. If you could move the sidewalk on your own property. We just looked at it quickly. It looked like you can do that by just changing the grading on the north side and the south side. If you could just move it up into your property.

CHAIRMAN EWASUTYN: Mike, is there something in the resolution that would spell out the maintenance of those sidewalks, or once they're -- once it's shown on the owner's property, is that --

MR. DONNELLY: I think once it's on

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their property the obligation of maintenance continues. We do have specific regulations for maintenance of parking lots, and I think it may include sidewalks on commercial properties. I'll double check. It would be an element of the site plan approval and enforceable by the Town.

CHAIRMAN EWASUTYN: Any further comments from the Board Members. Frank Galli?

MR. GALLI: No additional.

MR BROWNE: I was just curious. On the bollards, when they're designed how much of a force are they designed to stop, what speeds or whatever? Do you have any information on that? I'm just curious. I have nothing to, you know --

MR. MARTEL: They are -- it's essentially -- we design them -- there is a code. I want to say it's 4,000 pounds as a thrust force. What we essentially do is there is a requirement to have protection around gas pumps and just other miscellaneous items that need protection. There is a quotation, I could be wrong but I think it's 4,000 pounds thrust force which is basically a moderately moving vehicle. It's the same. We're in compliance with the gas

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pumps and essentially just translate that exact design to the bollards at the store. Material wise it's a six-inch steel bollard and it is filled with concrete, embedded three-and-a-half feet below ground or whatever the building code is. So, you know, it's got a concrete foundation as well. So it's not even just a pole buried in the soil. So it's --

MR. BROWNE: I was just curious.

Thanks.

CHAIRMAN EWASUTYN: Ken?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: On the same note, with your sidewalk detail and your curbing, you don't identify the psi for concrete. I think you should list that out.

Joe?

MR. PROFACI: Nothing further.

CHAIRMAN EWASUTYN: Tom?

MR. FOGARTY: No. We just talked very briefly. Since there is no light, the left-hand turn out of that property is going to be challenging, especially going onto 9W. There's really nothing you can do about that.

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MR. WARD: There was a question about the sidewalk when it meets the other property, whether it's going to be out to a road. I know you'll be addressing that.

MR. MARTEL: Ken's comment, you know, we essentially just show it ending. I think -- correct me if I'm wrong. I think the comment was to just, like I said, put it out to the road. We're agreeable to that. That would of course come off our property. A little bit of conflict with the idea of keeping all the site work on the property.

The idea of safety, ultimately the DOT is going to do everything in the right-of-way. No objection to Ken's comment. The plans are under review by the DOT. Chuck recently submitted them, copied the Board with correspondence. At the same time we resubmitted to you on April 2nd, within a day or two we sent them to DOT for them to continue their review process as well. We'll keep the Board updated.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: And the Board was cc'd on the correspondence you had sent to me,

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and they all have copies of that.

MR. MARTEL: Great.

CHAIRMAN EWASUTYN: At this point I'll move for a motion from the Board -- Pat, do you want to add to the negative declaration on this as far as they'll be submitting to you the final details?

MR. HINES: I think -- I'm okay with the neg dec knowing they're going to treat the stormwater as a DEC hot spot. They have a conceptual plan of utilizing the filtering practices along with the water quantity controls. The technical details can be worked out between my office and the applicant's representative.

Also, we did review plans for the sewer system. They will ultimately be approved by the Orange County Health Department because they're greater than 1,000 gallons per day flow, and it is also a nonconventional sanitary sewer disposal system, it's a fill system, which needs County Health Department approval. Knowing that those two items, they've been addressed in concept, there's room on the site to provide both stormwater management and the sanitary sewer,

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with the exact engineering details to be worked out, I don't have a problem with the negative declaration. We've reviewed it sufficient that I feel comfortable with that.

CHAIRMAN EWASUTYN: Okay. So with that understanding, I'll move for a motion this evening to declare a negative declaration for the Quick Chek site plan and to set the 20th of May for a public hearing. At that time also we'll be hopefully completing ARB review and you'll have samples of the materials that the Board can actually then take for consideration in making their decision.

MR. MARTEL: I'm happy to submit ahead of time the fifteen copies of everything. If we want to drop that off ten days prior to the meeting for anybody who is available, or I can simply bring it that night, the material board. Whatever the Board prefers.

CHAIRMAN EWASUTYN: What you can do is you can -- like all things, we'll schedule it for a time that you can deliver them to the Planning Board office, for the Planning Board Members that is, so they'll have the opportunity to review

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2 them as they come in, and maybe a set of plans
3 that note where something will be in color as it
4 relates to the renderings. As far as what you
5 can get to Karen or Bryant, you can speak to them
6 and arrange for what it is they may want to see
7 and how he can get that to them.

8 MR. MARTEL: Great.

9 CHAIRMAN EWASUTYN: Then I'll move for
10 a motion to declare a negative declaration for
11 the Quick Chek site plan and schedule the 20th of
12 May for a public hearing.

13 MR. GALLI: So moved.

14 MR. PROFACI: Second.

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

18 (No response.)

19 MR. DONNELLY: Before you call for the
20 vote, I just note this is a coordinated review
21 matter. You had issued a notice of intent to be
22 lead agency in February of this year and no one
23 has objected to that. More than thirty days have
24 past, so your lead agency status is finalized.

25 CHAIRMAN EWASUTYN: Thank you.

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I have a motion by Frank Galli. I have a second by Joe Profaci. 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.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. Motion carried.

You'll work with Bryant Cocks in reference to the mailing and circulation. The only request that we have is two days prior to the actual meeting, that Tuesday, if you would get the return receipts to our office, we'd appreciate that.

MR. MARTEL: All right. Thank you very much. Have a good evening.

(Time noted: 7:46 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: May 2, 2010

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

----- X
In the Matter of

CRONK ESTATES II

Peaceful Court
Section 1; Block 2; Lot 17.2
AR Zone

----- X

CONCEPTUAL SIX-LOT SUBDIVISION

Date: April 15, 2010
Time: 7:48 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
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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

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MR. BROWNE: Our last item of business is Cronk Estates II, Peaceful Court, being represented by Charles Brown, Taconic Design Engineering, a conceptual six-lot subdivision.

MR. BROWN: Thank you. This is a 21-acre parcel, vacant at this time. It's on a private road. It was Foxcrest Lane which is now called Peaceful Court. It comes off of Cronk Road.

Back in `04 and `05 we did a four-lot subdivision of the adjoining parcel on that same street. This is the balance in the back.

The proposal is to cut that into six lots which will be served by individual wells and septics.

I tried to contain all the development up towards the cul-de-sac. We would maintain conservation areas downhill from lots here and here. This would be just a buffer.

We were looking into the new DEC regulations per the January 29th DEC regs for the SPDES permit. We'll be using a lot of those green initiative implement items on this project.

We've already done the majority of the

1 testing for the septic. The septic locations
2 shown on this map in the light green are the
3 areas that are viable for septics.
4

5 That's pretty much it at this stage.

6 CHAIRMAN EWASUTYN: Okay. We'll start
7 with Jerry Canfield. Jerry?

8 MR. CANFIELD: Just a couple things.
9 On the bulk use table we have lot 6 depicted as
10 115,756 square feet, but actually on the map
11 itself there's a discrepancy. It's 116,433. Just
12 they should match.

13 MR. BROWN: Okay. The map is correct.
14 The table needs to be corrected.

15 MR. CANFIELD: The other item is on
16 lots 5 and 6 the building footprint is right up
17 against the building envelop. If we could have
18 the standard note applied that --

19 MR. BROWN: Surveyed prior to
20 construction.

21 MR. CANFIELD: Yeah. So it gets staked
22 out prior to digging.

23 Those are the only two items that I
24 have.

25 CHAIRMAN EWASUTYN: Okay. Pat Hines,

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Drainage Consultant?

MR. HINES: A new private road access and maintenance agreement will have to be addressed.

I didn't know if the current applicant still owns lot 4.

MR. BROWN: Yes, he does. I got your comments. Thank you, Pat. I did review the filed map for the property as amended with the -- with Gary Fogarty. It does not cut that corner. The lot 4 right-of-way does continue straight through that property line. I did see what you were concerned about. It is in the same ownership. We'll verify that based on the deed on lot 4 on the Cronk subdivision.

MR. HINES: Clean that up.

The shared driveway for lots 5 and 6. Some of the comments are the same as Bryant's.

Stormwater management, I know you show it schematically there. I do have a concern. I know the highway department has a concern about discharging to the private roadways, including the extension all the way out to Cronk Road. You may want to take a look at the stormwater

1 management practices. I know you're proposing a
2 dry swale but there's no quantity control there.
3 I didn't know if maybe one of the other lots you
4 own might be able to have a stormwater management
5 facility placed on it.
6

7 MR. BROWN: Actually where I show the
8 pond here would be what I use for quantity
9 control. This actually has three breaks. This
10 part drains this way which we'd handle entirely
11 with the new DEC green initiatives, and the same
12 thing for this over here. Those are large lots
13 with very little impervious areas. This does
14 drain down and does continue in the back of lots
15 1 through 4 on Cronk I to Cronk Road. So this
16 would take care of the quantity for those.

17 MR. HINES: The concern is that you
18 have swales along both sides of the private road,
19 from the cul-de-sac all the way out to Cronk. We
20 want to make sure there's not a drainage impact
21 on the Town road when it all gets there.

22 MR. BROWN: We will follow the new
23 regulations for the Town and the DEC.

24 MR. HINES: The rest are all clean-up
25 items and things that will need to be submitted

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in the future. I know the Board will discuss the 150-foot conservation easement and how that will be filed and addressed.

As far as sketch plan, we're fine with the layout. We'll need some detailed engineering to be submitted.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

MR. COCKS: My first comment is just for approval we're going to need a signed and sealed survey sheet.

An owner's consent note needs to be signed.

Right now it meets all the use and bulk table requirements, so no variances will be necessary.

As Pat mentioned, the private road maintenance agreement will need to be submitted to Mike Donnelly.

Lots 5 and 6 will have a common driveway maintenance agreement.

I did like how you designed it so you're preserving the stonewalls on the site. We're going to ask if you can put a note just to

1
2 preserve all stone walls unless they need to be
3 moved for construction.

4 The house on lot 6, which is where the
5 stormwater is, is there any way that can be moved
6 in back of that stone wall? I just feel like
7 that's really close to that --

8 MR. BROWN: Depending on the final
9 design of the septic, we should be able to do
10 that.

11 MR. COCKS: It just seemed like between
12 the stone wall right in back of it, it is very
13 tight in there.

14 MR. BROWN: We started the drainage
15 design, and the pond is actually going to be
16 smaller than what we show there. Typically I go
17 in larger so I don't box myself into a corner.
18 When we have the final design I'll reposition the
19 house so there's sufficient yard and what not.

20 MR. COCKS: Good. As we talked about,
21 the 150-foot conservation area that's listed,
22 that is not required by zoning. We were talking
23 to Mike Donnelly about how we're actually going
24 to ensure that that stays conservation.

25 MR. BROWN: I would actually like to

1 defer that until we get done with the drainage.
2 It may be expanded or what not with the green
3 initiatives in the DEC regs. Again, this one up
4 here serves a purpose other than a buffer. For
5 that we can use the same notes that we used in on
6 the back, box 1 through 4, a straight
7 conservation note, no cutting of the trees. I
8 have to look further into the new regs as far as
9 the other ones that serve a purpose as far as the
10 stormwater.
11

12 MR. DONNELLY: Regardless of the size
13 and those provisions, I think what we're saying
14 is if you're going to offer it, to make it
15 meaningful for the protection of the contiguous
16 property owners, we'd like to see it as a
17 recorded instrument.

18 MR. BROWN: Of course.

19 MR. DONNELLY: Okay.

20 MR. BROWN: Yup.

21 MR. COCKS: Just a note with the
22 stormwater detention ponds, just landscaping and
23 fencing surrounding it. Just detail that in the
24 site plan, the fence.

25 Lot 10 is actually within 500 feet of

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CRONK ESTATES II

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Forest Road, so this is going to have to go to Orange County Planning.

Also we're going to have to send this to the town highway department for the whole Cronk Road/Peaceful Court intersection.

That was all.

CHAIRMAN EWASUTYN: And I think we'll also have a signoff from the town highway department on this, and we'll ask that you give -- get Bryant another set of plans that show the current sight distance onto Cronk Road, and then we'll forward those plans on up to Ken Wersted for his review.

MR. BROWN: When we did Cronk Estates, the original four lots, we did do sight line easements to clear to provide the sight distance. I can provide a copy of that information but --

CHAIRMAN EWASUTYN: Do that and then we'll refer that on up to Ken Wersted, and at the same time we'll -- let's have two copies and we'll submit a copy to the town highway department.

MR. BROWN: Okay. Anything else? A copy for the County, too?

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MR. COCKS: Yes.

MR. BROWN: Three copies?

CHAIRMAN EWASUTYN: Bryant will coordinate that with you.

Charlie, I have a question for you. As far as -- I did get the correspondence from the Town Board that the Town approved the name Peaceful Court.

MR. BROWN: Mm'hm'.

CHAIRMAN EWASUTYN: Do you know when signage is going to go up, and the stop sign?

MR. BROWN: We could get that up right away. Is two weeks good enough? Two weeks.

CHAIRMAN EWASUTYN: I think that was the purpose. Now we should be able to identify that.

MR. BROWN: Particularly the stop sign.

CHAIRMAN EWASUTYN: Karen?

MS. ARENT: I just would like to ask a question. The conservation easement that you're using for the green initiative, that's something that has to be -- I believe has to be defined in the resolution and then you're allowed to take that entire area of drainage out of your

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calculations --

MR. BROWN: Right.

MS. ARENT: -- for quality, not quantity.

MR. BROWN: Correct.

MS. ARENT: But I believe that does have to be recorded as a legal agreement.

MR. BROWN: I'm looking into that now, reviewing the regulations. I may have to adjust those based upon my final drainage calculations.

MS. ARENT: You're just going to need some street trees and stormwater management when we get further.

MR. BROWN: Understood.

CHAIRMAN EWASUTYN: So that total area wouldn't have to be considered for the quality as far as treatment but the quantity that might come from that would be part of it?

MS. ARENT: Right.

MR. BROWN: Right.

MR. HINES: It wouldn't change because it's staying in its natural condition. So there's no post-development quantity increase.

CHAIRMAN EWASUTYN: Okay. That makes

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sense.

Comments from Board Members. Frank

Galli?

MR. GALLI: No additional.

MR. BROWNE: I was going to ask a question about the green initiative thing. Okay. I'm good.

CHAIRMAN EWASUTYN: Do you want to elaborate a little more on that for our education?

MR. BROWN: The new DEC storm regulations --

MR. HINES: It's actually the design guideline.

MR. BROWN: Right. They incorporated a lot of what they call green initiatives where you can take care of your water quality using re-routing roof drainage to cisterns, using rain gardens and stuff like that, swales, and also preserving buffer strips downhill from where your development is to adjoining areas.

So again, that was just put into effect January 29th. Actually, this project is pretty much tailor made for the use of some of those

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initiatives.

MR. HINES: It's more of an emphasis on reduction of stormwater quantity rather than treating the increase is what they're heading for now.

MR. BROWNE: What this helps as far as development goes, you say costs on your end as far as design specific things.

MR. BROWN: Right, right. Especially for, again, a project like this. We have large lots and very low percentages of impervious area. They're actually very effective. I like it for that. The very dense commercial project, not happening.

MR. BROWNE: Thanks.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

MR. PROFACI: No questions.

CHAIRMAN EWASUTYN: Tom?

MR. FOGARTY: No questions.

CHAIRMAN EWASUTYN: John?

MR. WARD: No questions.

CHAIRMAN EWASUTYN: Okay. I'll move for a motion to grant conceptual approval and to

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circulate to the Orange County Planning Department.

Also Bryant, to the Town of Plattekill? Is that a requirement here or not?

MR. COCKS: No.

CHAIRMAN EWASUTYN: Then the motion would be to grant conceptual approval and circulate to the Orange County Planning Department.

MR. PROFACI: So moved.

MR. FOGARTY: Second.

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

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So

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carried.

MR. BROWN: Thank you.

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

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

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

DATED: May 2, 2010

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

----- X
In the Matter of

THE MARKETPLACE
(2004-54)

Request for a One-Year Extension of
Final Site Plan Approval

----- X

BOARD BUSINESS

Date: April 15, 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
JOHN A. WARD

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

----- X

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

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THE MARKETPLACE

MR. BROWNE: Do you want to revisit the Board Business?

CHAIRMAN EWASUTYN: Just the Marketplace at this point.

MR. BROWNE: The Marketplace, request for a one-year extension of conditional final site approval from June 17, 2010 to June 17, 2011.

CHAIRMAN EWASUTYN: Okay. I'll move for a motion to grant a one-year extension for the conditional final site plan approval for The Marketplace from June 17, 2010 to June 17, 2011.

MR. MENNERICH: So moved.

MR. WARD: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

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THE MARKETPLACE

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself yes. So
carried.

Thank you all.

I'll move for a motion to close the
Planning Board meeting of April 15th.

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.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So
carried.

(Time noted: 8:02 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: May 2, 2010