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

----- X

In the Matter of

ALL GRANITE
(2011-14)

Brookside Farm Road
Section 97; Block 1; Lot 20.2
IB Zone

----- X

SITE PLAN EXTENSION

Date: June 7, 2018
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
PATRICK HINES
JESSE VOGL

APPLICANT'S REPRESENTATIVES: JUSTIN DATES
TAYLOR PALMER

----- X

MICHELLE L. CONERO
PMB #276
56 North Plank Road, Suite 1
Newburgh, New York 12550
(845)541-4163

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ALL GRANITE

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CHAIRMAN EWASUTYN: Good evening,
ladies and gentlemen. We'd like to welcome you
to the June 7th Planning Board meeting. This
evening we have six items on the agenda.

I'll call the meeting to order now with
a roll call vote.

MR. GALLI: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. BROWNE: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

MR. DONNELLY: Michael Donnelly,
Planning Board Attorney.

MS. CONERO: Michelle Conero,
Stenographer.

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

MR. VOGL: Jesse Vogl, Creighton,
Manning Engineering, Traffic Consultant.

CHAIRMAN EWASUTYN: Thank you. At this
time I'll turn the meeting over to John Ward.

MR. WARD: Please stand to say the
Pledge.

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(Pledge of Allegiance.)

MR. WARD: If you have a cell phone, please turn it off or on vibrate. Thank you.

CHAIRMAN EWASUTYN: The first item of business this evening is All Granite. It's a site plan extension located on Brookside Farm Road in an IB Zone. It's being represented by Maser Consulting and Taylor Palmer.

MR. PALMER: Good evening, Mr. Chairman, Members of the Board. My name is Taylor Palmer with the law firm of Cuddy & Feder. Thank you for agreeing to move our agenda item and then moving it back.

We are here this evening in connection with a request for an extension. We were previously before this Board in connection with a six-month extension request for a water easement. We are currently in negotiations, as this Board is very much aware. For many years we've been trying to get access to a water easement through an adjacent property owner. We have information today, as of this afternoon, from Beth Stradar, the attorney representing Brook Trust, who is the private property owner for which we're trying to

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obtain the water easement, that we should have information from their client by next Wednesday. I realize that doesn't provide this Board with further information for this evening for the sake of an extension purpose, but we are here to request a three-month extension.

Before this meeting we arranged a conference call with the Planning Board Attorney as well as the Town Attorney. We were hoping to be able to provide a copy of what we consider to be in execution format a covenants and restrictions document. This property was encumbered by a covenant restriction whereby the building that our client is proposing to build on site would not block Pepsi signage. We had drafted an agreement, which is again in execution format in our perspective, and the same being so for the water easement. So we've provided information to them that ultimately we need to be able to proceed by next week, otherwise there's certainly other discussions that will have to happen. Without water there is no project.

So we are again before the Board this evening to respond to any particular questions.

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We did receive the comment memo from the Planning Board Engineer, and I may have Justin Dates of Maser Consulting just respond to that briefly, and then we'll ultimately provide any responses to the questions the Board or Counsel may have at that time.

CHAIRMAN EWASUTYN: Justin.

MR. DATES: We did receive Mr. Hines' letter here which kind of summarized from last meeting and prior where the site stands from an erosion control standpoint. There are items which need to be addressed.

With the prior extension there was a stipulation regarding final stabilization by May 15th. The applicant, you know, had some positive feedback from the adjacent property owner's attorney that we were in good position to get these things taken care of so they did not expend any effort to do the stabilization on the project site. We have been doing our weekly inspections to keep up to date with the SPDES permit.

Again, as Taylor mentioned, we are before you for the extension and come --

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ALL GRANITE

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when that would come up to it's fruition. We do need to address the stabilization issues.

MR. PALMER: If we may, just for the purpose of the record, we have indicated to Brook Trust's counsel we hope to be able to put these documents into escrow so they would be fully executed pending further requests that Brook Trust has made of our client in order to obtain that water easement. So we are trying to do every positive mechanism. It is our position that these agreements are in full execution format. Of course they will need to be reviewed by Town Counsel and the Planning Board Attorney.

CHAIRMAN EWASUTYN: Thank you.

Mike Donnelly, would you like to discuss the extension and the amended site plan approval?

MR. DONNELLY: Sure. I did participate in the telephone conference and it does seem like the water agreement and the adjusted easement agreements are very close. How much longer that will take is difficult to predict, but I think we're finally there.

This Board did, though, in November of

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2017, when it granted the six-month extension, make clear to the applicant that unless the site was stabilized that they would not grant a further extension, and that is an issue the Board will need to address here. They are unconnected issues. The stabilization really has nothing to do with the difficulties the applicant has long experienced in getting the water easement.

This approval was granted in 2012. Section 185-58(e) of the code says a site plan approval is good for two years and may be extended for one additional year, meaning a maximum duration of three years. The Board, because I think they understood that you were in a difficult predicament, kind of bent the rules and granted you far more extension than they should have. When they recognized that it didn't make sense to continue to grant the extension, they didn't want to pull the rug out from under you and gave you that final six-month extension on the condition that at least the site gets stabilized. We're at the juncture where that hasn't been done. If the Board, and they'll need to discuss this and vote, but if they are not

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inclined to grant a further extension, when you get the water and sewer easement issues worked out, you're going to have to come back for a new approval.

CHAIRMAN EWASUTYN: Pat Hines, would you like to add to this?

MR. HINES: I provided the Board with the minutes from the previous meeting where it was agreed that the site would be stabilized by May 15th. That activity has not occurred to date.

My comments also address the fact that their consultant has been doing weekly inspections, but the deficiencies identified in their own consultant's inspections have not been addressed on the site since November. So we are -- my office, and I know the code enforcement office, has some level of frustration with this site.

CHAIRMAN EWASUTYN: We'll open it up for Board discussion. Those who want to speak, speak.

MR. GALLI: I just think that the timeframe that we gave them, and I realize

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they're having difficulty and stuff, but I think we're at the junction now where I think it's just as easy for them to come back for the re-approval and not worry about the six-month extensions, just go that way and be done with it. I think it's best for you and best for us. You're still going to have to control the site and stuff like that. Instead of you wasting your time here every six months --

MR. PALMER: We appreciate the Town providing us the opportunity of trying to achieve this method. As the Planning Board Attorney mentioned, we are very close. Respectively, I'll turn it over to the rest of the Board for comments. I will ask Mr. Dates to just provide one update in response to the site stabilization. We'll certainly hear the Board comments first.

MR. MENNERICH: My question concerns the stabilization. What's involved with it and why wasn't it done?

MR. DATES: What's involved. I assume you may or may not have been to the site, but you see that we had -- after our site plan approval we got a clearing and grading permit because we

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were trying to run some of the site work parallel to getting this water access. So the site was open, there's a large depression where the building is supposed to go. There's some side slopes that are open, open soil, some that are not stabilized at this point, along with basically there was a stockpile created because of this excavation. There are areas of that which also have open soil. So temporary stabilization, in this case I think we may be at the level of permanent stabilization based on the delays. So we're talking about scarifying the soil, getting seed down, hay just to get a vegetative growth on those areas of open soil at this point.

In Mr. Hines' letter he did mention the site meeting that we had with his office, my office and the applicant. What was discussed at that point was getting the site to a final stabilization where we would actually need to take some of that stock -- actually remove the stockpile, essentially fill the excavation for the building, get those two slopes, that would establish vegetation, and then we would be in a

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position where we could consider the site as final stabilization. There is some extensive earthwork that would need to go on to achieve that.

MR. MENNERICH: Why wasn't the initial stabilization done?

MR. DATES: So I guess with our understanding of where we were with things, the applicant was focusing most of it's efforts on locking down the water and the CCR agreements.

MR. PALMER: If I may. I'm not an engineer --

MR. MENNERICH: That's a separate issue, though. This is an environmental issue that hasn't been addressed that you indicated would be addressed by May 15th.

MR. DOMINICK: Justin, it sounds like you're just making excuses. You've been uncooperative, you've ignored our engineer, our code compliance. It's totally unacceptable. Let's get to the point.

MR. DATES: Understood. I don't think personally I've ignored either, but --

MR. PALMER: If I may, just to clarify

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what I believe we discussed previously, there's one mechanism that -- maybe Pat can sort of point to this, too. There's one style of site stabilization. If you were to mothball the project, if the project was not to proceed it would require one form of site stabilization. Essentially the rock and the hard place, pun intended, is that the site stabilization that's being proposed for the construction -- for the site to be constructed would be a different site stabilization and build out. So the site stabilization that's being required now, if I understand it correctly, is a site stabilization as though essentially the project was not being progressed. So it's sort of going backwards to go forwards. Again, that's not the technical term or version of this, but as I understand it it's one form of site stabilization if the project was not to proceed. The applicant was proceeding and was getting information from the attorney who we were trying to work out a water easement agreement to build and get site plan approval for, and we haven't gotten to that stage. The applicant was relying on those agreements being

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signed and not site stabilizing to closeout the project versus site stabilizing to build out the project.

MR. BROWNE: John, if I may.

CHAIRMAN EWASUTYN: Go ahead.

MR. BROWNE: The question at hand is the extension for the project. Currently at this point in time my understanding is that this Board is not allowed to grant that extension because everything has run out as far as timing goes. So at this point my understanding is we technically can not give you an extension.

MR. DONNELLY: The three years have passed. The original site plan approval is good for two years, the code allows you to grant one additional year. You've done more than that. Those additional extensions probably by the book should not have been granted.

MR. WARD: You came in front of us, we gave you the extra extension. As common courtesy I would have thought you would have did the site stabilization whether -- I don't care about what the problems are. That has nothing to do with what we're saying. We're all on the same page of

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what we're trying to tell you. To me it's a slap in the face because you guys didn't do anything. It makes it harder for everybody future wise.

MR. PALMER: Mr. Ward, we are joined by the owner's representative. Mr. Ross is in the audience this evening. We're certainly making clear that the Board's comments have certainly been heard, and we'll represent that back to All Granite further.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Michael, so we're not in a position legally to grant an extension. At this point in time they would have to come back for a re-approval?

MR. DONNELLY: I believe that's the case.

CHAIRMAN EWASUTYN: What would that require? What are the steps for that? They would work from the existing application?

MR. DONNELLY: I think they need to demonstrate to you that it is the same approval they're requesting, that nothing has changed either in the regulatory scheme or within the area that would make an approval impossible. You

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would have to reaffirm your SEQRA findings and then decide whether or not you felt you needed to hold a new public hearing or whether you were satisfied that the concerns that the public may have brought if you had held the public hearing -- you waived the public hearing. So you have to decide whether you want to hold a public hearing, then you could take action again.

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

MR. HINES: I think the re-application should show, when it comes back in, the site as it exists today. There's been some construction activities, there are retaining walls, there's been some discussion of whether those are in the right locations. There's been some sewer lines identified on the site that may or may not have been depicted or constructed where they were shown on the plans. I think an update of the plans would be appropriate.

MR. DONNELLY: The agreements may result in those being relocated, in which case the approval might be slightly different but not dramatically.

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CHAIRMAN EWASUTYN: Is there a motion that we have to make this evening?

MR. DONNELLY: I would think you should move either to disapprove or approve it and -- it's easier to move to disapprove based upon the sentiments the Board has expressed.

CHAIRMAN EWASUTYN: Then I'll move for a motion to disapprove the site plan extension for All Granite located on Brookside Farm Road in an IB Zone.

MR. BROWNE: So moved.

MR. DOMINICK: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

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Motion carried.

MR. PALMER: We appreciate all the Board's time and we will certainly work with the adjacent property owner in order to try to resolve these issues, and the building department and engineering department to resolve those to the satisfaction of the Board. We'll appear with a site plan reflective of the items the engineer mentioned this evening.

CHAIRMAN EWASUTYN: Thank you.

(Time noted: 7:13 p.m.)

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

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do hereby
certify:

That hereinbefore set forth is a
true record of the proceedings.

I further certify that I am not
related to any of the parties to this proceeding by
blood or by marriage and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 18th day of June 2018.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

ALDI
(2018-06)

13 NYS Route 17K
Section 97; Block 1; Lot 2
IB Zone

----- X

AMENDED SITE PLAN

Date: June 7, 2018
Time: 7:13 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
PATRICK HINES
JESSE VOGL

APPLICANT'S REPRESENTATIVE: STEVE CLEASON

----- X

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CHAIRMAN EWASUTYN: The second item of business is Aldi. It's an amended site plan located on 17K in an IB Zone. It's being represented by Steve Cleason of APD Engineering.

MR. CLEASON: Yes. First of all, at the last meeting we had two items that came up that were asked to be addressed prior to the next meeting, besides the County review which has been completed. You had asked for photos of what the stain would look like. Basically all it does is give it more of a look like the rest of the brick.

The other item that was asked of us was to add a detail for the seeded area, which we did send to Pat and we've added onto C-4 which would be on the plans we would submit for signature. I do have copies here. I can leave a couple copies if you want.

CHAIRMAN EWASUTYN: I think all at once.

MR. CLEASON: That's fine. I believe that was the items.

The only other item was we were going

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to agree to sign the storm agreement. It was not required of our project but it was one that you had requested us to do. We have submitted an updated copy but there was a request from the client. The agreement that the Town has requires that the inspections be by a professional engineer every year. We had asked that that be every five years, which is consistent with what the State has in their agreement to the -- well, they have a draft agreement, it allows it to go up to five years. We would provide an inspection every year but this would be by an Aldi personnel with photographs. We had agreed that we could do a form so it would address every item was looked at with photographs and the PE actual inspection would be done every five years. That's the only modification. We have done everything else, it's been submitted. So if the Board would agree to that --

MR. DONNELLY: I don't think it's this Board's call. It's an agreement with the Town Board and it's a requirement of the code.

MR. CLEASON: The only difference would be this really isn't a requirement because we're

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not a new facility. The other thing about having it annually, at least my opinion of it, is that a lot of times with a new facility, that's when a lot of the trouble happens. It occurs a lot of times in the beginning of a project. This has been here for a long time and I think we do have a pretty good record in keeping that up. I understand the reasoning for wanting something annually. We were just trying to reduce the cost to them a little bit but still make sure we were giving you something that demonstrates compliance.

MR. DONNELLY: I understand your argument. This Board doesn't have the authority to modify the terms. It's an agreement between your client and the Town Board, an agreement that is required under the code. I acknowledge it wasn't required at the time of the original approval, but given the expansion the Town is going to require it now. If the Town Board is willing to alter those terms, modify them to make a less frequent inspection based upon the existence of the facilities and their condition at present, that's certainly their call to do so.

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MR. CLEASON: I know they are going to go forward with the agreement. I can guarantee that. I would not have a problem with that being tied to the C of O. I would request it be tied to the C of O because there will be some time needed to address just the final language. They would not be able to occupy that addition until the C of O was granted anyway.

MR. DONNELLY: I think the code requires it be signed before -- agreed to before the site plan. That's how the condition reads. Before the site plan is signed the agreement has to be in place.

MR. CLEASON: I guess what we're trying to do -- again, this requirement for the signing of this agreement is not required for this approval but it was a request by the Board. We're agreeing to do it and we don't have a problem with it being a condition, but I think there's some flexibility in there to allow you to say it's tied to the C of O instead of the agreement. We already have a storm system in place. I'm asking only that it be tied to the C of O, that the agreement be there. They'll never

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be able to occupy that part of the building if it was never agreed to.

MR. DONNELLY: All you've got to do is sign the agreement. It doesn't change your construction schedule at all.

MR. CLEASON: The problem is that they would have to sign the agreement and we may want to go through this process with the Town. I mean the client would decide. I don't think there's going to be an issue to that, but that would be the only thing. It would give them an extra couple months to finalize that.

MR. DONNELLY: Let me explain. The agreement is an established agreement. It's set by the code.

MR. CLEASON: I understand that.

MR. DONNELLY: I don't think it's a process that's going to take several months. The code requires that it be in place before the site plan is signed.

MR. CLEASON: Can a building permit be issued before the site plan?

MR. DONNELLY: No.

MR. CLEASON: That's the problem I'm

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asking. I see that being a deterrent to them.
They would like to --

MR. DONNELLY: Our building inspector isn't here. I doubt he would be comfortable with tying that to the certificate of occupancy because it puts him in a difficult position of holding you up at the last minute after we've allowed you to do the construction. I don't have the code provision in front of me. I believe the code provision in question requires that it be signed before the site plan is signed. You say that it doesn't apply. I think it really does apply because you're changing and expanding the site here.

MR. CLEASON: Well, I mean I'm not going to argue with the attorney.

MR. DONNELLY: You can but I don't think you're going to win.

MR. CLEASON: I'm not going to win. I'll just say I have a different opinion of it. At that matter, like I said, I'll go with it. I know they want to move quickly, so I guess at this point we'll just have to agree to go forward with that.

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ALDI

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I do understand, and I guess I'd ask for a clarification. It could be done by an Aldi personnel as long as we feel there's enough information that we can sign off on that? As long as they're working under our authority and we submit on our letterhead?

MR. HINES: As long as the certification comes from a licensed design professional, yes.

I just want to clarify. You said we agree. I think you offered.

MR. CLEASON: I don't mean you agree. I apologize.

MR. HINES: There's been no agreement. You offered the items that you said.

MR. CLEASON: We would look -- again, I apologize. That's not what I was insinuating.

MR. HINES: I just want it clear for the record.

MR. CLEASON: What we were trying to do was look at that part of it only to reduce the cost, and it is a lot more stringent than what the State does put into their draft municipal requirement. So it's a little bit more than what

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ALDI

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they are accustomed to. They were hoping to look at that a little bit closer. If that's what it is, that's what I'll tell the client and he'll have to make a decision if he wants to amend the agreement or if he wants --

MR. HINES: There is the ability of your client to present an alternate to the Town Attorney/Town Board.

MR. CLEASON: That would cost him the timing.

MR. HINES: It may or may not. They may be amenable to it. I don't think it's going to take too long.

MR. DONNELLY: I think you'll get an answer fairly quickly as to whether they're willing to make that change.

MR. CLEASON: All right. I appreciate that.

Other than that, that's it. We are agreeable to do the agreement.

CHAIRMAN EWASUTYN: Pat Hines, do you have anything?

MR. HINES: The only thing we had is we submitted to Orange County Planning because of

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the proximity to the State highway. We got back a local determination with some conversations regarding green infrastructure, runoff and pedestrian access. The Board has those, but it was a local determination.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank?

MR. GALLI: Nothing additional.

MR. MENNERICH: No questions.

MR. BROWNE: Nothing more.

MR. DOMINICK: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: The action before us tonight is ARB approval and site plan approval.

MR. HINES: Amended.

MR. DONNELLY: It's amended site plan and amended ARB. The resolution will recite that the Orange County Planning Department local determination was received. The conditions are that except as modified, all conditions of the original approval for site plan and ARB shall remain in effect. We'll have our standard ARB condition approval, which means the building

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permit application must match the architectural renderings that we looked at. The requirement that a stormwater improvement security agreement satisfactory to the Town Board be delivered before the site plan is signed. Our standard condition that says you may not build any outdoor fixtures or amenities not shown on the approved plans.

CHAIRMAN EWASUTYN: So then I would move for a motion to grant amended site plan approval and ARB approval for the Aldi's site plan subject to the conditions in the resolution that was presented by the Planning Board Attorney, Mike Donnelly.

MR. WARD: So moved.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward and a second by Cliff Browne. 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. MENNERICH: Aye.

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MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. CLEASON: Thank you.

CHAIRMAN EWASUTYN: Good argument.

(Time noted: 7:23 p.m.)

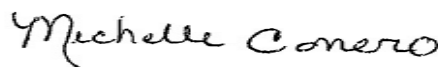
C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do hereby
certify:

That hereinbefore set forth is a
true record of the proceedings.

I further certify that I am not
related to any of the parties to this proceeding by
blood or by marriage and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 18th day of June 2018.



MICHELLE CONERO

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

----- X
In the Matter of

DAWES
(2018-08)

490 East Road
Section 6; Block 1; Lot 4
AR Zone

----- X

LOT LINE CHANGE

Date: June 7, 2018
Time: 7:23 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
PATRICK HINES
JESSE VOGL

APPLICANT'S REPRESENTATIVE: PATTI BROOKS

----- X

MICHELLE L. CONERO
PMB #276
56 North Plank Road, Suite 1
Newburgh, New York 12550
(845)541-4163

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DAWES

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CHAIRMAN EWASUTYN: The third item of business this evening is Dawes. It's here as an initial appearance for a lot line change. We'll elaborate on the lot line change shortly. The subject property is off of East Road in an AR Zone. It's being represented by Brooks & Brooks, Patti Brooks being the representative.

Patti.

MS. BROOKS: Good evening. As Chairman Ewasutyn noted, we are applying for a lot line revision and an open development plan for a parcel of land located off of East Road. The street address for the property is Leslie Clark Road but the roadway does not access the property from Orange County. We are proposing to access it through a 25 foot wide right-of-way from Ulster County, East Road, to access the property. That's the lot line revision component.

The open development component is an application that we have concurrently made with the Town Board. The Town Board, by letter dated May 31st to the Planning Board, requested that the Planning Board advise any conditions or limitations that will be prescribed by general or

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DAWES

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special rule for an open development area, if established, including without limitation, a limit on the number of residences that may be constructed. That is in accordance with the Town Law Section 280-A(4) where the Town Board may, by resolution, establish an open development but they may not do so without input from this Planning Board first.

We did receive the Planning comments from McGoey, Hauser & Edsall. I don't know if it's appropriate to review them at this point or if I open it up to the Board. I'm not sure how you would like to proceed.

CHAIRMAN EWASUTYN: Let's start with the more complicated part, and that's the -- Mike Donnelly.

MR. DONNELLY: I think Patti has outlined the process fairly well. The reason for the open development area is the fact that the property will obtain it's access by easement rather than by fee interest to the roadway in question. What complicates it a little bit is because that roadway is not located in the Town of Newburgh but rather in the Town of Plattekill.

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DAWES

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Several things need to be done in a certain order. The Town Board may not act on the open development area petition until they receive a report from you. As Patti mentioned, the request for the report asks whether you, the Planning Board, have proposals of regulations or limitations that might be placed on the creation of the open development area, and they might relate to things like how many lots could this area support. I think to get that answer you may well want to hear from the Town of Plattekill, because actually if there were lots to be created they will access through that easement to a Plattekill roadway, and conceivably, I don't know Plattekill's code, their highway superintendent may have some say on the use of that roadway there.

So what I think we should do this evening is for you to issue a lead agency notice of intent, let that be distributed to Plattekill as well as to the Town Board here. Because this action is located within 500 feet, I believe, of that municipal boundary, it should be sent to the Orange County Planning Department for their

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DAWES

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report. Conceivably Plattekill may feel the need to send it to the Ulster County Planning Department, but that is their call. Assuming that no one challenges your lead agency designation, you may finalize it at the end of the thirty-day period and issue an appropriate declaration of significance. In the meantime when you send it to Plattekill, I think we should explain what the project is and ask their comments and recommendations on any conditions or limitations that might be applied here.

I will note, Patti, that the Town of Newburgh does have a limitation on the number of lots that can access a common driveway, and that may or may not be applicable. I think the Town Board would want to hear a recommendation from the Planning Board as to whether it recommends that be continued or lessened.

So I think the action tonight is the notice of intent to serve as lead agency, a letter to Plattekill asking for their comments on the proposal, then when we return after lead agency is finalized, a declaration of significance based upon what we've heard from the

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DAWES

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Planning Department and the Town of Plattekill to formulate some recommendations to the Town Board in terms of what should be included in the grant of the open development area, and then Patti goes off to the Town of Newburgh Town Board for approval of that. I don't think that there's any further action after that's granted, assuming that it is, required of the Planning Board because there aren't really any changes to the lot lines themselves that I see on the map.

One of the issues you need to examine in the meantime is the Central Hudson easement and whether there are any restrictions on the use you propose within that area, because the Board will not want to act unless and until Central Hudson gives us their take, and that could lead to further conditions or recommendations for regulations on creation of the open development area.

MS. BROOKS: We have already made application to Central Hudson and they have granted verbal approval for one single-family residence, which is what I believe the applicants are willing to limit this 21 acres to, one

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DAWES

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single-family residence.

MR. DONNELLY: If that's fair, we can mention that to Plattekill when we contact them so they will comment on that application in that self-limiting form.

CHAIRMAN EWASUTYN: Michael, who drafts the narrative letter to Plattekill?

MR. DONNELLY: Pat will do it.

MR. HINES: I think we'll also identify Marlborough as it does about the Town of Marlborough as well.

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

MR. HINES: I know the applicant has my comments. Unless there's any specific one you want to discuss.

MS. BROOKS: No. I have no questions with any of the comments.

I did research the jurisdictional emergency services. Again, the lands in the Town of Plattekill is the Plattekill Fire District. The lands in the Town of Newburgh is Cronomer Valley which basically is Plattekill Station 3. So I will send those to the jurisdictional

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DAWES

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agencies at the same time if it's okay with the Board -- although maybe they're not involved agencies, I'm sure they're interested as well -- so that I can get comments from them. I'll try and get site inspections from them as well.

The other note that Pat made in his comments was that I incorrectly on the petition submitted item number 4. I listed it as a 20 foot wide right-of-way. It is in fact a 25 foot wide right-of-way. We did submit a common driveway access and maintenance agreement which stipulates the 25 foot wide. I believe that that might have been in the Town Board package, which hopefully was forwarded to the Planning Board as well.

MR. DONNELLY: I'm going to need to double check.

MS. BROOKS: Mr. Donnelly may want to review that.

MR. HINES: I don't think we got the easement.

MS. BROOKS: That was part of the Town Board submission.

MR. DONNELLY: I'll get it from Mark or

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DAWES

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you can send a copy to me.

MS. BROOKS: I'll make sure that this Board, in my next submission, includes that so that you can see if it's acceptable. Again, I understand that it is in Ulster County. I spoke with the attorney for the applicants and I advised them that I thought the safest way to proceed with this was to file that easement in both Ulster County and Orange County --

MR. DONNELLY: I think that's correct.

MS. BROOKS: -- because obviously the land is in Ulster County but it's appurtenant to property in Orange County. He concurred with that, so we will be filing it in both counties.

CHAIRMAN EWASUTYN: Patti, will you cc us on any correspondence to the jurisdictional fire departments just for the record?

MS. BROOKS: Absolutely.

MR. DONNELLY: Pat, I'll help you with that letter after you get it started.

MR. HINES: Okay.

CHAIRMAN EWASUTYN: Pat, do you need additional maps from Patti to do the circulation?

MR. HINES: Yeah. I'll work with Patti

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DAWES

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on that.

MS. BROOKS: I would like to update the maps to address the comments that Mr. Hines raised so that when they're circulated they are the most complete maps possible.

MR. DONNELLY: I take it we have an EAF as well.

MS. BROOKS: Yes.

CHAIRMAN EWASUTYN: Let us have one copy of the revised map for our file.

MS. BROOKS: Absolutely.

MR. WARD: Pat, you mentioned the table, identifying it on the map.

MR. HINES: I think that's one of the things they are going to address.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Then I'll move for a motion from the Board to declare our intent for lead agency with the understanding that we're going to be circulating to the Town of Plattekill and the Town of Marlborough for any recommendations.

MR. GALLI: So moved.

MR. DOMINICK: Second.

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DAWES

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried. Thank you.

MS. BROOKS: Thank you.

(Time noted: 7:32 p.m.)

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

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do hereby
certify:

That hereinbefore set forth is a
true record of the proceedings.

I further certify that I am not
related to any of the parties to this proceeding by
blood or by marriage and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 18th day of June 2018.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

GOLD'S GYM
(2018-07)

15 Racquet Road
Section 86; Block 1; Lot 26.21
IB Zone

----- X

PUBLIC HEARING

Date: June 7, 2018
Time: 7:33 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
PATRICK HINES
JESSE VOGL

APPLICANT'S REPRESENTATIVE: JAY DIESING

----- X

MICHELLE L. CONERO
PMB #276
56 North Plank Road, Suite 1
Newburgh, New York 12550
(845)541-4163

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CHAIRMAN EWASUTYN: This is a public hearing for Gold's Gym. It's located on 15 Racquet Road in an IB Zone. It's being represented by Mauri Architects.

At this point Ken Mennerich will read the notice of hearing.

MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to the Municipal Code of the Town of Newburgh, Chapter 185-57, Section K, on the application of Gold's Gym, amended site plan, project 2018-07 for an addition to an existing site plan. The project is located at 15 Racquet Road, Newburgh, New York. The project site is designated on Town tax maps as Section 86; Block 1; Lot 26.21. The project proposes to develop a new 2,673 square foot addition to the existing Gold's Gym facility. The project is located on a 7.25 acre parcel of property in the IB Zone. A public hearing will be held on the 7th day of June 2018 at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7

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p.m. at which time all interested persons will be given an opportunity to be heard. By order of the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman, Planning Board Town of Newburgh. Dated 22 May 2018."

CHAIRMAN EWASUTYN: Michael, could you speak on the public hearing?

MR. DONNELLY: Sure. On this application, before the Planning Board takes any action it wishes to hear from the public, and that's the purpose of this public hearing. After the applicant gives a presentation, the Chairman will ask those members of the public present if they wish to speak, to please raise your hand and you will be recognized. We'd ask you to step forward, tell us your name and where you live in relation to the project so we can better understand your concerns. When you state your name would you please spell it for our Stenographer so we get it down correctly. We'd ask that you direct your comments to the Board. If you have a question that can be answered easily, the Chairman will ask either the applicant's representative or one of the Town's

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consultants to try to answer that question for you.

MR. DIESING: Good afternoon. Jay Diesing, Mauri Architects. As it was mentioned, we're proposing an addition to the south side of the existing Gold's Gym facility. It's about a 2,673 square foot addition. The purpose of the addition is to spread out some of the existing workout areas in the gym, particularly the weight training areas are a little tight for some of the members. Gold's would like to spread that out to make things a little more open.

The addition is, as I mentioned, attached to the building at the addition that we built in 2016. It's just an extension of that addition. The roof line will continue to follow down, so it will be very similar to the existing structure.

Other than that, we're not proposing any changes to the site itself, just that 2,700 square foot addition.

CHAIRMAN EWASUTYN: Jay, for the record, everyone got a copy of your letter that you e-mailed last night. Do you want to walk

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through that?

MR. DIESING: Sure. So the letter was in response to comments we received from Mr. Hines and from your traffic engineer. The first comment had to do with roof drainage. We are showing gutter leaders coming off of the proposed addition, and those are going to be connected into an existing trench drain that leads across the access driveway and into an existing infiltration basin. Basically a trench drain was designed originally to take the roof leaders off of the first addition. We're just reconnecting that into the roof leaders for the second addition.

The second comment had to do with the sanitary sewer force main and details for protection. The force main runs under the existing building now. It will continue to do that under the addition. Where our new foundation is, the force main will be sleeved. It will be obviously carefully excavated during construction, snaked through the wall and refilled and recompactd.

The third comment had to do with

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parking calculations. We recalculated the area of the building and there are some areas in the existing building, for example a pool, racquetball courts, that are two stories. Those areas were inadvertently calculated. I went through and recalculated and determined that the existing building plus the addition is 70,972 square feet. At the ratio of 5.5 parking spaces for 1,000 square feet, 391 would be required for the entire project. We have 386. So we're just a little shy. The parking on site is adequate according to Gold's. There's no shortage of parking. We're hoping the Planning Board would agree that the existing parking can be left as is.

MR. DONNELLY: Where did you get the 5.5 number?

MR. DIESING: I thought that was out of your zoning.

MR. DONNELLY: Is there one? The way the parking works here is for certain specified uses there is an absolute arithmetic requirement of parking. For uses that are not specified, the Planning Board then has the authority, with it's

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traffic consultant, to use the ITT manual to try to come to an appropriate level of parking. The Planning Board does not have the authority to grant a variance for parking if there's an absolute arithmetic requirement based upon the use. I didn't double check but if this use, however it's classified as a gym, does not meet the minimum parking requirements of the code, only the Zoning Board can release that. If you're between the cracks and there's an argument, with the guidance of the ITE manual, that the Board feels it can modify the requirements based upon experience and actual usage at similar facilities, it can do that. That's an important issue. If there's an absolute requirement and you don't meet it, you have to go to the Zoning Board.

MR. DIESING: Honestly, I don't recall. I believe it was carried over from the last addition we did. That number was on there. I don't recall if that was added directly out of your zoning or not.

MR. HINES: The code does not contain a use for a gym. I know that. I think that was a

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number that Ken was working with last time that they were comfortable with. Ken Wersted did review the plans and did not identify a concern. Even with the higher number of parking spaces that were identified with the areas that are not two stories that were previously calculated, you are closer to the 5.5 than before. I think if the Board does have the flexibility to determine that at this point, because the use is not in the Town Code in that list of parking.

MR. DONNELLY: I think given some recent litigation, it would be helpful that we ultimately get a letter from Ken that says he recommends that if you were to take action. In another case we had an action brought against us where it wasn't clear how we had calculated the allowance for parking. We ultimately successfully convinced the court it was done correctly but I don't want to see us drop the ball here. If there's not a specific gym use, then we're free to set parking as we think appropriate. We always look to our traffic engineer and the ITE manual to do that. I think you want a letter from Ken recommending or

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ratifying that the parking is adequate.

MR. HINES: The zoning bulk table chart will need to be updated with the numbers you had just addressed as well.

MR. DIESING: Yes.

MR. HINES: It's got 433 on there right now.

MR. DIESING: The plan I e-mailed yesterday was updated. Understood.

CHAIRMAN EWASUTYN: So then what's the next one? Comment number 4.

MR. DIESING: Comment number 4, applicant's representative to address potential increased sanitary sewer flow. As I mentioned before, we don't anticipate an increase in equipment or members as a result of this. It's really an expansion or spread out of existing equipment. We don't see that there would be an increase in sewer flow as a result of this.

MR. HINES: No additional fixtures are proposed? It's all dry construction?

MR. DIESING: Yes. The building is basically just wide open. No bathrooms or anything like that.

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The other item in your comments were about lighting levels. We were just stating there's no light emanating from the property.

Notification of properties within 500 feet is required, which I believe that was done.

A County Planning referral, proximity to County and State roads.

The comment letter also from Creighton, Manning, they suggested some traffic control in terms of stop bars and stop graphics on the pavement. We certainly agree to that and added that to our latest plan.

CHAIRMAN EWASUTYN: I'll open up the meeting to the public. Is there anyone that has any questions or comments?

(No response.)

CHAIRMAN EWASUTYN: Let the record show that there's no one in the audience tonight that had any questions or comments for the public hearing on Gold's Gym.

At this point I'll turn to Board Members. John Ward?

MR. WARD: No comment.

CHAIRMAN EWASUTYN: Dave Dominick?

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MR. DOMINICK: No comment.

MR. BROWNE: Nothing.

MR. MENNERICH: No questions.

MR. GALLI: Nothing.

CHAIRMAN EWASUTYN: Okay. Since there are no comments from the public, I'll move for a motion to close the public hearing on the Gold's Gym site plan.

MR. MENNERICH: So moved.

MR. GALLI: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Mike Donnelly, would you give us conditions for approval?

MR. DONNELLY: Sure.

CHAIRMAN EWASUTYN: This would be for --

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MR. DONNELLY: Amended site plan and amended ARB.

First we will need a sign-off letter from Ken Wersted's office. He needs to make an affirmative recommendation that the parking shown on the plans is adequate based upon his judgment and the ITE manual. Further, he's going to report that you made the necessary changes to the plans to show the various stop bar and traffic guidance painting that he's recommended. The next condition, you'll need to revise the plans to fix the table to show both the required and the provided parking based upon Ken Wersted's recommendation. The next condition will be that all the conditions attached to the original site plan and ARB approval, to the extent not modified by this approval, remain in force and effect and you must comply with them. Our standard Architectural Review Board approval will simply state that you must build what is shown on the plans. The building permit application must match the architectural plans that were shown.

I don't believe we need any landscaping inspection fee.

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MR. HINES: No.

MR. DONNELLY: We do have a stormwater -- I'm sorry. Do we need a stormwater maintenance agreement?

MR. HINES: No.

MR. DONNELLY: That was taken care of in the past. And then finally our standard condition that you may not build any outdoor fixtures or structures that are not shown on the approved site plan.

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

MR. HINES: This was circulated to Orange County Planning and a local determination was received back with similar comments to the previous one regarding green infrastructure and runoff. This site does have a stormwater management plan that does utilize infiltration. They recommended access via sidewalks, which is not real conducive on this site.

MR. DONNELLY: I will include that local recommendation in the resolution.

CHAIRMAN EWASUTYN: Having heard the conditions for the amended site plan -- ARB and

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site plan approval for Gold's Gym presented by
Planning Board Attorney Mike Donnelly, would
someone like to make a motion for approval?

MR. DOMINICK: So moved.

CHAIRMAN EWASUTYN: I have a motion by
Dave Dominick. Do I have a second?

MR. WARD: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried. Thank you.

MR. DIESING: Thank you.

(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 Notary Public
for and within the State of New York, do hereby
certify:

That hereinbefore set forth is a
true record of the proceedings.

I further certify that I am not
related to any of the parties to this proceeding by
blood or by marriage and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 18th day of June 2018.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

PALM HOSPITALITY
(2018-09)
Corporate Boulevard
Section 95; Block 1; Lot 76
IB Zone

----- X

AMENDED SITE PLAN

Date: June 7, 2018
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
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
PATRICK HINES
JESSE VOGL

----- X

MICHELLE L. CONERO
PMB #276
56 North Plank Road, Suite 1
Newburgh, New York 12550
(845)541-4163

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CHAIRMAN EWASUTYN: At this point, item number 5 I'm going to ask Mr. Mennerich, it's for Palm Hospitality, to read an e-mail correspondence we received.

MR. MENNERICH: The e-mail came from Anita Odell of M.A. Day Engineering. It was sent out Thursday, June 7th, at 12:45 p.m. to John P. Ewasutyn. The subject is Palm Hospitality.

"Dear Mr. Ewasutyn, due to unforeseen circumstances the applicant wishes to withdraw their application at this time. Please let me know if you require anything further from me to remove Palm Hospitality from tonight's agenda. Thank you for your help with this matter. Sincerely, Anita."

CHAIRMAN EWASUTYN: Pat, you had spoke with Mark Day.

MR. HINES: Mark Day gave my office a call subsequent to the e-mail just identified that the applicant was going to pull the current application. It seemed from the conversation that they were going to drop back to the original 2009 approval for the site and continue on with that. I did discuss with him that any changes to

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that site plan would require submission to the Board.

CHAIRMAN EWASUTYN: Any questions from Board Members?

(No response.)

CHAIRMAN EWASUTYN: Thank you.

(Time noted: 7:48 p.m.)

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

I, MICHELLE CONERO, a Notary Public for and within the State of New York, do hereby certify:

That hereinbefore set forth is a true record of the proceedings.

I further certify that I am not related to any of the parties to this proceeding by blood or by marriage and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 18th day of June 2018.

Michelle Conero

MICHELLE CONERO

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SHOPPES AT NEWBURGH

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

----- X

In the Matter of

SHOPPES AT NEWBURGH
(2018-10)

Union Avenue & Orr Avenue
Section 96; Block 1; Lot 6.2
IB Zone

----- X

AMENDED SITE PLAN

Date: June 7, 2018
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
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
PATRICK HINES
JESSE VOGL

APPLICANT'S REPRESENTATIVE: JERAME SECARAS

----- X

MICHELLE L. CONERO
PMB #276
56 North Plank Road, Suite 1
Newburgh, New York 12550
(845)541-4163

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CHAIRMAN EWASUTYN: The last item of business this evening is the Shoppes at Newburgh. It's an initial appearance for an amended site plan. It's located in an IB Zone on the corner of Union Avenue and Orr Avenue. It's being represented by Langan Engineering.

Is that correct?

MR. SECARAS: That's correct.

CHAIRMAN EWASUTYN: Your name, please?

MR. SECARAS: Jerame Secaras, J-E-R-A-M-E S-E-C-A-R-A-S, with Langan Engineering.

Before I start I just wanted to point out to the Board that the ownership is here. They're not formally presenting tonight but they wanted to express their excitement and thank you for hearing us. They're looking forward to a hopefully quick approval process. They're not presenting but they are here if you do have questions.

As a brief history for the site just so that you know, I presented -- this is an aerial

1
2 view of the overall area. We received an
3 approval back in the late 2000s for the overall
4 area shown in the yellow outlined. That's the
5 overall site. In around 2011, 2012 it was then
6 broken down into three separate phases and we
7 proceeded to construct phase 1. You can see on
8 here adjacent to Union Avenue there is the
9 constructed phase 1 portion which included a
10 small retail expansion adjacent to the Cosimo's
11 Restaurant. This is located on the corner of Orr
12 Avenue, Union Avenue and Route 300. It is Block
13 1, Lot 6.2. So that was constructed. We are now
14 back and presenting to try to get approval for
15 construction of phase 2.

16 The second board that I'm showing here
17 is a red line overlay that shows where the
18 original approval, which was -- the original site
19 plan which was last modified in 2012, in red
20 there is the phase 2 portion which is a 2.1 acre
21 parcel. Originally we were proposing an 18,000
22 square foot, approximately, Staples building.
23 Now we're breaking that up into two smaller
24 buildings, one is about 10,000 square feet, the
25 other about 9,000 square feet, both retail

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buildings.

In general this overlay is meant to show that it is located in approximately the same location as the original building. The circulation is very similar and the parking layout is very similar.

I would go from here to then showing you the clean site plan. So this is the clean site plan. You can see there's the survey that's been updated, the phase 1 portion that is now complete. The phase 2 portion connects into it. You have the parking and circulation around it.

When this was actually originally developed, the phase 1, 2 and 3 portions of this overall property were developed as if they were meant to be constructed all at once. When we broke it down into phases it was developed such that it could support future development. As an example, all of the stormwater for phase 2 has already been designed. The detention is underneath the adjacent parking lot, the sand filter and forebays that were designed in excess of standards. We understand that's something that the Town has requested in the past for this.

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So that's all been installed and has been stubbed out for the use of this space.

Similarly with the utilities, we have utility extensions that run through this parking lot that are stubbed for this space. Our hope is that this is effectively treated as a pad ready site where we are going to go in and construct these revised improvements.

There are several variances that were approved as part of the original application. We're not asking to expand upon them. We are keeping them as is.

There is a regulated stream that does bisect the site. We are not proposing to touch that at this time. That is part of a future phase and we would address future stream crossing at that time. I know that was one of the questions that Pat had in his memo. That is something that is part of the future development but we're not going near it at this time. There were actually some retaining walls built along the north side of the site in order to make sure we're staying well clear of that.

In regards to comments, we did receive

1
2 comment letters from your traffic consultant and
3 from Pat as I mentioned. In terms of the
4 traffic, the site has been designed consistent
5 with the original approval in terms of fire truck
6 access in and around this parcel and for safe
7 circulation. We did receive a number of comments
8 from your traffic consultant. None of them are
9 particularly onerous or problematic to address.
10 We will work through it with them. We don't see
11 any issues.

12 In terms of the overall parking, we
13 acknowledge and we're pointing out the actual
14 parking provided is well in excess of what's
15 required. Part of the reason for this is some of
16 the parking in phase 2 was actually designed that
17 it can address some of the future parking in
18 phase 3. We're not getting into phase 3 now,
19 although it would be shown in the SEQRA documents
20 just for showing consistency since that shows the
21 overall document. For the phase 2 portion we're
22 easily in excess at this time.

23 In regards to some of Pat's notes, I
24 can go through them individually. None of them
25 were surprising. They were all what we expected.

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We'll be preparing basically small memo reports to show something that they can rely on that basically backs up the stormwater design, in the past how we met impervious or reduced impervious so this still meets the original approval. Similarly, we would address it the same way in terms of sanitary allocation, items such as that.

That's pretty much the end of my formal presentation. Mostly we're here excited to move forward and we'd like to hear your feedback and see what we need to move this forward.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: No questions yet.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions. One question I do have. Did you get the memo from Karen Arent, --

MR. SECARAS: I have not seen that.

MR. MENNERICH: -- Landscape Architect?

MR. GALLI: Here you go.

MR. SECARAS: Thank you.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: I don't have anything at

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this point.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: The proposed outdoor seating area, the picnic area, will that be surrounded by landscaping or any type of greenery?

MR. SECARAS: Yes.

MR. DOMINICK: Also, tenant number one we talked about at workshop, it looks like it has a drive-thru.

MR. SECARAS: That's correct.

MR. DOMINICK: Is that a restaurant drive-thru, a drug store?

MR. SECARAS: I believe it's intended to be a restaurant drive-thru.

MR. CITERA: It's a -- not a yogurt store. Smoothie King. That's who is proposed to go there.

MR. DOMINICK: Okay.

MR. CITERA: They're 1,400 square foot.

MR. DOMINICK: We also briefly touched on in workshop that both retail building D and E will have two entrances on each side?

MR. SECARAS: Yes, but they're not --

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so the entrances that are fronting on Route 300 are the customer entrances. There are back house entrances at the back of the building which is on the west side. So those are not intended for customer use but they are technically doors.

MR. HINES: The building will have two front facades?

MR. SECARAS: That's not the plan at this point.

MR. CITERA: No.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Our concern was basically knowing what the drive-thru was, whether it was food or whatever.

The other retail, how would you put it, where you have Five Guys and down the line, they propose retail and they ended up being restaurant and fast food. That's why we're concerned about the parking and all. That's being upfront.

At the same time, my other question was with phase 3 do you have any intentions coming up?

MR. CITERA: At this point we don't have any -- I mean right now we don't have any

1 intentions. There's no one that's really
2 interested. Obviously the retail climate right
3 now is not at it's greatest. We're kind of
4 waiting and seeing how we do with this. This we
5 have a great direction and we're very positive we
6 can get it leased out. Before we go on to phase
7 3 at 70,000 square feet, or 65, whatever it was,
8 we want to be very careful before we start on
9 that.
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11 MR. WARD: Very good. Thank you.

12 MR. SECARAS: For the purpose of SEQRA,
13 the SEQRA documents would show a concept that
14 basically shows it's consistent with the original
15 and then we would come back to phase 3 once we
16 have something nailed down.

17 In terms of the parking, as I mentioned
18 we are well in excess of what's required. As
19 things change in the future we have to make sure
20 parking is consistent with the requirements of
21 the overall site as we come back with phase 3.

22 MR. WARD: Very good.

23 CHAIRMAN EWASUTYN: Pat Hines, do you
24 want to announce your comments or do you want to
25 just let them --

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MR. HINES: I'll hit some of the high points. We are recommending that they prepare a SEQRA consistency document identifying the phase 2 -- previous phase 2 versus this proposed phase 2 with regard to traffic counts, water, sewer, impervious surfaces as was discussed by the applicant's representative.

We're looking for copies of any of the previous approvals and permits. I know you did have DEC stream crossings. I was wondering if you were going to put the crossing in at this point. Sometimes things don't get easier as time goes on. You may want to consider getting across that stream. We'll leave that up to you.

Details of the outdoor seeding, as Dave Dominick had just identified.

The long form EAF that you submitted doesn't look like it was filled out on the DEC's interactive website which will populate certain items. Specifically the Indiana bat issue wasn't identified. It is in this area. I did run it myself. It is probably going to restrict your timeframes for tree clearing to the end of October.

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I did have the comment on the -- I think the Board is going to be interested in what the "rear" of the building is. The amount of parking that's provided back there, the look of that building is going to be a concern for the Board during the ARB. I did note that often times retail does not want to have entrances out both sides because it's a security issue for them, so it's not unusual to only have one main entrance. That's because of the 80 some parking spaces to the rear of that building.

I recommended an accessible length between -- near the drive-thru over to the Vitamin Shoppe to allow the connection between the parking at that location. That's something you can look at.

MR. SECARAS: We can certainly look at it. I know some of the grades across that frontage are a little tight in term of getting a sidewalk in. We'll certainly look at it.

MR. HINES: That's the extent of our comments at this time. As you develop your more detailed plans we'll review it further. It's similar in size. The original approval I think

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was about 18,000 square feet for the Staples building. You're at about 19,000. It's comparable in scale. We do want to address that slight increase in the SEQRA process as we go through.

MR. SECARAS: I think one of the ways we would try to address that is at this time, since phase 3 is not going down, we may reduce it from that size in order to balance it.

MR. HINES: I do think you should preserve what approvals you have in phase 3. This project went through quite a review process to get that. As you do have the concept development it's probably important for you to keep the ability to develop that.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: Are all the vacant houses coming down?

MR. HINES: They only own one of them.

MR. CITERA: Only one. I think there's only one on that property.

MR. HINES: One is not on this property but it is --

MR. CITERA: There's one that looks

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like it's on the property but it's not.

MR. SECARAS: There's a pump out right here.

MR. CITERA: That will be coming out.

CHAIRMAN EWASUTYN: Mike Donnelly, do you have anything you want to summarize?

MR. DONNELLY: Nothing at this point. As Pat said, they need to put forth a SEQRA consistency analysis.

CHAIRMAN EWASUTYN: So there's no need to declare our intent for lead agency?

MR. HINES: I think we need one more level of detailed plan before we can circulate that.

CHAIRMAN EWASUTYN: At which point we would then circulate to the Orange County Planning Department.

MR. HINES: Orange County Planning, DOT because of the Route 300 access.

MR. CITERA: DEC.

MR. HINES: DEC as well because of the stream regulation. Once we get grading plans, that information we can circulate.

CHAIRMAN EWASUTYN: Okay. So no

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further questions from Board Members?

(No response.)

CHAIRMAN EWASUTYN: Jerame is your name
you said?

MR. SECARAS: Yes.

CHAIRMAN EWASUTYN: Do you have an
understanding of what is next?

MR. SECARAS: Absolutely. I'm very
familiar with this Board.

CHAIRMAN EWASUTYN: Thank you.

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

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

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certify:

That hereinbefore set forth is a
true record of the proceedings.

I further certify that I am not
related to any of the parties to this proceeding by
blood or by marriage and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 18th day of June 2018.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

PATTON RIDGE SUBDIVISION
(2012-18)

Request for a Six-Month Extension of Preliminary
Subdivision Approval
from May 7, 2018 until November 7, 2018

----- X

BOARD BUSINESS

Date: June 7, 2018
Time: 8:04 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
PATRICK HINES
JESSE VOGL

----- X

MICHELLE L. CONERO
PMB #276
56 North Plank Road, Suite 1
Newburgh, New York 12550
(845)541-4163

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CHAIRMAN EWASUTYN: We have two items of Board Business that request extensions. Mr. Mennerich will read those.

MR. MENNERICH: This is a letter dated May 7, 2018. It's to John Ewasutyn, Chairman, Town of Newburgh Planning Board, 308 Gardnertown Road, Newburgh, New York 12550, Patton Ridge Subdivision, Patton Road and New York State Route 52, Town of Newburgh Tax ID 47-1-44, our project 05191.0, Newburgh Planning Board task project 2012-18. "Dear Chairman Ewasutyn, kindly let this letter serve to request a six-month extension of the preliminary subdivision approval that was granted to the Patton Ridge project on November 7, 2013. We anticipate being back before your Board in the month of June to indicate the final subdivision review process district information has been completed, Health Department approval is near completion as is the DEC sewer main extension. We have also prepared a bond estimate for review which will be submitted under separate cover. The extended subdivision approval would take effect on May 7, 2018 and remain in effect through November 7,

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2018. Should you have any questions or require any additional material, please feel free to contact our office. Respectfully, Kirk Rother, PE."

CHAIRMAN EWASUTYN: Mike, we can grant the extension?

MR. DONNELLY: Six months on a preliminary subdivision approval is permissible.

CHAIRMAN EWASUTYN: Any questions or comments from Board Members?

(No response.)

CHAIRMAN EWASUTYN: Would someone like to make a motion?

MR. HINES: By my calculation the six months goes until December.

MR. DONNELLY: They're doing it from May.

MR. HINES: Okay.

MR. WARD: So moved.

CHAIRMAN EWASUTYN: We have a motion by John Ward. Do I have a second?

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: Second by Dave Dominick. I'll ask for a roll call vote starting

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PATTON RIDGE SUBDIVISION

80

with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried to approve the
extension.

(Time noted: 8:05 p.m.)

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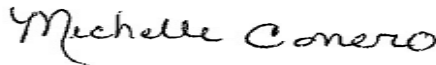
C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do hereby
certify:

That hereinbefore set forth is a
true record of the proceedings.

I further certify that I am not
related to any of the parties to this proceeding by
blood or by marriage and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 18th day of June 2018.



MICHELLE CONERO

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

----- X
In the Matter of

LANDS OF ZAZON
(2004-29)

Request for a Six-Month Extension of Conditional
Final Approval
from June 7, 2018 until December 7, 2018

----- X

BOARD BUSINESS

Date: June 7, 2018
Time: 8:06 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
PATRICK HINES
JESSE VOGL

----- X

MICHELLE L. CONERO
PMB #276
56 North Plank Road, Suite 1
Newburgh, New York 12550
(845)541-4163

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CHAIRMAN EWASUTYN: The next one.

MR. MENNERICH: This letter was dated May 18, 2018. Mr. John Ewasutyn, Chairman, Town of Newburgh Planning Board, 308 Gardnertown Road, Newburgh, New York 12550, regarding the Lands of Zazon, reference project 2004 -29, P&P number 23153.01. "Dear Mr. Ewasutyn, please let this letter serve as our request for a six-month extension of conditional final approval for the above-referenced project as the applicant is currently in the process of satisfying the remaining conditions of final approval. As you will recall, this project was previously granted conditional final approval in a letter dated August 19, 2013. The Board granted two 90-day extensions from September 19, 2013 to March 19, 2014. On August 21, 2014 the Planning Board granted an initial 180-day extension to March 19, 2015. In March 2015 we received an extension to September 19, 2015. In September we requested an additional 6-month extension to March 19, 2016. At the March 3, 2016 Planning Board meeting the Board granted a 6-month extension to September 20, 2016. At the September

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Planning Board --

MR. DONNELLY: The last one was on
December 7th to expire on June 7th.

MR. MENNERICH: Right. "Thank you for
your attention to this matter. Should you have
any questions or require anything further, please
do not hesitate to contact this office. Very
truly yours, Pietrzak & Pfau."

CHAIRMAN EWASUTYN: Mike, would you
give the dates they're requesting?

MR. DONNELLY: Two things. One is the
statute technically says 90-day extensions of
conditional final. I think some boards are
granting two 90-day extensions to avoid the need
of having to read letters like that in the
future. They get twice as long if you don't give
6 months. If we went with 6 months, I gather
that would be December 7, 2018.

MR. HINES: Yes.

CHAIRMAN EWASUTYN: Okay. So the Board
is granting two 90-day extensions and the dates
are from June 7th through --

MR. DONNELLY: December 7, 2018.

MR. GALLI: What's holding them up?

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CHAIRMAN EWASUTYN: It's just market conditions I think primarily. It's a residential subdivision. Just market conditions. The main house is a stunning house, or was. It looks neglected now. Market conditions. I think similarly speaking, with Patton Ridge I think it's market conditions.

Would someone like to move for a motion?

MR. DOMINICK: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: John Ward first? Second by Dave Dominick? No. I have a motion by Dave Dominick, a second by John Ward. I'll ask for a roll call vote.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 8:09 p.m.)

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Michelle Conero

MICHELLE CONERO

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LANDS OF ZAZON

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

----- X
In the Matter of

GARDNERTOWN COMMONS
(2016-03)

Rock Crushing Update

----- X

BOARD BUSINESS

Date: June 7, 2018
Time: 8:09 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
PATRICK HINES
JESSE VOGL

----- X

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CHAIRMAN EWASUTYN: We have one other

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thing that you wanted to discuss with us.

MR. HINES: Gardnertown Commons had submitted to the Board to place rock crushing equipment on their site. They had encountered significant rock in their mass grading as well as in the trenches for their utilities. Rather than truck it off the site they requested to put a rock crusher on the site to process it into usable aggregate. Because of the Board's schedule, they applied, we had originally held them off one meeting because of the attendance, and then the last meeting being canceled. They requested the Town allow them to begin the rock crushing operation. Some e-mails went back and forth with various people in the Town and the rock crusher was allowed to start operating.

I checked with Jerry Canfield yesterday. They had one comment/concern from the neighbor at 1 Maurice Drive, across the street. It had to do with, I believe, hours of operation and starting times. Jerry had directed the project supervisor to discuss those activities with the residents there, which I believe has occurred.

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Other than that, we haven't heard any comments or concerns from the public at the Town Hall. It seems to be processing along.

I know that the noise from the -- there was a restriction on blasting on the site that came through and they've been mechanically removing the rock with hydraulic ramps. That's been making what appears to be more noise than the actual rock crusher on the site. It reduces the amount of truck traffic to truck off the rock material and reduces the import of the aggregate into the site. It would serve to benefit the public that way by reducing the amount of trucks.

CHAIRMAN EWASUTYN: The approximate cubic yards of material?

MR. HINES: They told us 6,000.

CHAIRMAN EWASUTYN: An estimate is they could crush approximately 450 cubic yards a day?

MR. HINES: It could be more than that. I don't know what size jaw crusher they have there. Typically 100 tons per hour could be crushed on one of those.

CHAIRMAN EWASUTYN: Okay. Depending on the material.

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At this point then, any questions or comments?

(No response.)

CHAIRMAN EWASUTYN: I note Dave won't be at the next meeting and Cliff won't be at the next meeting.

I'll move for a motion to close the June 7th Planning Board meeting.

MR. GALLI: So moved.

MR. MENNERICH: Second.

MR. MENNERICH: Motion by Frank Galli. Second by Ken Mennerich. I'll ask for a roll call vote.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried.

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

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