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

----- X

In the Matter of

ADDITIONS AT THE COMFORT INN
(2009-13)

5 Lakeside Road
Section 86; Block 1; Lot 39.21
IB Zone

----- X

AMENDED SITE PLAN
ARCHITECTURAL REVIEW

Date: July 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

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

APPLICANT'S REPRESENTATIVE: ANTHONY COPPOLA

----- X

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

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MR. BROWNE: Good evening, ladies and gentlemen. Welcome to the Town of Newburgh Planning Board meeting of July 15, 2010.

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

MR. GALLI: Present.

MR. BROWNE: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. PROFACI: Here.

MR. FOGARTY: Here.

MR. BROWNE: The Planning Board has professional experts that provide reviews and input on the business we have before us, including SEQRA determinations as well as code and planning details.

At this time I would ask them to introduce themselves.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield, Town of

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Newburgh.

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

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

MS. ARENT: Karen Arent, Landscape
Architect.

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

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

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

(Pledge of Allegiance.)

MR. PROFACI: If you would be so kind
to switch off any electronic devices you might
have. Thank you.

MR. BROWNE: The first item of business
we have before us this evening is the additions
at the Comfort Inn. It's an amended site plan
and ARB, being represented by Coppola Associates.

MR. COPPOLA: Thank you. A.J. Coppola,
project architect.

This is the alterations to the existing

1
2 Comfort Inn hotel on Lakeside Road. We've been
3 here now, this is our second Planning Board
4 meeting. We had our first meeting in early June.
5 Basically what we are planning, to refresh
6 everyone's memory, is a small 19 foot by 46 foot
7 one-story addition in the rear. This addition is
8 in the rear courtyard adjacent to the existing
9 pool so that it is not visible from the front.

10 Basically the goal of this addition in
11 the rear is to increase the public space that's
12 inside the building right now. The existing
13 lounge area is inadequate for the 120 rooms that
14 are there right now.

15 So along with that we're also proposing
16 developing a facade renovation, adding some
17 existing detail. I'll get into that in a minute.
18 It's basically those two things.

19 Except for the small bump-out
20 addition, there's really no change to the
21 existing footprint of the building.

22 Inside what we're doing is basically
23 doubling -- more than doubling the size off the
24 back of the existing lounge, and that's going to
25 be dining area. It will be combined into the

1 existing room that we have. We're going to be
2 developing a small prep area adjacent to that,
3 and that would be basically for the purpose of
4 having one person serve primarily breakfast foods
5 there, and these foods are going to be basically
6 heated up on the site. They'll be prepared off
7 site. Anything that we would be cooking there
8 would be in a small convection range or in a
9 microwave. It's not a kitchen. We're not
10 preparing food. We're not open for the public.
11 This is a small food service for primarily
12 breakfast and for the people who are staying at
13 the hotel.
14

15 Along with that we're going to be
16 renovating the interior of the lobby. On the
17 second floor part of this -- the way the hotel
18 was originally designed is there's an area on the
19 second floor that does not connect in the center.
20 We're going to be adding these two connectors so
21 that the existing meeting room space on the
22 second floor can now be accessible from both
23 wings. The way it is right now it's just
24 accessible from the center. So we're doing that.
25 We're doing the dining room addition off the

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rear.

Basically after that it's almost all the facade renovation for what we're going to do. I don't know if you want me to just jump right into that.

So we've started with a recommendation from Choice Hotels, which is the Comfort Inn corporate parent, and they've developed a color scheme which they'd like to see here, and that's the scheme that we submitted with this application. Basically along with those colors what we're doing is we're adding some additional columns, a reverse gabled roof and an archway over these existing entrances right now to kind of break up the monotony of the flat facade which currently exists. We'll be adding those to each wing wall. We're going to be adding an additional pediment roof on top of what's there. The footprint of that stays the same, it's just more orientation up on top.

In terms of signage, there are two existing signs right now. There's an existing sign that's on one of the metal roofs, and that sign is being removed and reinstalled at the top

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of the new reverse gable there. So the signage there stays the same. The second sign is the monument sign which you can see from Lakeside Road and 17K. That is due to remain also. There's no further signage that's going to be installed.

As part of this scheme we're painting the entire hotel, painting the existing metal roofs --

CHAIRMAN EWASUTYN: Green?

MR. COPPOLA: It's green, yeah. I'm going to see if I can find the exact color. That's basically like a hunter green. Then a two-tone color scheme throughout, the lighter color throughout for the body of the stucco and a slightly heavier color at the base and at the accents. That's going to be for all four sides of the building, inside the courtyard, through all the existing and the proposed -- new proposed spaces that we have.

CHAIRMAN EWASUTYN: It looks nice.

MR. COPPOLA: Thank you.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

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MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: No.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: Nothing.

MR. FOGARTY: I would like to see samples, if you have samples of the colors at all.

MR. COPPOLA: These are Sherwin Williams colors. Aside from this, I don't have the Sherwin Williams paint swatches, although we could certainly submit those to make sure we have the same colors that are represented here.

MR. FOGARTY: Thank you.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. CANFIELD: We have nothing additional.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: I have nothing outstanding on this.

CHAIRMAN EWASUTYN: Bryant Cocks?

MR. COCKS: I just want to note this

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received a Local determination.

CHAIRMAN EWASUTYN: Can you speak up, please.

MR. COCKS: This received a Local determination from Orange County Planning Department. The applicants submitted a revised EAF with the information on threatened and endangered species.

He also indicated on the site plan no additional signage is going to be going on the pylon.

CHAIRMAN EWASUTYN: Karen?

MS. ARENT: I have nothing further.

CHAIRMAN EWASUTYN: Mike, this is a Type II action I believe.

MR. DONNELLY: Yes, that's correct.

CHAIRMAN EWASUTYN: Do you want to give us conditions of approval?

MR. DONNELLY: It would be amended site plan and ARB.

We don't need any sign-off letters because your consultants have no outstanding issues. We would have our standard Architectural Review Board approval conditions which requires a

1 building permit application be accepted by our
2 landscape architect consultant for conformity.
3 We'll also include a requirement that the sample
4 materials with the application be delivered.
5 There's no financial security required. We will
6 carry the standard condition that no outdoor
7 fixtures or amenities not shown on the site plan
8 may be constructed on the site without amended
9 approval.
10

11 CHAIRMAN EWASUTYN: Having heard the
12 conditions of approval presented by Attorney Mike
13 Donnelly for an amended site plan and ARB
14 approval for the addition of the Comfort Inn on
15 Lakeside Road, I'll move for that motion.

16 MR. GALLI: So moved.

17 MR. PROFACI: Second.

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

21 (No response.)

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

24 MR. GALLI: Aye.

25 MR. BROWNE: Aye.

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ADDITIONS AT THE COMFORT INN

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: Myself yes.

Thank you.

MR. COPPOLA: Thank you very much.

CHAIRMAN EWASUTYN: Will that be a
change that will be made this season?

MR. COPPOLA: We're going to start
construction hopefully in two months.

(Time noted: 7:09 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: August 5, 2010

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

----- X

In the Matter of

O'BRIEN LANE II
(2010-17)

O'Brien Lane
Section 6; Block 1; Lot 9.26
IB Zone

----- X

CONCEPTUAL THREE-LOT SUBDIVISION

Date: July 15, 2010
Time: 7:10 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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

1
2 MR. BROWNE: The next item of business
3 we have is O'Brien Lane II. It's a conceptual
4 three-lot subdivision being represented by
5 Charles Brown of Taconic Design Engineering.

6 MR. BROWN: This proposal is to
7 subdivide an existing roughly 17 1/4 acre lot
8 into three lots. One will be 1.1 acres, one will
9 be about 2.3 acres and the balance would be about
10 13.8 acres.

11 Access to the lots will be provided off
12 of O'Brien Lane, a private road that comes off
13 Pressler. It's presently under construction and
14 bonded.

15 The lots will serviced by individual
16 wells and septics.

17 CHAIRMAN EWASUTYN: Mike Donnelly, I'm
18 going to turn to you at this time in reference to
19 the approval. Maybe you can speak on behalf of
20 our consultants and the Board.

21 MR. DONNELLY: Yes. This land had
22 received subdivision approval one month less than
23 three years ago, and therefore, because you could
24 not obtain this approval until the three years
25 has passed, we're going to be unable to even

1
2 grant conceptual approval at this time, although
3 we can review the project.

4 MR. BROWN: That's fine.

5 MR. DONNELLY: I will need to double
6 check the Health Department regulations to make
7 sure that it is the date upon which the Board
8 acts that must be outside the three-year window
9 and not the date of the application. I don't
10 think it's the date of the application but if it
11 is you'd need to withdraw it and resubmit it, and
12 we'll certainly be able to determine that by the
13 next meeting.

14 MR. BROWN: That would be fine.

15 MR. DONNELLY: The other issue is, and
16 I guess I'll raise it quickly, is one of the
17 bedrooms is shown with a six-bedroom count.

18 MR. BROWN: One of the lots.

19 MR. DONNELLY: We wanted to make sure
20 that is indeed a single-family home and not a
21 proposed duplex. While the duplex unit would be
22 permissible, you'd need to seek site plan
23 approval for that if that were the case.

24 MR. BROWN: That's understood by the
25 applicant. It's presently proposed as a single-

1 family house. The lot dimensions, setbacks,
2 area, et cetera all meet the criteria for a
3 duplex. In the event that a purchaser of the lot
4 wanted to do a duplex, he understands that he'd
5 have to come in here for site plan approval for
6 that, under a separate application of course.
7

8 CHAIRMAN EWASUTYN: Okay. So at this
9 time we can start doing a brief review but we
10 couldn't grant any conceptual approval. That
11 would have to come back.

12 Do you want to begin talking about your
13 notes, Bryant Cocks?

14 MR. COCKS: Sure. Charlie, can you just
15 explain what the third residual lot is going to
16 be? I know you said --

17 MR. BROWN: Well, it was being
18 harvested. He has a permit to cross the wetlands
19 during certain seasons to harvest the timber.
20 He's not allowed to do that this time of year.
21 They have been harvesting in there. That's a
22 continuing operation. It is an ag exemption on
23 that parcel. So he is harvesting timber. I mean
24 it's been suspended now because of the nature of
25 his temporary wetland crossing permit.

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MR. COCKS: Okay.

MR. BROWN: I can provide the documentation on that.

MR. COCKS: I think that would be helpful.

MR. BROWN: It's a letter from the DEC.

MR. COCKS: Yeah, that would be helpful.

Just a note that all the lots meet the zoning and bulk requirements for single-family homes. No variances will be necessary.

In the bulk table, can you just change the maximum impervious coverage to lot surface coverage, and also just label lot building coverage with a maximum of ten percent.

A signed and sealed survey sheet will be needed.

Also the wetland delineation map, was that done any more recent than 2005?

MR. BROWN: I brought those with me. It was done in 2005. That was done after they changed it to the ten years. I can give you a copy now with the certification on it -- with the ten-year certification on it. I brought three

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copies with me tonight. If we can't I could submit that at a later date. It's up to you.

MR. COCKS: I think just send it.

MR. BROWN: Okay.

MR. COCKS: The driveway for lot 7, is that where they go for the timber?

MR. BROWN: Right now, no. They're coming down this way right here (indicating).

MR. COCKS: That's one of the new lots?

MR. BROWN: On lot 6. It's on a residual piece that's presently being subdivided. We're not using the access for the pond maintenance.

CHAIRMAN EWASUTYN: Is that a right-of-way then? Would that be a right-of-way?

MR. BROWN: Actually I should show it on there. We granted an easement. I will show an easement on there for access. This is going to be a separate lot from where they harvest the timber, so we'll put an easement on there to get through. It comes in right down through there.

CHAIRMAN EWASUTYN: Pat and Bryant raised a question. Does the setback requirement change since this is an easement or a

1
2 right-of-way as far as a house? Will it comply
3 with the setback requirements or do the setback
4 requirements start from this easement and
5 right-of-way, and are they appropriate the way
6 it's shown?

7 MR. HINES: The easement wouldn't
8 affect the setbacks. The private road
9 right-of-way would but an easement wouldn't
10 affect the setback.

11 MR. BROWN: The property road
12 right-of-way, that's not going to change. We're
13 accessing off the private road the way it was
14 designed with the previous subdivision. There's
15 no extension to the private road proposed with
16 this application.

17 MR. HINES: I don't know if you want to
18 maintain that easement. I mean the balance
19 parcel does have -- lot 8 has access off the
20 private road. I don't know if you want to
21 encumber lot 6 with an easement.

22 MR. BROWN: I'll discuss that with my
23 client and I'll check with the DEC where the
24 actual location that they approved him to access
25 the piece on the other side of that wetland is.

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I'll do the maps to reflect that.

CHAIRMAN EWASUTYN: Pat, further questions?

MR. HINES: My first comment had to do with the filing of the map on the 23rd of July 2007 which we're going to check into, whether or not the three years is from approval or from the filing of the map.

The balance parcel, lot 8, the 13.7 acre parcel, has a note on there not a building lot at this time. We're also suggesting that it be added that no building permits will be issued until approval from the Planning Board has been received for that lot.

MR. BROWN: That's fine.

MR. HINES: The reason we suggested that was because of the environmental constraints. There's steep slopes on the lot, there's the DEC wetland. There's an issue that should someone else buy it they may not be able to develop it very easily. I want to have kind of a buyer beware note on there that that's something to look at.

Our next comment is lot 6 has a

1
2 six-bedroom septic design. You just addressed
3 that with the duplex. That would require site
4 plan and ARB.

5 We discussed the DEC map, which you'll
6 be submitting to us at a later date. That's all
7 I have.

8 CHAIRMAN EWASUTYN: Jerry Canfield?

9 MR. CANFIELD: Just one thing. Back on
10 lot 6 with the six-bedroom house, did we mention
11 to be included that when they come back it's for
12 ARB also if it is to be a duplex?

13 MR. BROWN: That's part of the site
14 plan process for a duplex. I mean I understand
15 that.

16 MR. CANFIELD: It's more than just the
17 setbacks, it's ARB also.

18 MR. DONNELLY: It's site plan and ARB.

19 MR. BROWN: It's site plan and ARB. I
20 understand that. We did provide a four, five and
21 six-bedroom septic for that lot. It will give
22 some flexibility. It will probably only be a
23 single family. A couple of the other lots on the
24 previous subdivision, we had designed those as
25 duplexes and went through the site plan approval

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process but they are presently being built as single-family houses.

MR. CANFIELD: That's all I had.

MR. BROWN: So far there are no duplexes going in this subdivision.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: No additional comment.

CHAIRMAN EWASUTYN: Cliff?

MR. BROWNE: Nothing.

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Joe?

MR. PROFACI: Nothing additional.

CHAIRMAN EWASUTYN: Tom?

MR. FOGARTY: I had the questions regarding the harvesting, and they were answered.

CHAIRMAN EWASUTYN: I understand that we can't grant conceptual approval based upon the Orange County Health Department approval of 7/23/07. Can we circulate to the Orange County Planning Department since this is in an ag district?

MR. DONNELLY: Yes. Why not.

CHAIRMAN EWASUTYN: Is that an approval moving for that motion or is it just --

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MR. DONNELLY: I think it's just circulating for their report.

CHAIRMAN EWASUTYN: Okay. I'll move for a motion to have Bryant Cocks receive from Charles Brown, Taconic Design Engineer, a set of plans to circulate to the Orange County Planning Department since it's within an ago district.

MR. MENNERICH: So moved.

MR. FOGARTY: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

MR. DONNELLY: Would you want to issue a lead agency notice of intent? I think that ag district makes it a Type I.

MR. HINES: If it disturbs more than

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2.5 acres.

CHAIRMAN EWASUTYN: Correct, Pat?

MR. HINES: If it disturbs greater than 2.5 acres it lowers the 10-acre threshold down to 2.5 acres. It's probably close to that based on the lot sizes.

MR. BROWN: I think it's around 2. I could verify that.

MR. DONNELLY: It wouldn't hurt. If it ends up it isn't Type I and coordinated review isn't required --

MR. BROWN: That's fine. We'll proceed based upon that.

CHAIRMAN EWASUTYN: I'll move for a motion to declare our intent for lead agency for the conceptual three-lot subdivision of O'Brien on O'Brien Lane.

MR. PROFACI: So moved.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

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MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: Myself yes. So
carried.

Charlie, we'll set this for the second
meeting in --

MR. BROWN: August. The 19th.

CHAIRMAN EWASUTYN: -- excuse me -- in
August, which I believe would be the 19th.

MR. BROWN: Yup. Okay.

CHAIRMAN EWASUTYN: At that point we
could grant conceptual approval and move forward.
Thank you.

MR. BROWN: Thank you. I did bring a
copy for Bryant. Is it okay to give that to him
now?

CHAIRMAN EWASUTYN: Sure.

(Time noted: 7:19 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: August 5, 2010

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

----- X
In the Matter of

CINTAS WATER RECLAMATION TRAILER
(2010-10)

1605 Route 300
Section 34; Block 1; Lot 29.1
IB Zone

----- X

AMENDED SITE PLAN

Date: July 15, 2010
Time: 7:20 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: DAVID WIEBOLDT

----- X

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

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2 MR. BROWNE: The next item of business
3 we have this evening is the Cintas Water
4 Reclamation Trailer. It's an amended site plan
5 being represented by David Wieboldt.

6 MR. WIEBOLDT: My understanding is
7 Cintas installed this water reclamation trailer
8 some time ago with the understanding that it
9 would get site plan approval, and that never
10 happened. That's why we're here tonight.

11 We presented a possible enclosure
12 around the trailer at the previous Planning Board
13 meeting, but since then we were told that it
14 wouldn't be required by the building department,
15 and we're pretty much -- we're presenting
16 everything as is for site plan approval.

17 CHAIRMAN EWASUTYN: Thank you.

18 Bryant Cocks.

19 MR. COCKS: I have nothing further on
20 this.

21 CHAIRMAN EWASUTYN: All right. At this
22 point, David, we need to grant conceptual
23 approval for the amended site plan. Since you're
24 within 500 feet of a County road, we have to
25 circulate to the Orange County Planning

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Department.

MR. WIEBOLDT: Okay.

CHAIRMAN EWASUTYN: So similar to the applicant that was before us earlier, if you'd get a set of plans to Bryant Cocks, he'll make every effort to get this to the Orange County Planning Department.

If the Board agrees, we could set this up for a Board Business item within -- we have to have a thirty-day timeframe that the Orange County Planning Department has to make a recommendation, in which case we could act to then grant amended site plan approval if that's all right with the Board, that way you won't necessarily have to come back and we'll notify you of that action.

MR. WIEBOLDT: Thank you.

CHAIRMAN EWASUTYN: I'll move for a motion to set this up under Board Business thirty calendar days from today, whatever meeting follows that, to make a determination as far as approval, and also to circulate to the Orange County Planning Department.

MR. FOGARTY: So moved.

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MR. PROFACI: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: Myself yes.

David, thanks for coming.

MR. WIEBOLDT: Thank you.

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

(Time resumed: 7:24 p.m.)

CHAIRMAN EWASUTYN: I would like to step back for a minute. I was reminded by Ken Mennerich that the Cintas Water Reclamation Trailer, I didn't move for a conceptual approval. I would like to take the time to grant that action now.

MR. GALLI: So moved.

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MR. PROFACI: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: Thank you, Ken Mennerich.

(Time noted: 7:25 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: August 5, 2010

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

----- X
In the Matter of

CONIFER REALTY, LLC
(2010-16)

Fostertown Road at Wells Road
Section 39; Block 1; Lot 19
R-2 Zone

----- X

CONCEPTUAL RESIDENTIAL SITE PLAN

Date: July 15, 2010
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
JOSEPH E. PROFACI
THOMAS P. FOGARTY

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

APPLICANT'S REPRESENTATIVE: DOMINIC CORDISCO

----- X

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

1
2 MR. BROWNE: The next item we have is
3 Conifer Realty, LLC. It's a conceptual
4 residential site plan being represented by
5 Dominic Cordisco.

6 MR. CORDISCO: Good evening, everyone.
7 Dominic Cordisco from the law firm of Drake,
8 Loeb. I'm here on behalf of Conifer.

9 I would like to introduce our project
10 team. This is our first appearance and we're
11 happy to be here. This is Andy Bodewes from
12 Conifer, along with Andy Crossed from Conifer as
13 well, Dr. Phil Grealy who is our traffic
14 consultant, Charlie May who is our engineer, and
15 Stewart Turner who is our planner.

16 Before we get started I do have
17 additional copies of the plans, if you'd like
18 them, at a reduced size if you'd like to have
19 them to review. These are the exact same plans
20 that were previously submitted. No changes have
21 been made, it's just we prepared them in case you
22 would like to have them. I'll just hand these up.

23 We are here for a 64-unit rental
24 workforce housing project, and at this point I'd
25 like to turn it over to Andy who can walk you

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through what we're proposing.

MR. BODEWES: Thanks, Dominic. Thank you, Members of the Planning Board. My name is Andy Bodewes, I'm with Conifer Realty. I'm here tonight as the project director for our proposed development on Fostertown and Wells Road, and I'd like to just give you a brief highlight of what it is we're proposing.

Actually, I have a few other things here, too. Maybe you can pass them down when you get a chance. It will give you an idea of what we're proposing.

So as Dominic mentioned, it's 64 workforce housing homes for families working here in Newburgh and in Orange County. It's located at Fostertown and Wells Road. The site is ideal for what we're proposing because it's a very large site, 17 1/2 acres, and we're proposing 64 units. 16 of them are one-bedroom apartments and 48 are two-bedroom apartments, so there's a total of 8 buildings that have living units in them. Then there's a community building as well.

As I mentioned, the site is very large. It's less than 4 units an acre. It has a lot of

1 buffering, a lot of green space, and it will be
2 an ideal location for what we're proposing
3 because of that buffering. In addition, we'll do
4 berms and extensive landscaping, and it will be a
5 very attractive site.
6

7 We also will do -- one item that has
8 been mentioned in some of the reports that we
9 will be doing, as part of our construction, is
10 cleaning up the corner of Fostertown and Wells
11 Road. That currently is overgrown with overgrown
12 trees. There was a dilapidated house that
13 existed right here at that location at the
14 corner. We have worked with the fire district to
15 -- they used it for friendly fire training and
16 that sort of thing. We worked with them to
17 demolish that house. We will clean that up as
18 well and that will be an improvement, not only to
19 our site but to the whole community because it
20 will allow for better access in terms of sight
21 distance and that sort of thing.

22 Our development, as I mentioned, will
23 have a community building. The clubhouse
24 building that we do has a lot of nice features.
25 It will have an exercise room, a computer room, a

1 community room. The community room is available
2 for the benefit of the residents. The residents
3 can use it throughout the day, they can rent it
4 on the weekends if they want to have a private
5 function. It will have a laundry room. It will
6 have an on-site management office. It will also
7 have an on-site maintenance shop. We have
8 regular maintenance staff on site throughout the
9 regular business hours, and they'll work out of a
10 maintenance shop that will be housed in the
11 community building.
12

13 All of our apartments have green -- are
14 done to the New York State green standard. We
15 get -- we qualify under NYSERDA for the multi-
16 family energy performance program, and what that
17 means is we'll have energy star rated light
18 fixtures, we'll have energy star rated
19 appliances, energy star rated heating equipment,
20 energy star rated water conserving plumbing. We
21 also have been using -- very recently we've been
22 going almost exclusively to the hot water on
23 demand tankless system for all the apartments.
24 We'll have low VOC paint and green label carpet.
25 Those are some of the examples of the things that

1
2 we do that are green features of all of our
3 apartments.

4 I guess probably one of the biggest
5 questions you might ask is well, who are these
6 apartments intended for. These apartments are
7 intended for workforce housing that is geared
8 toward 50 and 60 percent of the area median
9 income. The area median income is \$83,400. So
10 you can pretty quickly do the math and come out
11 with what income levels we're talking about. 50
12 and 63 percent of \$83,400. Just a rough idea, on
13 one-bedroom apartments, the qualifying income for
14 these apartments would be in the range of roughly
15 \$29,200 to \$40,800. For two-bedroom apartments
16 it would be \$33,400 to \$50,040. So we're talking
17 about a significant range, a range where, quite
18 frankly, there's a lot of folks that are working
19 hard today in this community and would qualify
20 under those guidelines. Just as an example, the
21 2009 New York State Department of Labor in Orange
22 County finds that educational services, including
23 some school district employees and teachers
24 aides, not teachers obviously but teachers aides
25 and employees, the average salary is \$30,372.

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2 Healthcare and social service professionals, the
3 average salary is \$39,972. I'm sure that's LPNs,
4 folks that are working at medical facilities.
5 Average construction salary, \$45,278. A U.S.
6 Mail carrier, \$47,980. So you can see the types
7 of folks that will qualify and will reside at our
8 community.

9 How does this work? Well, there's a
10 rent across the board. None of the apartments
11 are rent subsidized. The only exception is that
12 there's an income test that needs to be met by
13 the residents in order to qualify to live in the
14 residence. There is a rent across the board that
15 applies to everybody, and they pay the rent, it's
16 not paid by anybody else. It's not rent
17 subsidized. It's a rent that needs to be paid
18 just like any other apartment community.

19 In summary, this project I think will
20 be extremely helpful to the working families here
21 in this area. The Town has expressed a desire to
22 provide more workforce housing for the folks in
23 the community, and this will really help the Town
24 meet that goal. We think it's a great location
25 for it.

1
2 We talked about the buffering. It's
3 not a very dense development. It's zoned R-2.

4 Lastly, and Andy Crossed from Conifer
5 will talk about this very briefly toward the end,
6 Conifer has the track record to get this done and
7 has been around a long time. We have the depth,
8 the experience, we know how to do this, this is
9 all we do, and we will provide a very successful
10 workforce housing development for the Town here
11 on Fostertown and Wells Road.

12 Now I'm going to turn it over to Stu.
13 Stu is going to highlight, from a planner's
14 perspective, the key components of our
15 development.

16 MR. TURNER: Thank you, Andy.

17 Thank you for hearing us tonight. I'm
18 Stu Turner, I'm the president of the Turner-
19 Miller Group, planning consultant. I think Andy
20 has described the essence of the proposal as it
21 stands.

22 What we have prepared as part of the
23 supporting documentation for the application was
24 a planning analysis, planning report. Some of
25 that is eluded to in terms of the consistency

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2 with the Town's own planning documents, its
3 master plan which was adopted in 2005 after a
4 full environmental review, and there's an
5 expression in there about the desire of the Town
6 of Newburgh to provide for affordable housing.
7 It's also made it's way into the Town's zoning
8 code so that it is -- it's expressed as formal
9 Town policy to try to achieve more affordable
10 workforce housing. We believe that this project
11 helps the Town towards that goal.

12 The site, we also feel from an overall
13 planning perspective, is fairly well located for
14 this purpose. Here is Fostertown Road, and
15 here's the site, and here's Wells here. The site
16 has good access. It's not far from 9W, it's not
17 far from Route 32, South Plank Road. There are
18 schools in the vicinity, the Fostertown School
19 here which is a magnet school so there may be
20 limited number of whatever students are generated
21 here going to that school, but there's also the
22 Balmville School that is on 9W.

23 There is commercial development easily
24 accessible. As you go down to 9W or down to
25 South Plank Road -- North Plank, I'm sorry, it's

1
2 North Plank Road, and those aspects of the area
3 make this an attractive site to be part of this
4 residential neighborhood which is fairly well
5 established.

6 The site is served by water. We've
7 done some very preliminary analysis but we're
8 only going to need, for the 64 units,
9 approximately -- almost 17,000 gallons per day.
10 There is capacity in the system which is far
11 below the peak drawdown on the system. It's in
12 the Gidney Sewer District. There again, the
13 amount of sewage effluent that would be generated
14 is easily within the limits that the Town has,
15 especially with the expanded sewer district --
16 sewer plant in the City of Newburgh.

17 The plan, as Andy did describe, to
18 assure that it fits into the neighborhood is
19 buffered, particularly along Wells. The
20 community building is across from the school.
21 The buffering all around the site is conceptual
22 at this point. There may be some adjustments, a
23 need for some adjustments to those buffers, but
24 the concept is that these will be heavily
25 buffered and landscaped to fit in and to maintain

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the integrity of the neighborhood.

As we were planning the site we also were very cognizant of the Town's design guidelines, trying to maintain the buildings and density within the scale of the surrounding area so that this will fit in and become part of the neighborhood.

As far as impacts, as Andy already indicated, this is a tax paying property. This is not subsidized. It will generate taxes. It, we believe, since the area is developed residentially, will be serviced by the same police and fire that services that area now.

The project basically we believe fits into the Town's planning and into the Town's needs. It's consistent with the County's study that documented the need for workforce housing and affordable housing. We think it's going to be an asset to the community you'll see I think further from the design of the buildings that are proposed. Toward the end of our discussion we'll further emphasize that. We believe it will be an asset.

Thank you very much. The report that

1
2 I've just commented on is incorporated into the
3 document that you have.

4 MR. CORDISCO: Next I'll turn to Dr.
5 Grealy, who is a Traffic Consultant, to give you
6 an update regarding his traffic report.

7 MR. GREALY: Good evening. Phillip
8 Grealy, John Collins Engineers. We prepared a
9 traffic study for the development. The traffic
10 study looked at traffic conditions on 9W, on
11 Fostertown Road, on Wells Road. We did counts in
12 April and May of this year, compared them with
13 historical data, focused primarily on morning and
14 afternoon peak hours, commuter times and also
15 times of school traffic.

16 In terms of current conditions, on
17 Route 9W in a one-hour period you currently have
18 between 1,500 to 1,700 vehicles total in both
19 directions on that roadway. Fostertown Road has
20 volumes in a one-hour period to the high 600,
21 almost 700 vehicles in an hour. Wells Road is
22 anywhere from low 100s to as much as 200 vehicles
23 an hour. Those are the current conditions.

24 We looked at background traffic growth,
25 increases in traffic without this project, and

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2 looked at that as a no-build condition. In terms
3 of the project for 64 apartment units, peak hour
4 traffic generation would be somewhere between 35
5 and 50, 52 trips, vehicle trips. So in terms of
6 the development generation, that's what we would
7 be looking at as added trips to the road system.
8 Those trips would be spread out. The majority
9 would be along Fostertown Road, and I think we
10 estimate somewhere around 25 percent of those
11 would use Wells Road. That's based on existing
12 kind of distributions of traffic.

13 In terms of traffic conditions, the
14 site is proposed to be served for the full access
15 off of Wells Road. The site plan calls for a
16 right turn in, right turn out entry/exit opposite
17 Brandywine Crossing. That's how the original
18 site plan was laid out. I think it works well in
19 terms of because of Brandywine Crossing and the
20 alignment here, having rights in and rights out
21 cuts down on vehicle conflicts there. All left
22 turns would be handled via Wells Road. We have a
23 full access to Wells Road.

24 In terms of improvements, there's some
25 sight distance improvements , primarily

1 vegetative clearing, to address existing
2 conditions, and that would serve the development.

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4 From an operational standpoint the
5 intersections immediate to the site are projected
6 to operate at a level of service C or better,
7 which is kind of the design standard. 9W and
8 Fostertown Road, which will not really be
9 impacted significantly, you know, has some
10 congestion during peak hours. In the afternoon
11 you'll see back ups on 9W which is primarily
12 through traffic. That's projected to increase in
13 the future because there's other developments
14 that have been approved that are going to
15 generate traffic. But when you look at the amount
16 of traffic from this development, we don't see a
17 major change in operations down there. Even the
18 peak numbers with the percentage of traffic that
19 would be going through that intersection, it
20 would be, you know, in the order of maybe 20 to
21 30 vehicles an hour at most. Again, at that
22 intersection you have in the afternoon rush hour
23 about 1,700 vehicles, so to kind of put it in
24 perspective.

25 Pretty much what we found was that the

1
2 traffic could be accommodated at the
3 intersections.

4 In addition to the sight distance
5 improvements, we're recommending some striping
6 and, you know, pavement marking improvements.
7 Over time things get faded. That's really been
8 the focus of, at this stage, what we see.

9 We will have to get a permit from the
10 Orange County DPW, as we move through the
11 process, on the access to Fostertown Road.
12 That's a County road. You know, we also have
13 some clearing and vegetation along Wells Road in
14 order to have that access function.

15 Those are pretty much the highlights of
16 our study at this point. I'll turn it back to
17 Dominic.

18 MR. CORDISCO: At this point, because
19 it's our first appearance before you, we thought
20 it would be good to have an introduction to
21 Conifer and to their other projects. Andy
22 Crossed is here from Conifer and thought he would
23 give you an overview briefly of some of the other
24 projects that they've done and the quality of
25 their work.

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2 MR. CROSSED: We appreciate this
3 opportunity, Chairman and Members of the Board.
4 My name is Andrew Crossed, I'm executive vice
5 president of Conifer Realty. We are a Rochester-
6 based company started in 1975 as a development
7 and management company exclusively for multi-
8 family housing. We operate in four states.
9 We're privately owned. Currently we have about
10 550 employees. We own and manage approximately
11 11,000 apartment units in four states. This was
12 really our neck of the woods. We are in
13 Pennsylvania, New York, New Jersey and Maryland
14 primarily. Our business model has been based
15 from a motto that we've always lived by and made
16 our money from, which is doing what we say we're
17 going to do, keep doing what we do better, and be
18 a good neighbor. That's really what we strive
19 for.

20 One of the advantages that
21 differentiates us from other multi-family
22 developers and owners of apartments is that what
23 we develop we've built, and what we build we own,
24 and what we own we manage. So we're involved
25 every step of the way and we're responsible for

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2 all those aspects of the development. We take a
3 lot of pride in particularly the management of
4 our communities.

5 I think Andy earlier talked about a
6 package that showed some of our -- what we're
7 proposing here is an A-Plex product we call it,
8 which is essentially eight apartments in each
9 building. This product we've used over many
10 years. It's been refined over many years and
11 it's a proven product. We're very proud of it.
12 I think from the pictures you can see that it's
13 something to be proud of in the Town as well.

14 I'm here to answer any questions
15 regarding the management. Obviously I wanted to
16 keep it brief. I thought it was important to see
17 other products that we would be basing this off
18 of.

19 I think also the information that was
20 passed out shows our nearest communities to the
21 Newburgh area as well.

22 So with that, Dominic, I'll pass it
23 back.

24 MR. CORDISCO: That actually concludes
25 our presentation at this point. We'd like to hear

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any comments or feedback from the Board and the Board's consultants, and then talk about the process and where we go from here.

CHAIRMAN EWASUTYN: Frank Galli, Board Member?

MR. GALLI: The project you have in Hyde Park, is that on Route 9?

MR. CROSSED: It's right off Route 9. It's right in the Village of Hyde Park. It's on a road called Farm Lane adjacent to the Roosevelt Library.

MR. GALLI: That's all for now.

MR. BODEWES: Actually, here is directions to that.

CHAIRMAN EWASUTYN: Anything else, Frank?

MR. GALLI: No. I'm going to be up that way tomorrow. I'll ride through and check it out.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: From my perspective you said that build, own, maintain, manage. Do you have a resident manager directly -- a company direct employee at each location?

MR. CROSSED: We will have -- yeah.

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That's a very good question. We will have a superintendent living on site.

MR. BROWNE: Reporting directly to you?

MR. CROSSED: Not to me directly. We have a regional manager that would be responsible for this region, and that person will report to our regional manager. We also have an on-site property manager which is separate from maintenance. We'll have an on-site property manager and on-site maintenance superintendent.

MR. BROWNE: They're company employees?

MR. CROSSED: Yes. Conifer employees.

MR. BROWNE: I found it made a difference if they're subcontracted out.

MR. CROSSED: We agree a hundred percent.

MR. BROWNE: Thank you.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: If somebody qualifies to rent one of your units and their income goes above the guidelines, what happens?

MR. CROSSED: Well, the rules and -- the fair housing rules deal with that. If they initially meet the income qualifications and then

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2 they go up, it's kind of the purpose of the
3 program, that people improve their quality of
4 life so they're not penalized and have to move
5 out. They can stay. The Federal and State rules
6 deal with that.

7 MR. GALLI: And the rent goes up?

8 MR. CROSSED: No. The rent stays.

9 MR. CORDISCO: There are actually
10 provisions in your code regarding that as well,
11 finding someone to finish the term of their lease
12 prior to re-evaluating as to whether or not they
13 can qualify to stay in the unit.

14 MR. CROSSED: That's right.

15 CHAIRMAN EWASUTYN: Joe Profaci?

16 MR. PROFACI: I have nothing.

17 CHAIRMAN EWASUTYN: Tom Fogarty?

18 MR. FOGARTY: This is the first, I
19 think, affordable housing project that I've seen.
20 My concern is -- I know this is surrounded by
21 single-family homes. One of the things I'm going
22 to be concerned about is how well does this
23 project fit into that community. I can see just
24 from the six, seven, eight homes that are in the
25 vicinity of the project. So that's going to be

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my main concern.

MR. CROSSED: We believe that our design with the A-Plex makes this look as residential as possible. On our family projects we avoid the big apartment buildings. We believe also that this site lends itself to that. It's a very low-density project from a multi-family development standpoint. We feel it's going to blend in very nicely with the surrounding neighborhood.

MR. CORDISCO: On that point, we're not asking for additional density above and beyond what we can do on this site. Although your code allows us at least to ask for additional density, we are not.

MR. FOGARTY: Thank you.

CHAIRMAN EWASUTYN: Having had a community presentation about -- how long ago was that?

MR. BODEWES: It was about a year-and-a-half ago I believe.

CHAIRMAN EWASUTYN: Okay. At this point in time you redefined your plans. Would you be willing to have a second meeting with the

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2 community residents to give them what we'll
3 consider to be your final plan, to collect any
4 questions or comments they have, and discuss with
5 them implementation of some of the buffering or
6 the designs that they would like to see since
7 they're neighbors?

8 MR. BODEWES: Absolutely. We would be
9 more than happy to do that.

10 CHAIRMAN EWASUTYN: Okay. When you had
11 your original meeting, and we're going to further
12 this, how did you notify them and what distance
13 did you do it? Again just further me along on
14 this. You had an informational meeting. You
15 noticed it how? How did you come up with a list?
16 I mean I happened to attend that meeting but it
17 was just more out of curiosity. I don't live in
18 the neighborhood.

19 MR. BODEWES: We noticed it by mail. I
20 don't recall the exact distance that we used but
21 we used a measurement of some distance, you know,
22 within a certain perimeter of our site location.
23 I am aware that at the time we did that there was
24 some concern about some folks saying they did not
25 get notice and that sort of thing, and we were

1
2 very apologetic for that. I'm not sure how that
3 happened. We honestly worked with our law firm
4 in arranging that. There was another lawyer that
5 we were working with at the time. In any event,
6 we understand there was some difficulty in all
7 the notices getting appropriately to the folks.
8 We would, you know, work very hard to make sure
9 that didn't happen again.

10 CHAIRMAN EWASUTYN: Dominic, you're
11 familiar with this concept.

12 MR. CORDISCO: Certainly.

13 CHAIRMAN EWASUTYN: I know you're a
14 trainer as far as the Orange County Municipal
15 Planning Federation and you're well versed under
16 SEQRA. How and when do you see this process
17 unfolding and entering into the public domain for
18 information?

19 MR. CORDISCO: For information purposes
20 I think we would -- it would be best to proceed
21 on a parallel track. I mean, as you know and
22 recognize, the informational meeting was a
23 year-and-a-half ago and the project hasn't been
24 dormant since that time. It's actually been
25 continuing to be refined. We've been on the

1
2 project team for about a year now, and so we've
3 been working to make as comprehensive a package
4 for you as possible because we wanted to put, you
5 know, all of it out there to show you that we're
6 actually doing our homework.

7 Moving forward, I think that there's no
8 reason now not to have another informational
9 meeting based on the current version of the
10 plans. My recommendation would be that we would
11 follow the Town's guidelines for any public
12 hearing, and we could provide that information to
13 you, showing that we've done mailings and do a
14 publication if that would make a difference. We
15 can do that.

16 CHAIRMAN EWASUTYN: I'll poll the Board
17 Members. At this time would they like to see an
18 informational meeting?

19 MR. GALLI: Yes. Definitely.

20 MR. BROWNE: Yes.

21 MR. MENNERICH: Yes.

22 MR. PROFACI: Yes.

23 MR. FOGARTY: Yes.

24 MR. DONNELLY: My suggestion would be
25 that the mailings don't need to be certified. I

1
2 think that's overkill. While an informational
3 notice in the paper might be appropriate, a legal
4 public hearing notice, my own cynical view, is
5 that's less likely to be noticed than an
6 informational one.

7 MR. CORDISCO: Right. My intention was
8 actually just letting the newspaper know so they
9 could publish a blurb. People tend to read those
10 rather than the actual public hearing notice,
11 which only people like Michael and I read.

12 CHAIRMAN EWASUTYN: I think the Board
13 would be in favor if you would arrange and
14 schedule that informational meeting.

15 MR. CORDISCO: We will certainly do
16 that.

17 CHAIRMAN EWASUTYN: Let's talk about --

18 MR. DONNELLY: Do you want me to
19 outline where we are for the benefit of the Board
20 as well as the members of the public present?

21 The Town Board is the board that makes
22 the decision as to whether or not to allow the
23 affordable housing project to go forward. If the
24 Town Board were to grant that piece, then after
25 that the Planning Board would review the site

1
2 plan, which are the particulars of the layout and
3 also the architectural renderings submitted. We
4 come back to where we are now. The Town Board
5 has not acted. The Planning Board has a very
6 limited role at this point in time, and that is
7 to make recommendations to the Town Board as to
8 what the appropriate, I'll call them bulk
9 requirements for this project should be if the
10 Town is -- Town Board is inclined to grant the
11 affordable housing approval. Those things
12 involve lot dimensions, setback requirements, the
13 density insofar as it's calculated based upon
14 usable lot area for multi-family projects and the
15 like. With that recommendation the Town Board
16 would then take up the issue of deciding whether
17 or not to allow affordable housing.

18 One of the things that the Town
19 Attorney, being aware that this project came in,
20 knows that the Town Board would like to see,
21 because there was another project that came to
22 them, would be to show on the site plan the
23 dimensional requirements of Section 185-29 C(9).
24 That has a particularized bulk table for various
25 types of separations for multi-family housing

1 projects. They wouldn't be binding and could be
2 changed, but the Town Board would like to see
3 kind of what the project would have looked like
4 had it complied with those to see how
5 dramatically different or similar this project is
6 to that one.
7

8 Also, although you said you're within
9 the sewer district, the Town Board would like to
10 have that clarified. I mentioned that to you
11 earlier, Dominic. That's a black or white answer
12 but that should be taken care of.

13 MR. CORDISCO: We can address that. On
14 that particular point if I may, and this is an
15 important point actually, Conifer actually owns
16 the property and they have been paying taxes on
17 it. He tells me his current tax bill shows he's
18 in the Gidney sewer district and he has an
19 assessment of sewer charges in connection with
20 it. I certainly hope the Town's map corresponds
21 with the bill. We can figure that out.

22 MR. BODEWES: We just submitted one for
23 payment actually today. It came in my box today,
24 as luck would have it.

25 MR. DONNELLY: I'm sure there's an

1
2 answer. If there's a confusion on the Town's
3 part, that can be straightened out.

4 This does have multiple agencies
5 involved. It would be appropriate for the Board
6 to consider whether or not to issue a notice of
7 intent to serve as lead agency. I don't know if
8 this has to go to the Orange County Planning
9 Department.

10 CHAIRMAN EWASUTYN: It's a County road.

11 MR. DONNELLY: That's right. That
12 referral could be made. Then the issue is does
13 the Planning Board have enough information to
14 formulate it's recommendation and report to the
15 Town Board on those bulk requirements, and I'll
16 leave that to the Board and the consultants to
17 discuss.

18 CHAIRMAN EWASUTYN: As far as
19 information, does the Board feel they have enough
20 information at this point or would they like to
21 see the list that Mark Taylor is suggesting was
22 e-mailed to Mike Donnelly?

23 MR. GALLI: For lead agency?

24 CHAIRMAN EWASUTYN: Not for lead agency
25 as much as --

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MR. GALLI: For the requirements?

CHAIRMAN EWASUTYN: -- for the requirements so we could start. I think we're in a position to --

MR. FOGARTY: I would like to see that, too.

MR. MENNERICH: I would like to see it.

MR. CORDISCO: If I understand Mr. Taylor's request, I think essentially what he's asking for is an examination of what the project might look like if it met the multiple-family units and where the differences might be between the two plans. My only concern about that is that I hope it doesn't require us to prepare an entirely new set of plans but more -- I think as I understand, it's really an analysis of the setbacks and what setbacks we're providing.

MR. DONNELLY: I think they're looking -- well, in terms of the regular setbacks, there really aren't any because we're in the R-2 zone. However, the particularized ones of 185-25 C(9), I'll just give them to you quickly, they had to do with building length or height, average total length of buildings, average total length of

1 buildings facing residential zone boundaries. So
2 they were very carefully tailored to multi-
3 family housing. You well may comply with all of
4 them. You may have factored them in. I don't
5 know. Think those are the ones that I think have
6 application here. There are really only those
7 three categories. I don't think you need to show
8 buildings as much as almost a building envelop or
9 a setback from those residential properties. I
10 think that could be superimposed in there in some
11 hatched or some kind of line fashion with a key
12 so everyone could see what it is. I think the
13 idea for the Planning Board and Town Board to set
14 the appropriate bulk of this specialized type, it
15 would be helpful for both of them to be able to
16 see exactly what would normally be required for a
17 mult-family housing project to see how different
18 it is here.

20 CHAIRMAN EWASUTYN: That way we can
21 make our recommendation based upon that
22 comparison.

23 MR. BROWNE: Also, for me I would like
24 -- I'm looking at your layouts here and what not.
25 I would like to understand what you looked at as

1
2 far as the screening, those kinds of things. A
3 couple of feet of a screen is not going to do
4 much. I really want to see it before I would
5 agree to say that sounds good to me.

6 MR. DONNELLY: You're talking about the
7 dimension between the closest part of the
8 building and the nearest residential property,
9 what's proposed there?

10 MR. BROWNE: I mean what's proposed
11 there to do all that. I mean if we're being
12 asked to look at this and consider those
13 different things, I want to understand really
14 what's going to be there.

15 CHAIRMAN EWASUTYN: I think that's
16 where they'll have the information meeting with
17 the public. The public will be able to air their
18 similar thoughts. As a result of the public
19 information meeting, they'll be able to come to
20 an understanding on the implementation of that
21 type of improvement.

22 MR. DONNELLY: And whether or not those
23 private issues are resolved to the satisfaction
24 of the neighbors, and I don't know that we need
25 to wait for that meeting for you to make your

1
2 decision as to what is the appropriate setback
3 distance. I think what Cliff is saying is what
4 that distance is might vary with how you intend
5 to screen the line-of-sight view from those homes
6 from what you propose to build.

7 MR. CORDISCO: We can provide that
8 information. That's certainly not a problem.

9 MR. BROWNE: When we talk about --
10 rental is a lot different than ownership. The
11 folks that rent maybe treat the property
12 differently. I don't know. I don't have a
13 history, you guys do.

14 MR. CORDISCO: Right.

15 MR. BROWNE: Some more information
16 about that kind of thing, the demographics, that
17 will definitely help. Again, I'm familiar with
18 condos, I'm not familiar with rentals like this.

19 MR. CORDISCO: We can certainly address
20 that. That's why we have on-site property
21 managers and superintendents, to address any
22 concerns like that. I think it would also be
23 helpful, as you said, perhaps to take a look at
24 the project in Hyde Park and see if you can get a
25 sense, especially if you're going tomorrow. I

1
2 don't think, given the night, they would actually
3 call ahead and have someone paint the building or
4 anything like that between now and then.

5 MR. DONNELLY: If they would use that
6 as a sample, it might be helpful for the Board to
7 know how similar the setbacks, building
8 dimensions and other bulk requirements are of
9 that project to what's proposed here.

10 MR. CORDISCO: Okay. And I understand
11 and recognize that it would be helpful for the
12 Board to use this as a comparison to help you
13 establish what is appropriate here. My only
14 comment on that, however, is that under your code
15 for the affordable housing, it's the Board in
16 consultation and with the authority of the Town
17 Board that sets the appropriate amount of
18 setbacks and other dimensional requirements here.
19 There's nothing specified. We recognize that it
20 would be helpful for the Board to come up with
21 what's appropriate and whether or not we're
22 appropriate by comparing it to what would be
23 required.

24 MR. BROWNE: From that particular
25 point, I can't make a decision in a vacuum. I

1
2 need something to look at. I need some
3 specifics. So yes, I recognize what you're
4 saying and definitely understand that, but for my
5 information --

6 MR. CORDISCO: My only concern is that
7 we don't have to comply actually with the multi-
8 family, in my view, because we're not a multi-
9 family development.

10 MR. BROWNE: That's not the issue.

11 MR. CORDISCO: I understand. I just
12 wanted to put that out there. We've committed to
13 do it, so --

14 MR. DONNELLY: Dominic is certainly
15 correct, none of the bulk requirements apply
16 here. They are fashioned -- tailor made to this
17 project by the Town Board based upon your
18 recommendation.

19 MR. FOGARTY: One of the things I'm
20 concerned about, as I mentioned, is that if you
21 take a look at these three units at the top here,
22 I want to know that if I was living in one of
23 these homes behind here, what am I looking at?
24 When you're all done and you're gone, you know
25 what I'm saying, what are these neighbors looking

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at and how does that impact their property?

MR. CORDISCO: Understood. We'll provide that because that echoes Mr. Browne's comments.

CHAIRMAN EWASUTYN: So let's understand now. You're going to have a public information meeting in the course of --

MR. CORDISCO: As soon as we can schedule it and arrange it.

CHAIRMAN EWASUTYN: You're looking for the Board at this point to declare our intent for lead agency and circulate to the Orange County Planning Department?

MR. CORDISCO: Correct.

CHAIRMAN EWASUTYN: And on behalf of Mike Donnelly's conversation, and realizing that what is required may not be required of you but having a basic outline of what might be required and what you're proposing, you're going to make that comparison.

MR. CORDISCO: Correct. I think at this point it would be premature, to be honest -- although my client might kick me, but it would be premature at this point to ask for conceptual

1 approval given you want to see additional details
2 regarding the plan, and likewise because your
3 referral to the Town Board should include your
4 recommendation as to what the project should look
5 like. Since we have more homework to do to give
6 you, we'll do that before we ask for that
7 recommendation.
8

9 CHAIRMAN EWASUTYN: Okay.

10 MR. GALLI: I just have one question
11 real quick. What style is the building going to
12 look like? I'm hearing the setbacks. Basically
13 is it going to -- I see you show me all different
14 pictures. You don't have to be exact. Is it
15 going to be the three-story one, the four-story
16 one, the one-story one?

17 MR. CROSSED: No. There's this one
18 group of pictures that is all the same type of
19 building, which is an A-Plex, and this would be
20 the style.

21 MR. GALLI: Right there?

22 MR. CROSSED: That's the one, yup.
23 That's our A-Plex. The one that's not looking
24 like that, that's our typical community building.

25 MR. GALLI: Okay.

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CHAIRMAN EWASUTYN: I'll move for a motion to declare our intent for lead agency and to circulate to the Orange County Planning Department.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

Dominic, I'll let you --

MR. CORDISCO: I think if the Board or its consultants don't have any additional comments, we of course received their memos and we'll address those comments as well in our

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CONIFER REALTY, LLC

resubmission. In the meantime I'll work with Conifer on setting up an informational meeting. We'll make sure we get the list from the Town and we'll abide by that through regular mail, and we'll also let the newspaper know, and we will also provide you with the information on parallel track. We'll hope to be back before you in the near future.

CHAIRMAN EWASUTYN: Thank you.

MR. CORDISCO: Thank you all very much. I appreciate your comments.

(Time noted: 8:07 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: August 5, 2010

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

----- X
In the Matter of

ORANGE COUNTY CHOPPERS
(2005-58)

Crossroads Court & Orr Avenue
Section 95; Block 1; Lot 45.32
IB Zone

----- X

CONCEPTUAL AMENDED SITE PLAN

Date: July 15, 2010
Time: 8:08 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: RICHARD GRACE

----- X

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

1
2 MR. BROWNE: Our last item of business
3 this evening is Orange County Choppers,
4 conceptual amended site plan, being represented
5 by M.A. Day Engineering.

6 MR. GRACE: Good evening, Chairman
7 Ewasutyn, Planning Board Members and Planning
8 Board Consultants. My name is Richard Grace. I
9 have with me this evening Mark Advent who is
10 chairman of our company, Orange County Roadhouse,
11 I have Henry Kroll who is representing Orange
12 County Choppers, I have Dr. Phil Grealy who has
13 handled our traffic study, and I have James Sonic
14 who has done our landscape engineering as well.

15 This is our second meeting with the
16 Planning Board. At our first meeting there were
17 some issues that came up that we were asked to
18 address in various consultants' letters, and we
19 have submitted to the Planning Board and the
20 consultants a complete revised site plan, we
21 submitted a revised narrative, we submitted a
22 complete stormwater management plan, a revised
23 traffic study, an engineering response letter and
24 a building sign package as well as a directional
25 parking sign package.

1
2 There were some questions that came up
3 at our last meeting with regard to the amount of
4 parking spaces that were allotted to the previous
5 usage of the site. The calculations that we used
6 were erroneous. The Planning Board was kind
7 enough to give us the calculations that they
8 wanted us to use, so we did recalculate the
9 parking space issue. We submitted it on the
10 revised site plan as well.

11 What I'd like to do first is to just --
12 I'm going to have Jim come up since he has his
13 plan up here which is in direct response to the
14 additional parking. There was an overflow
15 parking lot that was called the Orr Avenue
16 parking lot for this site that was previously
17 used for events and overflow parking for the
18 entire site. What was asked by the Planning
19 Board and the consultants was that we would come
20 back to them with a permanent parking structure,
21 permanent parking lot. I'm going to let Jim show
22 you what we've come up with to add the Orr Avenue
23 parking as permanent parking.

24 MR. SONIC: M.A. Day Engineering had
25 designed a more permanent parking lot structure,

1
2 landscaped islands, striped parking, asphalt
3 paving and curbing around the entire parking lot.
4 They've also developed a drainage system which is
5 to handle the stormwater runoff for the parking.

6 The task that I've been charged with is
7 to take the overflow parking area, provide the
8 landscape buffer and landscape elements which
9 follow the code as well as enhance the area so it
10 doesn't look like a mass parking lot. There's a
11 whole series of all different types of plant
12 material, a lot of it which reflects what was
13 approved for the Orange County Choppers building,
14 as I was the landscape architect in charge of
15 developing that, too. I've used a lot of the
16 similar plant materials in the islands and around
17 the parking lot to screen it out. There's a
18 whole series of maple trees, different type of
19 maple trees, different size maple trees going in
20 around the parking lot. There's some Forsythia
21 screening along the side on Orr Avenue. There's
22 some ornamental planting in the islands which are
23 ornamental grasses, some Spyrea, some Juniper,
24 all of which can handle some snow motion on top
25 of them during the winter months so when the plow

1
2 guys are plowing. We also left some open areas
3 for the plows to deposit their snow.

4 Within the parking lot islands we've
5 incorporated a series of double-headed
6 environmentally friendly lighting fixtures. The
7 poles are 27 feet high. These are not the same
8 fixtures which are on the Orange County Choppers
9 site. I've been asked to develop it with a
10 lighting that takes the environment into
11 consideration. It has a small wind turbine on
12 top as well as a solar panel which feeds into a
13 battery pack which allows an LED lighting fixture
14 to illuminate the parking. We've generated a
15 photometric plan which really keeps the focus of
16 the lights down and around the center of the
17 parking lot, and diminishing really to zero
18 across the site or across the property lines.
19 Those heads would also be located in front and
20 along the walkway, which, I apologize, we didn't
21 show the photometrics but they do fit within the
22 constraints of the property with ease. The heads
23 are architecturally pleasing, we believe, and
24 environmentally friendly, and we don't need to
25 run utilities out there. It is a battery pack

1
2 that runs each individual head. If it fails,
3 which as a light bulb would fail, you would have
4 to change it, they would change the battery pack.
5 Once again, it does run on wind and solar panels.
6 It doesn't need both, it needs one or the other
7 but we'll keep them both up there to charge the
8 battery the best we can to keep it running so we
9 can illuminate the parking lot.

10 MR. GALLI: What's the life expectancy
11 of those battery packs?

12 MR. SONIC: I believe they're ten to
13 twelve-year expectancy.

14 MR. GRACE: I think that's about right.

15 MR. GALLI: Does the pole have to be 27
16 feet high?

17 MR. GRACE: That's the way they're
18 designed. I think it's mostly for the optimum --
19 to collect the wind with the wind turbine. If
20 I'm not mistaken, the site right now has poles
21 that are 30 feet.

22 MR. SONIC: Correct. Orange County
23 Choppers has poles, the sterner fixture which I
24 did bring with me. They are --

25 CHAIRMAN EWASUTYN: That's similar in

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height to -- they both have --

MR. GRACE: Correct.

MR. SONIC: That's why when I designed the site lighting -- I can leave that with you -- it's meant to fade into the landscape.

CHAIRMAN EWASUTYN: Ken Mennerich has a question.

MR. MENNERICH: This is the first time I've heard of LED area lighting. What type of lighting do you get in the parking lot?

MR. SONIC: In the areas that are really shown, it's kind of an orangy area. They get a 1 to 1.9 intensity. It's not lighting like this. It is a low, dim level lighting but enough for the safety of the people in there so they can see around the cars and stuff. It's meant to be a low-level light. I did print out the night fixture -- the fixture at night, and you can see that it's very bright at the base of it as we're showing here, and then really diminishes down. LED lighting is a whole series of little fixtures.

MR. MENNERICH: Very directional.

MR. SONIC: Very directional. It's

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meant to direct in the areas that we want to light up and fade away as quick as we possibly can.

MR. PROFACI: You're going to light the whole parking lot with four of them?

MR. GRACE: Yes.

MR. SONIC: We have two, four, six -- eight fixtures to really encompass most of the parking stalls, and then with a little bit of ambient light it will blend it together with the rest of the parking stalls.

MR. HINES: It's actually eight lights coming off either side.

MR. PROFACI: What?

MR. HINES: There's eight light fixtures, two on each.

MR. PROFACI: I've got it.

MR. GRACE: These lights are currently being installed at the Brooklyn Navy yard in Brooklyn right now as well, and they have been installed -- there's also a bunch of other industrial uses that these lights are being used for.

MR. BROWNE: I assume we'll meet the

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minimum lumen requirement.

MR. GRACE: Yes.

MR. SONIC: Yes.

MR. GRACE: The idea was to be as environmentally friendly as possible and keep it in code with the building being a certified green platinum building. We felt this was the best way to go without having to run electricity out to the site and also keep the environment in check.

MR. SONIC: I believe that the lighting company is working with the New York City Parks Department. I don't think they have anything installed yet but they are proposing some lighting for the parks.

CHAIRMAN EWASUTYN: Okay.

MR. GRACE: There were some other questions -- I'm going to put the site plan up right now so you have it up there. I just wanted to show everybody where we had relocated -- there were some handicap parking spaces that were in the front entrance of the restaurant, and what we did was we relocated them on the site plan here so that they coordinated with the walkway coming to the corner. We felt it would be much easier

1
2 for people to park right near the ramp going
3 right up to the restaurant to make it easier for
4 everybody.

5 We also added the locations for the
6 signage, the additional signage that was
7 requested to direct traffic coming off of 17,
8 around the existing building to the overflow
9 parking lot which is now going to be the
10 permanent parking lot. Those locations are right
11 here as you come down Crossroads Court. There's
12 another sign that's going to be located right
13 here, another sign here and another sign here.

14 There were some questions that have
15 come up actually in the last day, two days. We
16 received some comment letters from some of the
17 consultants. I don't know if you want me to go
18 into answering some of those questions or not.

19 CHAIRMAN EWASUTYN: Please take the
20 opportunity.

21 MR. GRACE: One of them was the
22 location of the handicap spaces. We did have
23 them on the site plan. I don't know, someone
24 might have missed it, one of the consultants. I
25 know it was in one of the letters. We did

1
2 relocate them right to the corner of the building
3 there.

4 There was a question about the signage,
5 that it wasn't on the site plan. We have an --
6 on this page back here we had a little diagram.
7 There were additional parking, additional
8 Roadhouse parking, no left-turn signal -- I'm
9 sorry, no right-turn signal, handicap parking
10 spaces and a stop sign. We did have them on the
11 ledger here.

12 We also wanted to point out that the --
13 there is an existing sign as you come out of the
14 Orr Avenue parking lot now, the proposed parking
15 lot, where it does -- there was the driveway that
16 was built with the curbing in place but nothing
17 other than the curbing coming off of Orr Avenue.
18 There is a sign there that does say no right turn
19 right now. One of the questions that came up in
20 the consultant's letter, I believe it was one of
21 them we received today, was having to do with the
22 permanent gate that was supposed to be installed
23 on Orr Avenue which was not installed. It has
24 not been installed. From my understanding it was
25 not installed for mostly emergency reasons and

1
2 access to the building and having an extra means
3 of egress from the site. So that's something
4 that we can discuss further if you'd like to
5 discuss it. I have no problem with that.

6 We did a complete sewer and drainage
7 plan as well that ties into the existing Caltech
8 system which we also submitted to the Planning
9 Board. I think that most of the questions were
10 answered with that, and also with the sewer
11 runoff, the management report that we also
12 commissioned to have Mark Day do as well which
13 was a stormwater pollution prevention plan which
14 we submitted as well. Chairman Ewasutyn just
15 asked me to give you guys one copy, and we gave
16 -- I think Pat Hines we gave the other copy as
17 well.

18 I have Dr. Grealy with us as well who
19 was commissioned to do a revised traffic study,
20 and I think that I'll let him come up and say a
21 few words and describe what he found for the site
22 as well. We can go over that, too.

23 MR. GREALY: Good evening again.
24 Phillip Grealy, John Collins Engineers. We had
25 prepared the original traffic studies for Orange

1
2 County Choppers, and in those studies we had made
3 projections on the expected traffic generation
4 for the facility, and also looked at the other
5 lots within the Crossroads Court subdivision.

6 As part of the construction of the
7 Orange County Choppers facility, improvements
8 were made on 17K, a left-turn lane, right-turn
9 lane and at the access. We had also looked at
10 potential signalization at that intersection. At
11 that time the Department of Transportation felt
12 that a signal wasn't needed. They wanted to see
13 what happened with volumes. We have done
14 subsequent traffic counts to see how the
15 projections compared to reality. In general what
16 we found is that the facility is generating less
17 traffic than what we projected. On Saturday it
18 was I think about ten percent less. Weekdays it
19 was about twenty percent less. Again, the
20 original projections were very conservative in
21 terms of looking at conditions to make sure that
22 we had an access that could accommodate turning
23 movements, et cetera.

24 In terms of the restaurant use, pretty
25 straightforward in terms of calculating trip

1 generation. We have a lot of restaurants in the
2 area now. This type of facility can generate,
3 you know, 50 entering, 50 exiting trips on the
4 busiest time periods. Of those a lot will be
5 attracted from the existing traffic stream. In
6 this case, because of the destination here, I
7 would anticipate a lot of those trips may already
8 be here. So we didn't really take a big credit
9 for the fact that people may be at the facility
10 and then use the restaurant. Also with the
11 hotel, again it's a good mix to have a restaurant
12 there. People don't have to leave the site. We
13 haven't really taken any credits for those.

14
15 What we did find, no surprise, was
16 those exiting from Crossroads Court onto 17K,
17 making a left turn can be difficult in peak
18 hours. The majority of the traffic exiting is
19 right-turn traffic. Left turns entering and
20 right turns entering are accommodated with the
21 turn lanes that are there.

22 So really in terms of future
23 projections, we looked at the intersection and
24 how it would operate in those peak hours. Again,
25 left turns exiting from the site are a little bit

1
2 more difficult. There are delays anywhere from
3 35 up to 50 seconds for a left-turn movement.

4 We have actually designed a traffic
5 signal to go in there, but we feel, based on the
6 volumes that we now see, it's not needed yet.
7 Depending on what the actual generation is, it
8 could it be needed, you know, if it's very
9 successful.

10 So our recommendation would be to, you
11 know, monitor after it's open and see if we meet
12 those warrant criterias. It's already been
13 designed, so there's no kind of lost time in
14 terms of going through a design process. Right
15 now he is kind of in -- the DOT is of the
16 position you don't have to put a light in.
17 They're trying to limit the lights. It seems to
18 operate pretty well. Again, the left turn which
19 is predominantly exiting has the delays. Right
20 turns are a lot easier to be accommodated.

21 So that's pretty much what's in the
22 study. We looked at the conditions. We looked
23 at some background growth increases, too. That's
24 pretty much it. I'll answer any questions.

25 CHAIRMAN EWASUTYN: Ken Mennerich,

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let's start with you as far as the report that Dr. Grealy had just offered us and your review of that.

MR. WERSTED: Take it away, Ken.

CHAIRMAN EWASUTYN: Ken Wersted. I apologize.

MR. WERSTED: A lot of my comments have been addressed. Some of the ones in particular, the signs that were on the site, the proposed ones don't really pop off of the site plan to indicate they're there. That may just be a drafting level, a white that can be darkened up to make them stand out. Some of the signs that were proposed on the sign schedule were for kind of larger roads, a stop sign and so forth. They could be gone down --

MR. GRACE: Scaled back a little bit. I was going to address some of that with your notes. I just saw it in your letter.

CHAIRMAN EWASUTYN: Let him -- for the purpose of --

MR. GRACE: Sure. I don't mean to interrupt.

CHAIRMAN EWASUTYN: We don't have the

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time to go back and forth and back and forth.
We'll never get to the end if we do it that way.

MR. GRACE: I'm sorry to interrupt.

MR. WERSTED: If those signs are
existing I wouldn't suggest taking them down and
putting up smaller ones, but if they haven't been
put up yet, you can use the smaller ones.

Looking through the traffic study, it
would appear that all the traffic is coming and
going right from Crossroads Court. I was under
the impression that the gate was installed and
that access wasn't provided to Orr Avenue unless
it was an emergency and so forth. With that gate
not being installed and if a driver were to park
on the Orr Avenue lot, I would suspect that they
would actually just come out Orr Avenue and exit
the site. So right now the traffic study
includes all the traffic coming in and out of one
essential driveway, but in the future it could
potentially come out of two driveways. So that
kind of disburses the traffic movements between
the two roadways rather than just a single one.

And Phil, if you could clarify, was
there any discount taken from the existing

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facility in terms of the restaurant area being used now and it won't be used as retail anymore, it will be used as a restaurant?

MR. GREALY: Correct.

MR. WERSTED: In reading the traffic study I'm drawing the conclusion that there wasn't any credit taken for the retail.

MR. GREALY: No reduction. No credit.

MR. WERSTED: The restaurant was just simply added on top of that?

MR. GREALY: That's correct.

MR. WERSTED: There's conservatism in there. I think that with the recent opening of Chili's and I think the Longhorn and the way that site operates, it seems to be very busy, I would expect this facility also to be busy in the sense that you're going to have people coming in to park and decide whether they want to wait, you know, forty-five minutes or an hour for a table. If not, they may go to another site. The branding of it, the notoriety of it. Even though there's conservatism put into the plan, I think it will cover, you know, the typical operations on the site.

1
2 Mr. Grealy had mentioned the traffic
3 signal has been looked at and the predominant
4 traffic flow out of the site is going to be
5 making a right turn heading back towards Route
6 300. I've probably mentioned this before at
7 other meetings and on other projects, the right
8 turn is the easier movement to make pulling out
9 of an unsignalized driveway. So the demand for a
10 traffic signal really rests on the left-turn
11 movement. If there's a through movement here
12 it's going to cross into a gas station, so it's
13 not a strong generator for that. With the right-
14 turn movement being easier movements, it makes it
15 harder to meet the traffic signal warrant
16 thresholds simply because a lot of the traffic
17 doesn't need it. So that is probably playing
18 into DOT's look at whether it's needed, whether
19 it's not needed and the wait-and-see kind of
20 position.

21 I think also from the previous plan to
22 the current plan, I know the previous analysis
23 had included a left-turn lane to get into the
24 site. I don't know if the original analysis
25 included the right-turn lane.

1
2 In addition, when it was built, two
3 lanes coming out of Crossroads Court was also
4 constructed, basically a separate left through
5 lane and a separate right-turn lane. So that's
6 added to the improvements that have kind of taken
7 place.

8 In general I think those improvements
9 and the addition of having access to Orr Avenue
10 will accommodate the extra traffic generated by
11 the restaurant.

12 The handicap parking spaces was a
13 comment on the site plan. They're showing I
14 think where they're existing now. If those can
15 just be updated to where they're proposed.

16 That was pretty much the extent of my
17 comments.

18 CHAIRMAN EWASUTYN: Any comments or
19 questions that Ken Wersted, not Ken Mennerich,
20 brought up?

21 MR. GALLI: On the DOT traffic light,
22 they determine if it goes up or not; right?

23 MR. GREALY: Yeah.

24 MR. GALLI: Even though if you
25 recommended it, if they don't want to do it it's

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not going to be done?

MR. GREALY: Correct. As I mentioned, it's already designed. We've done that and it's ready to go. It would be kind of just a monitoring study after the restaurant is open and then DOT just says yes, no, maybe, look at it again.

MR. BROWNE: The gate that was supposed to be on the Orr Avenue lot, was that supposed to be there by the original plan?

MR. HINES: Yeah. That was only an overflow parking lot, a dirt/gravel parking lot on the original plan. I think this will function better now without the gate. I think Ken kind of said, too, it gives the people another option to leave the site.

MR. BROWNE: Is it formally on there that it's removed now?

MR. GRACE: Well it's not on here. It's not showing on this plan. If that's the case then we would have to remove the existing sign that says no right turn because when you come out of that lot there's a sign right in the front of the driveway across that street that

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says no right turn. That is existing. If we were to utilize that as an exit way, then we would have to remove that sign.

MR. BROWNE: Is that appropriate, Ken?

MR. WERSTED: Is Orr Avenue a Town road or does the County own that?

MR. HINES: It's a Town road.

MR. MENNERICH: The only warning I would say is making a left turn out of Orr Road is bad because you have the traffic coming downhill. The traffic heading east is coming downhill on the site and it's very hard to make a left-hand turn out of Orr Road. I think it's easier to do it out their main entrance.

MR. GALLI: The closest traffic light is at the air base.

MR. BROWNE: Does that mean there should be some internal signage for direction?

CHAIRMAN EWASUTYN: I think the question is do you remove that sign or do you leave it. At this point it's being recommended to -- what's your recommendation?

MR. WERSTED: I would think to recommend that it be removed and allow traffic to

1
2 have the opportunity at least to pull out onto
3 Orr Avenue and then to Route 17K. I think
4 originally the purpose of the gate was they were
5 going to have overflow parking. It's kind of the
6 back of the building so it's a little more a
7 security concern that people would be sneaking in
8 the back so to speak. With the direction of
9 traffic around the back to that lot, I think it's
10 much easier to direct them back out to use Orr
11 Avenue than to have them circulate all the way
12 around the building. They obviously have that
13 choice. If they pull into Crossroads Court and
14 have to drive all the way around, they can
15 certainly drive around the building again to exit
16 Crossroads but it's a much shorter trip to go out
17 to Orr Avenue.

18 MR. BROWNE: What's the process to
19 remove the sign that's there now?

20 MR. WERSTED: I think it's pretty
21 minor. It's just pulling out the sign post.

22 MR. GRACE: Just take it out. Just
23 pull it up.

24 CHAIRMAN EWASUTYN: I think the final
25 plans might not have that.

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MR. WERSTED: A note could be added to say remove existing sign.

MR. MENNERICH: A lot of times the peak traffic out of the restaurant is different than the peak hour flows on 17K. Am I right?

MR. GREALY: Right.

MR. MENNERICH: I can see where Orr Avenue could be used as a left turn.

CHAIRMAN EWASUTYN: You answered your own question.

Karen, do you have any comments at this point?

MS. ARENT: Yes. It appears that there's a large sign for the restaurant, and I was just wondering if it's in conformance with the Town of Newburgh sign guideline?

MR. GRACE: Yes. One of the comments that were brought up yesterday, I think it was in one of today's letters, I think it was from -- it's actually -- was it Bryant Cocks? I'll ask Chairman Ewasutyn if you'd like. We went back to our sign maker and I have the new revision of that. What we were going to do was originally there was an OCC logo above the Roadhouse. We've

1 removed the OCC logo and just put Roadhouse there
2 because everybody knows it's OCC anyway. So we
3 would be within the limits for signage. It would
4 be actually below the limits. It would be about
5 66 square feet. It would be in compliance with
6 that. If you'd like I can distribute these.

7
8 CHAIRMAN EWASUTYN: Thank you.

9 MR. GALLI: Taking one sign out so
10 you're lower?

11 MR. HINES: The directional sign
12 doesn't count.

13 MR. GRACE: There was also another
14 question with regard to the -- it was the grease
15 trap which we would --

16 CHAIRMAN EWASUTYN: Ken, what's
17 happening here is I'm asking the consultants to
18 speak to you and they're speaking to you and now
19 you're taking the meeting and you're fast
20 forwarding it down to Pat Hines. I can't manage
21 a meeting with you managing the meeting.

22 MR. GRACE: My mistake.

23 CHAIRMAN EWASUTYN: It just doesn't
24 work. It's either we do it or you do it.

25 MR. GRACE: My mistake.

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CHAIRMAN EWASUTYN: I'm happy that you're prepared, because that's unusual.

MR. GRACE: At your request, Chairman Ewasutyn, I wanted to be prepared.

MS. ARENT: We did an inspection of the landscape. It looks good. All the plants you put in almost two years ago look good.

There's one area your walkway is going to be going by. There's that big metal paint facility that there's a couple spruces. You might want to look at that to see -- you might want to add more screening because the walkway is going to take you by a metal building.

MR. SONIC: Absolutely. We can add a couple more of the Spruce trees in there to cover that up.

MS. ARENT: Whatever you think. The rest of the landscaping looks good. That's the one spot that doesn't look good on the site.

You'll need a landscape cost estimate.

MR. SONIC: A landscape cost estimate.

MR. GRACE: Not a problem.

MS. ARENT: That's it.

CHAIRMAN EWASUTYN: Bryant Cocks,

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Planning Consultant?

MR. COCKS: Sure. In regards to SEQRA, we did send this to the Orange County Planning Department. We got a Local determination. They did have one comment stating that the DEC might want to look at this because of the potential increase in traffic and it's affect on the Quassaick Creek. I don't believe this was ever sent to the DEC to begin with, so I don't think they ever reviewed it. I don't know where that comment came from. I just want to make the Board aware of it.

This does have to go to the Orange County Health Department and the City of Newburgh for the sewage flow acceptance.

We haven't declared concept approval yet. I think we're going to have to declare our intent for lead agency and distribute the plans to the agencies.

I did have the comment about the additional parking signs. Ken showed me that before you said something, so that's fine. With the signage plan we are going to need a chart showing what the allowable signage is,

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what's existing on site and what's going to be proposed. Just to have the chart on the plans to let the building department know that you guys are going to be in conformance with that. We usually do require that for every site plan. You can just get the signage people to make a chart.

MR. GRACE: You want a chart breaking down the square footage?

MR. COCKS: What's existing, what's proposed and what's allowable.

MR. GRACE: Existing, proposed and allowable. Okay.

MR. COCKS: I had a comment about the lighting fixture which you guys talked about. Can you just submit that iso foot candle diagram for the lighting to show the light levels around? Just submit that with the next site plan package.

MR. SONIC: Sure. Not a problem.

MR. COCKS: I was also asking was there any wall-mounted lighting fixtures where the emergency exit is in the back of the building?

MR. GRACE: No, there are not.

MR. COCKS: That was all I had.

CHAIRMAN EWASUTYN: Pat Hines, do you

1
2 want to address the possibility of Quassaick
3 Creek?

4 MR. HINES: We had some recent
5 projects, and Jim Osborne has communicated with
6 my office that the projects within existing
7 structures don't necessarily need an additional
8 City of Newburgh flow letter because they are
9 already connected to the Town's collection
10 system. I'll confirm that with him. If he needs
11 it we'll go through that process. The last couple
12 projects we had on existing buildings or existing
13 sites that had sewer lateral connections already
14 didn't need that. I'll clean that up. That's my
15 comment 5 there.

16 The first comment I have is regarding
17 just some additional technical design details on
18 the stormwater management plan. It's generally
19 acceptable, we just need some additional
20 information on the deep and perc test locations
21 to make it complete. I think they're technical
22 in nature. We're okay accepting the stormwater.

23 You had made reference it was connected
24 to the existing Caltech system but it's actually
25 going to be it's own independent system with no

1 connection. It has the capacity similar to the
2 original project which designed their stormwater
3 facility to handle a total volume for the
4 one-hundred year storm. This one also has it.
5 Mr. Day's office seems to like to design it that
6 way. They have done that with this project also.
7 They've taken the eight inches of rainfall over
8 the entire parking lot and designed a system that
9 has capacity to treat the entire volume there.
10 They've done that again here. We're okay with
11 that.
12

13 We're looking for a note on the plans
14 requiring an annual certification, which is a
15 requirement of the Town now, that those
16 stormwater systems be inspected, with a letter to
17 the code compliance office. Just a note on the
18 plans.

19 Also just reaffirming that the overflow
20 parking which is on a separate lot, I believe
21 there's an agreement in place that makes that
22 permanently available to this site. I'm just
23 confirming that.

24 MR. DONNELLY: If there isn't, there
25 will need to be now.

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MR. GRACE: Yes.

MR. DONNELLY: You should get me a copy.

MR. GRACE: We'll get you a copy.

MR. HINES: I had the comment that calculations for grease traps should be submitted. That can be submitted I think now or at building permit. There's a standard design size for that. I do note it's rather large so it probably does meet that requirement. I think it's 3,000 some gallons. Just the calculation supporting that.

The majority of my comments are technical in nature. They've addressed our previous comments fairly well.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: We have nothing additional.

The only comments previously we had were regarding parking calculations which have been addressed.

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

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MR. GALLI: No additional.

MR. MENNERICH: No.

MR. BROWNE: No.

MR. PROFACI: Nothing additional.

MR. FOGARTY: No.

CHAIRMAN EWASUTYN: All right. At this point, having heard from our consultants, I'll make several motions in one presentation. One, that we grant conceptual site plan approval. The other, that we declare our intent for lead agency. I'll also poll the Board Members now if they want to have a public hearing on the site plan. It's discretionary.

I'll poll the Board Members as far as a public hearing.

MR. GALLI: No.

MR. BROWNE: No.

MR. MENNERICH: No.

MR. PROFACI: No.

MR. FOGARTY: No.

CHAIRMAN EWASUTYN: Okay. Myself no.

So at this point then the motion will be to grant conceptual amended site plan approval to the Orange County Chopper facility and to

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circulate for intent for lead agency.

MR. PROFACI: So moved.

MR. GALLI: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: Myself aye. So carried.

Mike, is there anything else we need to add at this point?

MR. DONNELLY: I don't think so.

CHAIRMAN EWASUTYN: You'll get plans to Bryant Cocks and he'll circulate.

MR. GRACE: Yes, we will.

CHAIRMAN EWASUTYN: We'll keep talking and when you're ready to resubmit we'll move

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forward with that.

MR. GRACE: Fabulous. Thank you very
much.

(Time noted: 8:45 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: August 5, 2010

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

----- X
In the Matter of

MARKETPLACE AT NEWBURGH
(2004-54)

Referral to the Consultants' Work Session

----- X

BOARD BUSINESS

Date: July 15, 2010
Time: 8:45 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- X

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

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MR. BROWNE: That concludes our regular business. We have two items for Board Business.

CHAIRMAN EWASUTYN: I'll move for a motion to set the Marketplace for a consultants' meeting on July 27, 2010.

MR. MENNERICH: So moved.

MR. PROFACI: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: And myself yes. So carried.

(Time noted: 8:46 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: August 5, 2010

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

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In the Matter of

PROPOSED LOCAL LAW TO ALLOW ACCESSORY
BUILDINGS CLOSER TO THE FRONTING STREET THAN
THE MAIN BUILDING IF FRONTING STREET IS 1-84 OR I-87

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BOARD BUSINESS

Date: July 15, 2010
Time: 8:47 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- X

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

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2 MR. BROWNE: The next and last item
3 is Mike Donnelly will discuss a proposed
4 local law allowing accessory buildings closer
5 to the fronting street than the main building
6 if the fronting street is I-84 or I-87.

7 MR. DONNELLY: To understand what the
8 law is addressing you need to recognize something
9 sort of unique about the Town of Newburgh, and
10 that is that you have two interstate highways
11 that pass through with a lot of existing
12 residential homes that have their property line
13 meeting that highway. As Jerry can tell you,
14 it's not uncommon at Zoning Board meetings to
15 have a proposal come before the board to put a
16 pool or a shed in what is logically the backyard,
17 but because the backyard meets 87 or 84, it is,
18 under the current law, a front yard and the front
19 yard is the greatest setback requirement. As a
20 matter of fact, we've had Zoning Board
21 applications that I've covered for my partner
22 where a corner lot also has its back yard on 87
23 with the result that it now has three front
24 yards, each of which have to meet this very high
25 front yard requirement. So I guess where it's

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most pressing has to do with accessory buildings.

This law simply says that when the yard that we're concerned with for the front yard setback is on an interstate highway, more specifically 87 and 84, that requirement does not apply. I think it's -- other than trying to understand what the lingo is about, once you understand what the concept is, it's a needed and appropriate improvement I think.

I don't think there's any action for you to take, it's for information purposes.

There was actually another copy that was sent out today, at least to me, and it just clarified some language. It didn't change anything.

MR. MENNERICH: Do we have to respond to the Town Board relative to it?

MR. DONNELLY: I don't believe so, no. They have not asked for you to do so.

MR. BROWNE: That concludes it, John.

CHAIRMAN EWASUTYN: I'll move for a motion to close the Planning Board meeting of July 15, 2010.

MR. GALLI: So moved.

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MR. FOGARTY: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: And myself.

(Time noted: 8:50 p.m.)

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

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7 I, Michelle Conero, a Shorthand
8 Reporter and Notary Public within and for
9 the State of New York, do hereby certify
10 that I recorded stenographically the
11 proceedings herein at the time and place
12 noted in the heading hereof, and that the
13 foregoing is an accurate and complete
14 transcript of same to the best of my
15 knowledge and belief.
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23 DATED: August 5, 2010
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