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

----- X

In the Matter of

GATEWAY COMMONS
(2008-29)

Route 17K and Skyers Lane
Section 89; Block 1; Lot 85.22
B Zone

----- X

DRAFT SCOPING OUTLINE

Date: August 20, 2009
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
KENNETH MENNERICH
JOSEPH E. PROFACI
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: LARRY WOLINSKI

----- X

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

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GATEWAY COMMONS

MR. WARD: Good evening, ladies and gentlemen. Welcome to the Town of Newburgh Planning Board meeting of August 20, 2009.

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

MR. GALLI: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. PROFACI: Here.

MR. WARD: Here.

The Planning Board has professional experts that provide reviews and input on the business before us including SEQRA determinations as well as code and planning details. I ask them to introduce themselves.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield, Town of Newburgh.

MR. SZAROWSKI: John Szarowski, Planning Board Engineer.

MR. COCKS: Bryant Cocks, Planning

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GATEWAY COMMONS

Consultant.

MS. ARENT: Karen Arent, Landscape
Architectural Consultant.

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

MR. WARD: Thank you.

At this time I will turn the meeting
over to Joe Profaci.

MR. PROFACI: If you could please rise.
(Pledge of Allegiance.)

MR. PROFACI: If you can please turn
off your cell phones. Thank you.

MR. WARD: The first item on this
evening's agenda is Gateway Commons, New York
State Route 17K and Skyers Lane, Section 89;
Block 1; Lot 85.22. The representative is Tim
Miller.

MR. WOLINSKI: Actually it's not Tim
Miller. Larry Wolinski here from the law firm of
Jacobowitz & Gubits covering for virtually the
entire project team who are all away. So I'll be
the only representative this evening.

CHAIRMAN EWASUTYN: The action before
us tonight is -- we had a public hearing on the

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GATEWAY COMMONS

scoping document, we received comments, both written and verbal, during the scoping public hearing, and we're here tonight to receive comments from our consultants, and based upon those comments take an action to consider adopting the final scope.

I'll turn to Jerry Canfield for his comments.

MR. CANFIELD: Our previous comments regarding the permits, demolition permits, also additional language regarding community services, they've all been incorporated into the document. We have nothing additional.

CHAIRMAN EWASUTYN: Pat Hines, who represents the Planning Board as a drainage consultant with McGoey, Hauser & Edsall, is on vacation. He sent a representative from his office, John.

MR. SZAROWSKI: I believe all the engineer's comments have been incorporated into the final document.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

MR. COCKS: Yes. After the last

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GATEWAY COMMONS

meeting I received minutes from the Stenographer and I went through and read through all of them along with my notes and the notes from the Planning Board Attorney, Engineer, Landscape Architect, Traffic Consultant and Jerry Canfield, and I incorporated all the comments into the scoping document which I have sent to the Planning Board. I don't believe the new document has been posted online yet for the public to see, but once it's in its final version it will be posted for the public to be able to review. I believe I've got everything from the meeting, all the comments from the public, addressed in here, and I think at this point it's ready for final approval.

CHAIRMAN EWASUTYN: Karen Arent, Landscape Architect?

MS. ARENT: Some of the additions to the scope that I suggested was to -- for the applicant to analyze -- inventory and locate trees that are over twenty-four inches in diameter, breast height, to provide an inventory of these trees including the species, size, condition and apparent health as a mitigation

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strategy to try to preserve any of these trees in excellent health and condition, to preserve as much forested area wherever practical.

In the impact section I added some wording in order to -- for the visual impacts to be analyzed for public and private enjoyment of resources including the night lighting and FAA lighting as well. There are some other screening and individual impact mitigation measures that were suggested.

That's it.

CHAIRMAN EWASUTYN: Ken Wersted, Traffic Consultant?

MR. WERSTED: We had two additions to the scope since our last meeting. One was the addition of the Thruway Authority as an involved agency. DOT is in the process of taking over jurisdiction of I-84 from the Thruway. That isn't complete at this time so the Thruway Authority should also be an involved agency.

The second comment had to do with the public discussion about how the truck traffic operates in that area. We recommended that the Synchro software program be used to analyze the

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GATEWAY COMMONS

traffic conditions. That program will offer a more accurate picture and basically paint the picture of how Pilot was operating and the impact of truck traffic in that area.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Just a little follow up on what Ken just mentioned relative to the simulations. When the Pilot project was before us there were simulations done then at that time, but Ken explained to us that the software has been much further developed than it was back when Pilot was initially before us. Hopefully we should get a more representative output with this new software.

That's it.

CHAIRMAN EWASUTYN: I'll give Larry a chance to write.

MR. WOLINSKI: I'm good. I assume that all of these comments are incorporated into the scoping document.

CHAIRMAN EWASUTYN: Bryant, is that

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GATEWAY COMMONS

correct?

MR. COCKS: Yes. There were just two comments. Ken's second comment needs to be incorporated, and also the demolition permit under the local improvements. I did send it to Fred Wells. I did talk to him today.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: Nothing at this time.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Nothing at this time.

CHAIRMAN EWASUTYN: Mike, at this point in the process would you advise the Board?

MR. DONNELLY: Because the changes to be made to the draft scope that you have here tonight are relatively minor, literally only a few additions other than those that Bryant did prepare in advance of the meeting, I think you can take action and adopt the scoping outline tonight. The applicant will post that on the publicly available website and it will be distributed to the involved agencies, then the applicant can get to work and prepare the environmental impact statement.

There would be a motion to accept and

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adopt the draft scope as the Planning Board's scoping outline in this matter.

CHAIRMAN EWASUTYN: Having heard from Mike Donnelly, Planning Board Attorney, I'll move for a motion to accept and adopt the draft scope outline before us this evening.

MR. PROFACI: So moved.

MR. MENNERICH: Second.

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

(No response.)

CHAIRMAN EWASUTYN: There being no discussion, I'll move for a motion to approve starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

MR. WOLINSKI: Thank you.

(Time noted: 7:08 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: September 12, 2009

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

----- X

In the Matter of

BERLIN, L.L.C.
(2006-30)

Route 17K and Skyers Lane
Section 89; Block 1; Lot 32
B Zone

----- X

SITE PLAN

Date: August 20, 2009
Time: 7:08 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
KENNETH MENNERICH
JOSEPH E. PROFACI
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: DAWN KALINSKY

----- X

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BERLIN, L.L.C.

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MR. WARD: Second on the agenda is Berlin, L.L.C., Route 17K and Skyers Lane, Section 89; Block 1; Lot 32. John Queenan.

MS. KALINSKY: Good evening one and all. I'm Dawn Kalinsky with Lanc & Tully Engineering. John Queenan is also on vacation. Everybody but us apparently.

We're here this evening with the Berlin site plan. The Board hasn't seen this in quite some time. It did receive preliminary approval, site plan approval, back in January of 2008 with certain conditions to be met. We went through a rather lengthy process with the DOT but have revised and gotten their concurrence on the plans, as well as ARB approval and the sign off from the City intermunicipal agreement. Those were the outstanding issues.

We've revised the plans in accordance with all of the comments from the Planning Board and consultants throughout the past couple years.

If the Board has any questions to see where we stand now.

We did also receive our ARB approval in April of 2008.

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BERLIN, L.L.C.

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CHAIRMAN EWASUTYN: Bryant Cocks,
Planning Consultant, would you bring us along on
this project?

MR. COCKS: Sure. As mentioned, this
project received preliminary approval in January
of last year. There was also a SEQRA
determination on that date also. As mentioned,
they were going to get their outside approvals.
We have a concept approval from the DOT.

MS. KALINSKY: That is correct.

MR. COCKS: Is there going to be the
actual permit issued before --

MS. KALINSKY: Based on that.

MR. COCKS: Based on that.

MS. KALINSKY: Based on that concept
approval, yes.

MR. COCKS: They also increased the
access road width on the interior to twenty-six
feet to be in compliance with the 2008 fire code
because they received preliminary approval in the
beginning of 2008.

They're going to need a surveyor's seal
and signature before the signing of the plans.

Other than that, the site plan

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BERLIN, L.L.C.

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basically hasn't changed. I think it will be ready for preliminary approval.

You did show the signage detail in the site plan?

MS. KALINSKY: Yes.

MR. COCKS: That was actually different from what was approved for the ARB.

MS. KALINSKY: It does differ from the ARB? I thought it was the same.

CHAIRMAN EWASUTYN: What was the primary difference?

MR. COCKS: I think what was shown was a little bit larger. I think the colors were a little different.

MS. ARENT: Yeah. They're quite different. This is the one that was approved for ARB, and then the one -- I did send John Queenan and Dave Wiebolt an e-mail -- or the comments to make sure that I have the latest plans. I believe I do. This Dunkin Donuts sign is much different than the one on your drawings.

MS. KALINSKY: We will make sure that our detail corresponds to what was approved by the ARB.

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BERLIN, L.L.C.

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MS. ARENT: Or somehow we just have to determine which one you're going to use.

MR. DONNELLY: If the Board is satisfied with this one, you can grant amended ARB approval tonight.

CHAIRMAN EWASUTYN: Is the Board satisfied with this? Have they had a chance to look at the detail sheet that reflects it?

MR. GALLI: The only question I had, John, was the ARB building that we're looking at on this drawing, if any of that changes because of the use that goes in there, they're going to have to come back for another ARB. Just so they understand that.

MS. KALINSKY: We do acknowledge that.

CHAIRMAN EWASUTYN: So for now the signage detail that's shown on the sheet reflecting approximately a seven foot -- seven foot six inch high sign, the Board has accepted that as being the final ARB.

MR. DONNELLY: Do we have a date on that new rendering so I can put it in the resolution? If you take one set and date it here tonight and put it in the file so we know.

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BERLIN, L.L.C.

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MS. KALINSKY: It's the site plan. The detail as indicated on the site plan dated December 7, 2006 and last revised 2007. The same site plan you're referencing.

MR. DONNELLY: Karen, is that what you were referring to or the rendering?

MS. ARENT: Yes, the site plan.

CHAIRMAN EWASUTYN: Sheet 5 of 6.

MR. MENNERICH: 16.

CHAIRMAN EWASUTYN: Ken Wersted, Traffic Consultant?

MR. WERSTED: We had basically just two comments. Obviously the project that was on the agenda before this one is proposing to construct a driveway approximately fifty feet away from where this road -- this driveway entrance to the Berlin project would be proposed. The Gateway project is much more significant. It would likely require a traffic signal, and DOT I believe is in concurrence that they would not be in favor of having a full access to the Berlin site so close to a traffic signal when the two could work together and use it as common and shared access. For that reason we've had the

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BERLIN, L.L.C.

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applicant show on the plans a potential area for a cross access, and we would like to see that. If the Gateway project comes through and constructs that traffic signal and driveway at a close proximity to the Berlin site, that the applicant or, you know, following land owner or whoever, allows for their driveway to be closed in favor of the signalized access. Something to that effect be put into the final site plan resolution.

MS. KALINSKY: Yes. And we have -- we have acknowledged that, once again, if the Gateway -- when the Gateway goes through, our site plan has indicated a proposed floating access easement for adjacent tax parcel, connection to be completed at the time of development of the adjoining parcel. Whatever direction the DOT gives is of course what would be followed.

CHAIRMAN EWASUTYN: Mike, do you want to talk about that a little further?

MR. DONNELLY: Yes. I think there's an awful lot of variables and unknowns here, whether Gateway will consent because it's going to be a

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BERLIN, L.L.C. 18
private roadway, how far apart the actual roadway
is built, so on and so forth. But I think the
concept is a good one. The applicant agrees, the
DOT agrees.

I've included language in the
resolution that will say that the applicant will
return if that Gateway project comes through,
they'll explore with the DOT the change in the
configuration and the Planning Board will look
favorably upon any amended site plan to alter
that entrance directly onto Route 17K.

I also say that in the event that
things change, the Board would consider any
alternative, it might be right-turn in, right-
turn out is permitted all under movements through
the signalized intersection. So whatever is
agreed to, the applicants agree to come forward
and make that proposal, and it will be reviewed
at that time.

CHAIRMAN EWASUTYN: Thank you.

Any comments from the Board Members at
this point?

MR. GALLI: No additional.

MR. MENNERICH: Nothing additional.

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MR. PROFACI: Nothing, John.

MR. WARD: At the workshop we were talking and Pat mentioned about the drainage.

CHAIRMAN EWASUTYN: I was going to move on to that. I'm just up to date at this point.

At this point I'll turn to John, because John's comment was in reference to Pat's technical comments with the water.

MR. SZAROWSKI: Pat did take a look at that. One of the things he commented on is there does look to be adequate capacity and with the proposed modifications to the water quality and quantity treatments on the site.

He's looking for additional details for the water service. He's looking to make sure that when you turn the valve that the water goes off in the building as well as for the fire flow.

We're reviewing the pump station design report at this time.

You've got our comments I believe.

MS. KALINSKY: Yes, I do.

MR. SZAROWSKI: So you need to incorporate the sewer notes that are attached. If this does become a different restaurant other

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BERLIN, L.L.C.

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than the Dunkin Donuts that was originally proposed, a grease trap might be --

MS. KALINSKY: We do acknowledge that.

The comments, the water connection, the three-inch and two-inch. Unfortunately the valves aren't shown on the plan. However, on the detail they do say they were individually valved.

The additional comments, we'll add the notes without a problem onto the plan sheet. We do acknowledge that if it is not a Dunkin Donuts and a restaurant does go in, a grease trap will be installed.

MR. SZAROWSKI: Okay.

CHAIRMAN EWASUTYN: Does that answer your question, John?

MR. WARD: Yes.

CHAIRMAN EWASUTYN: Karen, you were --

MS. ARENT: I have two comments. The plans were revised because originally the stonewall showed a pile of stones and now it's a nicely built -- showing a nicely built stonewall. It just needs to be dimensioned.

MS. KALINSKY: On the details.

MS. ARENT: On the detail. When I was

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BERLIN, L.L.C.

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reviewing your sign detail, there's two dimensions. There's one that says nine foot three and one says seven foot three. I just want to make sure that that's revised to -- it's seven foot three and not nine foot three. That's it.

MS. KALINSKY: We can make those changes as well.

MS. ARENT: The stonewall should be -- I sent my comments to John, but the stonewall should be three feet in the front and when it comes around the corner it can taper down to meet the existing stonewall if you want.

MS. KALINSKY: I'll access his e-mail.

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

MR. GALLI: No additional.

MR. MENNERICH: Nothing additional.

MR. PROFACI: Nothing.

MR. WARD: Nothing.

CHAIRMAN EWASUTYN: Mike Donnelly, Planning Board Attorney, would you --

MR. DONNELLY: Go through the proposed resolution. This is a final site plan approval as well as an amended ARB for the changes that we

1 spoke of earlier. As conditions of that approval
2 you will need to receive sign-off letters from
3 Bryant Cocks, from McGoey, Hauser & Edsall, Karen
4 Arent as well as Creighton, Manning for the items
5 listed in their memos that we just discussed
6 momentarily. The resolution recites that the
7 approval is subject to a work -- highway work
8 permit issued by the New York State DOT. We
9 reflect that the City of Newburgh has issued
10 their flow acceptance letter. This approval is
11 conditioned consistently with that approval.
12

13 Here is the language I'm proposing for
14 the potential future driveway relocation: The
15 proposed direct driveway access to Route 17K has
16 been approved in concept by the New York State
17 Department of Transportation. An adjoining
18 property owner, Gateway Commons, is proposing an
19 entrance way in close proximity to this site
20 making direct access to this site difficult. The
21 applicant has agreed, therefore, that following
22 consultation with the DOT it will propose closing
23 its direct site driveway access to Route 17K
24 upon the construction of the adjacent Gateway
25 Commons site access and will then construct a

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BERLIN, L.L.C. 23

cross access way between the parcels from which full access to this site will thereafter be provided. The Planning Board agrees that it shall review any amended site plan the applicant shall submit in the future in order to comply with any such proposal. Should the common access point be constructed, this means the Gateway access point, more than 250 feet from the Berlin, L.L.C. site, or should permission from Gateway not be obtained, or should the DOT not authorize future alternative access, then the Planning Board shall consider all other alternatives proposed including continuation of full direct 17K access or direct access with restricted turning movements.

I then recite that the Architectural Review Board approval is being amended and is consistent with the condition from the original ARB approval. We note that there was a narrative submitted at the beginning of the project that showed this proposal as for a commercial and retail center with a Dunkin Donuts without drive-in facilities, and the approval is limited to that use at this time. I had the note that

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BERLIN, L.L.C. 24

McGoey, Hauser & Edsall has in their memo that if the Dunkin Donut facility is changed in the future to another restaurant, use of a grease trap will need to be provided. Additionally, if there are other uses proposed, amended ARB approval at the very least would be required. There will be a landscape security and inspection fee. I've recited the authorization to defer payment of that fee consistent with the Town Board's recent resolution of approval, and I've included the requirements from that resolution. In any event, the \$2,000 inspection fee would have to be paid at the time of plan signing. We will also need a stormwater improvement security and inspection fee. We have the standard condition regarding outdoor fixtures and amenities, that nothing can be built on the site, including mechanicals, that have not been shown on the site plan itself.

CHAIRMAN EWASUTYN: Any questions on the resolution presented by Mike Donnelly, Planning Board Attorney? John Ward?

MR. WARD: No.

MR. PROFACI: No.

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BERLIN, L.L.C.

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MR. MENNERICH: No.

MR. GALLI: No.

CHAIRMAN EWASUTYN: Then I'll move for a motion to grant final approval and amended ARB approval for the site plan for Berlin, L.L.C.

MR. MENNERICH: So moved.

MR. PROFACI: Second.

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

(No response.)

CHAIRMAN EWASUTYN: There being no discussion, I'll move for approval starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself aye. So carried.

Thank you.

(Time noted: 7:23 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: September 12, 2009

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

----- X
In the Matter of

SHOPPES AT UNION SQUARE
(2007-05)

Route 300 and Orr Avenue
Section 96; Block 1; Lot 6
IB Zone

----- X

SITE PLAN

Date: August 20, 2009
Time: 7:24 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
KENNETH MENNERICH
JOSEPH E. PROFACI
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: BRIAN WASNER

----- X

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SHOPPES AT UNION SQUARE

MR. WARD: The third item on the agenda is Shoppes at Union Square, 2007-05, Route 300 and Orr Avenue, Section 96; Block 1; Lot 6. The representative is Adrian Goddard.

MR. WASNER: Good evening, Mr. Chairman, Planning Board Members. My name is Brian Wasner, I'm a professional engineer, I'm the civil engineer for this project for two years now and been in front of you before. Some of you may remember me.

In any event, the reason we're here tonight is we're coming in for amended site plan approval for the Shoppes at Union Square. The project is on Orr Avenue and Route 300, right next to Lowe's.

If it please the Board, I'll just run through quickly the previous plan where we left off last fall, in October, when we got final site plan approval, and then I'll run you through the new plan. The previous plan proposed to expand the existing Cosimo's with a two-story space on the ground and some space above, a free-standing retailer out front on 300, a restaurant and two

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boxes, one of which would be the Circuit City in the rear. There was an interconnection from Orr Avenue over to Lowe's. There was also a driveway or relocation of an existing driveway from Cosimo's onto Orr Avenue.

The amended site plan is a similar plan in that it's still entirely a retail establishment. It proposes as the main anchor tenant Shop Rite, as a junior tenant Staples, and there's still a component adjacent to the Cosimo's place. That will be Vitamin Shoppe and also an unknown tenant yet in line with the other retail tenants along -- next to Cosimo's. The overall site plan is similar to the last plan in that some of the retail faces Route 300. There's a larger anchor in line with the other anchors, sort of set further back. There is still a main drive in from Route 300 that connects to Lowe's. It's a different connection than before. It's near the front of Lowe's connection, their front drive aisle here. We've also got a secondary, an egress only driveway, that would funnel right into the driveway down to the light and facilitate customers leaving the site . We

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maintained the driveway to Orr Avenue in essentially the same location as it was before, behind Cosimo's. If you recall, some of the earlier plans that we had also had a driveway for the loading area for the two retailers that were previously proposed back here that ultimately the applicant did not pursue for financial reasons because the crossing of the stream here is going to be a very expensive cost. However, given the layout and the needs of the supermarket, this driveway will need to be part of this development. It was dropped before for financial reasons, not for lack of feasibility or anything like that.

Overall the parking lots, in my opinion, lay out a little better than they did before in that they're a little more segmented and proximate to their uses. There are smaller shops that can benefit from all the parking down here as well as the Staples store, which I have parking in the front, it would face 300. Shop Rite also has a field for itself. There's overflow, still a sidewalk walking from 300 all the way up into Lowe's or also over to Orr

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Avenue.

We continue to provide a bus stop, stonewalls, a lot of the interior landscaping that we previously proposed. This plan proposes to keep that and keep everything similar to what it was before.

This plan does have -- there was a detention basin over here before. Due to the new layout, that detention basin will now be located underground to make way for the parking field. Overall this layout provides 450 spaces, approximately, for the 90,000 plus square feet total. This represents a 4.7 ratio. Our previous plan was 5.7 ratio with the parking. We actually have less parking here relative to the retail that we had before. If you recall, before we were over the Town's limit, however -- or the Town's requirement, however it was really the tenants' needs that was driving the amount of parking that we have, and it's no different in this particular case as well. It's still a tenant-driven need more so than a code-driven need.

To highlight a couple of the impacts in

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terms of zoning very quickly. If you recall, the Cosimo's lot is maintained as a separate lot from the rest of the center. Although it will function and 99.9 percent of the people that use the center won't know the difference between the two, there actually is a separate lot there.

We previously got a side yard setback variance so that this building could be located less than a foot -- actually now a little closer to the property line. Less than an inch from the property line, so we don't need to get a furtherance of that variance.

In addition, because of the layout we're also going to have slightly more impervious coverage on this lot. We previously were granted a variance for 88 percent impervious coverage, and now we're going to be seeking a variance for 91 percent. Again, if you combine the Cosimo's lot with the overall Amadeo lot, we're still under the allowable coverage. This layout does, however, afford us the possibility -- actually the need to remove two variances. We no longer have a rear yard setback variance and we no longer have a building coverage variance because

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we have less square footage than we had previously.

The only other zoning impact that I wanted to point out is the Shop Rite building is within the 60 foot side yard setback against the Lowe's property. It is also within the 60 foot side yard setback to this rear property over here, it's within 5 feet of the Lowe's property, approximately, and it's within -- it's approximately 45 feet from this neighboring property here. Those are the two other variances that we'll be seeking.

Along with our application we also submitted an updated traffic report. Phil Grealy, the traffic consultant, is here if you'd like to hear from him.

We also submitted an EAF. As we understand it, the changes here warranted a re-review of the environmental impacts of the project.

I'm happy to answer any questions you have or go into any further detail on anything you need at this time.

CHAIRMAN EWASUTYN: Questions from

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Board Members as far as the presentation that was just made. Frank Galli?

MR. GALLI: Nothing yet.

MR. MENNERICH: Nothing.

MR. PROFACI: Is that -- in the Shop Rite parking lot, that landscaping, was it added? That wasn't on the maps that we --

MR. WASNER: That's correct. This is a rendering of the site plan we submitted. We're currently in the process of fully engineering the project site, the landscaping, lighting, grading, drainage, and we've been adding things since we made this submission. This is a graphic representation of how we envision it. We'll have a full set of landscaping and engineering drawings, traffic coming in hopefully before your next meeting. We'll get your feedback incorporated.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: The road that goes up to Shop Rite, as you go up, we were talking about the appropriate amount of speed bumps just to control for safety with people going up over 30 miles-an-hour.

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MR. WASNER: Okay. We can look at traffic calming measures in this area between here. Sure.

CHAIRMAN EWASUTYN: Since we have the opportunity to have Phil Grealy here from John Collins Associates, would you have the time to make your presentation?

MR. GREALY: Sure. Phillip Grealy, John Collins Engineers. We prepared an updated traffic analysis for the new plan. This plan does result in additional traffic generation compared to the previously approved plan due to the supermarket use. We did analyze it relative to that increase and find that we can accommodate it with the improvements that we're making externally. Those improvements, just to refresh the Board's memory, include some upgrades to the traffic signal at Orr Avenue and Route 300, also providing an interconnect with the signal at the Adam's and the Lowe's intersection. This plan had a signal at one time, that's not proposed. So it's an upgrade of the Little -- Old Little Britain Road/Orr Avenue signal, an upgrade of the Lowe's/Adam's signal, and providing the

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interconnect so that the signals will work together. Right now that still is not happening out there.

The center access here does not allow left turns exiting. Just as on the previous plan, left turns exiting would be accommodated either at Orr Avenue or at the signalized intersection at the Lowe's shopping center.

I guess in terms of the traffic analysis, as I said there's additional peak trips from the development. I know we received some comments from your consultant, one of which was this plan does not show -- there was a cross access to, I think it's called the Little Brick Properties or Old Little Brick Properties. There are other remaining parcels that exist between the Lowe's driveway and our site, and I believe that's something that we'll hear on future plans. It's something that was requested. The DOT had also requested that. That's not an issue. I believe there was some discussion relative, or a statement just about the additional trip generation, which is correct.

There were also some questions about

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the access layout relative to the Lowe's shopping center and also relative to the traffic calming along this entry I think, some type of a speed table. Maybe a couple locations that could also be worked into the crosswalk is something that is functionally good for this type of layout.

The other area really ties in in relationship to the adjacent shopping center. As Bryant pointed out, this driveway was being provided so that people leaving the parking area would be able -- and wanting to go out to Route 300 to access the traffic signal would be able to go away from the store, so they would not be interfering with pedestrian traffic and be able to exit directly out to the light. There are a couple other alternatives that were looked at. The alignment here as shown on the plan, this is where the drive aisle comes down in front of Lowe's, the pick-up area. It's an offset intersection which, you know, in this case it cuts down on the continuation. If it lined up exactly you would have a continuation of the same issue in front of Lowe's. It's probably something we should discuss a little bit more.

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I just know there was also a comment, I think from the Town's planner, about concerns relative to that.

This is just an aerial of the property next door. We may want to just look at that a little more to get some discussion on it. The only reason I think it's important to look at this is to get a flavor for what goes on today at the Lowe's shopping center.

Just for kind of reference purposes, I didn't have time to superimpose the new site plan but right now we're proposing an exit only, right-turn driveway here, as I indicated, that would allow access to the signal, allow the parking area to disperse. The drive connection to the Lowe's is somewhere in this vicinity right here as currently proposed, so it is offset from this main drive aisle here. In the adjacent shopping plaza you also have this drive aisle which is used primarily by traffic circulating on site to the different uses, and actually handles the bulk of the traffic that comes in off of Route 300. So in terms of the layout, I think right now what we've shown does not create a

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four-way intersection here because of the building location. The other only alternatives would be to provide another full access somewhere in this vicinity instead of just a right-turn exit access. We don't -- at this time we probably need to discuss it further with the Board and your consultants.

There really isn't any traffic calming along this stretch of Lowe's. There's painted crosswalks in there but, you know, that does get a decent amount of activity where you have the pedestrian flows already. Any traffic coming in off of 17K we could direct, you know, to Shop Rite with some signing to cut down on this. The fact that this doesn't line up I guess lends itself to that. I think we need to discuss this a little further with the Board and get your input.

I think that was really the main focus of the comments. Externally I know your consultant needs to just check over some of the computations, but basically improvements that we're making here and here will accommodate the additional traffic externally. It's really more

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of the internal discussion.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I was just wondering, the parking spaces on the Lowe's site that will be lost or are in the interconnection, will Lowe's still be in compliance for their parking?

MR. WASNER: I can answer that. We are going to lose six parking spaces here. What we propose there are these little colored boxes. We're going to add three and three back so they maintain the exact same parking they have today.

MR. MENNERICH: Thank you.

CHAIRMAN EWASUTYN: Good. Joe Profaci?

MR. PROFACI: Nothing.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Nothing.

CHAIRMAN EWASUTYN: We do have to refer you to the ZBA for a variance.

Any additional comments from our consultants. Jerry Canfield?

MR. CANFIELD: Just one question for clarification. You have acknowledged you have to

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go back to the ZBA. There were previous variances granted. Brian, if you could just -- I thought I heard something that didn't make sense to me. The addition, as it's proposed now, to the Cosimo's building is somewhat smaller than what was originally proposed; correct?

MR. WASNER: In square footage, yes.

MR. CANFIELD: In square footage. I thought I heard you say that one of the things you would be going to the Zoning Board for would be increased lot coverage greater than what you originally received a variance for.

MR. WASNER: That's correct.

MR. CANFIELD: If the addition is smaller how can that be?

MR. DONNELLY: There's now a Vitamin Shoppe on that lot.

MR. WASNER: It's the parking and the loading area added up.

MR. CANFIELD: The increased parking --

MR. WASNER: Increased parking, loading and building as compared to just building. It's the difference between building coverage and lot coverage. The lot coverage is increasing.

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MR. CANFIELD: I understand that. But you're increasing the parking area, though?

MR. WASNER: Yes.

MR. CANFIELD: The other thing, John, is I have no problems conceptually fire protection wise. The road widths are within the requirements of what they are supposed to be. The lesser the buildings, there is a lesser fire demand. Once engineering drawings are submitted we can reevaluate the water mains, hydrant placing and that type of thing.

CHAIRMAN EWASUTYN: Thank you. John?

MR. SZAROWSKI: We're also good with the concept. We're going to need to do a little bit more review with the grading, when you're crossing the stream, the class A stream, and your utilities. We would suggest an early work session.

CHAIRMAN EWASUTYN: Bryant, what is the date of your next available work session?

MR. COCKS: It's actually this Tuesday.

CHAIRMAN EWASUTYN: The date of that is?

MR. COCKS: 26th -- 25th.

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CHAIRMAN EWASUTYN: Bryant, your comments?

MR. COCKS: As mentioned before, I was just concerned with the speed of the cars going by. There's going to be a lot of pedestrians out there. As mentioned, some traffic calming is going to have to be incorporated.

I do think having an offset from being in front of Lowe's is going to slow people down.

With the whole parking issue, I know you said this is mostly for tenants. I know it looks like Staples has almost as much parking as Shop Rite does up there. I think there is what, 260 or 270 by Shop Rite?

MR. WASNER: 220.

MR. COCKS: And the rest of the 450 is over on the other side?

MR. WASNER: That's correct.

MR. COCKS: I just thought there was a lot of extra parking down there. I think there's about 30 spaces directly across the access drive from Staples. There's that little parking lot right there. I just think that's going to be kind of dangerous for people to be walking across

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that when people are making that turn in. I think they're going to speed up going up the hill or coming down the hill. It's not really lined up with anything. It's just going to cross to the back of the building and have to wrap around. I'm not sure how well that's going to be utilized.

Up by Shop Rite there's like 8 spaces right next to the sidewalk up there. Was there a reason behind putting those that close?

MR. WASNER: Well, the 220 -- I think it's 228 spaces for the 65,000 square foot Shop Rite, that's 3 1/2 per thousand. Most supermarkets have 4 1/2 to 5 per thousand. If you were to ask people in the supermarket industry, I think almost unequivocally they would say this is under par for what they would actually want to see. Our intent is to provide as much safe and convenient parking as we possibly can.

CHAIRMAN EWASUTYN: You did say earlier this is tenant driven as far as what you're proposing for parking also?

MR. WASNER: Yes. It's certainly

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something we can look at and work with.

MR. COCKS: If that parking has to be there, do you think that would be a good area for the handicap spaces so they wouldn't have to be crossing across the lot?

MR. WASNER: It could be. We're going to work with them on their footprint to make sure we know where their doors and all of their services are. Once we identify that, I think it makes a lot of sense to move the handicap there.

MR. COCKS: These are all issues I'll discuss with the Board, but those were the main things.

CHAIRMAN EWASUTYN: Karen Arent?

MS. ARENT: My comments have a bunch of different ideas and goals in order to try to make the project as green as it was previously. If you can look into how can we get landscaping and where can it be. There's a lot of asphalt area and I don't know exactly, you know, where you can put it to make it work. Try to make the project as green as possible.

One of the big visual impacts that I didn't include in my comment letter is looking at

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this big raised parking area on Route 300 from various viewpoints, there's not as much green space and there were plans previously to screen it. If you can also look at that, how can some of this be screened from Route 300.

MR. WASNER: You're talking about this area here or --

MS. ARENT: That. When you look across the access drive up there you're going to see that big wall and the parking. I don't know if you can plant any trees or anything, you know, on the bottom of the wall. Just see what you can figure out.

MR. WASNER: We'll take a look at it. One thing I just did want to bring your attention to is we do have a retaining wall along the edge of that. That retaining wall is going to be very similar to the retaining wall that's down here by Barnes & Noble in terms of the height and materials. There might be an opportunity for a consistent look there.

MS. ARENT: Nice to screen it, though.

MR. WASNER: Okay.

MS. ARENT: Wherever you can find

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places for landscaping, that's basically what my comment said. Try to find space. And to make sure the spaces that you find are large enough to support the landscaping.

CHAIRMAN EWASUTYN: Ken Wersted?

MR. WERSTED: I have a few comments. Most of them were addressed in Mr. Grealy's presentation and the previous consultants and the Board.

One that wasn't was the potential for gaining access to the rear of the store for the trucks from the Lowe's side. Obviously this plan doesn't have all the grades on it so it's hard to tell, but if there's an opportunity to do that so that the trucks don't need to come out to Orr Avenue, I think that would be worth exploring.

MR. WASNER: Okay.

MR. WERSTED: Obviously as the building for Shop Rite proceeds, I'm sure we'll find out where the building entrances are. Right now presumably they're on the right side of the building where the -- or near the handicap spaces.

In regards to parking, we had discussed

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there may be quite a bit of additional parking that Staples has but may not necessarily need. One thought was to, you know, explore that further and see if there's any opportunity to land bank some of the parking. One thought I had also was that if the building ever were to change hands and not become -- you know, whether it becomes Staples now and ten years from now you may have a tenant that comes in that may need all that parking because it's a higher generating retail use than what a Staples might be at that time, it may be necessary to have all that parking. Based on the potential for the Staples tenant, it may be more parking that's needed right now. I suggest that we look into that more as we go into the work session.

CHAIRMAN EWASUTYN: You have reports from Staples that they're requiring this type of --

MR. GODDARD: Both of the major tenants have seen this plan. What I'll do is propose modifications and see how they fly.

CHAIRMAN EWASUTYN: I think the important thing at this point is you don't lose

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the tenants based upon the difference of the parking, and that's kind of the obligation we have before us.

MR. GODDARD: Thank you.

CHAIRMAN EWASUTYN: I think it's a strong obligation in today's market where there is a limited amount of opportunity for activity to provide in a municipality. I think we have to keep that balance in mind. Whether it be the visual impact or whether it be the amount of parking, there's limitations I think that we can impose upon people today based upon the available financing and the necessity to have a lease in hand in order to obtain the financing because banks are so restrictive today on lending money. So we really have to kind of work hard on thinking what our comments are, not to deter the possibility of someone getting the financing that's necessary.

Any additional comments from Board Members?

MR. GALLI: Are we going to put them on for the workshop for Tuesday?

CHAIRMAN EWASUTYN: Correct. Do you

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want to move for that motion?

MR. GALLI: I'll make a motion we schedule them for the workshop Tuesday, the 25th.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli, a second by Ken Mennerich to set the Shoppes at Union Square for an August 25th work session. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

Mike Donnelly, I think this evening the action would be to grant conceptual approval to the amended site plan.

MR. DONNELLY: You may want to make a ZBA referral.

CHAIRMAN EWASUTYN: I'm not qualified to list all the -- I want to make sure I have them correct.

MR. DONNELLY: Do you want to do the

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conceptual one first?

CHAIRMAN EWASUTYN: Yes, then the referral. I don't know what we're referring them to.

MR. DONNELLY: We need a further side yard variance, we need a side yard for Shop Rite, we need maximum lot surface coverage for Cosimo's, and I suspect we're going to need sign variances on a site-wide basis.

MR. WASNER: I think we previously got the sign variances.

MR. DONNELLY: Why don't we include that as a referral. If you don't need them then you don't need to make application for that, but you wouldn't want to lose time and have to start over.

MR. WASNER: Right.

MR. DONNELLY: Bryant, you had mentioned front yard.

MR. COCKS: I think for Cosimo's you had to get front yard for both Orr Avenue and Route 300.

MR. DONNELLY: Clarify to make sure that still covers this different site.

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MR. WOLINSKI: There's no change proposed to those. They'll remain in place.

MR. DONNELLY: If it was enlarged I might think it needs to be. The building size is going down; right?

MR. CANFIELD: It is going down but the very fact that it's a completely changed application, all of the variances requested need to be revisited so that the correct dimensions are included should they be approved.

One thing I might add is that this is a corner lot, there are two front yards. That needs to be revisited.

Another issue that is going to be present at the Zoning Board level is that this is also known as increasing the degree of nonconformity.

MR. DONNELLY: The way the ordinance reads you're probably correct. It would be easier for them to clarify.

MR. WASNER: So everything we did previously we should redo?

MR. DONNELLY: Certainly for the Cosimo's lot. So it would be two front yard

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SHOPPES AT UNION SQUARE

variance reaffirmations, a further side yard for Cosimo's, a side yard for Shop Rite, maximum lot surface coverage for Cosimo's and --

MR. WOLINSKI: I think we have two side yards for Shop Rite.

CHAIRMAN EWASUTYN: Was there anything with the impervious surface being increased?

MR. DONNELLY: The lot surface coverage, yes.

CHAIRMAN EWASUTYN: Then I'll move for a motion to grant conceptual approval for the Shoppes at Union Square and to also refer them to the Zoning Board of Appeals for the variances that were stated by Mike Donnelly, Planning Board Attorney.

MR. GALLI: So moved.

MR. PROFACI: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli and 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.

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SHOPPES AT UNION SQUARE

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself aye.

MR. WASNER: Thank you very much.

(Time noted: 7:54 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: September 12, 2009

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

----- X

In the Matter of

HOLIDAY INN ROUTE 17K
(2004-21)

Route 17K
Section 95; Block 1; Lot 16
IB Zone

----- X

CONCEPTUAL SITE PLAN
TWO-LOT SUBDIVISION

Date: August 20, 2009
Time: 7:54 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
KENNETH MENNERICH
JOSEPH E. PROFACI
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: ANDREW FEATHERSTON

----- X

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

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HOLIDAY INN ROUTE 17K

MR. WARD: Next on the agenda is Holiday Inn, Route 17K, 2004-21, Route 17K, Section 95; Lot 1; Block 16. Representative, Andrew Featherston.

MR. FEATHERSTON: Members of the Board, Andrew Featherston, Maser Consulting. I'm here representing Holiday Inn Hotels for a proposed hotel at Route 17K and Route 300. We're proposing a two-lot subdivision for a new Holiday Inn hotel, a 140-room Holiday Inn hotel.

The site is partially developed. It's approximately 12 1/2 acres. It has frontage on Route 17K on the south, on the east side on Route 300, additional properties, developed properties on the north side here, one undeveloped parcel on the north at this location. I-87 is right here. 17K crosses I-87 at this location.

Recently a traffic light was installed down at the driveway exit off of -- onto Route 300 directly where Chilli's comes in and the Gateway Diner.

The site is presently developed with 120-room Quality Inn hotel at this location. This is where the Holiday Inn is proposed to be

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developed.

We're proposing a subdivision so that 7.2 acres will be the site for the Quality Inn and approximately 5.2 acres for the new Holiday Inn. The Holiday Inn will include approximately a 300-person conference room, 175-person restaurant, a 48-person bar and lounge area.

Parking spaces required for the new Holiday Inn are 286 spaces. We're proposing presently 240 and showing one area to be land banked for the additional 40 spots.

We're in the IB zoning district which permits the hotel and the restaurant. We will be seeking at least one variance for the side yard at this location. We have just over 42 feet where 50 is required. The side yard is encroaching on the overhang, the walkway on the building at this location. We'll most likely need some variances for signage as well.

With me tonight is Mario from AJ Coppola's office.

MR. SALPEPPI: Mario Salpeppi. I'll give you a brief description of the building. I don't know that anyone from the Board has seen

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building drawings at this time. It's a four-story building, total height of 49 feet -- total height of 49 feet at its highest point which is the parapet above the entrance.

It's 140 rooms located in the upper three stories. As Andrew mentioned, there are several support services at the lower level, including the meeting room, restaurant and all of the staff areas.

Signage wise we're proposing the corporate signage that Holiday Inn has recently changed their chain to, simple letters with a simple H symbol. Obviously they request that they're interior lit. That's something we'll have to discuss at some point. All of the signs -- all of the signs will need a variance. We're allowed a pretty small amount of signage based on our frontage right now.

That's a brief overview. If anybody has any more questions on the building, I could answer them.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: The height of it, does that need FAA approval with the height?

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MR. FEATHERSTON: I actually did get a letter which I need to forward to the Board. I just sent it today to Ed Garling's office and also to Pat Hines' office. We got a letter back from Port Authority. They didn't have any trouble with the height and they said there was an online form to fill out for FAA. We'll do that and copy the Board.

MR. GALLI: The signage, is there going to be a sign down at the 17K location? Union Avenue I mean.

MR. SALPEPPI: At the Union Avenue location we will propose a small business sign, yes, adjacent to the entrance. There's one there presently, it might be three by four. It is small.

MR. GALLI: So you're not going to have a big pole sign down there?

MR. SALPEPPI: Not proposed at the moment, no.

MR. GALLI: That's all, John.

MR. MENNERICH: Where are you proposing the big sign?

MR. SALPEPPI: The three signs shown

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HOLIDAY INN ROUTE 17K

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are building mounted signs, one above the main canopy at the entrance, one at the rear facing the highway, and then one at the side, the south side facing 17K. All of the visible sides will have a building sign. Three visible signs.

MR. FEATHERSTON: The north side faces the woods of course presently.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: Nothing.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: 17K, is there going to be a sign out front there on 17K? You're using the building as the sign?

MR. SALPEPPI: Yes. I mean to my knowledge we're not proposing a change to the existing sign for the Quality Inn.

MR. WARD: That's what I'm asking.

MR. SALPEPPI: At this moment in time the Quality Inn sign will remain as it is. We will just be adding one down on 300 there.

MR. PROFACI: All right.

MR. ASIF: We --

CHAIRMAN EWASUTYN: For the record your name, please.

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HOLIDAY INN ROUTE 17K

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MR. ASIF: Asif.

CHAIRMAN EWASUTYN: Can you spell that?

MR. ASIF: A-S-I-F.

CHAIRMAN EWASUTYN: You are the owner?

MR. ASIF: Yes.

MR. SALPEPPI: As mentioned, there will be directional signs as permitted by the zoning.

MR. ASIF: As it is on 300 for the Quality Inn now.

CHAIRMAN EWASUTYN: Andrew, you had written in your letter that the restaurant would accommodate primarily people at the restaurant, the meeting hall would accommodate meeting hall people that were staying at the hotel. I do want to just bring that out to light and discuss it here. You wrote about it and you said the parking would be adequate because everyone who is staying at the facility will actually be there for that particular function or eating there. So just for the record do you want to speak on that?

MR. FEATHERSTON: I think it probably would be best if the owner could speak on that. You're speaking about the code, the joint usage?

CHAIRMAN EWASUTYN: Right.

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MR. FEATHERSTON: People using the conference room are also visitors to the hotel. And likewise, most likely to the bar area and the restaurant.

Could you speak on that, that your guests will also utilize the restaurant and also utilize the conference room? All of those persons that I was adding up with these numbers, all staying at the hotel individually or not staying at the hotel. Utilizing the facilities at the hotel if you will.

MR. ASIF: Most of the people are there in the conference room and use it. Industry standard is I believe about the fourth person who comes from the local area and three people are usually staying in the hotel, they're part of the convention and they utilize the hotel facilities. Having said that, what the parking is is like one of every four parking spots. They're not utilized by the hotel guests already. I think as he said, we can provide something to that effect. I think we had something but --

MR. FEATHERSTON: We were hoping to provide it with this package but we couldn't get

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HOLIDAY INN ROUTE 17K

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it together at the time.

MR. ASIF: Also it's the same thing, that the majority of people attending the bar, being at the bar from the hotel, staying, most of them will be hotel guests. As it is available we'll follow it with the Board.

CHAIRMAN EWASUTYN: Comments from the consultants. Jerry Canfield?

MR. CANFIELD: Just one thing. In reviewing the comments of the last appearance before the Board there was lengthy discussion about the existing Quality Inn and the discontinuance of the conference room and potentially offices. I don't believe that there's a change of use in this presentation for the existing --

MR. FEATHERSTON: No.

MR. CANFIELD: -- the existing hotel.

MR. FEATHERSTON: That's right.

MR. CANFIELD: I think you must be aware at some point in time in the future, if that discontinuance does take place and it becomes offices that does or constitutes a change of use which would require another visit to the

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Planning Board.

MR. FEATHERSTON: Yes, we're aware.

MR. CANFIELD: The discussion at the last appearance, though, centered around some type of change taking place as part of this project. Perhaps you can elaborate on that. Has anything changed there or -- what will be the intentions of the existing hotel and its conference room as it is now?

MR. FEATHERSTON: We've had discussions of potential changes, but at the present time nothing has come to fruition, that there would be something that would show on the plan as definitely this is what we want to seek approval for at the same time as the hotel. My client is aware that if there are any other changes to the Quality Inn in the future, to the site, it would require coming back to the Planning Board. We don't have anything at the present time. Nothing was concrete.

MR. CANFIELD: That's the only question at this time.

CHAIRMAN EWASUTYN: John?

MR. SZAROWSKI: We put a bunch of

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2 sticky notes together. We'll be looking for the
3 easement for the utilities. If they have to come
4 I guess they need to go to Mike for review.

5 Access and maintenance agreements will
6 be needed for the operation of the site.

7 The flood plain map note needs to be
8 updated.

9 Note 4 needs to be corrected.

10 Comments from the jurisdictional fire
11 department should be received.

12 DOT comments will be needed.

13 A flow acceptance letter from the City
14 of Newburgh.

15 Apparently there are some wells on the
16 site that are either monitoring wells or water
17 wells.

18 MR. FEATHERSTON: If I could speak on
19 that for just a second. The wells on the site
20 are abandoned. They're not used. The present
21 water -- water from the present building is drawn
22 from municipal water sources. We can produce a
23 bill for that. Those wells will be abandoned.
24 They are abandoned now, not serving the building
25 at the present time. We'll do our best to locate

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those services.

MR. SZAROWSKI: That's fine. If you could just note it on the plan and provide the documents.

You need to show an easement in favor of tax lot 1; 15; 1.

I would like some comments that the potable water supply to the building such that the fire flow and potable water gets shut off when fire flow is attached to the building.

We would like you to take a look at the six-inch water line that's proposed. We want to make sure it will handle the flow of the hydrant.

Obviously we need to -- we'll be evaluating the stormwater management report and demolition notes for permits.

Structures on the site should be included.

That's the extent of our comments.

CHAIRMAN EWASUTYN: Thank you.

Bryant Cocks, Planning Consultant?

MR. COCKS: We talked about, at the last project that was before us, the policy for parking. With the Holiday Inn they're okay with

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the land banked parking. There's enough space and distance.

MR. FEATHERSTON: Okay. We'll get you some data on that in connection with the data we're speaking about. We'll get you some industry information on it.

MR. COCKS: Just because I know with the land banking it looked like the spaces with the Quality Inn are farther. With people having luggage, I thought they would want it closer.

MR. FEATHERSTON: Just speaking on it, the further spaces we were thinking were going to be the valley spaces. That's what we were thinking. We did acknowledge it was getting down the hill.

MR. COCKS: The parking lot for the Quality Inn, is that going to be redone when all the parking is redone?

MR. FEATHERSTON: Right now it wasn't proposed.

MR. COCKS: You are showing the twenty-six foot drive aisles around that new building.

MR. FEATHERSTON: Yes.

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MR. COCKS: The old building that's existing is twenty-four. That's okay. That's not going to be a problem.

Snow storage areas are going to have to be shown.

All the easements involved going across from lot to lot.

I note it's the same owner but I think these notes are going to have to be in place.

Then in regard to sight distance.

It looks like you guys are probably going to need more landscaping, especially around the corners. I know there's a grade change and it's probably going to be like a retaining wall. I think if you could put in some landscaping.

MR. FEATHERSTON: Right here? There is a wall there. I just drove around the back. That's the Auto Spa. I just drove around the rear. They have them all. They're down low, we're up high. They have some pine trees on the top of that wall to screen. We're not proposing any parking on that side.

CHAIRMAN EWASUTYN: I remember the pine trees on that wall when they put them in. That's

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right.

MR. FEATHERSTON: You want some additional screening between one commercial use and another commercial use?

MR. COCKS: Yeah. It just looked kind of shoddy down there. It looked like it was kind of a mess. I know it's not you but I thought some additional landscaping may help the whole situation.

Another question I had was access to Route 300. You show that as twenty-foot wide. Is that all paved?

MR. FEATHERSTON: It's proposed to be twenty-six wide. It's certainly not now. It's certainly not now. It's about a forty-foot wide strip of easement property.

MR. COCKS: Okay. As of right now I think we can -- those are our main site plan comments. There are a lot of outside agency approvals, intent for lead agency. I'm sure Karen is going to address some of the design guidelines and the signage plan.

MR. FEATHERSTON: Did you not receive architectural plans?

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HOLIDAY INN ROUTE 17K

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MR. COCKS: I didn't.

CHAIRMAN EWASUTYN: I think we already did the lead agency.

MR. COCKS: I said we already sent this out to all the other agencies so we'll be looking for their approvals in the future. That was December of last year. We did get a couple letters back from Orange County Planning Department and an initial DOT letter. A couple of the agencies did respond but the majority of them have to respond yet.

CHAIRMAN EWASUTYN: Ken Wersted?

MR. WERSTED: I have a couple of comments. The first one had to do with the on-site signage directing guests to Route 300 and to Route 17K. I looked at the details for the signage for that and it was very official. I think it would fit in very well on Route 300 or Route 17K, but I think it's over designed for the purpose of the parking lot.

MR. FEATHERSTON: Did you see what Holiday Inn does? We'll talk with Phil and come up with some downsizing. I understand your comment. Okay.

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MR. WERSTED: Obviously review that industry data you have. You also have it from a different source. We can compare.

The traffic analysis shows that there was going to be about thirty to forty additional vehicles at the intersections here. When you start breaking up that amount of traffic into three different intersections it doesn't wind up being that much traffic. It's about ten cars on any particular movement. So the intersections themselves won't see any noticeable increase in delays associated with that. It's already been noted that a traffic signal was put in at the Route 300 Holiday Inn and Chilli's site access, so that will certainly help for this property.

Also, it is shown on the plans two potential cross accesses, one going to I believe the Super 8 and the other to Denny's restaurant. That would aid obviously those properties to get onto 300 and help by interconnecting the other properties to these properties.

Then there are a couple of improvements that the traffic study recommends, one being the widening of the Route 300 entrance. That's

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already shown on the plans, so that's taken care of.

There's some also recommendations to the intersection of Route 17K and the Quality Inn. We concur with those recommendations.

The striping that's shown as existing on the plan I don't believe is existing out there.

MR. FEATHERSTON: You're right.

MR. WERSTED: The striping that is shown on the plans, I think it would be recommended and approved.

MR. FEATHERSTON: Okay.

MR. WERSTED: So if that can be updated, I think that would be good.

MR. SALPEPPI: Okay.

CHAIRMAN EWASUTYN: Karen?

MS. ARENT: There's a couple comments listed in your memo that would be addressed at the Planning Board. The public comments in a previous memo that you were going to discuss with the Planning Board, one of the comments was -- one comment is will the old sign structure that faces the Thruway and existing property be

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removed and will trailers and other garbage in that area be removed?

MR. FEATHERSTON: Are you saying you want that sign?

MR. ASIF: I've been looking at this sign. I know it might sound funny. It's a very big sign there and we should put something like that there. I think that sign would be used. It has, you know, usable value for other things and it's going to be expensive to just get it up. I don't think it's in the way of anything, the existing building or the new proposed building. If it adjusts right I bring something to the property. I honestly -- when looking at it I know it sounds funny but it's Crossroads of the Northeast. I don't know how many of us has visited it. If you go to St. Louis there's a big sign there that says gateway to the west. When you go there it clicks that people know you are actually entering an area that you were not in. Same with the west. It's the same thing, I think that we have a sign where it says actually the crossroads. It's visible from 84. If the Town would have no objection I think the sign should

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be there.

CHAIRMAN EWASUTYN: What about cleaning up? There's a certain amount of debris back there. Do you think the debris can be cleaned up?

MR. ASIF: Yeah. If there's anything that's there that --

CHAIRMAN EWASUTYN: That sounds reasonable.

MS. ARENT: I was really talking about the structure without a sign on it.

MR. ASIF: The work should be done and it should be dressed properly. I know it would be nice.

CHAIRMAN EWASUTYN: You'll improve it, yes.

MR. ASIF: I think it would be a very good asset to the property.

MS. ARENT: Are there any -- will you be proposing any landscaping around the existing facility to improve some of the --

MR. ASIF: Yes, we are. As a matter of fact, if I made a request, I think if any Member of the Board wants to physically make a visit to

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the site, it has much improved lately.

MS. ARENT: Great.

MR. ASIF: I'll be more than happy to walk with them there and talk. We have some good landscaping as it is. We're trying to use the old building.

CHAIRMAN EWASUTYN: When do you expect to be building or constructing this new hotel?

MR. ASIF: That's a good question. I listened to you very carefully when you had a comment on the financing. We would like to break ground sometime in March. That's also being pushed by the Holiday Inn too, because we need everything. We have time for the franchise contract we have with them. Usually they give you deadlines, which was September, to break ground, which they expanded but they were not happy about it. I know it's tough to get financing. I have approached a few financial institutions, most of whom the first thing was do you have your final approval in place. So I think it's going to take a little while. In the next six months the practice might change again. It might become a little easier as they are right

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now. Having said that, I think if everything goes well we are planning to break ground. At least we told the Holiday Inn we'll break ground late March or in the spring.

CHAIRMAN EWASUTYN: Any additional comments?

MS. ARENT: I had a question about previously we were asking for a sidewalk to connect from the hotel to the intersection because when the person from DOT came to speak with us it sounds like you're allowed to dead end even though there's no crosswalk. I was thinking since it's a twenty-six foot road, perhaps there would even be striping or some means for pedestrians to walk more safely down to the restaurants across the street because already pedestrians walk that a lot. With the new hotel there is going to be more pedestrians. So I would ask you to just think about what would be done.

MR. FEATHERSTON: One thing we're doing in another town is we have a twenty-five foot wide aisle. We're dedicating twenty-two feet of it for two-way traffic and striping another four

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feet, making it twenty-six for pedestrians. Because of the length of it on that site, when a plow goes up and comes back down, it clears the walkway, it clears the road as opposed to having an elevated concrete sidewalk.

MS. ARENT: Is that allowed?

MR. FEATHERSTON: We could certainly do it with the striping.

CHAIRMAN EWASUTYN: Why don't we show that on the revised plans.

MR. FEATHERSTON: Sure.

MS. ARENT: I noted that the signage variances have to be included on the plan. Just for your information, the directional signs that have the logo on it, that has to be included in your overall square footage of proposed signs.

And if you could show, like what Bryant was mentioning, additional landscaping along the facade of the building and some at the edges of the property, and also if you could show shrubs in the islands, like Junipers or something that's going to live, because the islands blend in with the block from the parking lot. If you put something green, that really looks nice.

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MR. FEATHERSTON: Okay.

CHAIRMAN EWASUTYN: They're some times dangerous when they're low because people have a tendency of stepping all over them. We tried in Target and you would think the people wouldn't and they were trampled. It's a very fine line as to say what would cork. People are opening their doors and knocking into them.

MR. FEATHERSTON: The worst thing is by me in Woodbury, the Target, I don't know what they put in those aisles, I'm not a landscape architect, but it's too high and it's bad.

MS. ARENT: I also find that the shrubs tjat grow twenty-four inches usually --

MR. FEATHERSTON: You can see over them.

CHAIRMAN EWASUTYN: Any final comments?

MR. GALLI: No.

MR. MENNERICH: No.

MR. PROFACI: No.

MS. ARENT: If a foot candle analysis can be performed for the lighting.

MR. FEATHERSTON: We did the contours. That's not what that is?

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HOLIDAY INN ROUTE 17K

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MS. ARENT: I don't know if the light that you're specifying -- usually the lighting companies do a foot candle analysis to make sure every space is well lit up to make sure you're not overlighting it. They usually do it without a charge and it helps you to make sure you have all your lights in the right places and that you're not overlighting or underlighting any areas.

That's it.

And then just where the house is going to be removed, if you could show landscaping.

MR. FEATHERSTON: It will probably be grassed.

MS. ARENT: Please show that. That's it, John.

CHAIRMAN EWASUTYN: I would suggest then, it's up to you, but the sooner you make your application to the ZBA -- Mike, do we want to discuss that at all this evening? When do you want to refer it to the ZBA?

MR. FEATHERSTON: We were speaking about that and we were wondering if we --

CHAIRMAN EWASUTYN: Signage can always

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HOLIDAY INN ROUTE 17K

80

be held off until a later date; correct?

MR. DONNELLY: You can hold off any part of it.

MR. FEATHERSTON: I guess our initial thought was to request that the Board send us to the ZBA this evening. When we went through the comments we noticed it appeared that some of the consultants maybe did not receive the architectural package, so we didn't know if we should resubmit additional architectural packages for their review, come back to the Board or a workshop and then go to ZBA. We're certainly under a time deadline as you understand, but I didn't want to do anything out of turn.

MR. DONNELLY: You think something might change the building location that would affect the intent of the side yard variance?

MR. FEATHERSTON: No. Absolutely not.

MR. DONNELLY: Then I wouldn't think there's any reason why you couldn't pursue that with your architectural rendering and go to the Zoning Board. If you have your sign proposal together you can -- we'll refer it for both. I suggest to the Board that we refer it for both

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HOLIDAY INN ROUTE 17K

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and if you're not ready for signage you can
always get referred later.

MR. FEATHERSTON: We'll do that. Thank
you.

CHAIRMAN EWASUTYN: Then if I can get a
motion to refer this to the Zoning Board of
Appeals for --

MR. DONNELLY: A side yard variance and
sign variances.

CHAIRMAN EWASUTYN: Then I'll move for
a motion to refer the Holiday Inn on Route 17K
for a sign variance and a front yard variance.

MR. FEATHERSTON: Side yard.

CHAIRMAN EWASUTYN: Side yard.

MR. PROFACI: So moved.

MR. WARD: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

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MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So
carried.

(Time noted: 8:26 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: September 12, 2009

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

----- X

In the Matter of

RHODA REALTIES
(2007-41)

Southern side of Highland Terrace
Section 20; Block 8; Lot 77
B and R-3 Zones

----- X

FOUR-LOT SUBDIVISION

Date: August 20, 2009
Time: 8:26 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
KENNETH MENNERICH
JOSEPH E. PROFACI
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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

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MR. WARD: The next item on the agenda is Rhoda Realties, 2007-41, southern side of Highland Terrace, Section 20; Block 8; Lot 77, representative, Charles Brown.

MR. BROWN: This is a ten-acre piece on the corner of 9W and Highland Terrace. The B Zone is in the front, R-3 in the back. It has Town water.

It's been before the Board before. The proposal is to create three new building lots to be serviced by Town water and individual septic. We'll leave the balance, roughly four-and-a-half acres, of the B Zone property undeveloped.

The two big changes since our last submission to the Planning Board is we had the site re-topo'd to reflect the current topography.

We had a wetland consultant come in and evaluate the site. He gave me this letter. I do have a copy of that with me tonight. There's no jurisdictional Federal wetlands on the site.

We provided a septic design in the event that it ever gets developed so you know it's a viable lot.

We provided a drainage improvement, a

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RHODA REALTIES

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thirty-inch pipe to drain the little hollow there. It's pretty much near where the zoning line changes.

CHAIRMAN EWASUTYN: Comments from our consultants. Jerry Canfield?

MR. CANFIELD: There's one issue that the subdivision does present. The 911 addressing, there's only been one spare number allotted for that fifty-foot which will now become two driveways; correct?

MR. BROWN: Okay.

MR. CANFIELD: So the two houses in the rear of course will have a Highland Terrace address. My point is that the most easterly house has to change their number. That sometimes is not the easiest thing to get done. If you would, I would request that you contact this resident. It's because of this subdivision that that house has to change it's number so we can now have --

MR. BROWN: The existing line?

MR. CANFIELD: That's correct. That's correct. There was only one number allotted because there was only fifty-foot of frontage

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RHODA REALTIES

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there in between the two parcels. So now with the two flag lots, we're going to need two numbers for those two new house numbers. If you could contact that residence.

MR. BROWN: That might domino all the way up the street because from that point on it's houses all the way up. I don't know how reflective that is. It might be better for us -- I don't know what it starts out at but there's quite a bit of frontage here. I'll check into it.

MR. CANFIELD: We're okay up to that point of those two flag lots that you're creating.

MR. BROWN: Okay.

MR. DONNELLY: Could you add letters to the same number or that wouldn't work?

MR. CANFIELD: No. The system does not take alphanumeric.

CHAIRMAN EWASUTYN: Anything else, Jerry?

MR. CANFIELD: That's it.

CHAIRMAN EWASUTYN: John?

MR. SZAROWSKI: We have comments. We are looking for the letter from Mike Nowicki.

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RHODA REALTIES

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Apparently the calculation for the thirty-inch pipe is the wrong number for the coefficient, so that might be oversized.

The notes should be added to the plans stating that the site plan approval -- site plan approval for any use on lot 4 is required.

We need a detail for that six-foot diameter manhole that's in the easement in favor of the Town of Newburgh.

Notes should be added regarding the septic plans. Septic plans will be required for submission.

As-built plans to be certified by the Town of Newburgh.

I guess there is a little bit of a conflict on the bulk table about identifying lot 4 in the B Zone.

Additional notes regarding required buffers between the B Zone and R-3 should be placed on lot 3.

Then there's grading shown in the eighteen-foot culvert at the driveway.

CHAIRMAN EWASUTYN: Bryant Cocks?

MR. COCKS: The only planning comment I

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RHODA REALTIES

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really had left was just regarding if there should be any type of screening in between these houses. They're pretty much going to be in the middle of houses on Highland Terrace. I was just asking the Board if they wanted to see any kind of screening. I know it's residential to residential. I don't know if there's a zone change in between there. Just because of the situation of these being in the middle, I just wanted to know if the Planning Board wanted to see anything.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: I don't know what's there now.

MR. BROWN: It's old growth forest but it is pretty dense in there. I would say probably thirty-foot trees. This is kind of pasture here but as you get further back it's woods. It's thick in there.

MR. GALLI: Leave some of it.

MR. BROWN: Do you have problem -- I can certainly pull the stockpile areas out of that.

If you don't have a problem leaving the

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RHODA REALTIES

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setbacks in their current condition, I'll put a note on the plans to reflect that.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Sounds good to me.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: I agree.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I agree.

MR. COCKS: Would you like to see a disturbance limit line?

MR. BROWN: We'll establish it right at the setbacks. We've done that in the past.

MR. COCKS: I believe the drainage easement is going to need to be reviewed by Jim Osborne.

MR. BROWN: It's for the Town of Newburgh.

MR. GALLI: I just have a question.

CHAIRMAN EWASUTYN: Sure.

MR. GALLI: On the road Jerry, say the people don't want to change their number. Some people don't want a new number. What would be their next step? They have to go to a private road and make it to Town specs and get a name for

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RHODA REALTIES

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it?

MR. BROWN: We've actually taken common driveways and given them names.

MR. CANFIELD: I believe that can be done because it's only two houses. It's not actually required to be a Town spec built private road.

MR. BROWN: Or you can give it a name and they'll have 1 and 2 of whatever road. Is that acceptable?

CHAIRMAN EWASUTYN: It can be a named common driveway.

MR. BROWN: We don't have to tell the name of the road.

MR. GALLI: If the neighbor is easy enough --

MR. BROWN: Good point. What we'd like to do is get the public hearing scheduled if at all possible and again have -- we do have a letter from Michael Nowicki. I had to Fax a letter to the Town today, too.

CHAIRMAN EWASUTYN: Why don't you just e-mail it to me tomorrow, or Fax it.

MR. BROWN: Very good. Thank you.

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RHODA REALTIES

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CHAIRMAN EWASUTYN: Final comments from Board Members?

MR. GALLI: That was it, John.

MR. MENNERICH: No comments.

MR. PROFACI: No comments.

MR. WARD: No comments.

CHAIRMAN EWASUTYN: I'll move for a motion to declare a negative declaration for the four-lot subdivision of Rhoda Realties and set it for -- Bryant, what's the second meeting date in September?

MR. COCKS: It would be the 20th. No, the 17th. I'm sorry. It's the 17th.

CHAIRMAN EWASUTYN: Thanks, Bryant.

I'll move for a motion then to set it for the 17th of September for a public hearing.

MR. MENNERICH: So moved.

MR. GALLI: Second.

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

(No response.)

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

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RHODA REALTIES

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So
carried.

Bryant, would you make it a point to
contact the Town assessor's office?

MR. COCKS: Mm'hm'.

MR. BROWN: Thank you.

(Time noted: 8:35 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: September 12, 2009

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

----- X
In the Matter of

CHRIS KELLY SUBDIVISION
(2006-07)

39 New Road
Section 34; Block 2; Lot 16
B Zone

----- X

THREE-LOT SUBDIVISION

Date: August 20, 2009
Time: 8:35 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
KENNETH MENNERICH
JOSEPH E. PROFACI
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
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CHRIS KELLY SUBDIVISION

MR. WARD: Last on the agenda is Chris Kelly subdivision, 39 New Road, Section 34; Block 2; Lot 16, representative Charles Brown.

MR. BROWN: This has been before the Board before. There were actually two applications, one was for the three-lot subdivision and a commercial piece in the B Zone serviced by Town water.

Previously before the Board we had submitted a site plan for lot 2 at the same time, concurrently. My clients asked me to proceed with the subdivision and hold back a little bit on the site plan. He's not in a situation right now, due to the economy, to fulfill that.

What we would like to do is proceed with the subdivision so that he could -- once he gets that map filed, again his intention is to have the rear most lot rezoned, R-3 of the zoning line is in the back of this lot ,at which time he would submit an application for that.

Since our last time before the Board we provided the septic system design for lot 3 to make sure it was buildable.

The other major thing we've

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accomplished is going to Central Hudson because a good portion of this driveway is in the easement where the towers are, to get their approval on that. That paperwork has been initiated and my client has signed those and sent them back. Their only condition was to maintain pavement a minimum of ten foot.

CHAIRMAN EWASUTYN: Outstanding comments. Jerry?

MR. CANFIELD: I have nothing.

CHAIRMAN EWASUTYN: John?

MR. SZAROWSKI: We're looking for the highway superintendent's comments regarding the drainage improvement, the access drive, the final comments from Central Hudson regarding the easement.

Access and maintenance agreements will be required for the utility easement to be reviewed by Mike Donnelly's office.

The size of the proposed water main should be identified.

The limits of disturbance noted on sheet 3 of 4 should be removed as per DEC regulations.

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Notes should be added to the subdivision lot stating site plan review and approval are required.

The Board discussed the depiction and design of the subsurface sanitary sewer disposal System.

Filing of the subdivision map is appropriate at this time.

At this time no site plan approval is being granted, however some items for the site plan including the subsurface sanitary disposal system, water lines, et cetera are identified.

The applicant's representative is requested to review provisions for water to lot 3. Is Town water proposed to be extended to the lot or will a well be provided, and reasons for not extending the water line to the rear lot should be discussed.

MR. BROWN: Okay. Again, my client's intention is to have lot 3 zoned R-3 which was before the Town Board whatever, two years ago. The Town Board said there wouldn't be a problem doing that because the zoning line is right at the rear lot. It would be moving the zoning to

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CHRIS KELLY SUBDIVISION

98

encompass this lot. We do need to get the map filed first to do that, so we're here with the three-lot subdivision. My client has a single-family residential lot. We intend on servicing that with a well.

CHAIRMAN EWASUTYN: Mike, do you have any comments?

MR. DONNELLY: He was granted conceptual approval in March. You can schedule it for a hearing.

CHAIRMAN EWASUTYN: Bryant Cocks?

MR. COCKS: I think most of my comments were addressed by John. The only additional one I have is including the surveyor's seal and signature with the final plans. That was it.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: No additional.

MR. MENNERICH: No questions.

MR. PROFACI: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: Then I think, similar to Rhoda Realty, we'll declare -- for Chris Kelly, a negative declaration for the

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CHRIS KELLY SUBDIVISION

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three-lot subdivision and to set it for a public hearing on the 17th of September.

MR. MENNERICH: So moved.

MR. GALLI: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself yes. So carried.

MR. BROWN: Thank you.

(Time noted: 8:40 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: September 12, 2009

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

----- X
In the Matter of

SITE INSPECTIONS

----- X

BOARD BUSINESS

Date: August 20, 2009
Time: 8:40 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
KENNETH MENNERICH
JOSEPH E. PROFACI
JOHN A. WARD

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

----- X

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BOARD BUSINESS

MR. WARD: For Board Business I was mentioning the field trip for next Saturday is rescheduled.

CHAIRMAN EWASUTYN: I won't be able to make it. I have some personal matters I have to finish cleaning out. I just have to put that day into doing that, so I just -- I'm limited on time right now.

MR. MENNERICH: I can't make it that day either.

CHAIRMAN EWASUTYN: Then why don't we talk -- we'll put that under Board Business at our next meeting in September. It sounds like we can't really make it work. I have some family matters I'm finishing up and I'm just -- without Dina and everything else I'm just limited with time now.

All right. John, you did a great job.

Bryant, would you put under Board Business for our next meeting to reschedule the Planning Board field trip?

All right. I'll move for a motion to close the Planning Board meeting of the 20th of August.

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BOARD BUSINESS

MR. GALLI: So moved.

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. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 8:42 p.m.)

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

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DATED: September 12, 2009