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

----- X

In the Matter of

RESUBDIVISION OF LOT 2 - PALMERONE & TAYLOR WAY
(2010-14)

Dara Drive
Section 20; Block 1; Lot 2.12
AR Zone

----- X

PUBLIC HEARING
TWO-LOT SUBDIVISION

Date: September 2, 2010
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: THOMAS DePUY

----- X

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

1
2 MR. BROWNE: Good evening, ladies
3 and gentlemen. Welcome to the Town of
4 Newburgh Planning Board meeting of September
5 2, 2010.

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

9 MR. GALLI: Present.

10 MR. BROWNE: Present.

11 MR. MENNERICH present.

12 CHAIRMAN EWASUTYN: Present.

13 MR. PROFACI: Here.

14 MR. FOGARTY: Here.

15 MR. WARD: Present.

16 MR. BROWNE: The Planning Board has
17 professional experts that provide reviews and
18 input on the business before us, including
19 SEQRA determinations as well as code and
20 planning detail. I'll ask them to introduce
21 themselves now.

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

24 MS. CONERO: Michelle Conero,
25 Stenographer.

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MR. CANFIELD: Jerry Canfield, Town of Newburgh.

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

MR. COCKS: Bryant Cocks, Planning Consultant.

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

MR. BROWNE: Thank you.

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

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

(Pledge of Allegiance.)

MR. PROFACI: If you have any cell phones or other electronic devices, please switch them off. Thank you.

MR. BROWNE: Thank you. Before we turn to the first item on our agenda this evening, I would ask our Counsel, Mike Donnelly, to address an issue that just came up.

MR. DONNELLY: The Planning Board has consultants that work for us. Bryant Cocks, the Planning Consultant who has been working for

1
2 Garling Associates, is now with a new company,
3 one of his own creation. In order to tend to
4 matters properly, the Planning Board voted upon a
5 resolution to retain him on a prospective basis
6 through the end of the year, as is your custom,
7 to continue his new company as the Planning
8 Board's consultant.

9 CHAIRMAN EWASUTYN: Okay. I'll move for
10 a motion to approve Bryant Cocks as Planning
11 Board Consultant starting from this day to the
12 end of the calendar year 2010.

13 MR. WARD: So moved.

14 CHAIRMAN EWASUTYN: I have a motion by
15 John Ward.

16 MR. FOGARTY: Second.

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

19 (No response.)

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

22 MR. GALLI: Aye.

23 MR. BROWNE: Aye.

24 MR. MENNERICH: Aye.

25 MR. PROFACI: Aye.

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MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself aye. So carried.

Bryant, congratulations.

MR. BROWNE: The first item of business we have this evening is a public hearing. I would ask again Mike Donnelly to go over the purpose of a public hearing. Thank you.

MR. DONNELLY: All meetings of the Planning Board are open to the public, and the public has the right to come and see, hear, observe the proceedings before it. Certain applications, and at certain times during the course of those applications, are also subject to the requirement of a public hearing. The difference between a public meeting and a public hearing is the opportunity for the public to be heard and comment upon an application.

We have one public hearing on this evening, that's in regard to a subdivision application of Palmerone and Taylors Way. That matter will be called first. The applicant will come forward and give a presentation to the

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2 Planning Board and to the members of the public
3 explaining the project. When that is concluded,
4 the Planning Board Chairman will ask any members
5 of the public who wish to be heard to raise their
6 hand. When called upon, we would ask you to
7 please step forward, it is a crowded room, give
8 us your name and your address, spelling your
9 name, if you could, for the Stenographer so we
10 get it down correctly, and then address your
11 comments to the Board. If you have questions
12 that can easily be answered, the Chairman will
13 direct those questions to either the applicant's
14 representative or to one of the Town's
15 consultants.

16 The purpose of the hearing is for you
17 to bring to the attention of the Planning Board
18 matters or issues that the Planning Board may not
19 have thought of themselves or heard from their
20 consultants.

21 At the conclusion of the public
22 hearing, the meeting will continue, but all other
23 matters on the agenda are not public hearing
24 matters, which means you, of course, may remain
25 here, and you may listen and observe the

1
2 proceedings, but there will not be an opportunity
3 beyond the public hearing for public input this
4 evening.

5 MR. BROWNE: Thank you, Mike.

6 The first item of business is the
7 resubdivision of lot 2 of Palmerone and Taylor
8 Way. It's a public hearing on a two-lot
9 subdivision being represented by Tom DePuy.

10 Before Tom starts, if Ken Mennerich
11 would please read the notice of hearing.

12 MR. MENNERICH: "Notice of hearing,
13 Town of Newburgh Planning Board. Please take
14 notice that the Planning Board of the Town of
15 Newburgh, Orange County, New York will hold a
16 public hearing pursuant to Section 276 of the
17 Town Law on the application of resubdivision of
18 lot 2 of Palmerone and Taylor Way Subdivision for
19 a two-lot subdivision on premises Dara Drive off
20 Holmes Road in the Town of Newburgh, designated
21 on Town tax map as Section 20; Block 1; Lot 2.12.
22 Said hearing will be held on the 2nd day of
23 September 2010 at the Town Hall Meeting Room,
24 1496 Route 300, Newburgh, New York at 7 p.m. at
25 which time all interested persons will be given

1
2 an opportunity to be heard. By order of the Town
3 of Newburgh Planning Board. John P. Ewasutyn,
4 Chairman. Dated August 10, 2010."

5 MR. BROWNE: If Frank Galli would
6 please give the status on the mailings.

7 MR. GALLI: The notice of hearing was
8 published in The Mid-Hudson Times and in The
9 Sentinel. There were ten mailings sent out. Two
10 came back undeliverable. The mailings are in
11 order.

12 MR. BROWNE: Thank you.

13 Tom.

14 MR. DePUY: I'm Tom DePuy with DePuy
15 Engineering. I'm representing Mr. and Mrs.
16 Thurst. Basically this was lot number 2 of the
17 original Palmerone subdivision. Due to some
18 legal complications, we were supposed to have a
19 stormwater pond over here, however that did not
20 come to fruition. We're subdividing this small
21 portion off the back to house a stormwater
22 control and management pond here. Basically that
23 would be about .3 acres. The remaining lot will
24 be 1.6 acres.

25 From an infrastructure standpoint, we

1
2 will slightly reroute the storm sewer off Dara
3 Drive, down an easement here, and then it will
4 discharge into a siltation forebay and the
5 stormwater management pond, and discharge over to
6 the adjacent stream area.

7 That's basically the description of the
8 subdivision.

9 CHAIRMAN EWASUTYN: As Mike Donnelly
10 had said earlier, if there's anyone here who has
11 any comments or questions as far as the
12 presentation that Tom DePuy made, will you please
13 raise your hand and give your name and address.

14 MS. WRIGHT: Would you like me to come
15 forward?

16 CHAIRMAN EWASUTYN: Excuse me?

17 MS. WRIGHT: Would you like me to come
18 forward?

19 CHAIRMAN EWASUTYN: No. You can stand
20 there.

21 MS. WRIGHT: My name is Jennifer
22 Wright, I'm an attorney with the law firm of
23 Drake, Loeb. I represent one of the landowners
24 within the subdivision.

25 The current subdivision is entitled

1
2 subdivision and lot line change, lands of
3 Palmerone, Taylors Way, Summer Kim Corporation
4 and Bento.

5 We wanted to inform the Board that
6 since this is not a standalone lot and it's
7 actually part of the larger subdivision by virtue
8 of the lot line change, that all of those
9 interested parties should be given the
10 opportunity to consent and to be consulted with
11 regard to the plans.

12 MR. DePUY: The lot had already been
13 created.

14 MS. WRIGHT: The lot, I believe, was
15 part of the subdivision and lot line change that
16 was made, the original subdivision plans for the
17 original subdivision.

18 MR. DePUY: It's a lot.

19 MS. WRIGHT: It became part of the
20 subdivision.

21 MR. DePUY: It's a standalone lot
22 today.

23 MS. WRIGHT: Nevertheless, aside from
24 that issue, we wanted the Board to be aware there
25 are other parties who would be interested in the

1
2 proceedings and would like to have an opportunity
3 to see the plans and the drawings and to comment
4 and be consulted.

5 Irrespective of that, we also want to
6 draw the Board's attention to the fact Mr.
7 Palmerone, our client, has an easement on Taylors
8 Way. We would want to make sure that the work
9 that's going to be done on this lot, lot 2, that
10 that work would in no way impede the access to
11 the easement of Mr. Palmerone and that it will
12 remain open and accessible at all times.

13 CHAIRMAN EWASUTYN: Would you care to
14 address that?

15 MR. DePUY: Yes. We knew his concern.
16 We have a separate easement that parallels his
17 easement down through lot 2, and that's where the
18 stormwater will be installed. We showed his
19 existing gravel driveway here. We're not going
20 to impact that at all. He'll still have access
21 to it.

22 MS. WRIGHT: We would just ask a
23 provision be included to that effect, that it
24 will not be blocked or impeded in any way.

25 CHAIRMAN EWASUTYN: Mike Donnelly,

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Planning Board Attorney?

MR. DONNELLY: I have no trouble if you wish to include a provision that says during construction, but the private rights under that easement are issues of a private matter and not properly within your jurisdiction.

But in terms of construction phasing, if you want to include a condition that there shall be no interference with the access right of Mr. Palmerone, then I think that's an appropriate exercise of your public safety, health and welfare jurisdiction.

MS. WRIGHT: That's what we were asking for. We do have the easement that covers the other occurrences that might occur in relationship to between the parties.

With regard to this construction, we would ask a provision be placed in there.

CHAIRMAN EWASUTYN: Thank you.

MR. HINES: I will note for the Board that all the improvements that are proposed are outside of that current existing gravel driveway. There is no grading or drainage improvements that should impact that.

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2 MR. THURST: I'm Mr. Thurst, owner of
3 the property. The constraints are on my
4 property. It's not a community issue. It's all
5 within my property. The easement is not
6 infringed. We want to stay good neighbors but we
7 have a problem that has to be solved. I have
8 some neighbors here that also support this
9 project so we can move forward with completion.

10 So I would challenge the attorney that
11 this is entirely a personal property issue, and
12 we would like to keep it that way.

13 CHAIRMAN EWASUTYN: Thank you, Mr.
14 Thurst.

15 Anyone else?

16 (No response.)

17 CHAIRMAN EWASUTYN: Is there anyone
18 else here this evening who has any questions or
19 comments?

20 MR. CLEESE: David Cleese, 17 Dara
21 Drive. I'm Bill Thurst's neighbor. I just
22 wanted to reiterate what he just said. We are on
23 board with whatever plans they have. Okay.

24 CHAIRMAN EWASUTYN: Thank you, David.

25 MR. CLEESE: All right.

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2 CHAIRMAN EWASUTYN: If there are no
3 further comments from the public, I'll turn to
4 our consultants at this time.

5 Pat Hines, Drainage Consultant?

6 MR. HINES: We reviewed the modified
7 stormwater pollution prevention plan for the
8 project. We did provide comments to Mr. DePuy.
9 Those comments have been addressed.

10 The stormwater management facility is
11 designed to accommodate the flow which was
12 originally going to go onto the Summer
13 Kim/Longview Farms parcel which now cannot be
14 constructed. So it has the same capacity and
15 functions similar to the previously approved
16 stormwater management plan. We've signed off on
17 that and we'll provide the applicant with an MS-4
18 sign off at the appropriate time.

19 We have some minor conditions. They
20 need to approach the Town Board regarding minor
21 modifications to the drainage district. This
22 parcel, and many of the parcels around here, are
23 in a Town drainage district, and this will be a
24 change to that district. So they need to go to
25 the Town Board to accept those changes, and there

1
2 may even need to be a public hearing on that in
3 the future.

4 Otherwise, they've addressed our
5 previous conditions -- previous comments and we
6 have no additional.

7 CHAIRMAN EWASUTYN: Bryant Cocks,
8 Planning Consultant?

9 MR. COCKS: The applicant addressed all
10 of our previous comments, including the addition
11 of the fence around the stormwater property for
12 safety.

13 We have nothing further.

14 CHAIRMAN EWASUTYN: Jerry Canfield,
15 Code Compliance?

16 MR. CANFIELD: We have no outstanding
17 comments.

18 Just one thing for Mr. DePuy. Perhaps
19 on the flood plain boundary we can have the
20 current map number instead of the previous panel
21 numbers.

22 MR. DePUY: Okay.

23 MR. CANFIELD: FEMA has new mapping
24 numbers.

25 CHAIRMAN EWASUTYN: Okay. Comments

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from Board Members. Frank Galli?

MR. GALLI: John, does the issue of the letter credit have to be entered anywhere?

MR. DONNELLY: Tom, for your information there was a letter received from the attorney for the developer at the original time suggesting, and I think it's a fair suggestion, that the existing financial security should not cover the construction of this new drainage improvement, and financial security will be required for construction of the stormwater improvement. I suggested to the Planning Board that the resolution should authorize the Town Board to accept either supplemental or substitute financial security as they see fit. That's an issue for them to work out.

MR. DePUY: Okay.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: I'm good.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Nothing.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: Nothing.

MR. FOGARTY: I only had some concerns

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about the upkeep of the stormwater facility, and they've been addressed.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Everything has been addressed. Thank you.

CHAIRMAN EWASUTYN: Before I move for a motion to close the public hearing, is there anyone here this evening that has any questions or comments on the project before us?

(No response.)

CHAIRMAN EWASUTYN: Okay. Then I'll move for a motion from the Board to close the public hearing on the resubdivision of lot 2 of Palmerone and Taylor Way.

MR. PROFACI: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by Joe Profaci. I have a second by Frank Galli. Would there be any discussion of the motion?

(No response.)

CHAIRMAN EWASUTYN: There being no discussion of the motion, I'll move for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

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MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So
carried.

Mike Donnelly, Planning Board Attorney,
I believe this action now has to go before the
Town Board. So we're in a position to grant
preliminary approval. Is that correct?

MR. DONNELLY: What we've done in the
past is granted preliminary approval, then had
the applicant appear at the Town Board to make
sure they're willing to accept the drainage
improvements, and then have you return and get
final approval, a condition of that approval
being that the drainage district modifications
are made. Have you been to the Town Board yet?

MR. DePUY: No. Not yet.

MR. DONNELLY: Consistent with that
practice, we should grant preliminary approval
here.

The conditions are, of course, that all

1
2 of the conditions that were attached to the
3 original Palmerone/Taylors Way subdivision are to
4 remain in effect except as modified herein.
5 Preliminary approval is subject, of course, to
6 the Town Board allowing modifications to the
7 existing drainage district. There will be a
8 requirement, as I noted before, of a stormwater
9 improvement security and inspection fee of either
10 a replacement or supplemental nature. I've
11 included a condition, based upon the public
12 hearing comment, that there shall be no
13 interference with the driveway access rights of
14 the adjoining property owner, Palmerone, during
15 the course of construction of the drainage
16 improvements proposed.

17 CHAIRMAN EWASUTYN: Thank you.

18 Having heard the conditions of
19 preliminary approval presented by the Planning
20 Board Attorney, Mike Donnelly, I'll move for a
21 motion to grant that action.

22 MR. MENNERICH: So moved.

23 MR. PROFACI: Second.

24 CHAIRMAN EWASUTYN: I have a motion by
25 Ken Mennerich. I have a second by Joe Profaci.

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Would there be any discussion of the motion?

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

Thank you.

MR. DePUY: Thank you.

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

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

I, Michelle Conero, a 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 27, 2010

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

----- X
In the Matter of

ORANGE COUNTY CHOPPERS
(2005-58)

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

----- X

AMENDED SITE PLAN

Date: September 2, 2010
Time: 7:14 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: RICHARD GRACE

----- X

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

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MR. BROWNE: The next item of business we have this evening is Orange County Choppers. It's an amended site plan. It's being represented by M.A. Day Engineering.

MR. KROLL: Mr. Grace is in traffic and has been delayed. I don't have the lighting information you needed. I could supply that at a later date or later today.

We've agreed to do whatever the Building Department wants for lighting. We can go back to the other lights and stub these out if they don't meet the requirements.

CHAIRMAN EWASUTYN: When you say later tonight --

MR. KROLL: He's on his way.

CHAIRMAN EWASUTYN: Why don't we table it and then --

MR. KROLL: He should be here any time. Thank you.

MR. BROWNE: That item of business has been tabled.

(Time noted: 7:14 p.m.)

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

MR. BROWNE: The next item of business,

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we're going to go back to the item that was tabled, Orange County Choppers, amended site plan.

CHAIRMAN EWASUTYN: For the record, why don't you introduce them.

MR. BROWNE: Okay. Orange County Choppers, amended site plan, Crossroads Court and Orr Avenue, M.A. Day Engineering.

MR. GRACE: Good evening, Chairman Ewasutyn, Planning Board Members and Planning Board Consultants. I think we're here tonight to discuss the issue of the lights that were proposed.

I'll make it as simple as possible. What we propose with these lights is a system that runs on any type of LED lighting that's out on the marketplace today. The poles themselves contain a solar panel and a windmill. They have various different power packs and batteries. They come with a thirty-six month battery initially. You can get a five-year battery, you can get a ten-year battery, and you can also hardwire the poles so that they become part of the grid to the normal electric supply that's

1
2 coming to the site. The purpose of doing that is
3 that, as they've seen at the Brooklyn Navy Yard
4 and a few other locations they've done that, is
5 the poles generate excess power that they sell
6 back to the power company. It becomes kind of a
7 profit center.

8 The poles are designed to fit any type
9 of LED light fixture. They will accommodate any
10 light fixture that's on the marketplace. In other
11 words, the issue of being able to light the
12 parking area and the walkways with any
13 conventional lighting is -- it's kind of like a
14 mute point. We can get any LED light that will
15 do anything. And also, they can direct the light
16 in certain ways. They can do it oblong, they can
17 do it round, they can do it circular, they can do
18 it square. They can do it all different kinds of
19 ways. So it's really a universal type of
20 application that is a green application, and it
21 reverts back to saving energy and selling energy
22 back to the power company.

23 MR. DONNELLY: Are you hardwiring?

24 MR. GRACE: Yes, we can. We will
25 hardwire.

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MR. PROFACI: That will be part of the package, the hardwiring?

MR. GRACE: Right. And it should not be an issue whatsoever.

MR. PROFACI: The unit automatically switches over?

MR. GRACE: The batteries are at the base of the units, and they can be easily monitored. The batteries can be switched out and changed. And, in the interim, if the batteries run out, the hardwire will kick in and power the --

MR. PROFACI: So it will go from AC to DC, DC to AC all on its own?

MR. GRACE: Exactly. Exactly.

MR. FOGARTY: Do you know of anybody in the area that has that?

MR. GRACE: I checked with them. No one -- the closest place is the Brooklyn Navy Yard where they have them. They're actually in negotiations right now with a bunch of different municipalities. A lot of -- there's a couple of parks, like in Brooklyn, in Park Slope they're thinking about doing something with the changing

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out of a few of these. They're very energy efficient and they sell back to the power company.

MR. FOGARTY: Did these develop in some other part of the country and now they're just coming to this area?

MR. GRACE: They're based out of New York City but they've been doing a lot of work down in Florida and down in the south actually. It's starting to catch on.

MR. FOGARTY: Thanks.

MR. WARD: My question is they're going to be thirty feet high. Our guidelines are sixteen. That's twice the amount of the height. Is there any way to get it lower?

MR. GRACE: We can probably get it lower. I mean I think the poles -- the reason why we had it at thirty feet was that it was what's already on the site. The poles are -- the poles that are there are already at thirty feet. We can probably get them lower if we need to.

CHAIRMAN EWASUTYN: I think what we had realized in granting the waiver is the fact that the hotel next door was at that height, the

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current light fixtures are at that height, and that there was a balance. We had a reasoning for granting a waiver.

MR. WARD: My question is because the parking lot is a little higher, you might want to go lower. You know what I'm saying? With the hotel being a lower grade, the parking lot, you can still probably go lower. Like it's the same --

CHAIRMAN EWASUTYN: I mean are we looking for a five-foot decrease in height?

MR. WARD: Yeah.

CHAIRMAN EWASUTYN: Do you know if they manufacture them --

MR. GRACE: They can manufacture them to that specification.

CHAIRMAN EWASUTYN: How would that affect you as far as the site in general?

MR. GRACE: I don't think it's going to affect us at all.

MR. KROLL: The lighting at Orange County Choppers is at thirty feet. These match. This is right next to the poles at Orange County Choppers. It might look funny if you shorten

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them.

MR. WARD: I'm asking the grade.

MR. KROLL: In the back of the building
it's the same grade.

MR. GRACE: Right. The back of the
building is the same.

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

MR. KROLL: I think it would look
funny. That's why we stayed with that.

MR. HINES: The back of the building is
only one story. You look down into the ramp.

MR. GRACE: Right. You're going to
have traffic -- the way we discussed it, too, was
we were going to have traffic that will go around
the back of the building and also use the Orr
Avenue exit. So Henry is right, there is
traffic, and those traffic lights -- those
traffic poles, the lighting that's up there, will
be at that grade. So it would look kind of -- it
would look different. It would definitely look
different.

MR. GALLI: The main issue was the
hardwiring part. We want them to work when you
flip the switch also.

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MR. GRACE: Exactly.

MR. PROFACI: You can get the proper foot candle and lighting that we need with the LED --

MR. GRACE: Absolutely.

MR. PROFACI: - lighting and fixtures? That's fine. That's all we need.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I think also if you lower them, the wind output is going to be lower.

MR. GRACE: A little bit lower.

CHAIRMAN EWASUTYN: Well, first I'd like to move for a motion to waive the design guideline standards for pedestrian-friendly lighting, and what the Planning Board has been consenting as being sixteen feet, and to permit the thirty-foot high light posts that are being offered and are consistent with what is existing on the site and the hotel next door and offer that to Orange County Choppers.

MR. WARD: So moved.

MR. PROFACI: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward. I have a second by Joe Profaci. Any

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discussion of the motion?

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

Bryant Cocks, Planning Consultant, where are we now as far as the approval of the site plan?

MR. COCKS: We received the City of Newburgh sewage flow letter yesterday.

As of right now we are going to refer this to the Orange County Planning Department for their comments.

They are going to have to move forward and go to the Health Department.

I think at this point they're ready to go for preliminary approval.

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CHAIRMAN EWASUTYN: At the same time we're granting ARB approval for the signage?

MR. COCKS: Yes. For the signage and for the change of the facade.

CHAIRMAN EWASUTYN: Mike Donnelly, would you help us with a resolution of conditional approval for the Orange County Choppers amended site plan?

MR. HINES: This is going to be conditional final approval. The Health Department for the restaurant will come after.

CHAIRMAN EWASUTYN: Fine.

MR. HINES: That's kind of a ministerial, like a building permit.

CHAIRMAN EWASUTYN: Thank you. I misunderstood that.

Then we're looking for a resolution that we grant final approval to the amended site plan for Orange County Choppers, and we would also include ARB approval of the facade change and the signage.

MR. PROFACI: Is it conditional final approval?

MR. DONNELLY: It's conditional because

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there will be conditions.

MR. PROFACI: So moved.

CHAIRMAN EWASUTYN: Mike Donnelly is going to present us with a resolution.

MR. DONNELLY: The first one will be what we just discussed, and that is the approval will be subject to the Orange County Health Department approving the restaurant connection to their system. As part of the original approval we had requirements of Orange County DPW approval of the drainage work and DOT approval of the highway work permit. I take it both of those things are done, satisfied. I'm just going through the other conditions, making sure they're done, they were taken care of.

We will, however, need a declaration, satisfactory to myself, establishing an enforceable right to park on the adjoining lands and making that recorded so that it is permanently tied to the use of this site.

I take it, based upon the discussion, we no longer need any special condition relating to the lighting system in the event that it doesn't function because it's hardwired and it

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will be as if standard lighting.

We would have the standard ARB condition. I think we are announcing that there are no signs on the plans and none are approved. Am I correct on that or are they now showing signs for the restaurant?

MR. GRACE: There are signs.

MR. GALLI: We looked at them.

MR. DONNELLY: Very good.

The usual conditions regarding parking lot maintenance. We had asked in the past, and we will ask again, you petition the Town Board to allow Town Police personnel to enforce vehicle and traffic violations within the parking area. That may have been covered when this was called overflow parking. If it is, show me the correspondence that did that. If it isn't, just submit another petition.

We will include reference to the narrative that you submitted, and that will be the new limit of the use that's approved by the amended plan. So no activities other than those described in the original narrative and proposed will be permitted on site.

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2 We will continue to carry the condition
3 that there shall be no outdoor storage or display
4 of motorcycles, and that the storage area shown
5 on the plan may be used for the purpose of
6 storage only, and the basement parking areas are
7 for employee parking only.

8 Lastly, we will need a landscape
9 security and inspection fee in the amount of
10 \$2,000.

11 Is there a stormwater security and
12 inspection fee required?

13 MR. HINES: Yes.

14 MR. DONNELLY: And a private road --
15 this is an interior site plan.

16 Finally, our standard condition that
17 says you may not build any outdoor fixtures, or
18 amenities, or buildings on the site that are not
19 shown on the approved site plan.

20 MR. GRACE: Okay.

21 CHAIRMAN EWASUTYN: Thank you.

22 Any questions or comments from our
23 Consultants or our Planning Board Members in
24 reference to the resolution presented by our
25 Attorney, Mike Donnelly?

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(No response.)

CHAIRMAN EWASUTYN: There being no questions or comments, I'll move for a motion to grant conditional final approval to the Orange County Choppers amended site plan.

MR. WARD: So moved.

MR. FOGARTY: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward. I have a second by Joe Profaci. Tom Fogarty. I apologize. Thank you. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

Congratulations.

MR. GRACE: Thank you very much.

CHAIRMAN EWASUTYN: When do you think or do you plan on opening by? Just out of curiosity.

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MR. GRACE: Well, that's a good question. Hopefully we're going to have our final building drawings in a couple weeks. So ideally I think we're probably going to try to open in March.

CHAIRMAN EWASUTYN: Okay.

MR. GRACE: That's what we're going to try to shoot for. I think it's foolish to try to open in the dead of winter. I think it would be kind of like shooting yourself in the foot a little bit. I think that in March the weather might be a little bit more conducive to doing that. And also we can start with maybe doing St. Patrick's Day or that kind of thing.

CHAIRMAN EWASUTYN: Congratulations. In the world we live in today it's becoming very unusual and unique to see someone actually constructing something. We like to have that experience.

MR. GRACE: We look forward to having you all as customers. Thank you very much.

(Time noted: 8:03 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 27, 2010

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

----- X
In the Matter of

CONIFER REALTY, LLC
(2010-16)

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

----- X

CONCEPTUAL RESIDENTIAL SITE PLAN

Date: September 2, 2010
Time: 7:15 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: DOMINIC CORDISCO

----- X

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

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2 MR. BROWNE: The next item of
3 business is Conifer Realty, LLC, a conceptual
4 residential site plan, Fostertown Road and
5 Wells Road, being represented by Dominic
6 Cordisco

7 MR. CORDISCO: Good evening, Members of
8 the Board. Allow me, for the record, to
9 introduce myself again. I am Dominic Cordisco,
10 I'm an Attorney with the law firm of Drake, Loeb
11 located in New Windsor, and I'm representing
12 Conifer in connection with this application.

13 With me tonight is Andy Bodewes from
14 Conifer, Andy Crossed who is also from Conifer,
15 Charlie May who is our engineer, and Fred Doneit
16 from Turner, Miller Group who is our planner. In
17 a moment I'll turn over the proceedings to Mr.
18 May.

19 We've made a number of changes to the
20 plan which we'd like to show to you all. The
21 first change that we made to the plan is we
22 actually gave it a name. Before it was called
23 the Conifer Workforce Housing Development, and
24 now we've given it a name and there's a number of
25 changes behind that, but most importantly the

1 name is, of course, Fostertown Landing. We've
2 indicated that in our application. So that could
3 be noted by the Board as we move forward.
4

5 The reason, however, that we've changed
6 the name is because we've made a significant
7 change in the proposal. The original proposal
8 was to have 64 units that met the Town's
9 requirements for workforce housing, for
10 affordable workforce housing. In other words,
11 they would be rental units that would be limited
12 to persons meeting a salary range so that they
13 could afford to live there, and it would be
14 limited to those potential tenants. There were
15 64 units, and that was within the density limits
16 provided by the code. It was actually below it.
17 Based on the size of the property, the property
18 would have supported 70 units. We were proposing
19 64.

20 We've changed the proposal on that and
21 have reduced the number of workforce affordable
22 housing units to 22, which means that 44 of the
23 units would simply be rental units, and only 22
24 of them would meet the requirements of the Town's
25 code. That's a significant change, and that's

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2 the reason why we're not calling the project the
3 Conifer Workforce Housing Affordable Housing
4 Development. That was in response to the
5 overwhelming comments that we received at our
6 second informational meeting.

7 As the Board is aware, we've had two
8 public informational sessions where we've invited
9 comment from the public. The first one was two
10 years ago, and in response to that first
11 informational meeting we heard comments from the
12 public and we made changes to the plan, and those
13 changes were presented to this Board this past
14 July. When we came before the Board this past
15 July, given the length of time, the Board had
16 made a very good suggestion that we provide the
17 public with a second update, and that's what we
18 did. On July 27th we had a second public
19 informational meeting, and we had a turnout much
20 similar to the one that you have tonight. There
21 was -- I'm not going to sugar coat it. There was
22 a significant amount of concern, and I dare say
23 opposition, to the project. And we've made
24 changes now, yet again, to the project, and those
25 changes are to address the comments that we can

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address.

With that said, I'd like to turn it over to Mr. May to go over the specific changes that are design changes on the plan.

CHAIRMAN EWASUTYN: Thank you, Dominic.

MR. CORDISCO: Thank you.

MR. MAY: I'd like to demonstrate to everyone the first generation plan that we presented to the Town of Newburgh Planning Board. The first generation plan was actually taken from Section 184-47, which actually allows four dwelling units per acre. The actual number of dwelling units that could have been derived would have been 70, however the client, at this particular point, wanted to have 64 units.

In this particular section there really is not any applicable setbacks, so therefore the setbacks that we used were kind of derived from those that we felt as though would meet the needs of the client as far as presenting the number of parking spaces, the location of the building, not impacting the buffer which is along this particular area.

With the first generation we actually

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2 located the community building up front. The
3 entrance to the site actually comes in in this
4 particular direction and out in another
5 direction. We also had the entrance off of Wells
6 which would come into this particular location
7 and circle around to the site.

8 Having demonstrated this to the Board,
9 we received comments from the Planning Board's
10 consultants, and with that we were requested to
11 go to various sections of the Zoning Code. The
12 sections that we were directed to were actually
13 Section 185-25, which establishes setback
14 requirements which would be actually in the
15 multi-family section. One of the areas that we
16 were required to have a setback from this
17 particular property, if you go to 185-25 you'll
18 find that a 55-foot setback is required from
19 residential areas. In this location we actually
20 set the building back the 55 feet. Another 55
21 feet has been setback by these two particular
22 buildings.

23 We were also requested to read another
24 article in the Zoning Code. The article required
25 that a setback be required from County and State

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2 roads of 60 feet. This particular building is
3 setback 60 feet and then some from the actual
4 County road.

5 Another requirement was that from the
6 local Town road we would have a setback of 40
7 feet. In this particular area we have actually
8 set the building back 50 feet.

9 The actual means of ingress and egress
10 has not changed. In this particular location
11 there was an entrance in and an entrance out
12 going onto Fostertown Road. What we've done is
13 we have actually taken and put another -- put --
14 continue to have the entrance off of Wells, and
15 in this particular location we have set the
16 community building actually in the southern part
17 of the site. We actually created a buffer, which
18 is, in this particular location, about 100 feet
19 and in this particular location it's about 40
20 feet. So the actual increase in buffer from the
21 roadway, from the local residential areas, has
22 been increased.

23 We do have a few comments regarding
24 getting fire trucks in. At this point we're
25 actually creating a new radius, a greater radius

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2 in this particular location, and we're actually
3 extending the entrance off of Wells about another
4 ten feet to meet the 150-foot requirement.

5 The number of units hasn't changed,
6 however, as you can see, the footprint of the
7 entire site is in accordance with what the Town
8 Planning Board Consultants have required at this
9 point.

10 CHAIRMAN EWASUTYN: Thank you.

11 Dominic.

12 MR. CORDISCO: Yes. Just to summarize
13 and to reiterate, the Board, when we appeared
14 before you last, asked for something to compare
15 this project to because, as Mr. May had stated,
16 the affordable housing provisions don't have any
17 specific setbacks. They're as determined by the
18 Board as you go through the process.

19 What we've done is we've applied the
20 multi-family setbacks and requirements to this
21 project, and we either meet or exceed them in all
22 cases.

23 The other thing I should mention is
24 that although the code allows it, the code allows
25 a request for density bonus when you're doing a

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2 project like affordable housing because the
3 rationale is when you're providing affordable
4 housing, which there is a significant need for,
5 the Town has deemed it worthy of encouraging, and
6 encouraging and allowing the additional density
7 bonus. What I mean by density bonus is of course
8 additional units. We are not seeking any density
9 bonus. We're not asking for anything above or
10 beyond what we're showing you on the plan.

11 This is not a phased project. This
12 plan, what you see, is the full plan for this
13 site.

14 As we've mentioned before, and we
15 discussed at length actually at our informational
16 meeting, Conifer is in the business of building,
17 and designing, and owning, and operating this
18 kind of development. That's what they do and
19 that's what they're here to do at this particular
20 site.

21 As we mentioned I think the last time,
22 we have a neighboring property in the Town of
23 Hyde Park. If you haven't made it over there to
24 see what they're capable of both building and
25 maintaining, I encourage you to do so.

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CHAIRMAN EWASUTYN: And you have other people from your staff to -- there are people from Stu Miller Associates?

MR. CORDISCO: We have Fred Doneit. If the Board has additional questions, or the consultants, we'd be happy to address them.

CHAIRMAN EWASUTYN: Fred, would you talk to us about the concept that you've been working on and your role in the design that's before us.

MR. DONEIT: Well, what we've analyzed is, and talked about --

CHAIRMAN EWASUTYN: For the audience, would you let them know who you are and what capacity you serve this project, that information.

MR. DONEIT: Sure. My name is Fred Doneit, I'm with Turner Miller Group, and we're planners for the project sponsor. Our role in the project up to this point has been working on developing the -- working on developing the plans in concert with the project sponsor, Conifer, and the rest of the team, as well as evaluating the project against the Town's zoning, what's

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permitted.

As Chuck discussed previously, as he evaluated the plans he described how the plans comply with the Town's existing zoning and the planning rationale for locating a site such as this, or a project such as this in this particular location of the Town. So that's what we've been responsible for up to this point.

CHAIRMAN EWASUTYN: And to date your conclusion about the location and the layout of this property as a professional, can you state your opinion on the project?

MR. DONEIT: Well, we believe that it's absolutely an appropriate area for this type of development in the Town. The Town's zoning as well as the comprehensive plan developed for the Town in 2005, as well as the County plans encourage this type of development.

I think it's been mentioned before, but the project is located in central water and sewer districts, and there's quite a bit of excess capacity in both of those districts that will allow the project to be adequately served. The project is in fairly close proximity to other

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2 services in the Town, being commercial corridors
3 in the Town as far as 9W. It's in close
4 proximity to a number of schools, Fostertown
5 Elementary School right across the street, as
6 well as ---

7 UNIDENTIFIED SPEAKER: Balmville.

8 MR. DONEIT: -- as well as several
9 others in the vicinity, within a half mile or
10 mile radius of the site.

11 Unless you have any other questions,
12 you know, we stand by -- we stand by our judgment
13 that this is an appropriate location for this
14 type of development.

15 CHAIRMAN EWASUTYN: Okay. At this
16 point, before I turn the meeting over to our
17 Consultants and the Planning Board Members for
18 their comments, I'll refer to Mike Donnelly, the
19 Attorney for the Planning Board, to speak about
20 the project before us, what phase or stage we're
21 at with the project, and try and provide you with
22 a little bit more information.

23 MR. DONNELLY: This property, as I'm
24 sure most of you know, is located in the R-2
25 zoning district of the Town of Newburgh. Multi-

1 family housing of this density, as Mr. Cordisco
2 has already pointed out, would not, unless and
3 until the affordable housing density bonus is
4 granted, be permitted. The Town, in its master
5 plan, has identified as one of its stated
6 objectives the provision of a choice of housing
7 opportunities for a variety of income groups and
8 has set forth a section of the code that sets
9 forth, both conceptually and specifically, how
10 that is to be done. The Town has identified four
11 zoning districts of those in the Town where
12 affordable housing may be permitted. Those are
13 the R-2, the R-3, the B and the IB zoning
14 districts. Therefore, this district, the R-2, is
15 one where affordable housing may be allowed.

17 The Town Board does not allow
18 affordable housing, however, as of right. It
19 requires that before affordable housing may be
20 built in any of those four districts, that the
21 Town Board hear from the Planning Board and
22 receive a recommendation from the Planning Board.

23 I believe what the code envisions is
24 that the Planning Board recommend as to the
25 concept of whether or not affordable housing on

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2 the particular site in question is appropriate,
3 not necessarily whether a specific proposal that
4 has not had full-blown site plan and/or
5 environmental review is in fact appropriate for
6 the project. However, it is always helpful for
7 the Planning Board, in understanding and
8 preparing that report, to see a plan, to see how
9 feasible it is to build affordable housing there
10 and what that layout may be.

11 If we skip ahead in the process, the
12 Planning Board will ultimately make a
13 recommendation to the Town Board. The Town Board
14 will then hear that recommendation and it will
15 either authorize the Planning Board to review an
16 affordable housing project or not grant that
17 authorization. If they don't grant the
18 authorization, obviously this particular project
19 won't be before the Planning Board any longer.
20 But if they do and the applicant returns, the
21 Planning Board will then have to get more
22 particulars, see the required engineering review
23 in terms of drainage, conceivably a more detailed
24 traffic report, and will have to conduct whatever
25 it determines to be the appropriate level of

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2 environmental review, and those constraints and
3 those issues could conceivably change, as it has
4 changed already, the complexion, density and
5 layout of this project. Those things will not
6 occur unless and until the Town Board grants the
7 authorization.

8 There are other agencies, of course,
9 that will have some involvement with this
10 project, including the Orange County Planning
11 Department. But at this juncture the Planning
12 Board is reviewing the concept and will need to
13 make a recommendation to the Town Board with some
14 specifics as to whether or not it believes that
15 this is an appropriate site within the R-2 zoning
16 district for the Town Board to consider granting
17 authorization back to the Planning Board to
18 review a site specific application.

19 I know that sounds a little bit like a
20 couple of mirrors there but that's the way the
21 code envisions it. It's the Town Board's call as
22 to whether or not to allow affordable housing
23 there, but they wish the report and
24 recommendation of the Planning Board before they
25 make that decision and give that authorization.

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2 CHAIRMAN EWASUTYN: Thank you for the
3 information, Mike Donnelly.

4 At this point I'll turn to our
5 consultants. Jerry Canfield, Code Compliance?

6 MR. CANFIELD: Our preliminary review
7 of the concept plan; with respect to fire
8 protection, we have submitted comments to the
9 applicant's representative. The Town of Newburgh
10 has a more restrictive sprinkler code, and of
11 course the building construction of this project
12 is required by State code to have sprinkler
13 systems installed. The applicant's
14 representative has acknowledged that, however
15 future submissions should show hydraulic
16 calculations, that the Town's water system will
17 support the volume and pressure needed.

18 We've also made a comment with respect
19 to accessibility to the site with respect to
20 access of fire apparatus. The road width does
21 comply, however future submissions should address
22 the fire hydrant layout and the 26-foot width
23 required in that vicinity.

24 Bryant Cocks will probably also
25 reiterate on this. We had asked also for a fire

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2 truck and truck movement plan. That will be
3 future submitted, and that will ensure proper
4 turning radiuses for larger apparatus.

5 Essentially that's it at this point.

6 CHAIRMAN EWASUTYN: Thank you.

7 Pat Hines, Drainage Consultant?

8 MR. HINES: We don't have a lot of
9 technical comments yet because the plan is still
10 conceptual in nature. There's not a lot of
11 engineering detail on the plans.

12 We did note that the one- and
13 two-bedroom unit square footages are still
14 slightly in excess of that which is allowed by
15 code, so that will need to be reviewed by the
16 Town Board and our ZBA if those square footage
17 sizes continue to be in excess of what is
18 allowed.

19 CHAIRMAN EWASUTYN: For the record, for
20 those that are here this evening, what is the
21 allowable square footage?

22 MR. HINES: The one-bedroom units I
23 believe are 700 square foot maximum and the
24 two-bedroom are 900 square foot maximum. They're
25 proposed at approximately 735 square foot and 950

1 square foot right now. Those are rough numbers,
2 they're not exact. So if they continue with
3 that, there will need to be a ZBA or Town Board
4 finding, or they'll need to reduce the unit
5 count. There's a question of whether those are
6 only the affordable units that have to be that
7 size. That's an issue that needs to be resolved
8 with this Board and the Town Board.
9

10 Just to clarify our previous comment
11 which identified only one-third of the units
12 needed to be affordable ,previously the project
13 was before the Board as a 100 percent affordable
14 unit count. We had commented that the ordinance
15 does not require that. They've reduced that unit
16 count down to, I believe 22.

17 We had a comment regarding internal
18 vehicle circulation, similar to Jerry Canfield,
19 and I know Ken Wersted will comment on that
20 moving forward.

21 As the project is further developed, if
22 the project is further developed, and returned to
23 this Board, we'll be reviewing the drainage, the
24 water, the sewer, site grading, the environmental
25 issues regarding the DEC regulated wetlands,

1 erosion and sediment control. But right now, at
2 this concept stage, there's not a lot of
3 technical detail to review.
4

5 That's where we're at with our review.

6 CHAIRMAN EWASUTYN: Thank you.

7 Bryant Cocks, Planning Consultant?

8 MR. COCKS: I have a couple questions.

9 The first one is with the reduction of the
10 affordable units, are they going to be spread out
11 across all these buildings or are they going to
12 be specific to, you know, two buildings?

13 MR. MAY: That's a good question. I
14 guess we would probably spread them out among the
15 buildings.

16 MR. COCKS: My next question is
17 regarding the access on Wells Road. You said
18 that you're going to have to move that another 10
19 feet down to meet the 150-foot requirement for
20 the intersection.

21 MR. MAY: Yeah. We're more than
22 willing to do that. I think, Bryant, you were
23 measuring from the center line of Fostertown down
24 to the center line of this particular road, which
25 is, give or take, 10 feet. We can adjust that

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easily.

MR. COCKS: My next question was the potential for a crosswalk from Fostertown Road going to the school. I know that has to be approved by the County DPW, but did you guys have any thought on that?

MR. CORDISCO: I think you're absolutely correct, it's going to have to be up to the County DPW, but we'll be happy to speak with them, and in conjunction with the school district, as we move forward.

MR. COCKS: Okay. Also, just take a look at where a bus stop is going to go. I know in Newburgh the kids in this particular development don't necessarily have to go across the street. There's going to have to be sidewalks connecting to Fostertown Road and also a bus stop area there.

My next is just regarding the affordable units. The requirement is for using the Town of Newburgh average salary. Did you guys obtain that and analyze what the numbers are going to be?

MR. CORDISCO: We've asked for that

1 data. We're in the process of obtaining it. It's
2 an interesting code provision, actually. I think
3 it says median salary. So that's what we're
4 trying to obtain. And we'll provide that with an
5 updated report as we move forward.
6

7 CHAIRMAN EWASUTYN: Where do you or who
8 gives you that information?

9 MR. CORDISCO: The Town's accounting
10 office.

11 CHAIRMAN EWASUTYN: Okay.

12 MR. COCKS: And just my last comment
13 was just a note that these plans have already
14 been sent out to the Orange County Planning
15 Department along with Orange County Department of
16 Public Works for the access on Fostertown Road,
17 and also the Town Highway Department who is going
18 to have to approve access on Wells Road.
19 With the Planning Board as lead agency, these
20 plans have been distributed.

21 CHAIRMAN EWASUTYN: Thank you.

22 Ken Wersted, Traffic Consultant?

23 MR. WERSTED: We've been looking at the
24 project relative to traffic, and we looked at the
25 density. The traffic study doesn't really

1
2 distinguish any difference in affordable housing
3 versus market-rate housing. The two, in this
4 instance, will pretty much generate the same or
5 equal rates between the 22 units and the
6 remainder of the units.

7 Our primary concern is basically the
8 access points out to Fostertown Road and to Wells
9 Road, the traffic study as well as, you know,
10 some sight distance issues. Some of those will
11 be addressed through the pure nature of
12 developing the site. Some of the vegetation
13 would be cleared to accommodate the access roads.

14 The specific distances that are
15 available, what the running speeds on those roads
16 are and how that compares to recommended
17 standards will have to be detailed, if the
18 project continues to move forward, through the
19 site plan approval process.

20 But at this time we don't have any
21 further detailed comments on the project.

22 CHAIRMAN EWASUTYN: Thank you.

23 Frank Galli, Planning Board Member?

24 MR. GALLI: To reduce it to the 22
25 units, are the 22 going to be one-bedroom units,

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are they going to be two-bedroom units, split up half and half?

MR. MAY: It will be a mix.

MR. GALLI: Some one-bedroom and some two-bedroom affordable?

MR. MAY: Correct.

MR. GALLI: Okay.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: In your earlier comment you said probably they would be spread around. In the future we want to know if they will be or not, rather than just probably so. When you talk about them later, nail that down for us.

MR. CORDISCO: We'll indicate exactly where they're going on the future plan.

MR. BROWNE: Just for the record, we are looking at a conceptual situation right now and trying to understand the conceptual, whether it's right or wrong for this area, is what we're trying to determine at this point in time. There is a huge need for this type of housing in this area. We know that. The Town is pushing it. The Town has been pushing it. It's very difficult to come up with housing that's

1
2 affordable for the average Town employee type
3 person. That's what this is all about.

4 So at this point in time, again this is
5 conceptual, and the detail that we're looking for
6 at this point is so we can understand from a
7 conceptual standpoint if it's feasible to move
8 forward.

9 CHAIRMAN EWASUTYN: Ken Mennerich?

10 MR. MENNERICH: In discussing the
11 conceptual plan, I would be interested in seeing
12 what Orange County Planning Department has to say
13 relative to affordable housing in this particular
14 location.

15 CHAIRMAN EWASUTYN: Thank you.

16 Joe Profaci?

17 MR. PROFACI: Other than judging
18 whether this is an appropriate location for this
19 type of housing, I have no other questions at
20 this time.

21 CHAIRMAN EWASUTYN: Tom Fogarty?

22 MR. FOGARTY: Just a follow up on what
23 Cliff Browne had mentioned. We understand this
24 is allowable under the R-2 zone. This is a 17 --
25 I think 17 1/2 acre piece of property which

1
2 allows for the number of buildings that are being
3 proposed, which is eight buildings with eight
4 units. That's the 64 units that are going to go
5 in the 6 1/2 -- approximately 6 1/2 acre piece of
6 property. So that's one of the concerns I have,
7 all right, is to continue to look to see is this
8 a proper place where 64 units can comfortably fit
9 in a 6 1/2 acre piece of property.

10 MR. HINES: Tom, I know you talked at
11 work session. I think you said it would be
12 helpful if you had the actual wetland size, the
13 buffer area and balance of the parcel left.

14 MR. FOGARTY: I would like to see that.

15 MR. CORDISCO: We can indicate that on
16 the future plan. I think I may have mentioned in
17 the past that we avoided disturbing any DEC
18 wetlands or its buffer as well. So we're staying
19 more than 100 feet away from regulated wetlands
20 on site.

21 MR. FOGARTY: Thank you.

22 CHAIRMAN EWASUTYN: John Ward?

23 MR. WARD: My question was in reference
24 to the affordable units of 22, how they were
25 going to be spread out throughout the project.

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You addressed that semi.

At the same time I was concerned to make sure you have 22 units that are going to be one and two-bedroom handicap accessible through the ADA compliant throughout ground level. Is that still in the plans, too?

MR. CORDISCO: Yes.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Okay. At this point I'll move for a motion from the Planning Board to declare itself lead agency for what will now be known as Fostertown Landing.

MR. MENNERICH: So moved.

MR. PROFACI: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

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CHAIRMAN EWASUTYN: Myself. So carried.

I would ask the applicant to provide a set of plans to Bryant Cocks, Planning Board -- Planning Consultant so he can refer them to the Orange County Planning Department.

I would also ask at this time that our consultants prepare a list of comments and recommendations they have to the Planning Board so we can consider a recommendation in referring this to the Town Board, which is a requirement, and that we schedule this for the first meeting in October -- I'm sorry, I don't have the date at this point -- to discuss our recommendation to the Town Board as it relates to the Fostertown Landing affordable housing concept.

Mike, is there something you would like to add to that?

MR. DONNELLY: No. I think you stated what it is you want. You want the Orange County Planning report.

Is there anything else that you need from the applicant so you will have before you everything at whatever level of detail is required so you can conduct those deliberations

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and handle that at that meeting?

By the way, the first Thursday in October is the 7th.

CHAIRMAN EWASUTYN: Thanks. That would be the 7th of October. I didn't have the date in mind.

Pat Hines, would you need something between now and the 7th? You referenced the DEC wetlands. Do you want to see that as far as making a recommendation?

MR. HINES: Yeah. I think they can provide us with the calculations so the Board has that information. We have the amount of wetlands in the EAF identified, but there's a significant amount of buffer area that has not been identified. How much of that is not usable?

Jerry and I were just talking. To check and make sure that there's not a flood plain or a flood zone associated with the rear property line there. So if someone can take a look at that. We have not yet.

CHAIRMAN EWASUTYN: I'll leave it for an open comment from any of our consultants as far as additional information they'd like to have

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between now and the 7th so they can advise us on their recommendation to the Town Board.

MR. COCKS: I don't have anything.

CHAIRMAN EWASUTYN: Anything that any of the Planning Board Members would like to have between now and the meeting of the 7th of October?

MR. GALLI: No.

MR. BROWNE: No.

MR. CORDISCO: In addition to the wetlands clarifications, we'll provide the plan that shows the location -- the proposed location of where the affordable units would go.

CHAIRMAN EWASUTYN: Thanks ever so much. I appreciate you bringing forth your representatives and providing us that information.

MR. CORDISCO: Thank you all very much. Good night.

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

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

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

DATED: September 27, 2010

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

----- X
In the Matter of

ROUTE 9W SHELL (GASLAND PETROLEUM)
(2009-09)

Route 9W and North Plank Road
Section 84; Block 1; Lot 2
B Zone

----- X

SITE PLAN

Date: September 2, 2010
Time: 8:03 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: CHRISTOPHER LAPINE

----- X

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

1
2 MR. BROWNE: The next item of business
3 is the site plan for Gasland Petroleum at Route
4 9W and North Plank Road, being represented by
5 Chris Lapine.

6 MR. LAPINE: Good evening, Mr.
7 Chairman, Members of the Board, and Planning
8 Board Consultants. My name is Christopher Lapine
9 from Chazen Companies representing the applicant,
10 Gasland Petroleum.

11 We were last before you in September of
12 2009 in which we presented the conceptual plan
13 for the parcels located at the intersection of
14 Route 9W and North Plank Road. These parcels
15 consist -- there are three separate parcels which
16 comprise 1.05 acres. They're made up of Section
17 84; Block 1; Lot 1.2 and 1.12.

18 When we were last before you the
19 applicant was under contract to purchase the rear
20 lot, which was the auto appraisers lot. He was
21 going to purchase that lot. We then moved our
22 project forward to the Zoning Board. At that
23 time we needed two variances we were requesting,
24 one for a front yard variance of 8.2 feet along
25 9W where 60 feet is required. We were looking

1
2 for a 22.4 foot setback for a proposed canopy
3 drive-through associated with the bank. We went
4 through approximately six months with the Zoning
5 Board. At the conclusion of that it was
6 determined -- we didn't feel that we were going
7 to obtain the front yard variance along North
8 Plank Road. The client then wished to modify the
9 plan and eliminate the bank use and go to purely
10 a convenience store. We since amended the plan
11 and went back to the Zoning Board. They granted
12 the approval for the front yard variance
13 associated with the canopy, and there was no
14 longer a variance necessary along North Plank
15 Road.

16 We've then come back before the Board
17 with a new site plan. Some of the changes that
18 we've made to the site plan I'll go over with you
19 right now. Previously we had a right in off of
20 9W and a right out. The right out off of 9W was
21 to -- the intent was to accommodate tractor
22 trailers. However, due to the close proximity to
23 the traffic light, there was some concern raised
24 by your traffic consultant. There was concern
25 raised by the DOT. What we ended up doing with

1 that is, we had discussions with the DOT and they
2 had granted conceptual approval for this as we
3 would have an egress lane purely dedicated to
4 tractor trailers which would access out onto
5 North Plank Road in order to get to the light.
6 This would be an optical curve. There are signs
7 that are posted there purely for tractor trailer
8 use, no passenger vehicles. Passenger vehicles
9 probably wouldn't attempt to use this because
10 they have to go up a six-inch curb in order to
11 access this. In order to distinguish it from the
12 other areas, we've proposed a stamped pavement
13 for that.

14
15 The other change that we've made here
16 was due to the proposed location of the egress
17 lane, we then shifted it three spaces, in this
18 location, to the front. We've erected a
19 retaining wall to shield the view of those
20 parking spaces, and we've added some additional
21 landscaping.

22 There was a comment made when we were
23 last before the Board regarding the parking in
24 the rear of the building, that the preference
25 would be to see it alongside the building as

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opposed to opposite of the building. If you recall, we had kind of a parking area out here. We took your comments into consideration and we relocated the parking adjacent to the building.

The access around this entire parking lot area is now one way.

By eliminating the bank use and shifting the parking, which was a good idea, we were able to obtain some more green space in the back, which we've created a larger barrier to the fence.

We've been working with the DOT and we have obtained a concept approval. We previously had a conceptual approval for our improvements, but also for our egress onto North Plank Road.

We've gone as far as with our design of detailing the grading, the site plan, the landscaping, the utilities associated with water and sewer. We've given concept for our drainage here.

We have not finalized our drainage design because we wanted to solicit the feedback of the Planning Board to make sure that you feel comfortable with the modifications we've made to

1
2 this layout. It's going to take us about a week
3 or so to go ahead with that stormwater design,
4 but it's really contingent upon this layout kind
5 of staying the way it is. That's why we wanted
6 to solicit the feedback before we proceeded.

7 CHAIRMAN EWASUTYN: Let's stop for a
8 moment, that way you can feel like you
9 accomplished something.

10 Is the Board conceptually comfortable
11 with what they see. Frank?

12 MR. GALLI: Yes.

13 MR. BROWNE: Yes.

14 MR. MENNERICH: Yes.

15 MR. PROFACI: Yes.

16 MR. FOGARTY: Yes.

17 MR. WARD: Yes.

18 CHAIRMAN EWASUTYN: And myself yes.

19 At this point I'll move for a motion to
20 grant conceptual approval for the Route 9W Shell/
21 Gasland Petroleum gas station.

22 MR. WARD: So moved.

23 MR. PROFACI: Second.

24 CHAIRMAN EWASUTYN: I have a motion by
25 John Ward. I have a second by Joe Profaci. I'll

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ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried. Thank you.

MR. LAPINE: Any other comments? Any other comments from the Members of the Board or the Consultants regarding --

CHAIRMAN EWASUTYN: At this point I'll start with the Planning Board Members and then we'll refer to the Consultants. Frank Galli?

MR. GALLI: No. I'm good.

CHAIRMAN EWASUTYN: Cliff?

MR. BROWNE: No. I had a question about the egress for the trucks, but you answered that because you got the six-inch curb and what not. I was concerned about cars trying to use that.

CHAIRMAN EWASUTYN: Ken Mennerich?

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ROUTE 9W SHELL

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MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: My question was about the curb also, so I'm good.

CHAIRMAN EWASUTYN: Tom Fogarty?

MR. FOGARTY: I had a question about right now you can take a left-hand turn out of that property onto 9W. My understanding is you can only take a right out of the property onto 9W?

MR. LAPINE: Onto 9W you can only take a left-hand turn.

MR. HINES: The other access --

MR. LAPINE: This is a right-turn in only.

MR. FOGARTY: Right-turn only. Okay.

MR. HINES: No right out.

MR. LAPINE: No right out.

MR. FOGARTY: No left out?

MR. HINES: Neither.

MR. LAPINE: No right or left out.

MR. FOGARTY: Okay. I get you. Okay.

MR. DONNELLY: Even better.

MR. FOGARTY: Even better.

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CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I want to say thank you for addressing my comments in reference to the back with the parking and the loading with the tanks. It's an excellent design the way you did it.

MR. LAPINE: Thank you.

CHAIRMAN EWASUTYN: Thanks. I think it's a nicely presented concept plan. I like the idea of your use of stonewalls and screening the parking, which the Planning Board is interested in having. I like the fact that, based upon the other comments from the ZBA, you have a fence that you're proposing to screen the commercial use from the residential use, so the public is being satisfied as that goes.

I think it may be time to poll the Board Members if they would like to have a public hearing or if they'd like to waive the public hearing on this.

Frank Galli?

MR. GALLI: I think with the location of it, I don't feel we need a public hearing.

CHAIRMAN EWASUTYN: Okay. Cliff Browne?

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MR. BROWNE: The same.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I don't think we need one.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: I'll waive it.

CHAIRMAN EWASUTYN: Tom Fogarty?

MR. FOGARTY: No.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: No.

CHAIRMAN EWASUTYN: And myself no.

Let the record show that the Planning Board, and it's discretionary with site plans, waives the requirement of a public hearing.

MR. GALLI: John, just another point. There's probably been numerous public hearings because of the Zoning Board. Probably just a reoccurrence of it.

CHAIRMAN EWASUTYN: Do you remember how many public hearings you had?

MR. LAPINE: I'd like to say six. There was one we had sent a letter in tabling it for the next month which they didn't receive on time. So I believe they still had somewhere

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between five and six.

CHAIRMAN EWASUTYN: Thank you.

At this point I'll turn to our
Consultants for their comments. Jerry Canfield?

MR. CANFIELD: John, I don't have
anything that the other consultants haven't
already picked up in their thorough reviews.

CHAIRMAN EWASUTYN: Thank you.

Pat Hines, Drainage Consultant?

MR. HINES: Just a couple of clean-up
items. I noted you're going to connect directly
to the City of Newburgh potable water supply.
You're going to need a letter for this Board of
permission from the City of Newburgh, and also
from the Town of Newburgh, just so that that's
coordinated. There's been issues in the past
where Town projects connect to the City water.

MR. LAPINE: I forwarded it to the town
engineer, and what he recommended to me was to go
to the City Of Newburgh and get letters of
approval for the water and sewer. So we are
initiating those steps.

MR. HINES: I couldn't locate the
sanitary sewer line.

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2 MR. LAPINE: Neither could we. We
3 looked through the records that the Town has.
4 The City of Newburgh does not have records on it.
5 We have to do some invasive exploring within the
6 existing building to locate that.

7 MR. HINES: Okay. My next comment was
8 the truck exit, which has been discussed already.

9 We did note that the stormwater
10 management plan has been shown schematically.
11 There is a proposed filtering system as it is a
12 DEC hotspot because of the fueling. We'll be
13 looking forward to that design being submitted.

14 The sprinkler and potable water lines
15 need to comply with the Town requirements that if
16 the sprinkler is terminated, the potable water is
17 terminated. Just a valve on the upstream side of
18 the potable water that terminates the sprinkler.
19 It's an indication that one or the other are off.

20 Along with your stormwater management
21 plan, the Town is requiring notes for an annual
22 inspection and certification of those stormwater
23 management facilities, especially those filtering
24 practices, be submitted to the building
25 department. That will be a note on the plan.

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Show the location of the petroleum bulk storage tanks so Ken can take a look at the truck traffic movements.

The North Plank Road culvert pipe is labeled as a twelve-inch in one location and eighteen in the other. If you can just confirm that.

MR. LAPINE: It's from the same surveyor. We're not the surveyor of record but we will rectify that.

MR. HINES: That's all I have.

CHAIRMAN EWASUTYN: Thank you.

Bryant Cocks, Planning Consultant?

MR. COCKS: Just to expand on Pat's comment about the underground storage tank, it has to be fifteen feet away from the property line. If you can just make sure they're further away.

In regard to the design guidelines, the Planning Board voted to waive the requirement for having the gas canopy in the back or on the side of the convenience store. That's due to the fact that it's an existing site.

MR. HINES: It's a corner lot. It's

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kind of hard to hide.

MR. COCKS: The other design guideline issue is they're proposing twenty-foot high lights. There's ten lights that go around the one-way loop road. So that would either have to be waived or lowered to the sixteen feet. I don't know if you guys took a look at how many more additional fixtures would be needed.

MR. LAPINE: We kind of looked at this as a parking area from the design guidelines. The design guidelines call for, in parking areas, twenty feet. We envision pedestrian lights from the guidelines which call for fifteen to sixteen feet I believe. I looked at pedestrian as, you know, adjacent to buildings. I've looked at parking, you know, the lights associated with parking as actually where patrons are going to park their vehicles or circulate their vehicles.

MR. GALLI: I would like to get clarification on that. Sixteen or twenty?

MR. COCKS: The Planning Board, on site plans like this, have used sixteen recently. So that's what we've been going on. The twenty feet were more for large shopping centers that just

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ROUTE 9W SHELL

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have, you know, large parking areas. Not for site plans like this.

CHAIRMAN EWASUTYN: In looking to establish a foundation, if need be, for our requirement for sixteen-foot lighting, we've recently granted conditional final approval to a Quik Chek gasoline station on Route 9W which was approximately four or five miles away. We're currently looking at another gas station located across from Stewart's on Carter Avenue and Route 9W, and the applicant there also is proposing sixteen-foot lighting. So being consistent with actions and activities before us now, I think the Planning Board would prefer to see lighting of that height.

MR. LAPINE: I would envision, Mr. Chairman, that we may have to add maybe a light or two to this, just to meet our photometric requirement. I'll solidify that in my next submission. I just want to be upfront with you right now.

CHAIRMAN EWASUTYN: Okay.

Anything else, Bryant?

MR. COCKS: Yes. Just could you put a

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better location map on the cover sheet? It was kind of hard to see the surrounding roadway areas on there.

MR. LAPINE: Absolutely.

MR. COCKS: In the next submission just put the surveyor's seal and signature on the site plans.

MR. LAPINE: Absolutely.

MR. COCKS: We did submit this to the Orange County Planning Department. I don't have any response letter. It was over a year ago so the thirty days have long since past.

Demolition permits will be needed for the existing buildings.

Other architectural drawings and a sign drawing are going to need to be submitted.

MR. LAPINE: There was one other comment I see in your letter regarding the location of a refuse enclosure.

MR. COCKS: Yes.

MR. LAPINE: They typically use front-end loaders, so they don't back into these spaces.

MR. COCKS: Okay.

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CHAIRMAN EWASUTYN: It's also automated.

MR. LAPINE: If that's acceptable with you, I'd like to keep that as is.

MR. COCKS: That's fine.

CHAIRMAN EWASUTYN: It's great they don't back in because the alarm system from that, it's somewhat contiguous to residential areas.

Ken Wersted, Traffic Consultant?

MR. WERSTED: I'll touch on two comments that I didn't have in my letter. One was the topographic survey shows the Town of Newburgh and the City of Newburgh -- the City lines are along the property line, and then on the site plan it shows a line down the center of North Plank Road labeled on the north side the Town of Newburgh zoning district, on the south side the City of Newburgh zoning district. So I'm just wondering if those are actually two different lines or just one common line.

MR. LAPINE: We can rectify that.

MR. WERSTED: Okay. The other point is North Plank Road, I believe, at one time was Route 32 but it doesn't -- I don't think it has

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2 that designation anymore. Route 32 traveling up,
3 overlapping 9W until you get to the other side of
4 84.

5 MR. LAPINE: That's an interesting
6 point because when we spoke to the surveyor of
7 record, he stated it still carries that but the
8 DOT informed us they no longer maintain the road.

9 MR. WERSTED: I think in general it's a
10 minor -- it's not a critical --

11 MR. LAPINE: They don't consider it
12 their road, the DOT, but apparently the name was
13 never changed based on DOT records. They just no
14 longer maintain it. We can work with the
15 surveyor on that.

16 MR. DONNELLY: Some say that's true of
17 all State highways these days.

18 MR. GALLI: That road is called North
19 Plank Road. It hasn't been called 32 since they
20 split it up with 84.

21 MR. DONNELLY: If their surveyor turns
22 it up this way, put reputed Route 32 or
23 something. You don't want him to be certifying
24 something that the legal records don't show to be
25 the case.

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2 MR. WERSTED: My other comment that
3 wasn't in my letter is on the site plan sheet
4 SP-2 there's a number of signs that are located
5 with a legend identifying numbers, but I didn't
6 see the legend on any of the plans.

7 MR. LAPINE: The legend is on SD-1. It
8 should accompany the traffic --

9 MR. WERSTED: On SD-1 I see some curb
10 details. I don't see -- I see some sidewalk
11 details. I don't see the actual sign legend. In
12 any case, you can get back to me -- I'm sorry. I
13 see it. It's on SD-2.

14 MR. LAPINE: SD-2 it's on. I'm sorry.
15 The sign schedule.

16 MR. WERSTED: In reference to the
17 entryway onto 9W, this is under the purview of
18 DOT, but right now it doesn't look like the
19 signing prevents anybody from turning left --
20 from Route 9W to turn left into the site from
21 that access. I recommend looking at that to --
22 it may require a no left-turn sign either on the
23 opposite side of Route 9W or on the site side
24 facing northbound traffic so anybody traveling
25 north who wanted to turn left in, they would see

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that sign and know it wouldn't be allowed.

MR. LAPINE: We'll coordinate that with their traffic consultant.

MR. WERSTED: Great. The other comments that I had, I think some of them were touched upon, that being the fuel tanks, the truck egress.

I had spoken with Phil Grealy and he had noted that one of my comments regarding the six-foot island, that's going to be removed on the plans.

There's a sidewalk shown across the frontage of the property. The sidewalks continue down 9W into the City. We recommend looking at providing some type of pedestrian accommodation across North Plank Road to facilitate pedestrians crossing or traveling along in that direction.

In the traffic study you appropriately increased the amount of traffic according to the size increase in the store. However, with two other gas stations right in the same vicinity, it's unlikely that the traffic will actually increase at the same pace. So it will probably be somewhat similar to how much traffic is

1 generated now but they would be attempting to
2 capture the customers who are already coming into
3 the site and selling them more services, namely
4 goods from within the convenience store.
5

6 The last comment that I had was just
7 regarding the access to North Plank Road and the
8 connections from that road down Crescent Avenue
9 and Jamison Place. Right now the traffic counts
10 show that there were some vehicles, approximately
11 ten vehicles, that enter and exit the store that
12 use Crescent Avenue and Jamison Place. It's not
13 clear whether those are residents of that area or
14 whether they're people cutting through to other
15 parts of Newburgh. We would suspect that that
16 would also increase not only within the larger
17 store. The traffic study had proposed or
18 estimated that that increase would go up from ten
19 trips to twenty-five trips going through that
20 neighborhood. We just made a note of that.

21 That was all of our comments.

22 CHAIRMAN EWASUTYN: Thank you. Any
23 additional comments from Board Members?

24 MR. GALLI: No additional.

25 MR. BROWNE: No.

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ROUTE 9W SHELL

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MR. MENNERICH: No.

MR. PROFACI: No.

CHAIRMAN EWASUTYN: Mike, is there anything you'd like to add?

MR. DONNELLY: No.

CHAIRMAN EWASUTYN: Thank you.

(Time noted: 8:23 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 27, 2010

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

----- X
In the Matter of

MID VALLEY MALL
(2001-13)

Release of Landscape Performance Bond

----- X

BOARD BUSINESS

Date: September 2, 2010
Time: 8:23 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- X

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

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CHAIRMAN EWASUTYN: We just have one item of Board Business, and that's a landscape bond release.

Bryant.

MR. COCKS: This is for the Mid-Valley Mall, \$20,000 for the release of the landscape performance bond.

CHAIRMAN EWASUTYN: I'll move for a motion from the Board to grant a release of the \$20,000 landscape bond for the Mid-Valley Mall.

MR. GALLI: So moved.

MR. PROFACI: Second.

CHAIRMAN EWASUTYN: I have motion by Frank Galli. I have a second by Tom Fogarty.

MR. PROFACI: Joe Profaci.

CHAIRMAN EWASUTYN: All right. Joe Profaci. Thank you. A motion by Frank Galli, a second by Joe Profaci. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

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MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself.

I'd like to thank you all for attending. I'll move for a motion to close the Planning Board meeting of the 2nd of September.

MR. FOGARTY: So moved.

MR. WARD: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 8:26 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 27, 2010