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

----- X

In the Matter of

MARKETPLACE AT NEWBURGH - THE LOOP
(2004-54)

Route 300 & Route 52
Multiple Sections, Blocks and Lots
IB Zone

----- X

AMENDED SITE PLAN
ARCHITECTURAL REVIEW BOARD

Date: September 17, 2015
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JOHN BAINLARDI

----- X

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

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MR. BROWNE: Good evening, ladies and gentlemen. Welcome to the Town of Newburgh Planning Board meeting of September 17, 2015.

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

MR. GALLI: Present.

MR. BROWNE: Present.

MR. MENNERICH: Present

CHAIRMAN EWASUTYN: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

MR. BROWNE: The Planning Board has professional experts that provide reviews and input on the business that's before us, including SEQRA determinations as well as code and planning details. I will ask them to introduce themselves at this time.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield, Code

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Compliance Supervisor, Town of Newburgh.

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

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

MR. BROWNE: Thank you.

At this time I'll turn it over to John
Ward.

MR. WARD: Please stand to say the
Pledge.

(Pledge of Allegiance.)

MR. WARD: Please turn off your phones
or on vibrate. Thank you.

MR. BROWNE: Our first item on the
agenda this evening is The Marketplace of
Newburgh, also known as The Loop, project number
2004-54. This is for an amended site plan and an
ARB, being presented by John Bainlardi.

CHAIRMAN EWASUTYN: Please, John.

MR. BAINLARDI: Good evening. John
Bainlardi, Wilder, Balter Partners. We are the
joint venture partners for what was formerly
known as The Marketplace of Newburgh.

When we were last before your Board in

1
2 May we presented a dual application, an
3 application for an amended site plan, site plan
4 amendment number 5, and at the same time we also
5 presented a revised conceptual architectural
6 design for the project. The Board acted on that
7 second application with an approval of the
8 amended design for the architecture and for the
9 site, including a comprehensive signage plan. We
10 then had the application for site plan approval
11 referred to the County, and subsequently received
12 back the comments, which were pretty similar to
13 the comments we received in prior submissions for
14 site plan amendment number 4 and number 3. We
15 also worked with your Board's consulting
16 engineers to go through any traffic or other
17 comments they may have had. We're in receipt of
18 their memos. We've modified the plans in
19 response to the initial comment memos. We
20 submitted those back in June and then we received
21 follow-up memos with some minor comments which
22 we've been working with your consultants and can
23 address.

24 We think at this point we've addressed
25 substantially the comments. Anything that's left

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over, the current outstanding memos were prepared to address as a condition of approval, if your Board is so inclined to act on that matter.

Again, just the big picture is we made modifications to the site plan really to address specific tenant requirements now that we've identified and entered into lease agreements with a number of the major tenants and some of the other tenants.

I think that's pretty much the summary.

CHAIRMAN EWASUTYN: I'll start with the Board Members and then we'll introduce Ken Wersted.

Does anyone here have any comments or questions that are follow-ups on this?

MR. DOMINICK: John, when do you propose startup, like the traffic circle at 52 and Meadow Avenue?

MR. BAINLARDI: We would look to start that at the outset of construction. So when we would commence site work on the interior of the site, we'd like to do that simultaneously. There's a few reasons for doing that. One, the access points need to be completed as a condition

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of being able to open the first building, and there will be some lead time there in coordinating that. Also, access to the site for construction and site work, we'd like to have, at least initially, as much of this work completed as we can so that it helps us to coordinate access to the site as the construction ramps up and more contractors and tradespeople are entering the site.

Our expectation is that from the commencement of the offsite work we're looking at probably a four to six-month process to work through that. We've already had our pre-construction meetings with the DOT, with the utility companies. There are some utility poles that will need to be relocated as a consequence of doing this work up in here. Some of the utilities have already been relocated out at Route 300 a few years back. Central Hudson, as part of an upgrade along Route 300, relocated the poles, and they set those poles in conformance with what we had on the plans, so everything works there.

The only thing that's left there is for

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Verizon to relocate their equipment. We've met with them, we've received their proposals for the work, the relocation work, and we're satisfied with that. So we're working to a budget and it's pretty far along.

At this point it's really just a question of completing the last few of the lease-ups so that we can get to a closing on the financing and proceed.

We're going to be making an effort here to actually start some work again on the site in preparation for some blasting. We want to try to see if we can do that in advance of the winter weather so that we have our erosion and sediment control in place so that we can hopefully work through the winter.

MR. DOMINICK: Thank you.

CHAIRMAN EWASUTYN: John?

MR. WARD: Basically you're going to try to start construction in the beginning of the winter?

MR. BAINLARDI: Well, our feeling on this is that, you know, in construction anything that you can get done now may save you two days

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later. If it makes sense, you know, in coordination with McGoey, Hauser's input as the site monitor here, I think what we're going to try to do is get out there, get some work done that makes sense to get done now while the weather is good and put ourselves in a position to be able to do things. If we wait too much longer or if circumstances and the financing dictate that we can't move forward, then we're going to get pushed into the spring. So we're really trying to work hard now to at least get a head start now and get going because we really -- we're pushing hard to have this be a 2017 opening.

CHAIRMAN EWASUTYN: Ken?

MR. MENNERICH: John, since the last meeting in May have there been new tenants added in the latest plan?

MR. BAINLARDI: Yes. There's been a lot of positive movement where we took a lot of tenant interest from the initial coordinating stage into agreed letters of intent that have been signed. A number of those deals have also progressed up to lease, preparation of

1 negotiation which is a critical point. Usually
2 to get there you have to get through real estate
3 committees for the tenants to get the business
4 deal signed off on before they'll start spending
5 money in lease negotiations, which also requires
6 a lot of preparation of exhibits and really
7 working on their buildings and the facilities
8 around their buildings that service those
9 buildings. So there's been a real nice shift and
10 a lot of positive momentum there. In addition,
11 the smaller stores, the apparel, the boutiques,
12 they're always waiting for the big pieces to come
13 into play. They want to know who else is coming
14 and the co-tenancy. They want to know co-
15 tenancy. After the shopping center convention in
16 May out in Las Vegas there's been a lot of really
17 good progress there.

18
19 We did have one slip here along the
20 way. After our last meeting with one major
21 tenant, they took a pause. We thought we were
22 pretty close. We had pretty much negotiated the
23 lease. I don't want to identify who it is but
24 we've been meeting with them over the last month
25 and I think we've got that deal back on track.

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We'll know on September 25th if that's been approved. We think the business deal has been resolved and that should permit us to continue to move forward on the financing.

MR. MENNERICH: The ARB approvals listed, what part of that are we doing tonight? We did some back in May.

MR. BAINLARDI: That I think is done. There was an approval resolution and that's all done.

MR. HINES: That heading was a remnant of the previous site plan, the ARB. That's what it was labeled last time. It just got added on the agenda that way.

MR. MENNERICH: I thought when we approved it it was going to be subject to change based on the new tenants.

MR. HINES: If they have tenant changes they have to bring those in.

MR. BAINLARDI: What we would start doing next is we'll start coming in with actual formal applications for ARB approval for the individual tenants. Some of the tenants who are in that conceptual design as was presented were

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based on actual tenants and their actual facades and things. As the prior approvals on the site plan, it's always been a condition that we have to come back to the Board in each instance for formal ARB approval, at which time we would present all four facades of the buildings, demonstrate that the mechanical equipment and other things are properly screened, and also we would be doing at that time inside the curb line on each building with the hardscaping and landscaping around the individual buildings.

MR. MENNERICH: Thank you.

MR. DOMINICK: One more. John, I'm sorry, you were going to put a traffic signal east and westbound on 52 in front of the fire department. Was there any progress with that?

MR. BAINLARDI: There's been progress with that. We submitted a conceptual design initially and we worked with the fire department. The fire department provided information to the State that the State needed in order to determine whether or not there was a need. We think that design has been advanced. Essentially what would occur -- you can't see it on this plan but

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basically right in this location is where the fire department is. There will be two small signals, both on 52, one facing north and one facing south. That will permit the fire department to control from the building when they're coming in and out of their facility.

MR. DOMINICK: Thank you.

CHAIRMAN EWASUTYN: Anybody else?

(No response.)

CHAIRMAN EWASUTYN: Ken Wersted, do you want to summarize traffic for us, please?

MR. WERSTED: We reviewed the plans that they submitted. We provided a comment letter in July. I spoke to Mark Gratts about those comments and he answered a lot of my questions.

I think the only plan change that we had was a small crosswalk near one of the buildings, getting that to line up with the front of the building. As that's addressed, that covers all of our comments. Everything we had has been addressed.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: All of our outstanding

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comments have been addressed. Again, a lot of the changes were tenant driven. Nothing substantial, it's all in the same footage. The square footage has been reduced over time to the point we are at now. We don't have any outstanding comments on this fifth amendment.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: I have nothing outstanding.

CHAIRMAN EWASUTYN: Mike, would you summarize for us, please?

MR. DONNELLY: If I could, just a couple of questions first.

John, I don't see it in the file but in the resolution, in the introductory section I'd like to have a set of bullets that define what the changes are in this fifth amended site plan. You can e-mail it to me.

Number two, since I want to make sure I get the plan set correct, if you could, as an Excel table or something, send me the current plan set to make sure I get it correctly.

I had just one other question and that

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is about the County's comments. They had three jurisdictional comments -- I'm sorry -- two, transit access and pedestrian access. Have you incorporated their suggestions into your plan or are we not doing so and we need to state a reason why?

MR. BAINLARDI: We did so. In fact, we did so as part of site plan amendment number four.

MR. DONNELLY: I thought so. These look just like the answers we got.

MR. BAINLARDI: It was a regurgitation of what was --

MR. DONNELLY: It looked like it because it referred to the 2014 letter. We'll recite the same answer there.

The resolution is fairly simple. We'll carry over all of the conditions of the earlier site plan approvals without restating them. I think given that we're now going to go through probably a series of more discrete amended approvals, I'm going to try to -- in the areas where we recited all of the history, I'm simply going to say the history of this project is

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contained in the resolutions on file in the Building Department. The resolutions are getting longer than they need to be for the nature of the changes. I don't get paid by the page so it's not for that reason. I think to make it workable, I think we need to just say all of the other conditions are carried forward, which means that there really aren't any other new conditions here. We just carry forward all the other ones, we'll properly recite the nature of the changes, the plan set information. That's really all that's going to be in there.

CHAIRMAN EWASUTYN: Having understood the presentation that Planning Board Attorney Mike Donnelly presented to us, I'll move for a motion to approve the amended site plan for The Marketplace at Newburgh, The Loop.

MR. DOMINICK: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion made by Dave Dominick. I have a second by John Ward. Any discussion of the motion?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a

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MARKETPLACE AT NEWBURGH - THE LOOP

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roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So
carried.

MR. BAINLARDI: Thank you.

(Time noted: 7:15 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: October 10, 2015

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

----- X

In the Matter of

MATRIX BUSINESS PARK AT NEWBURGH
(2015-26)

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

----- X

SITE PLAN

Date: September 17, 2015
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
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: DAVID EVERETT

----- X

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MR. BROWNE: Our next item of business is Matrix Business Park at Newburgh, project number 2015-26. This is an initial appearance for a site plan, being presented by Langan Engineering, Environmental.

MR. EVERETT: Good evening. My name is Dave Everett, I'm legal counsel for Matrix Development in this matter. I'm with Whiteman, Osterman & Hanna in Albany, New York.

I thought we could do some brief introductions. We have with us tonight Ken Griffin who is a principal with Matrix Development. Sitting behind him is Ray Aquino who is the director of development with Matrix. From Langan Engineering we have Chuck Utschig who is going to be presenting the site plan tonight for you folks. We have Jerry Sigaris, also from Langan Engineering as well.

We're here tonight for site plan approval, or at least to begin the process of site plan approval for --

MR. DONNELLY: I appreciate that correction.

MR. EVERETT: -- for a warehouse

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distribution center on Route 17K across from Orr Road.

What we'd like to do, if it's okay with you, is I'd like to have Ken get up and maybe give a brief overview of Matrix and his company and then the project and the proposed tenant for the project. I think it would be helpful to provide some background information to the Board. Then we'd like to have Chuck get up and present the site plan to you folks and answer any questions you might have. At the end, you know, if the Board is amenable, we'd like you to consider issuing a notice of intent to be the lead agency under SEQRA. We're also going to be requesting a handful of area variances related to the project, which Chuck will go over when he does his presentation. We'd like to get a referral from you folks, if you are amenable to that, to the Zoning Board of Appeals so we can begin that process with the Zoning Board. We'd also, I guess, like to provide the notices to the neighbors within 500 feet if you think that's appropriate at this time.

So I guess with that introduction I'd

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like to turn it over to Ken and let him talk about Matrix Development.

MR. GRIFFIN: Matrix is a private real estate development company. We were founded in the late '70s in central New Jersey. We have a lot of different types of projects. We have high rise office, residential, golf courses, distribution facilities and a little bit of retail. Really over the years distribution facilities have been the bulk of our business. We have facilities similar to this up and down the Turnpike in New Jersey, in Pennsylvania. Obviously we're trying to develop this here in Newburgh. We have properties in basically Pennsylvania, New Jersey and New York.

We acquired this piece about six years ago. We were fortunate enough to sign a lease with a company, AmerisourceBergen, which is a Fortune 20 pharmaceutical distributor.

The proposed building is a typical distribution facility in many ways, however the interior is proposed to be highly sophisticated for a distribution facility, AmerisourceBergen, and we'll be spending a lot of money on the

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interior, highly mechanized conveyors and sophisticated air control systems and HVAC systems because of the nature of their product.

Essentially it's boxes in, boxes out. No manufacturing. It's kind of a straightforward operation.

The building is proposed to be 565,000 feet. AmerisourceBergen has committed to take over two-thirds of it. We have an additional 150,000 feet for either AmerisourceBergen to expand into or lease to a different distribution facility. We are very familiar with them. We have done many of these buildings, so we understand how to build them for the prospective tenants. That's been factual in the design.

So that may be -- unless you have any questions, Chuck can talk about more details on the application.

CHAIRMAN EWASUTYN: Any questions up front from Board Members?

MR. GALLI: I'm good.

MR. BROWNE: Not yet.

MR. UTSCHIG: Good evening. Chuck Utschig with Langan Engineering. I'm going to

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try to quickly walk you through and give you an overview of the site plan and what we see to be the major components to it.

First I think I'd like to get you orientated to the site and the surrounding areas. Route 17K is to the south of our site. I'm guessing most of you are familiar with this but I figured I'd walk through it real quickly. Interstate Route 84 is to our east, 84 is to our north, the ramp to 87 is kind of carved out in a corner of our property, then you've got Corporate Boulevard and the related development that exists there to our west.

Access to the site is from Route 17K. We have aligned our driveway across from Orr Avenue. We have started initial discussions with DOT. It's a State road so we'll need a State road permit. Those discussions are just starting to move along. The access drive into the site is approximately 1,800 feet in length and it slopes up to the site at about 5 percent. It's a fairly gradual slope but it is a long driveway.

Once you get into the site, the building, which is one building as Ken described,

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there's a current tenant that's going to occupy about two-thirds of it and their footprint is pretty set. This line identifies kind of the additional space. We called it area -- I think it's area A and B.

The circulation around the site. It's got full circulation. We have a circulation drive that goes around the entire perimeter of the building. There's a total of about 365 parking spaces. That accommodates not only the tenant but the expanded space.

There's about 85 or so truck loading spaces as part of that. The way the parking is divided up, there is about 200 or so spaces that are assigned for the employees of the tenant, and that's a controlled parking area. There's another 35 or so parking spaces that's allocated for visitors. The rest of the parking spaces are distributed around the building.

For the tenant, all of the loading spaces are located on the west side of the building. We've designed the circulation so that the tractor trailers can circulate the entire site. Each of these spaces have been designed so

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the tractor trailer can make the maneuver necessary and come back out the way they came in. A lot of the pavement areas are fairly wide. If you look at the details of the site plan you'll see they accommodate the movements that are necessary for this type of operation.

There's also nothing really special about this building other than those components. It's a fairly straightforward operation. It's boxes in in bulk and it's redistributed inside and then it goes out as it's been redistributed. It's not a really complicated process as part of this building.

The other space is really just currently designed to be a similar type of warehouse distribution facility. With no tenant specific yet, we basically designed the space to meet your code requirements, the right number of parking spaces, adequate number of loading spaces.

The other thing that I'd like to point out about this plan is you can see the darker green areas are our stormwater management facilities. They're fairly extensive. We do

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have about 51 acres of disturbance and we've got about 25 acres of impervious area on this site. We have a fairly extensive stormwater management system. We've submitted a SWPPP to your consulting engineer for his review. We're conscious of the fact that we drain towards the City of Newburgh and their drinking water supply, and we have designed our system to be a little bit more controlled for water quality purposes than say the standard New York State DEC criteria, which I believe is a goal of this Board, to accomplish that kind of additional stormwater quality treatment.

Utilities into the site come from Route 17K. We bring our water into the site. There's a full distribution system around the building with the appropriate fire hydrant spacing. We bring sanitary sewer in from Route 17K. We also bring in the rest of our kind of overhead utilities. The power is coming in overhead up to the main point in the site along with the rest of the telephone, communication, cables at which point it's then distributed into the building.

We do have some minor variances that

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2 we're hoping to be considered for. The maximum
3 building height permitted in this zone is 40 feet
4 and our building height is 45 feet. That's
5 really driven by the nature of the operation
6 inside the building. The equipment that they use
7 inside of these buildings is very complicated,
8 and that's one of the reasons it drives the
9 height of this building. So we are 5 feet above
10 the allowable height, and we'll be asking for
11 that variance.

12 We also are looking for a variance from
13 your sign regulations. We're allowed a little
14 over 200 square feet of signage for this fairly
15 large facility. I think if you kind of look at
16 what signs we are proposing and where we are
17 proposing them, they're not necessarily
18 excessive, it's just the size of this facility.
19 We have a single entry sign at our driveway, we
20 have a directional sign when you come up into the
21 site, and then there's signs proposed on the
22 corners basically of each of the buildings. We
23 do have a series of signs. It's just when you
24 start to add it up, we do exceed your criteria.

25 There's also a provision in your code

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that deals with grading on slopes in excess of 25 percent. We do have slopes on this site that fall in that category and we are creating slopes that are steeper than that. We need relief from that code criteria.

That's kind of a general overview. I'd be glad to answer any questions about the site plan itself, if there are any.

CHAIRMAN EWASUTYN: Questions from Board Members?

MR. GALLI: Not yet.

CHAIRMAN EWASUTYN: We'll open up the comment period from our consultants with Pat Hines.

MR. HINES: I have numerous comments. I'll just hit the highlights. I know the applicant's representative has them.

The first one being that the Board should declare it's intent for lead agency to begin the SEQRA process. Lead agency coordination should include DEC as a Type 1 action, the New York State DOT, the Thruway Authority, the FAA/Port Authority as it's in the airport overlay. In addition, the City of

1
2 Newburgh has it's flow acceptance letter that
3 will be required. There's an Orange County
4 Planning referral and the Health Department will
5 need to approve the water mains. I believe those
6 are all the agencies, unless the applicant's
7 representative knows of additional ones. We'd
8 recommend that.

9 The long form EAF identifies, through
10 the Natural Heritage Foundation, the multiple
11 threatened or endangered species potentially
12 using the site. It references a report done by
13 Langan Engineering regarding those. I would like
14 to include that in the circulation to the lead
15 agencies so we can address that comment early on.

16 A design comment is the need for
17 emergency access and water main, if there's a
18 potential to provide an emergency access and a
19 water main from the Corporate Boulevard
20 cul-de-sac. I'm not expecting an answer now.
21 Just as a design consideration, if that could be
22 provided it may benefit the water flow to the
23 site and the jurisdictional emergency services as
24 well. Just to put that out there as a
25 discussion.

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We do need the jurisdictional determination from the Army Corp of Engineers. I know it's dated December 2011. We don't have that for our files. If we can get that.

At work session the Planning Board discussed the need for construction phasing. If warehouse A, as it's depicted on the plans, is constructed first prior to warehouse B, we'll need to know what that area for warehouse B is going to look like. We also need a definitive construction phase for the Code Department to know what they are issuing a CO for, what improvements are going to be constructed for warehouse A and what improvements will be only required should warehouse B -- I know there may be a potential that they're both constructed at the same time. We need to make sure if warehouse A comes first and it's going to be constructed and get the CO first, the site can stand alone, and also what the site is going to look like should warehouse B come whenever down the road.

You mentioned a height variance. Also in the lead agency coordination the FAA and Port Authority are going to be important agencies here

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due to the proximity of the airport and the height of the building.

The City of Newburgh flow acceptance letter is going to be required. They've shown some interest in this project already being it's in their watershed. We did receive the slip and did note that there is the provision, as the Board often requires of projects within the watershed, of the 110 percent treatment of the water quality volume. That has been incorporated into the stormwater pollution prevention plan and that is under review by my office.

I have some other technical comments but those are the highlights for this schematic phase.

CHAIRMAN EWASUTYN: Okay. Chuck, do you have any questions or comments?

MR. UTSCHIG: No. We were lucky enough to have privy to the comments ahead of time. For example, we have contacted the FAA, we have started that discussion with them. We would like to discuss some of the idiosyncrasies or the nuances that go with access to Corporate Drive.

I think the answer is we've gotten the

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comments. I think we'll be able to address them all.

CHAIRMAN EWASUTYN: Thank you.

MR. DONNELLY: You mentioned the need for a variance for slopes. We were, at the work session, trying to figure out where that code provision is and whether it's part of the design guidelines, which is waivable by this Board, or whether it requires a variance. Do you have the section number or --

MR. UTSCHIG: It's part of the design guidelines I'm pretty sure. I've raised it as a variance. It may be a waiver that this Board can grant.

MR. DONNELLY: I think if it's part of the design guidelines it can be waived by this Board.

MR. UTSCHIG: We'll have to verify that.

MR. HINES: You had me stumped. I can tell you that.

CHAIRMAN EWASUTYN: Mike, while you're speaking would you outline, I believe at this point it's two variances that we know that you'll

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be preparing a referral letter for.

MR. DONNELLY: Sure. The maximum building height, you mentioned 45 feet where 40 is the maximum allowed. A sign area variance, and I thought I saw the need for two freestanding signs but I think I heard you only mention one.

MR. UTSCHIG: Two. There's one freestanding sign and there's one directional sign.

MR. DONNELLY: The directional signs I don't think --

MR. HINES: If it's truly directional. If it has advertising -- if it says load and deliveries, that kind of directional. If it has your tenants' names on them, then it could be construed as a second freestanding sign. I don't know what that sign looks like. I haven't seen it.

MR. UTSCHIG: The signs will likely be such that they'll identify a tenant and the direction. I guess we need an interpretation if that is truly a directional sign or if that falls under the category of a freestanding. If it does, then we would have two freestanding signs

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where one is allowed.

MR. HINES: It sounds like two.

Directional signs have a limited size.

MR. UTSCHIG: Probably for purposes of this discussion we should --

MR. DONNELLY: We'll refer it for two freestanding signs where one is permitted. If you're successful in also applying for an interpretation that it is not a second one, that's something you can discuss with the Zoning Board. We'll send you there for two.

MR. UTSCHIG: Very good.

MR. MENNERICH: Can I ask a question? The intent of the directional signs with the name on it, is that just for the trucks that are going in or is that for people on 17K to be able to see it?

MR. UTSCHIG: No. This is for people -- we're 1,800 feet into the site.

CHAIRMAN EWASUTYN: Why don't you show where that is on the plan so we have a better understanding.

MR. UTSCHIG: I'll use this one. The freestanding identification sign at 17 sits out

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right in the driveway. The directional sign that we're talking about sits up here at the intersection of our driveway, in essence the loop around. The intent really is to say Amerisource trucks to the left, visitors straight ahead. It's that kind of a sign. So it will have names on them, because a new tenant will be listed, and it will say go straight ahead for a new tenant potentially. That's the intent of it. It's if somebody gets to that intersection, it's to help them understand which way they should be going.

MR. HINES: It exceeds your directional sign sizes. It's 80 square foot there. I think it's going to be considered a freestanding.

MR. CANFIELD: Directional signs are 3 square feet is what's permitted.

MR. UTSCHIG: We're a little bit bigger than that.

MR. CANFIELD: Also the sign on 17K, you should calculate -- it's double faced so it would be 160 square feet as opposed to 80.

MR. EVERETT: To address your comment before about the steep slopes. I was thumbing through the code quickly. Section 185-31,

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stripping and filling of land. It says slopes greater than 25 percent shall be terraced. We have slopes that are greater than 25 percent that aren't terraced. We're not sure if this provision is actually applicable. We were looking for some guidance from you as to whether or not that is relevant.

MR. DONNELLY: That's not a design guideline section.

MR. EVERETT: It is in the Zoning Code.

MR. DONNELLY: All right. We'll include that so jurisdictionally you can take that up. If we look and see it applies, you won't need to do that.

MR. HINES: You do have one retaining wall into that slope.

MR. EVERETT: If you guys interpret it that way and you don't think we need a variance --

MR. HINES: If it's going to be a question, we can refer it and have the Zoning Board interpret it.

MR. DONNELLY: I'll include that.

MR. CANFIELD: That section also,

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though, refers you to Chapter 86 which deals with clearing and grading, which I believe that's also a part of your request at some point in the near future. I think it's going to still refer us to the clearing and grading section which will address that.

MR. EVERETT: If your position is that it relates to that section, that section is outside the Zoning Code. There wouldn't be a variance needed for that section because it's outside the Zoning Code. Again, we're looking for some direction from you guys on how you want to handle that.

MR. DONNELLY: I'll include it in the letter and we'll see if we can give you some clarification.

MR. CANFIELD: Let us research that.

MR. EVERETT: Thank you.

CHAIRMAN EWASUTYN: Jerry, while you have the floor would you like to make any comments?

MR. CANFIELD: No. I have nothing additional.

CHAIRMAN EWASUTYN: Ken Wersted,

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Traffic Consultant?

MR. WERSTED: Continuing with the sign discussion. As you guys were speaking about it, you have that directional sign at the top of your driveway and you split to the left around the building. You may want an additional sign after that second parking lot to describe that this is for the first tenant employees and if you're going to the back tenant, to continue straight around to the back section of it.

In addition to that, I sent my memo over, there are some details that will get added, obviously, as the plans are progressed. One of the comments was just a little more description about how the tenant will operate, and Ken discussed that a little bit.

One of the comments we had, are you bringing in say large boxes that are then broken down into smaller boxes and then distributed out to local places?

MR. UTSCHIG: That's the basic program. They're large boxes of aspirin or whatever kind of drugs they're distributing. They break it down into small boxes and then they go off to

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drug stores or hospitals.

MR. WERSTED: We theorized about that a little bit. It sounds like it's consistent.

One of my questions was the hours of operation. I think in the EAF it talked about being a twenty-four hour operation. Will you have shift changes? Will you have a heavy day crowd and lighter overnight? What are some of those kind of characteristics?

MR. UTSCHIG: There's obviously two spaces for the expansion space. We don't know the tenant. We have to assume, you know, twenty-four/seven. There could be shifts for AmerisourceBergen. I believe there are two shifts. I don't think they operate Sundays but I can get those details.

MR. WERSTED: Thank you. We had talked about -- obviously you're involved in discussing the operation with DOT. There's a concept plan included in the preliminary traffic study with some improvements out there to gain access to the site. With that in mind, you had identified two intersections as preliminary intersections, that being Route 17K and Orr Avenue and Route 17K.

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The study calls it McDonald Avenue but I think on the actual official title it might be McGuire Avenue or McGuire Way. Google Maps might have it wrong.

In the context of that, sixty percent is estimated to go to the east. As we get involved with the discussions with DOT we'll want to look at those intersections.

We also noted that there's another project on later tonight and they're kind of two doors down to the west, which is the Kia dealership. They're going to have access out to Route 17K, the existing traffic light. There's a parcel in between you guys, then you have your site and then you have another couple of parcels down to the east. Opposite the gas station is Crossroads Court which has a couple projects located in there. They are monitoring the traffic in terms of whether they'll need a traffic signal or not. With all of this development in mind along this corridor, it probably would be prudent to look at how all these driveways could possibly access this road and how the striping and improvements would all

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kind of measure together so we're not looking at it here's one entity, this is what we'll do, here's your entity, but looking at it in the context of the whole corridor.

To that extent, that addresses all of our comments.

CHAIRMAN EWASUTYN: Thank you. Any further comments or questions from Board Members?

MR. GALLI: No.

MR. WARD: John.

CHAIRMAN EWASUTYN: John Ward.

MR. WARD: At the work session it was noted about forty-foot poles for the lights and all.

MR. HINES: We discussed about the overhead -- bringing the utilities overhead, the electrical utilities. That's interesting. We haven't seen overhead utilities new being put in anywhere in Town. If you can discuss that.

MR. UTSCHIG: The proposal is to bring in overhead lines for our utilities on a conventional pole line up into the site to a point where they'll then go underground. In the case of the electric, they'll go down the pole to a transformer and underground from the

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transformer into the building. Similar for the other utilities. We currently are proposing that as to how we're going to get our electric, our phone, our communication lines into the site. As part of those poles we are proposing to mount light fixtures to light the road coming up.

One of the things that comes along with this kind of an operation, the security part of it, the movement of the tractor trailers, the lighting requirements are fairly substantial. We are proposing forty-foot poles around the site that point basically in towards the building. The other thing that happens is these are not conventional twenty-four foot wide aisles with eighteen-foot parking spaces. These are deep loading spots with fairly wide drive aisles that allows the trucks to make the movements. When you create that expanse of pavement you start to run into an issue of trying to make sure you can get good light coverage. That's the rationale behind the design. We are proposing overhead lines coming into the site.

MR. GALLI: Have you spoken to Central Hudson about that?

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MR. UTSCHIG: Yes. Believe it or not, their tariff still allows overhead lines to be brought in.

MR. WARD: When you said about where the trucks are, we have other facilities where they added more lighting. Instead of going to height they balanced it out with more lights. We have guidelines for a reason. That's why I'm saying it.

MR. UTSCHIG: We can look at that design feature.

MR. WARD: You're going to be exposed with 84 and everything else. It's going to be lit up twenty-four/seven. It's important not to be with the planes and everything else.

MR. UTSCHIG: Okay. We'll look at that design feature and see what we can do with it.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Michael Donnelly, you will be preparing the referral letter to the Zoning Board of Appeals; --

MR. DONNELLY: I will.

CHAIRMAN EWASUTYN: -- correct?

MR. DONNELLY: Yes.

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CHAIRMAN EWASUTYN: At this point the Planning Board will declare it's intent for lead agency. Involved agencies that we'll be circulating to, help me along, will be the New York State DEC, the New York State Department of Transportation, the Thruway Authority, the FAA/Port Authority. Involved agencies that we have are the -- interested agencies would be Orange County Planning Department, the City of Newburgh and the Orange County Health Department. Anything else?

MR. DONNELLY: You mentioned the Thruway Authority?

CHAIRMAN EWASUTYN: Yes.

MR. DONNELLY: I think the City flow acceptance letter probably qualifies them as an involved agency.

MR. GALLI: The fire district?

CHAIRMAN EWASUTYN: The fire district is -- we're handling that internally through Jerry Canfield.

MR. CANFIELD: Yes. The jurisdictional fire district, which is the Orange Lake Fire District, has received the plans as we received.

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CHAIRMAN EWASUTYN: And Mr. Everett, you had mentioned earlier that you'd like to circulate as early as possible the informational letter to within five hundred feet. Although you list that outline on the cover sheet of your site plan, we'll just coordinate that one more time with Pat Hines.

MR. EVERETT: Sure.

MR. HINES: My office will prepare that and we'll coordinate with the assessor's office to generate the official list of the properties. I can work with Langan's office on it.

MR. EVERETT: Great.

MR. DONNELLY: Is it too early to send it to the County Planning Department?

CHAIRMAN EWASUTYN: Yes. There's one extra set for Pat Hines. He may need additional sets for circulation.

MR. HINES: I'm going to need eight additional sets.

CHAIRMAN EWASUTYN: At this point I'll move for a motion from the Planning Board to declare our intent for lead agency and to circulate to the interested and involved agencies

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that were just stated.

MR. MENNERICH: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich. I have 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. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

There is interest from the City of Newburgh as far as the protection of the watershed. At this point I'd like to go on record as saying who from your group will be the point person that will be facilitating and coordinating with the City of Newburgh?

MR. UTSCHIG: That would be Ray Aquino.

CHAIRMAN EWASUTYN: Thank you.

Let the record show that Ray Aquino will be the point person to make contact with the

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City of Newburgh.

Anything else?

MR. HINES: Just to be clear, it's strictly warehousing? There's no manufacturing processing on the site?

MR. EVERETT: That's correct.

MR. HINES: We received some information earlier from the City of Newburgh and an ad hoc environmental group in the City of Newburgh that was worried about incidents regarding processing, manufacturing and the process.

MR. UTSCHIG: There's no manufacturing, no mixes. It's boxes in, boxes out.

CHAIRMAN EWASUTYN: Thank you, gentlemen.

MR. EVERETT: Thank you.

(Time noted: 7:46 p.m.)

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

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

DATED: October 10, 2015

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

----- X
In the Matter of

HEALEY KIA
(2015-25)

Route 17K and McGuire Way
Section 95; Block 1; Lot 53
IB Zone

----- X

AMENDED SITE PLAN

Date: September 17, 2015
Time: 7:47 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JOSEPH SARCHINO

----- X

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

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HEALEY KIA

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MR. BROWNE: Our next item of business is Healey Kia, project 2015-25. This is an initial appearance and amended site plan being represented by John Meyer Consulting.

MR. SARCHINO: Good evening. Joe Sarchino, John Meyer Consulting. I'm here tonight with Paul Healey, Healey Kia.

We're looking for amended site plan approval from a previously approved VW to Healey Kia. I also have Ken Syvertsen, he's a project architect, who will go over the building with the Board.

I think it's easiest to just refresh your memory, the Board, of what was approved for the Volkswagen project. That's this plan here. The proposed plan I'll go over in a minute. We had access across from the National Guard drive right here, a signalized access point, a driveway coming in.

Stormwater measures were on the bottom of the -- toward the bottom of the plan here.

The proposed 23,430 square foot Volkswagen building here, parking in the front, display along the front, parking in the back. We

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had potential future expansion of the parking lot. The total parking spaces that were proposed were 246 parking spaces, and that included the expansion that was approved. If you recall, we designed the stormwater system to accommodate this.

The proposed plan, as you can see the building footprint is a little bit smaller. The building footprint was 20,000 square feet. We have a second story in this building. The overall building height hasn't changed. So the building square footage, the building footprint is less.

We have a driveway along the side of the building here. As you can see, we did not have anything here.

One important aspect during the approval process was to provide evergreen plantings along the Mulberry Lane portion of the property. We provided the same number of trees as we proposed here and the same heights in here.

The total parking for this proposal is 263 parking spaces. It's 17 parking spaces more.

The total square footage of the

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HEALEY KIA

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building is proposed as 29,748. That's a 27 percent larger building than on the VW application.

That's basically a summary of the plan. I'll ask Ken to come up and go over the architecture.

CHAIRMAN EWASUTYN: Ken, do you have a business card?

MR. SYVERTSEN: Yes. The building that we're proposing is the Kia standard. This is easier to see. I think the Volkswagen building was actually 22 feet tall. This is actually 26 feet tall. The Volkswagen building was a one-story building. This is really a two-story building. It's a two-story showroom, we have a little bit of office space that's probably not going to be utilized, and then the rest of it is an equipment mezzanine for compressors, tire storage.

This is all the standard Kia design guidelines that you see there. As far as the plan goes, if you're interested, we have the showroom up front obviously, customer drop off on the side, office staff here in the middle, and

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then service bays in the back, wash bays, car prep bays. What we ended up doing was increasing the square footage. Over the wash bays we're going to be putting a mezzanine in there for some equipment. This is a two-story high space where the bays are and then we have vehicle storage, repair equipment up there, things like that.

As far as the outside, we've got our signage. We're under the square footage of the signage. We included the calculations of the pylon side. We actually used both sides of the sign to determine the square footage. We're under the square footage.

What we submitted was panels on the front. We're actually evaluating right now to put panels on all three sides of the building, which might actually give it a nicer, cleaner look. I think we might be going that way. Chris? Chris says we're going that way. It's actually a nice and real clean look as we get to that point.

Any questions on the building design?

CHAIRMAN EWASUTYN: Mr. Healey, if you don't mind, it's always nice to hear from the owner of the project as far as what they're

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HEALEY KIA

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doing, how excited they are.

MR. HEALEY: We've been excited for quite some time. We've been operating the Kia dealership. We've had a used car dealership in Vails Gate for fifteen years. About four years ago we bought Kia from the Toyota dealership and we've been operating it out of the used car outlet on the Five Corners. One of the conditions of Kia motors was that we move the franchise to the corridor on 17K or 300. We selected a number of sites. As a matter of fact, the last site that was just presented was one of our sites that we spent a long period of time investigating. This piece of property became available and was presented to us when a friend of ours that was going to put up a Volkswagen dealership decided that the franchise was faltering a little bit and he did not want to spend 6 million bucks on a Volkswagen dealership. When we got the Kia franchise, one of our conditions of getting the franchise was that we would move the dealership and we would put up a new facility. We did promise we would do that within two years, and so we're only three years

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overdue.

We've been doing a good job selling the brand. We've taken it from selling roughly five to eight cars per month to about fifty to sixty. We had about eight employees when we took over and we have about fifty there now. We think we're going to have sixty to seventy eventually, within five years at this facility. That's sort of what we have at our other facility.

We operate six other dealerships in Orange and Dutchess County. We've renovated all of them, two General Motors dealerships, a Chrysler, a Hyundai and a Ford Lincoln dealership and a Mitsubishi dealership. This is the only facility that we have that we have not renovated. This will be the only facility that is a hundred percent new from the ground up. The rest have been major renovations.

We're looking forward to it. We're excited about it. We've had a little bit of a snag. We had a title issue that was corrected. I'm not sure if anybody is familiar with that. There was a title issue that delayed us starting on this project. We're happy to have that behind

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HEALEY KIA

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us and we'll hopefully get this project moving forward and selling our Kias at that location by the end of 2016 if all goes well.

CHAIRMAN EWASUTYN: Thank you for the education.

MR. SARCHINO: Mr. Chairman, I just want to mention one more thing. We did resubmit this application to the FAA and we did receive a determination of no hazard. We took the revised building, made the application back to the FAA and they sent it back and they're in agreement with what we're proposing.

The two components that were important were the height of the building and also the height of the light poles. The light poles did not change from 22 feet 6 inches which includes a concrete base on the bottom. So that all stayed consistent as well. That was important to the FAA application.

MR. HEALEY: The only other comment I would make is we are receiving some, for lack of a better term, financial help from Kia. We don't have a whole lot of -- we have really little wiggle room as far as what we're allowed to do in

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HEALEY KIA

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terms of the facade, the interior. I need to buy the urinals and the towel dispensers from Kia. We are somewhat limited in our ability to make design changes but they are -- they cooperate and they're paying probably about ten percent of the cost of the project.

CHAIRMAN EWASUTYN: Any questions or comments from what we heard so far this evening. Frank Galli?

MR. GALLI: All the other locations I've seen that you remodeled, you've done a very good job.

MR. HEALEY: Thank you.

MR. BROWNE: I'm good.

MR. MENNERICH: Nothing.

MR. DOMINICK: Nothing.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Your Vails Gate and this is a big difference.

MR. HEALEY: We actually thought when we saw the original plan that they thought we were selling Rolls-Royces. We're going to go for it, begrudgingly. The interior is a beautifully done design that I think we're going to be very

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HEALEY KIA

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proud of when it's completed. It's a lot of building.

CHAIRMAN EWASUTYN: At this point I'd like to turn to Pat Hines.

MR. HINES: Our first comment just identifies the change in square footage from 23,000 to 29,700 and that the previous landbanked parking is no longer going to be landbanked, it's going to be constructed.

The second comment is the City of Newburgh flow acceptance letter may need to be modified -- we'll look to your engineer for that -- based on the hydraulic loading. If the increase in square footage increases your sewer use, we'll have to have that modified.

The previous stormwater management plan that was approved remains valid for this plan. The activities, even with the larger square footage, the building footprint, has not changed substantially. The activities are all within the original disturbed area, so the stormwater management continues to function.

My fourth comment regarding a dumpster enclosure we discussed at work session. That is

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not a front yard issue.

We also discussed the intent for lead agency and the ability to possibly recirculate without intent for lead agency to the interested and involved agencies and possibly move forward with a SEQRA consistency determination rather than a new -- rather than treating it as a new application. I'll let Mike Donnelly speak to that later.

The stormwater maintenance agreement that was executed for the previous project will need to be re-executed by the current applicants.

And then the site signage, if changed, needs to be brought before the Board. In speaking with Jerry Canfield he believes that the signage is still in compliance.

CHAIRMAN EWASUTYN: Okay. Ken Wersted, Traffic Consultant?

MR. WERSTED: We reviewed the updated project and noted that there isn't any significant site plan changes. It remains unchanged.

The truck circulation is the same as the previous Volkswagen project.

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The project does increase the building size from what was originally studied relative to traffic, so we had asked that a sensitivity analysis be provided, to just update that so we can cover a SEQRA determination.

Outside of that, as you heard previously with Matrix and with this project, looking at the overall corridor through there and determining how the driveways are coming in would be beneficial, I think, to the Town.

I think that was largely all of our comments.

MR. SARCHINO: We presently have an application for a highway work permit with the DOT. That's been in Zibby's hands for quite some time now. That's how it goes with the DOT. The proposed highway improvements that were originally proposed for VW all stayed consistent here, which was a left-turn lane in and modifying the signal with a green arrow to turn in. That's all the same as was proposed previously. We didn't change anything. We did make application to the DOT. We're just waiting to get a permit from them and comments. That's where that

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HEALEY KIA

stands. We'll prepare the sensitivity calculation that Mr. Wersted requested.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: It should be noted that the previous project received a ZBA variance but at the public hearing there was concern about a buffer, a landscaping buffer being created between the single residence on Mulberry and this project. At the work session we did discuss this and discussed what the applicant's design professional has proposed. It should be noted that this does comply with the Zoning Board's previous wishes as well.

MR. DONNELLY: The variance is no longer needed?

MR. CANFIELD: That's correct.

MR. SARCHINO: We do not require an additional variance. Actually, we did receive a variance to -- instead of a fifty-foot setback for the building, to create a forty-foot setback. That was the variance we received. The VW building was set back forty feet from the property line. The Kia building is set back

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HEALEY KIA

62

sixty-three feet from the property line. So we pulled it away.

As I said before, the landscaping that we propose is the same, as Jerry just confirmed, that we previously proposed, which was ten and twelve-foot evergreen trees and some deciduous trees as well. That all remains.

CHAIRMAN EWASUTYN: Pat, do we have to get a re-verification of the City flow acceptance letter?

MR. HINES: I at least need calculations from the applicant's representative. I don't know how the original hydraulic loading was calculated, based on employees or square footage or --

MR. SARCHINO: We'll take a look at that. This building has more storage in it. On the second floor there is a lot of space that's not used. We'll do the calculations.

MR. HINES: It needs to get resubmitted to the County Planning as an amended site plan.

We need to head towards a new SEQRA determination or a SEQRA consistency after we get --

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MR. DONNELLY: My recommendation on SEQRA, and I'm a big believer that SEQRA is something that is only done once for a project. Once you're the lead agency you stay the lead agency. That's not to say if ten or fifteen years have passed, that this wouldn't be regarded under SEQRA as a completely new and different project given changes in circumstance. Here I believe we are the lead agency.

I think it is fair, however, that we write a letter, and Pat is free to do that, to all of the involved and interested agencies, notify them that we have received an amended application for this site in a different owner's name for a different dealership with a slightly larger building and we intend to review it under SEQRA as the lead agency. I think Pat has reported there are no environmental issues that would change the original negative declaration in terms of drainage. I think we need to hear from Ken Wersted on the traffic issue. If there are no significant environmental issues that arise from the amendment, then I think the Board would be in a position to issue a consistency

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HEALEY KIA

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determination. That is, that this is covered by the original negative declaration issued under the Volkswagen review.

Following that, and the clarification of the flow acceptance issue, and a report from the Orange County Planning Department, and a decision of the Board as to whether to hold a public hearing, we would be in a position to act.

CHAIRMAN EWASUTYN: I think at that time also, at the next meeting we'll conclude with an ARB approval. Maybe you could bring some samples of materials with you if you don't mind. We'll just summarize that.

MR. SARCHINO: You can do that; right?

MR. SYVERTSEN: I brought one sample.

CHAIRMAN EWASUTYN: We'll act all together.

At this point I'll move for a motion to circulate to the Orange County Planning Department.

MR. GALLI: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by John Ward. I'll

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HEALEY KIA

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ask for a roll call vote starting with Frank
Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So
carried.

Pat, do you have an extra set of plans?

MR. HINES: I do.

CHAIRMAN EWASUTYN: All right.

MR. SARCHINO: So we'll get these
questions answered and then we'll submit them for
the revised information and coordinate with you.
Thank you very much.

CHAIRMAN EWASUTYN: Best of luck to
you.

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

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

I, Michelle Conero, a 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: October 10, 2015

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

----- X
In the Matter of

GOLD'S GYM
(2015-16)

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

----- X

SITE PLAN

Date: September 17, 2015
Time: 8:05 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JAY DIESING

----- X

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

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MR. BROWNE: Our next item of business is Gold's Gym, project 2015-16. It's a site plan being represented by Mauri Architects.

MR. DIESING: I'm Jay Diesing with Mauri Architects. We're here tonight with Gold's Gym. We met with you, I think in July was our last appearance before the Board.

Just as a recap, we're proposing about a 7,000 square foot addition to the rear of the building. In addition to that, we're also proposing expansion of the parking areas on the north and the west corner of the property.

Since our last meeting we've been doing some of our engineering and further detailing of the site plan documents. We've submitted a photometric lighting plan for your review. We've submitted a stormwater and grading plan along with a stormwater pollution prevention plan.

Our stormwater design, just as a brief overview, consists of some pervious paving areas and then there's three small retention basins that are being added on site.

We're in the process of -- we have one question. We had verified the sanitary sewer

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main is out on Racquet Road, so we're in the process of compiling our design flows for submission to the City of Newburgh for hopefully a flow acceptance letter.

We received comments from Mr. Hines regarding our stormwater plan, and he's satisfied with that.

He also asked us to again finish up with our sewer design. He asked for detail on our pump station which we're working on.

I also received a letter from Mr. Wersted mentioning that he felt that the project wouldn't require any real additional traffic study.

Basically that's where we've been over the last couple months. We had just a few details to wrap up. It seems like we're getting close to being ready.

CHAIRMAN EWASUTYN: Any questions or comments from Board Members at this time?

MR. GALLI: No additional.

MR. MENNERICH: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: Pat Hines, would

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you bring us along as to where we are with the project?

MR. HINES: I concur with the applicant's representative. He touched base on each of my comments.

The City of Newburgh flow acceptance letter is required. You can't take any final action until we receive that. They are sending the entire flow from the site, not just the addition. They're going to eliminate the subsurface sanitary disposal system and put that into the sewer.

We are looking for a design report on the modifications to the septic system and the pump station that is proposed.

We are looking for a little more detail on the grading on the lower right-hand side.

MR. DIESING: Down in this area?

MR. HINES: The grading doesn't tie into anything. You may need a little more survey detail. I know you're using an older survey. We have to make sure it's not grading across the property line.

MR. DIESING: It's not. This is a

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heavily wooded area. The engineer, when he was out there, was using his GPS to get the survey. I guess he couldn't get in that area. He's going to go back.

MR. HINES: As mentioned, we did review the stormwater pollution prevention plan. Although it's mapped hydro soil groups D, which does not allow infiltration practices, they did field testing and verified there's acceptable soils on the site.

The Board needs to determine whether it's going to have a public hearing on this project or not. Procedurally it's probably near that point.

With those couple of minor items on a resubmission, we'd be able to recommend an approval.

CHAIRMAN EWASUTYN: Ken Wersted, do you want to summarize your review of the project please?

MR. WERSTED: We looked at the expansion and estimated the net increase in trips to and from the project, and it ranged from ten to twenty-five during the peak hours.

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In terms of parking, based on IT rates the expansion would increase the demand for parking by about thirty-five spaces. The proposal plans to include an additional fifty spaces, so the expansion would be covered based on the proposal.

We don't have anything additional.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: Nothing outstanding.

The last time you were here we talked about the need for sprinklering the building. We further researched that. It's possible that you can separate this. That being an exterior wall between the addition, it's probably going to be a two-hour wall. At the time of architectural plans, that's when we can review that.

MR. DIESING: That is our intention. We have separated it and we are planning fire doors and what not. We will construct a wall there. That's our approach for the fire suppression.

MR. CANFIELD: I have nothing else outstanding, John.

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CHAIRMAN EWASUTYN: At this point I'd like to poll the Board Members to hear what they have to say as far as the need for a public hearing. Frank Galli?

MR. GALLI: Waive it.

MR. BROWNE: Waive it.

MR. MENNERICH: No. Waive it.

MR. DOMINICK: Waive.

MR. WARD: No.

CHAIRMAN EWASUTYN: Let the record show that the entire Board waived a public hearing for the Gold's Gym site plan.

Except for the few details as it relates to grading on the western property line and waiting for the City flow acceptance letter, we look forward to seeing you either the first or second meeting in October.

MR. DIESING: Okay.

MR. HINES: The Board can't take any action until the City of Newburgh flow acceptance letter is received.

MR. DIESING: I'll coordinate that submission with you or do I do that directly?

MR. HINES: You're going to do that

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through Jim Osborne's office, the Town Engineer. He's going need a narrative of the project and a calculation of the hydraulic loading of the whole site. If you have any water use records, that would be helpful. Otherwise it's going to have to be a standard hydraulic calculation.

MR. DIESING: Bergen Engineering is working on that. They didn't have that done in time for the meeting.

MR. HINES: You can copy me on it. Jim Osborne, the Town Engineer, is the point man between the Town and the City.

MR. DIESING: Very good. Thank you.

CHAIRMAN EWASUTYN: Michael, several times people have inquired waiting for the City flow acceptance letter if they could get a conditional final approval subject to that. Do you want to --

MR. DONNELLY: The way the contract reads -- first of all, the purpose of the flow acceptance letter is the City has set aside an allocation of sewage flow from the Town at their plant. In order for that contract and that limitation to be meaningful there has to be a

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method by which the City knows what flows are coming to that plant. They do that by requiring the hydro -- whatever it is --

MR. HINES: Hydraulic loading.

MR. DONNELLY: -- is calculated satisfactory to them, they add it or subtract it from that capacity so we always know what capacity remains. Under the contract with the City that leads to that, we are bound, as the Town, to not approve any project on a final basis until they've signed off. There is provision for us to give you a preliminary approval, but preliminary approval on a project of this scale, it's just more effort to go through the resolution and vote on it than come back two weeks or a month later. It's not like we don't want to approve your project.

MR. DIESING: Understood.

MR. DONNELLY: Under the contract it can not be done until that flow acceptance letter is received. Unfortunately sometimes it takes a little while for the bureaucratic process to work and get that letter signed off on. This should be fairly simple.

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GOLD'S GYM

76

MR. DIESING: We're doing our part and
hopefully will get it wrapped up soon.

Thank you.

(Time noted: 8:13 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: October 10, 2015

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

----- X
In the Matter of

GARDNER RIDGE
(2002-29)

Gardnertown Road
Section 75; Block 1; Lot 4.12
R-3 Zone

----- X

AMENDED SITE PLAN CONCEPT

Date: September 17, 2015
Time: 8:13 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: DARREN DOCE

----- X

MICHELLE L. CONERO
10 Westview Drive
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MR. BROWNE: Our next project is Gardner Ridge, project number 2002-29. This is an amended site plan and concept being presented by Mr. Darren Doce.

MR. DOCE: I'm Darren Doce From Vincent Doce Associates. I'd like to give a brief description of the proposal and what we're hoping to achieve tonight.

The parcel is a 23 acre parcel located on Gardnertown Road, 16 acres of which are usable. Zoning would allow us, if we do a mix of non-senior and senior units, 9 dwelling units per acre. We're proposing -- which would allow us 144 units. We're proposing 144 units, 16 of which are required to be senior units. We slightly doubled that to 36 senior units. We have 108 one and two-bedroom units which are of the apartment units.

We're here to request a conceptual approval. The funding for the project is set up that once we receive a conceptual approval, the monies will be released so that we can proceed on with engineering the site.

I've received the comments from the

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Consultants. I don't find anything that I wouldn't expect to provide during the engineering of the project.

Once we receive conceptual approval, at the Board's direction we'd like to maybe sit down with the consultants and work out the details as we bring this concept to a final plan.

CHAIRMAN EWASUTYN: Questions or comments from Board Members?

MR. GALLI: No.

MR. BROWNE: From a concept standpoint I'm good.

MR. MENNERICH: No.

MR. DOMINICK: Nothing.

MR. WARD: No.

CHAIRMAN EWASUTYN: Pat, when is the next available date for a consultants' meeting?

MR. HINES: That would be the fourth Tuesday of the month, the 22nd. I don't know that there's a whole lot of reason to meet between this concept plan and receiving a preliminary plan. The applicants have our comments. It's up to the applicant if they want to meet with us, but if the Board -- in moving

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forward, if the Board is okay with the concept I think they can move into a more detailed design. I don't know if there are any substantial issues.

The one issue I talked about at the work session that I have, although we're seeing recently more rentals that rely on garages, roughly a third of the parking calculation on the site is dedicated to garage parking spaces and then a spot in front of the garage. The applicants themselves can address that. There's a concern that if the garage is such as the garage at my house is used for other than putting a vehicle in because there's no room in it, it could result in a parking issue on the site. I just don't know how you would manage that, if it would be a condition of the lease. Tying up a third of the parking that may or may not be used for parking may be an issue.

Otherwise the rest of our comments are pretty straightforward. A City of Newburgh flow acceptance letter, fill area. They're more technical in nature and kind of a guide as the preliminary plans are developed.

CHAIRMAN EWASUTYN: I guess that's

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something, if not now, later on we can discuss with the Board. Do you still feel the need for a consultants' meeting after you receive a conceptual approval tonight? Do you see a benefit to that?

MR. DOCE: I would agree with Pat. We could proceed on with a little more detail before we sit down with the consultants. That would make more sense.

CHAIRMAN EWASUTYN: Ken Wersted, do you have anything to add at this time?

MR. WERSTED: Nothing significant. Obviously more information will come as more details are provided.

Just as a point of reference, the original traffic study was done in 2002. The residential portion was a different mix. So this proposed mix increases that component of it. The original submission also analyzed some retail that is not part of the project. So between that and the changes just in the background volumes over the years, it's worth taking an updated look at the traffic.

The other details we'll get addressed

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GARDNER RIDGE

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as more details on the plans come in.

CHAIRMAN EWASUTYN: Jerry Canfield,
Code Compliance?

MR. CANFIELD: I have nothing at this
time.

CHAIRMAN EWASUTYN: Okay. I'll move
for a motion from the Board to grant conceptual
approval for Gardner Ridge, the amended site
plan.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Thank you.

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MR. DOCE: Thank you.

(Time noted: 8:20 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: October 10, 2015

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

----- X
In the Matter of

TARSIO FAMILY SUBDIVISION
(2015-08)

Fostertown Road
Section 39; Block 1; Lot 21.1
R-2 Zone

----- X

FIVE-LOT SUBDIVISION

Date: September 17, 2015
Time: 8:20 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- X

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

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MR. BROWNE: Our next item of business is Tarsio Family Subdivision, project number 2015-08. It's a five-lot subdivision being present by Zen Design.

MR. HINES: The applicant couldn't make it tonight. The only reason why they're on the agenda is we could not take action previously on the project as it did not have the City of Newburgh flow acceptance letter for two of the lots that are connecting on Wells Road to the sanitary sewer. Three of the lots, one has an existing septic and the other two have septic systems proposed. We have received the City of Newburgh flow acceptance letter. If the Board wishes, they could grant conditional final approval.

CHAIRMAN EWASUTYN: Michael, do you want to present the resolution for us, please?

MR. DONNELLY: Sure. Originally we were going to have a condition that required the relocation of the driveways. That's been accomplished. We'll make reference to the Zoning Board of Appeals decision of May 28th, incorporating it into our decision.

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The Orange County Department of Public Works will have to approve the roadway connection on the County road and the Town of Newburgh Highway Superintendent on Wells Road.

We'll reference the fact that a City of Newburgh flow acceptance letter has already been received. There's no need for any inspection fees or financial security. There is a requirement that parkland fees be paid for the four new lots at \$2,000 each, bringing it to \$8,000.

CHAIRMAN EWASUTYN: Thank you.

Having heard the conditions of approval for the Tarsio Family Subdivision which contains five lots presented by Planning Board Attorney Mike Donnelly, I'll move for that motion.

MR. DOMINICK: I'll make the motion.

CHAIRMAN EWASUTYN: A motion made by Dave Dominick.

MR. GALLI: Second.

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

MR. GALLI: Aye.

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MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 8:22 p.m.)

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

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STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH Planning Board

----- X
In the Matter of

CRONK ESTATES II
(2015-14)

Peaceful Court
Section 1; Block 2; Lot 17.24
AR Zone

----- X

TWO-LOT SUBDIVISION

Date: September 17, 2015
Time: 8:22 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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MR. BROWNE: Our last item of business on the agenda is Cronk Estates II, project number 2015-14, also known as Peaceful Court. This is a two-lot subdivision being presented by Talcott Engineering, Mr. Brown.

MR. BROWN: Thank you. At the public hearing we had some comments from the public regarding maintaining -- actually fixing problems with the road that may be created with the construction. That actually is already in the maintenance agreement.

In addition to that, I ran the hydraulics on the detention pond and we still have plenty of free bore.

Other than that, that's pretty much it.

CHAIRMAN EWASUTYN: Charlie, there was a note that you put on the plans for the record that the hours of operation are Monday through Friday 9 to 5. Explain that to us.

MR. BROWN: That was something else that was requested at the public hearing. They wanted to know when the work was going to be done. One of their complaints was that the workers were showing up early in the morning. I

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did talk it over with my client and he's okay with the hours that we stipulated on the plan.

CHAIRMAN EWASUTYN: Mike Donnelly, do you want to interpret that for us?

MR. DONNELLY: Given that that's been volunteered, we'll include it as a condition of the resolution.

MR. BROWN: That's fine.

CHAIRMAN EWASUTYN: Comments from the Board Members?

MR. GALLI: Nothing.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: Our comments just addressed the changes that the no outlet sign has been added to the private road.

The work hours identified as 9 a.m. to 5 p.m., those are more restrictive than the Town Code. As long as the applicant is offering them, they can be included in the resolution.

We received an update of the stormwater management report identifying that there's adequate capacity in the stormwater system that was previously developed for the minor amount of impervious surface for the additional lot.

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With that, we do not have any
outstanding comments.

CHAIRMAN EWASUTYN: We'll turn to Mike
Donnelly, Planning Board Attorney, to give us
conditions for final approval.

MR. DONNELLY: The first condition will
be what we just discussed, that is we'll
incorporate the voluntary offer to limit
construction to the hours of 9 to 5 Monday
through Friday with no weekend construction. We
will make that a condition of the approval.
Secondly, the private roadway easement and
maintenance agreement, though you've given it to
me, I'll include it as a condition. The sign-off
letter will be sent to Pat. I believe it covers
it. I think, Charlie, I talked to you about it
once on the phone. I'll have to look at it again
but I believe it covers this property. The third
condition is the requirement of a payment of fee
in lieu of parkland in the amount of \$4,000.

MR. BROWN: 2.

MR. DONNELLY: I'm sorry. One new lot.
Yes.

MR. BROWN: You try that on me every

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time.

MR. DONNELLY: Only for you.

CHAIRMAN EWASUTYN: Having heard the conditions for approval for Cronk Estates II, I'll move for that motion.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself.

Before we close the meeting, Michelle Conero would like to know, the Board Members, as far as minutes.

MS. CONERO: If anybody would like an e-mail copy of the minutes, just give me your e-mail address.

MR. BROWN: I sent a request for an extension on the Hickory Hills subdivision. I

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haven't heard anything.

MR. HINES: Which one?

MR. BROWN: Hickory Hill.

MR. HINES: We did that. We did it when you sent it in in July. It was a Board Business item. We do not send out letters on those extensions, we rely on the minutes. It was done back then.

MR. BROWN: Thank you very much.

CHAIRMAN EWASUTYN: Thank you all.

I'll move for a motion to close the Planning Board meeting of the 17th of September.

MR. GALLI: So moved.

CHAIRMAN EWASUTYN: Frank Galli.

MR. WARD: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

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(Time noted: 8:26 p.m.)

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

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