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

----- X

In the Matter of

LANDS OF REED & GRECO
(2009-04)

398 & 404 Candlestick Hill Road
Section 6; Block 1; Lot 55.1
AR Zone

----- X

TWO-LOT SUBDIVISION

Date: September 3, 2009
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
THOMAS P. FOGARTY
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: DARREN DOCE

----- 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 3, 2009. 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. FOGARTY: Present.

MR. WARD: Present.

CHAIRMAN EWASUTYN: Present.

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

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield, Town of Newburgh.

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

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LANDS OF REED & GRECO

MS. ARENT: Karen Arent, Landscape Architectural Consultant.

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

MR. BROWNE: Thank you.

At this time I'll turn the meeting over to Frank Galli.

MR. GALLI: Please stand.

(Pledge of Allegiance.)

MR. GALLI: Please turn off all cell phones.

MR. BROWNE: The first item of business we have this evening on our agenda are the Lands of Reed and Greco, a two-lot subdivision being represented by Doce Associates, Darren Doce.

MR. DOCE: Good evening. Darren Doce. This application was originally brought before the Board in May. The Reeds would like to -- they have a twenty-foot strip of land located along the easterly property line of their parcel. The Reed parcel is an existing nonconforming lot. It doesn't meet the requirements for lot area, lot width, side yard, front yard and combined side yard setbacks.

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We were referred to the ZBA where we appeared and we received the required variances.

I also made a change to the flood plain boundary that was requested by the consultants to the Planning Board, and added the section, block and lot numbers to both the Reed and the Greco parcels.

We're back before the Board to hopefully get a neg dec and set up the public hearing.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

MR. COCKS: The applicant has addressed all of our previous comments.

The Planning Board waived the requirement for topography on the site plan on May 21, 2009.

The plans were forwarded to the Orange County Planning Department on June 5th. We never received comments back but thirty days have past.

Other than that, we have no further comments at this time.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

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MR. CANFIELD: As Mr. Doce had said, the previous comment we had about the flood plain map update has been added to the plans. That was also a comment of Pat Hines as well.

CHAIRMAN EWASUTYN: Karen Arent, I don't think your landscape architecture was involved.

MS. ARENT: No.

CHAIRMAN EWASUTYN: Ken Wersted, traffic either.

Final comments from Board Members. Frank Galli?

MR. GALLI: Pat had a comment about Orange County Planning. He said we sent it and we never heard anything, so now we can move forward.

MR. BROWNE: Nothing.

MR. FOGARTY: No comment.

MR. WARD: No comments.

CHAIRMAN EWASUTYN: All right. Then at this time I'll move for a motion from the Board to declare a negative declaration for the two-lot subdivision of Reed and Greco and set this for our meeting of October 1st for a public hearing.

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LANDS OF REED & GRECO

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MR. FOGARTY: So moved.

MR. BROWNE: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

Thank you. If you'll speak to Bryant, Bryant will work with you as far as the mailing list.

MR. DOCE: Okay.

MR. DONNELLY: I assume Bryant will take care of it, the mailing to the Town of Marlborough under 239-N ten days before the hearing.

MR. COCKS: Yes.

MR. DONNELLY: The motion included a

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negative declaration.

(Time noted: 7:03 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 22, 2009

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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 2.0
B Zone

----- X

CONCEPTUAL SITE PLAN

Date: September 3, 2009
Time: 7:03 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
THOMAS P. FOGARTY
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: CHRISTOPHER LAPINE

----- X

MICHELLE L. CONERO
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ROUTE 9W SHELL

MR. BROWNE: The next item of business we have is Route 9W Shell, Gasland Petroleum. It's a conceptual site plan and it's being represented by Chazen Companies, Chris --

(No response.)

MR. BROWNE: The representative is not here. I'll move on to the next.

CHAIRMAN EWASUTYN: Move on to the next.

(Time noted: 7:04 p.m.)

(Time resumed: 7:40 p.m.)

MR. BROWNE: I want to go back now to the project we skipped over, Route 9W Shell, Gasland Petroleum, conceptual site plan being represented by Chazen Companies. Is it Chris?

MR. LAPINE: Yes.

MR. BROWNE: Chris Lapine.

MR. LAPINE: Lapine.

Good evening, Mr. Chairman, Members of the Board. My name is Christopher Lapine, I'm with the Chazen Companies representing the applicant this evening, Gasland Petroleum.

Gasland Petroleum currently owns two existing parcels at the intersection of Route 9W

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ROUTE 9W SHELL

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and North Plank Road. They total approximately a .49 acre site and a .22 acre site which is .71 acres. It's currently occupying a gas station which consists of a 1,200 square foot convenience store and four pump islands.

They are currently under contract to purchase the existing auto appraisers site in the rear of their facility. The site itself is a .34 acre piece of property. Their intent would be to consolidate all three parcels into a 1.03 acre site. All three parcels are located in the B district, the business district.

I brought an overall photo just to give you an idea of where it is in relation to 84 and the intersection of 9W and North Plank Road. If I may approach the Board, I've also taken some photos of the existing facilities there, both the auto appraiser and the gas station, to hand out to everybody to give you an idea of what's currently there.

It's important to note that these three parcels lie along the boundary line of the Town of Newburgh and the City of Newburgh. Within the City of Newburgh the zoning is residential to the

1 adjoining property. The applicant is proposing a
2 -- I have some additional. Excuse me a moment.
3 The applicant is proposing -- typically you've
4 seen this before you for a proposed gas station
5 and perhaps a doughnut shop or Subway shop, but
6 we come before you this evening for a proposal
7 for a gas station and bay -- convenience store
8 and bay totaling approximately 6,000 square feet.
9 The convenience store would occupy 3,600 square
10 feet of the building, the bay would occupy 2,400
11 square feet.
12

13 Access to the site would be from Route
14 9W and also from North Plank Road. The applicant
15 has retained John Collins Engineering who has
16 worked with the DOT over the last six months --
17 six to twelve months I believe in developing a
18 conceptual plan for proposed improvements along
19 9W and North Plank Road that would be necessary
20 to accommodate the proposed development before
21 you.

22 The intent of this project is to have
23 the canopy located in the front of the building
24 and access to the convenient store in front. You
25 can also access the bank. But the primary access

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to the bank would be in the rear of the building. We've provided parking in the rear of the building for that. Also we've provided a drive-up facility for the bank.

I understand the Town of Newburgh's guidelines as it relates to canopies. The intent is to have the canopies located in the rear of the building so that -- and the building located in the front. I think, you know, we've got an odd shaped lot here. The other consideration we need to review is the fact that placing a canopy in the back of this property would result in a brighter site, higher illuminations for the adjoining residential neighbors. By placing it up front along the existing corridor of 9W where there's existing businesses with canopies along 9W we felt would fit in nicely.

In addition, something we're doing differently on this plan than what's currently out there, we're trying to incorporate some green into this overall project. Right now when you go out there you've got kind of a sea of pavement, a building, a canopy, some brush, and then you've got an auto repair in the back. Nothing really

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enticing. This is kind of the focal point when you're coming into the Town of Newburgh. One of the things we're thinking about is maybe we can put a welcome to the Town of Newburgh sign. Just dress it up so you know you're entering the Town.

Lastly, we have not gone before all the other departments. We haven't talked to the water department, we haven't talked to the sewer department. What we're looking to do here this evening is kind of get a general feel from the Planning Board so that the applicant can make a decision as to whether or not he wants to pursue this project.

In my letter to the Board I discussed whether or not I would need a front yard variance along North Plank Road. After further review I concede your code compliance officers and your planner were correct, I believe I will need a variance. We're on a State road here. Because the existing building is seven feet from North Plank Road, the proposed improvements would be twenty-two feet, the requirement is sixty feet. Upon further review of the road, although we're not increasing the nonconformity, the new

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ROUTE 9W SHELL

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construction is nonconforming in terms of the setbacks, so that would require a variance from the Town ZBA.

I would like to entertain any questions that the Board and its consultants may have.

CHAIRMAN EWASUTYN: I think we'll first try and answer your question as far as a Board, if the Board is in favor of the conceptual plan before us. If the Board is in acceptance of the conceptual plan, then comments from our consultants as far as how to improve the project will then follow suite with the conceptual plan.

Frank Galli, your overall opinion?

MR. GALLI: I'm in favor of the plan. It's just weird seeing the bank in the back. I know the design guidelines are -- it's hard to conform to the design guidelines. You have frontage on three different areas. Not frontage but you went from three different areas.

The canopies I think would be better put in the front of the site instead of the building itself that close to 9W.

It's just where the bank is. It's just strange having a bank in the back.

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ROUTE 9W SHELL

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MR. LAPINE: It's unique. It's one of our first ones.

MR. GALLI: Two entrances. It's just I've never seen it before. It's just strange. As long as, you know, the building is put up, a nice building from the design guidelines, you get some green space, I think it will be a pretty nice site.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: We discussed the design guideline thing at work session, and basically I'm agreeing with Frank, and I believe the other members of the Board, that for this particular location, particular application, I think the way you have it proposed is probably the better way to go.

One of the things I would like to see not happen is the right exit onto 9W but rather have all the exiting go out -- is that North Plank Road? Whatever that road is there.

From our discussion we believe that the applicant will put up a much nicer building assuming that he does the same kind of thing that he's done in other projects. That's what we

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ROUTE 9W SHELL

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would be looking for here.

With that, yes, I would approve the concept.

CHAIRMAN EWASUTYN: Thank you.

Tom Fogarty?

MR. FOGARTY: I like the -- what's being proposed, I think it improves what is already there.

I did have some concerns about lighting because it's a nice neighborhood where this is going to be located. I just want to make sure that being in a close residential area, that the lighting is appropriate and doesn't, you know, offend any of the residents.

It's a very nice project. As was said before, the reputation of the builder is very good, so hopefully if he puts up something that is attractive, it's definitely going to improve what's in that area already.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I had three questions. In the front of the bank you have the traffic going with two lanes there. I was going to suggest like Wachovia in Price Chopper's parking lot,

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ROUTE 9W SHELL

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they have parking in the front but they have the lanes further out for safety of going in and out of the bank where you can have your drive-through and traffic going through. Like in front of your bank there where the arrows are --

MR. LAPINE: Right here?

MR. WARD: -- right there -- maybe put parking spots there and make the two lanes further for safety.

MR. LAPINE: That's a very good suggestion.

MR. WARD: And where your tank is for filling up, I was concerned about traffic going off 9W in when they fill up -- the tankers come in to fill up the main tanks.

CHAIRMAN EWASUTYN: How does that work? Can you introduce yourself?

MR. NEZWEIT: My name is Mitch Nezweit, I'm the owner of Gasland Petroleum.

CHAIRMAN EWASUTYN: Can you come forward and explain how your tanker will deliver to the site and if it will inconvenience vehicles looking to come in, how you arrange for that?

MR. NEZWEIT: They're not going to come

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this way. The tanks don't come at peak hours. The truckers have to be coming in in the morning, not at 5 o'clock. He can come 10 o'clock at night, 12 o'clock at night, 4 o'clock in the morning. You can make it part of the site plan what time we can fill up. Sometimes use of the tractor trailer is in and out. We have no choice but to put the tanks the way it is. The tanker is about eighty-foot long.

MR. WARD: That's why I'm concerned about the traffic and people going around. You know, it's a busy 9W and you know that.

MR. NEZWEIT: It's a busy 9W, yes. It's not a busy station. It's very hard to get in and get out, that's why we're doing this. We're barely doing any business there.

MR. WARD: My last question was being in a residential area, to make a visual site like you said with the canopy in the front for the bank, but at the same time is there any type of landscaping or anything proposed or does it -- for a buffer for the residents?

MR. NEZWEIT: This is the bank. We're talking to a bank. We don't know yet if it's

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going to be a bank or no bank. We're trying to propose this to a bank. We're trying to bring this to the gas stations like Dunkin Donuts or Subway. We want to try to make a bank to the inside of the gas stations like we have on the west coast. We're trying to sell this idea in the northeast. I saw this on the west coast. As I say, we don't have definitely a bank coming in here. I've been talking to a few banks. We couldn't get Dunkin Donuts because the drive-through is in a B zone.

MR. LAPINE: To answer your original question, right now it's purely a concept. We'll develop a full landscaping plan focusing on some screening activities in the back, whether it includes the fences, maybe some large scale trees, a little bit more larger than we typically do for calibers and heights of the trees. We do realize the sensitivity of the neighbors adjoining us and we need something that's -- something they can appreciate as well. We have to take aesthetics into consideration, and we'll do that as this project progresses. We'll work with Karen as well. Our intent is not to put a

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ROUTE 9W SHELL

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product out there that the neighbors are not happy with. We have to consider the people of the City of Newburgh as well.

MR. WARD: Thank you.

MR. LAPINE: You had one other question before I just wanted to answer. The intent would be the trucks would park here. What we would like to do is I'd like to have the fueling locations up here so that if they are loading here and you have a car that gets gas in the off-peak hours, they can pull out right here.

MR. WARD: Okay.

MR. LAPINE: We've got enough land for two-way travel there. So you park the truck, pull the hose around the other side and load them if they're up front here and these vehicles can still pull out. Or there was one suggestion here about eliminating this right turn out. That's something we would need to talk about with the DOT because this was dictated by the DOT.

MR. WARD: Thank you.

MR. NEZWEIT: Also the drop off of the gasoline is twenty minutes. I mean the truck comes in, in twenty minutes he's offloaded and

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ROUTE 9W SHELL

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he's gone. It's not an every day situation.

CHAIRMAN EWASUTYN: We have been talking at the work session and we vaguely remember, how many stations do you own in the Hudson Valley?

MR. NEZWEIT: In the Hudson Valley I own and operate over forty sites. Gasland owns about eighty-six locations from Syracuse to Yonkers.

CHAIRMAN EWASUTYN: Conceptually I'm in favor of what you're proposing this evening. I think what the Board would have to do is make a motion to grant conceptual approval, and also to discuss in that motion that Mike Donnelly would assist us with why the Planning Board is looking to waive the guideline standards as far as placing the canopy and gas islands in the front of the site.

Mike, would you help us with that?

MR. DONNELLY: Sure. I'll include it in your final resolution but I heard three things discussed. This is an unusual lot. It will be visible from multiple viewpoints no matter how the station is configured. It really is more

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than just a corner lot because there are multiple streets surrounding it, therefore to put the canopy in one front is going to -- removing it from one front yard is simply going to put it into another front yard and face somewhere else.

Next, it's consistent with the existing character of the neighborhood where there are other establishments and gas stations that have parking and canopies and the like in the front yards.

And thirdly, I think I heard the Board say that if you follow the design guidelines here with this unique lot, it would result in a more intrusive and less attractive product, and for those reasons the Board would waive the design guidelines. I'll build that into the final resolution of approval.

CHAIRMAN EWASUTYN: Okay. Then I'll move for a motion to grant conceptual approval and to make a statement, as Mike Donnelly has just described to us, the Planning Board has decided to waive the guidelines for the canopy and gas islands in the front of the building. So I'll move for that motion.

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ROUTE 9W SHELL

MR. GALLI: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by John Ward. 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. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself.

At this point I'd like to fine tune the project somewhat with our consultants. I'll start with Ken Wersted, Traffic Consultant.

MR. WERSTED: Starting off with access, under the previous application the site was obviously much more compact up against Route 9W, and at that time we had made a comment that the driveway widths to get in and out of the site were very wide, so we would ask to look at that again. The entrance is thirty feet right now. If you can demonstrate why you may need that

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ROUTE 9W SHELL

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distance, if it's the truck reason and so forth. You know, we'll need to see that to see if it can be tightened up to discourage people from seeing a very wide entrance and thinking that it's so wide I can just pull out right onto 9W.

MR. LAPINE: Would a truck movement plan kind of suffice that?

MR. WERSTED: That would help.

Along those same lines, we can see where the existing fuel delivery locations are, the tanks. If you can show where the proposed will be and how the truck will be positioned, that will help as well.

Back in February of this year when we were looking at the previous application the Board discussed, and was in favor of, not having the southernmost driveway to Route 9W. Just given the convenience of coming out to North Plank Road to a signalized access to be able to turn left to go onto 9W, it made sense to restrict that driveway. We wrote a letter to that effect and forwarded it to DOT at that time. If you don't have a copy get in touch with us and we can provide that to you.

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Then we had a couple of comments just around the site. You had answered the one about parking in the rear of the building. That would primarily be for the bank.

In addition to the Board's comments regarding people walking over to there, it may make sense to look into John Ward's comments about moving the parking closer up to the building and having the drive-through wrap around the very back of that parking lot.

Previously John Collins Engineers had provided an improvement plan for Route 9W and North Plank Road from the intersection which showed the addition of turn lanes and opening up that intersection --

MR. LAPINE: Correct.

MR. WERSTED: -- from some other restricted movements that are there today to make it a more functional multi-movement intersection. The impact of those changes we'll need to look at, and obviously DOT will be interested in that. So when a traffic study is available relative to that, we'll want to see that and review it.

Two other comments that I had, or

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ROUTE 9W SHELL

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actually just one comment. Based on what we were looking at this afternoon, you have two parking spaces on the south corner there. I don't see a location. This is more of a detail for an area in the back. You may have that in the plan for a more detailed site, so you may want to think about taking those two parking spaces and making them perpendicular and then providing that at that location.

That was all the comments that we had.

CHAIRMAN EWASUTYN: Karen Arent,
Landscape Architect?

MS. ARENT: I agree that this plan will be a big improvement for the street scape.

I had a question for you. When you mentioned that the bank and the convenience store on the west coast are together, when you walk into the facility is it all open?

MR. NEZWEIT: That's my intention, to have it all open. If you look at Home Depot you will see us back inside Home Depot.

MS. ARENT: When you walk in you can go -- there's one door for the convenience and bank?

MR. NEZWEIT: That's my intention now.

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ROUTE 9W SHELL

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We're talking to the banks. We don't have a bank actually now. That's my intention, to have a satellite of the bank inside the convenience store, which Home Depot has them now.

MS. ARENT: Okay.

MR. NEZWEIT: They have that on the west coast. And the supermarket.

MS. ARENT: Now that makes the site plan easier to understand too with the one entrance going in the rear.

And then the canopy, will you be making a nice canopy like the other one on Route 17K?

MR. NEZWEIT: The canopy will be similar to it but I'm against the gable roof because we're having a problem with fire suppression and people get into maintenance with OSHA. You will have some shingle on top of the thirty-foot fascia which is at the other station in Poughkeepsie, the Town of Poughkeepsie. We do have a shingle. It's not like closed in from the top.

CHAIRMAN EWASUTYN: Would you consider that to be a confined space entry? Is OSHA considering that to be a confined space?

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MR. NEZWEIT: We had the problem in the location in Brewster and I changed the canopy. As a matter of fact, you know, I wasn't aware of that with my other station. I thought it's an open roof. Like Mobil -- I don't know if anybody saw the Mobil station on 299.

MS. ARENT: It's like a mansard roof?

MR. NEZWEIT: Mansard roof. I did them about four or five sites like this without closing the thing because we're having difficulty. It's about 120 pounds each and somebody walking like to the attic, it's very difficult.

MS. ARENT: We would just ask to make sure that the roof is higher.

MR. NEZWEIT: You will have a roof high enough. You will see it. We'll match the shingle, whatever is on the building.

MS. ARENT: Great. And then there would be some kind of peaked roof on the building itself?

MR. NEZWEIT: Absolutely.

MS. ARENT: During work session we discussed the need for screening around the back

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of the building, and it was the Board's opinion that it doesn't have to be so densely screened provided it's a nice architecture in the back. The big goal is to get the cars and the parking lot screened and all the headlights and lighting. It doesn't have to be heavily, heavily screened. If you don't put in a fence, that's fine. As long as the architecture is beautiful and you put in something to screen the car headlights.

MR. LAPINE: I think the idea provided earlier about making the spaces perpendicular to the building --

MS. ARENT: Gives you more space.

MR. LAPINE: -- gives us an opportunity to squeeze some more space in.

MR. NEZWEIT: We're knocking it down. All you see is I-84.

MR. DONNELLY: Across North Plank.

MS. ARENT: It's across the road.

MR. NEZWEIT: Across the road, yes.

MS. ARENT: There's a lot of big trees in the pictures. I think it's on the Route 84 property -- I mean the property between the exit ramp and your site. If you could show the

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ROUTE 9W SHELL

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existing trees to remain. I understand sometimes you probably want to get views in. To consider cutting like the lower vegetation and maybe leaving the trees but getting the views in without cutting down the trees. I know sometimes you can get permission to work on the highway property, but to consider keeping the trees and cutting the views through it rather than cutting them down.

Then just show all curbing and manmade islands removed from your landscape areas.

That was a nice idea about the Town of Newburgh sign. Perhaps you could consider maybe even a stonewall with the right kind of sign on it with big letters, Town of Newburgh in brass letters or something like that, but to consider -- it's up to the Board but that was, I thought, a nice idea that they had.

MR. NEZWEIT: As long as it doesn't take the square footage of my sign.

CHAIRMAN EWASUTYN: Good businessman. Good businessman. If it doesn't cost you anything it's worth doing.

MS. ARENT: That's it.

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Also, if there's any areas where there's any trees that can be saved on your property, if you could save them that would be great. Otherwise that's it.

MR. LAPINE: In terms of the DOT property over here, just kind of identify some stragglers that we can remove is what you're looking for?

MS. ARENT: I'd rather you show the existing trees to remain. I don't care about the underbrush but show the existing trees to remain. The big trees to remain.

CHAIRMAN EWASUTYN: Frank?

MR. GALLI: He can do that on DOT property?

MS. ARENT: They did in other gas stations in other municipalities.

MR. GALLI: Okay. I was just curious.

MS. ARENT: I don't know how it's done but I know on a couple other projects that I reviewed there were trees cut down in the right-of-way. I don't know if they get permission from the DOT or not. Instead of having that done it would be nice to see views

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ROUTE 9W SHELL

32

cut through rather than trees eliminated.

CHAIRMAN EWASUTYN: Bryant?

MR. COCKS: You're going to have to show a dumpster location on there.

I believe with the trucks turning in there, also show where the garbage trucks are going to be. I know the parking is going to get reconfigured, but just when the plans get engineered make sure to do the sidewalk detail and whatever planting bed. If it's going to be between the sidewalk and the building, I don't know if that was proposed or not, just make sure to detail it.

The loading zone that's up there, are they going to go around the back to bring in the stuff to the convenience store? Are they going to have a door?

MR. LAPINE: There's going to be a side door.

MR. COCKS: Just show the ramp on the sidewalk there also.

This project, now that the building is bigger is now an unlisted action, so the Planning Board is going to have to declare their intent

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ROUTE 9W SHELL

33

for lead agency. The project will have to go to the DOT, Orange County Planning Department, the City of Newburgh and also the Town Highway Department for their approvals.

We were discussing at the work session and we're not sure North Plank Road and Route 32, in this section it's just a Town road.

MR. LAPINE: The surveyor said -- he researched it and he said it was still a New York State road.

MR. COCKS: Okay. We'll have to double check.

MR. LAPINE: I took his word for it.

MR. COCKS: We were kind of going back and forth at the work session.

MR. GALLI: I think Pat had the right answer because he investigated it. I think he said it wasn't a State highway anymore, or the State wasn't taking care of it anymore. It might have been a State highway but the State wasn't taking care of it anymore.

MR. COCKS: We'll have to check. That's the difference between a Town highway approval or the DOT approval.

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ROUTE 9W SHELL

34

MR. DONNELLY: Or the County DPW. Not the County, the State DOT.

MR. COCKS: Just with the variances, there is the front yard variance for North Plank Road for the building. Also I believe the canopy is going to need a front yard variance also for being on Route 9W. So two front yard setbacks you'll need.

MR. LAPINE: I thought the canopies were considered an accessory structure.

MR. COCKS: I don't think so. I think we've sent it before for a canopy.

MR. CANFIELD: In the past they have.

MR. COCKS: We have referred it for canopies. Either way you're going -- you have to go, so I don't think it would hurt to just add it.

Other than that, that was all I had at this time.

CHAIRMAN EWASUTYN: Jerry?

MR. CANFIELD: The only thing conceptually which would impact perhaps the project is the Town of Newburgh sprinkler ordinance applies because of the size of the

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ROUTE 9W SHELL

35

building. That's a local ordinance that applies to that.

Other items deal with perhaps site plan issues as the project develops.

CHAIRMAN EWASUTYN: Frank?

MR. GALLI: I just have one more question. Are you putting new tanks in?

MR. NEZWEIT: Yes. Brand new tanks.

MR. GALLI: Are you going to move them from where they are now?

MR. NEZWEIT: Yes. They're by the big sign.

MR. GALLI: When the truck is there you can't get in and out. Okay.

CHAIRMAN EWASUTYN: Any other questions from Board Members?

MR. WARD: Do they need a demolition permit?

MR. LAPINE: We'll need a demolition permit as well.

Our intent would be to -- we'll have a discussion following this meeting about moving forward and we'll put together an entire site plan set which includes our demolition plan, site

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ROUTE 9W SHELL

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plan, grading plan, water plan, landscaping plan,
lighting and site details.

The other thing I would request tonight
is if we can get from the Planning Board a
request to go to the Zoning Board.

CHAIRMAN EWASUTYN: Yes. That would be
a part of the motion.

Cliff Browne?

MR. BROWNE: When you're doing your
design, please keep in mind that the view coming
north on 9W out of the City, you're coming down a
hill and you're looking basically at the top of
your canopies and so on. We want to make sure
that that's done properly so you don't see all
the stuff inside the canopy and all that.

MR. NEZWEIT: You won't see it.

MR. LAPINE: I think it's going to have
to be a little higher than thirty inches.

MR. NEZWEIT: Plus you have the
shingles.

MR. BROWNE: Just keep that in mind
when you go forward.

CHAIRMAN EWASUTYN: The other thing we
don't have in our file, Jerry Canfield was smart

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enough to realize that, is we don't have a proxy signed from the auto appraisal site. I need to get a copy of that for our record.

The motion before us this evening is to declare our intent for lead agency, to circulate to the Orange County Planning Department, to the DOT, to the City of Newburgh. I'll move for that motion first.

MR. BROWNE: So moved.

MR. FOGARTY: Second.

CHAIRMAN EWASUTYN: I have a motion by Cliff Browne, a second by -- was that Tom? Tom Fogarty. 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. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

And then the other motion is Mike Donnelly prepare a letter to refer this to the

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ROUTE 9W SHELL

38

ZBA for the requirement of two front yard setbacks.

MR. DONNELLY: Yes. One on North Plank and one for the canopies on 9W.

CHAIRMAN EWASUTYN: I'll move for that motion.

MR. GALLI: So moved.

MR. WARD: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself. Thank you.

Chris, would you make it a point in speaking with Bryant Cocks tomorrow as far as how many additional sets of plans he'll need to circulate to the involved agencies, and also to

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ROUTE 9W SHELL

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the Orange County Planning Department?

MR. LAPINE: Absolutely.

MR. COCKS: Tuesday.

CHAIRMAN EWASUTYN: Did you bring those plans?

MR. LAPINE: Yes.

CHAIRMAN EWASUTYN: If you'll wait around we'll try to accommodate you.

MR. LAPINE: Should I also make a copy of the E.A.F. as well?

MR. COCKS: I can do that at my office.

(Time noted: 8:15 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: September 22, 2009

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

----- X
In the Matter of

LANDS OF NAPOLITANO

Dee's Way off Laurie Lane
Section 39; Block 1; Lot 65
R-3 Zone

----- X

CONCEPTUAL TWO-LOT SUBDIVISION

Date: September 3, 2009
Time: 7:04 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
THOMAS P. FOGARTY
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ

----- X

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

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LANDS OF NAPOLITANO

MR. BROWNE: Lands of Ramon, it's an amended --

MR. GALLI: Napolitano is next.

MR. BROWNE: Sorry. The next item is Lands of Napolitano. It's a conceptual two-lot subdivision being represented by Engineering Properties, Ross Winglovitz.

MR. WINGLOVITZ: Good evening. Ross Winglovitz with Engineering Properties here on behalf of Lands of Napolitano for a lot line change which is being treated as a two-lot subdivision under your subdivision ordinance.

The applicant is requesting that a small parcel of land, approximately .17 acres in size, or .18 acres in size, be added from the larger parcel in the rear which is owned by William and Patricia Decker, it's approximately 59 acres. .18 acres will be added from that to their existing lot which is 0.43 acres, making the total lot area for their lot now 0.61 acres. So it will be increasing the size of their pre-existing, nonconforming lot in the R-3 Zone.

No improvements are proposed.
Everything is existing.

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CHAIRMAN EWASUTYN: Thank you.

Bryant Cocks, Planning Consultant?

MR. COCKS: We discussed this at the work session, and I believe Mike brought up the fact that this is an existing nonconforming lot but since it is getting bigger there's not going to be a need for variances on this lot. That was one issue that was put to the side.

My only other couple of issues were just you're going to have to add a location map on the plan for the subdivision regulations, and also the Planning Board will have to discuss waiving the requirement for topography on the site plan since this is a large vacant parcel.

Other than that we have no issues with the project.

CHAIRMAN EWASUTYN: Bryant, your recommendations to the Planning Board as far as waiving the requirement to show the existing topo for the total 59-acre parcel?

MR. COCKS: I would recommend waiving it because it's a large vacant parcel and if it ever does come back we're going to have to review it fully in SEQRA.

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LANDS OF NAPOLITANO

CHAIRMAN EWASUTYN: I'll move for a motion from the Planning Board to waive the requirement to show the existing topo for the entire 59-acre parcel of land.

MR. GALLI: So moved.

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

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: -- a second by Cliff Browne. Any discussion of the motion?

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

Additional comments. Jerry, do you have anything to add to this?

MR. CANFIELD: Nothing additional.

CHAIRMAN EWASUTYN: Frank, do you have any questions?

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LANDS OF NAPOLITANO

MR. GALLI: No.

CHAIRMAN EWASUTYN: Cliff?

MR. BROWNE: No.

MR. FOGARTY: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: Having heard from our Consultant, Bryant Cocks, our Planning Consultant, we made the motion to waive the requirement to show the existing topo on the 59-acre parcel of land. Having looked at all outstanding issues, I'll move at this point that we declare a negative declaration and set the meeting of October 1st for a public hearing.

MR. GALLI: So moved.

MR. FOGARTY: Second.

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

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LANDS OF NAPOLITANO

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

MR. DONNELLY: I don't know if it's crucial but we haven't given concept approval. I know it's implied.

CHAIRMAN EWASUTYN: Thank you. Very good point.

I'll also move that we grant conceptual approval for the two-lot subdivision.

Thank you, Mike.

MR. GALLI: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by John Ward. 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. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes.

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Thanks, Mike. That was good.

MR. WINGLOVITZ: Thank you very much.

(Time noted: 7:08 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 22, 2009

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

----- X

In the Matter of

LANDS OF RAMON
(2004-38)

Jodi Drive, off Lakeside Road
Section 47; Block 1; Lot 102.14
R-3 Zone

----- X

AMENDED TWO-LOT SUBDIVISION

Date: September 3, 2009
Time: 7:08 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
THOMAS P. FOGARTY
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: JAMES RAAB

----- X

MICHELLE L. CONERO
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LANDS OF RAMON

MR. BROWNE: The next item of business is the lands of Ramon, an amended two-lot subdivision being represented by Taconic Design, Jim Raab.

(No response.)

MR. BROWNE: He's not here. Is he outside? Nobody here? Okay.

(Time noted: 7:09 p.m.)

(Time resumed: 8:15 p.m.)

MR. BROWNE: The next order of business would be the Lands of Ramon. Taconic Design Engineering represented by Jim Raab.

MR. RAAB: I apologize for not being here. I had no idea --

MR. GALLI: We start at 7, Jim.

MR. RAAB: This subdivision was approved back in 2005 with two retaining walls four-foot high totaling -- total distance of 240 -- I believe 240 feet.

After numerous attempts by Mr. Ramon to get a decent price to have the walls erected so he could get a building permit for the lot, he decided that it might be a better idea to try to regrade. This started with a meeting with

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2 Tilford Steitler in the field, I believe it was
3 back in March. Myself, Mike Pomarico who was one
4 of the people that Mr. Ramon was talking to, and
5 Mr. Steitler and myself, it was decided that we
6 would do a plan -- a regrading plan and submit it
7 to the Planning Board which would be reviewed
8 previously by your consultants. It was decided
9 at the consultants' meeting that we appear before
10 the Planning Board for an amended site plan which
11 is -- the only thing that's being amended is the
12 stonewalls. The septic design, the road, the
13 driveway location, the metes and bounds of the
14 lot that was previously subdivided will remain
15 the same. The only thing we're removing is the
16 two stonewalls and we're grading the slope to two
17 on one as was pointed out in Pat's memo.

18 As far as the grading and the
19 landscaping goes, we have started to decide what
20 the plan is going to be but I'm not real happy
21 with what was decided by the people we consulted
22 with, Taconic consulted with, so we're going to
23 review that and of course go over it with Karen
24 so we have her approval.

25 As Pat had pointed out, we'll have a

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plan of how the schedule is going to be planted while it's being graded, and also the fact there will be a note on here that we can't exceed the two-on-one slope.

That's pretty much it. Like I said, there's no other change to the subdivision other than the walls being replaced by the two-on-one grade.

CHAIRMAN EWASUTYN: Bryant, do you have any comments at this point?

MR. COCKS: Just that cross grading easements are going to be necessary.

Mike Donnelly will have to review when the plans come back for final signature.

A surveyor's seal and signature.
The inclusion of the north arrow on the plans.

CHAIRMAN EWASUTYN: Karen?

MS. ARENT: Jim, I think instead of Junipers, if you could seed that.

MR. RAAB: That's what I thought.
That's the problem I have with it.

MS. ARENT: What I suggest is Ernst Conservation has a steep slope mixture, or you

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could also use a wildflower grass meadow mixture.

MR. RAAB: Okay.

MS. ARENT: You would have to -- one of the most important things is to make sure that there's topsoil. Unfortunately some excavators don't realize to strip the topsoil before they cut back a hill. If you can make a note on the drawing to strip the topsoil, stockpile it and, you know, grade it and then spread the topsoil back, I think that would be the most economical way to make sure the topsoil is preserved and get something to grow, and then specify the seed mixture at the appropriate rate. You can get all this right from Ernst Conservation & Seed, or call them.

MR. RAAB: Do you have a preference between the soil conservation and wildflower?

MS. ARENT: They're both really good. I would do either/or. If they want something that looks nicer, the wildflower mixture definitely looks nicer. It's more of a soil thing. If the topsoil looks poor, use the steep slope mix. If the topsoil is a good, rich topsoil, use the wildflower seed mixture. Just

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LANDS OF RAMON

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make sure you specify the proper mulch to be used to make sure that, you know, it's stable.

MR. RAAB: Okay.

MS. ARENT: Or use a jute mesh or something like that. If you use the right hydroseed mulch you shouldn't have a problem with it being stable.

CHAIRMAN EWASUTYN: So the condition before us this evening is?

MR. BROWNE: Excuse me. Was this the project we talked about that Mike brought up?

CHAIRMAN EWASUTYN: I'm going to bring that up.

MR. BROWNE: All right.

CHAIRMAN EWASUTYN: The public hearing?

MR. BROWNE: Yeah.

CHAIRMAN EWASUTYN: I was going to bring that along, too. Thanks. Do you want to talk about that?

MR. BROWNE: I just want to make sure --

CHAIRMAN EWASUTYN: I'm following that train of thought. There were two things. There's a condition to grant an amended site plan

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LANDS OF RAMON

for the Lands of Ramon, and there's also the discussion as to whether or not the Planning Board needs to hold a public hearing.

MR. DONNELLY: It appears to me, and I mentioned it at work session, what is being asked for is not really an amended subdivision as much as it is an amended resolution of subdivision approval already granted, the amendment being to remove condition number 3, I think it was, of the original resolution that required the construction of the retaining wall shown on the plans before any building permit is issued. If what you wish to do is remove that condition, then this is merely an amended resolution, you would not need to hold a new public hearing. I think you should reaffirm your negative declaration before you act.

The resolution would be simple. It would require sign-off letters from Bryant Cocks, Karen and Pat Hines on the issues in their memos. It would carry forth all of the conditions of the resolution, save condition number 3 which would be rescinded in view of what is proposed here to be completed, the review of cross grading

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easements, and finally a condition that would simply say that no building permit shall be issued until the building department is delivered proof of filing of the amended maps so that we know it has been filed at the clerk's office. I think you can do that without a hearing because it is not really an amended subdivision application, it's a revision of your resolution of approval.

CHAIRMAN EWASUTYN: Would the action be then to reconfirm our negative declaration?

MR. DONNELLY: Yes.

CHAIRMAN EWASUTYN: I'll move for a motion to reconfirm our negative declaration for the Lands of Ramon.

MR. FOGARTY: So moved.

MR. WARD: Second.

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

(No response.)

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

MR. GALLI: Aye.

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LANDS OF RAMON

MR. BROWNE: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So
carried.

I'll move for a motion to grant
approval for the amended two-lot subdivision
subject to the conditions that were presented by
our Attorney, Mike Donnelly, in the resolution.

MR. GALLI: So moved.

MR. BROWNE: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So
carried.

MR. RAAB: Thank you very much.

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(Time noted: 8:24 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 22, 2009

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

----- X

In the Matter of

HOTEL AND COMMERCIAL BUILDING

NYS Route 17K and Corporate Boulevard
Section 95; Block 1; Lot 69.2
IB Zone

----- X

AMENDED SITE PLAN

Date: September 3, 2009
Time: 7:09 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
THOMAS P. FOGARTY
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: JOSEPH LENAHAN

----- X

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

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MR. BROWNE: Is Fuss & O'Neil here?

CHAIRMAN EWASUTYN: We'll continue on.

MR. BROWNE: The next item of business will be Hotel and Commercial Building, amended site plan being represented by Fuss & O'Neil.

CHAIRMAN EWASUTYN: Karen, did you have a chance to review this?

MS. ARENT: Yes.

MR. LENAHAN: Good morning. My name is Joseph Lenahan, I'm with Fuss & O'Neil based out of Poughkeepsie, New York. I bring in front of you an amendment to the site plan application for the Corporate Boulevard park between a plumbing supply warehouse facility and a hotel.

Back in `06 we had received site plan approval for combined construction of the warehouse and hotel. Due to economic reasons and such, the warehouse is the only entity that has actually been built at this time. The hotel has gone for the standard two-year per the approval. They had then since requested an additional extension for their parcel. Unfortunately currently we can't proceed within the immediate future construction of the hotel. Because of

1 that, and in fact this was per the resolution
2 approved as a single entity even though it's
3 actually a subdivided parcel, we requested to
4 bring back to the Board a phasing of our project.
5

6 The other thing I would like to address
7 is part of the phasing of the project is how the
8 hotel site is going to look with the fact of just
9 the warehouse, including for the landscaping,
10 erosion control.

11 In addition, I also would like to
12 address somewhat some of the issues that we've
13 encountered with the warehouse facility and some
14 of the changes that we had to do to make it a
15 more constructible project.

16 The first thing I'd like to do is go
17 through and identify for the warehouse we had
18 submitted, for the workshop originally, plans
19 that just illustrated the warehouse on this site
20 without showing how things were being developed
21 for the hotel. During the workshop it was
22 brought to our attention to include both the
23 hotel and the warehouse, and on Friday the 27th
24 we had then submitted additional sheets
25 illustrating for site plan, grading, some water

1 management, erosion control items to basically
2 identify phase I and phase II of the parcel. So
3 when we go through here we can have an
4 understanding of approval for phase I and
5 approval for phase II, this way things will kind
6 of stand separate. In addition, this will also
7 help us out with the granting of the certificate
8 of occupancy for phase I of the warehouse which
9 is coming up fairly quickly, within the next
10 month or so.

12 One other thing I'd like to bring to
13 your attention is the fact that as part of phase
14 I the stormwater management area is actually
15 part of that construction phase, which will bring
16 us our water quality pond which brings us into
17 the existing detention pond itself. Without the
18 hotel built here it has a little bit of a low
19 spot. Originally the surface runoff used to kick
20 across the east side here and then down into the
21 existing stream. With the creation of this pond
22 it has actually created more of like an
23 impoundment area. That obviously will not be
24 there if the hotel was to be built. So from that
25 we've actually -- it's a little bit easier to see

1 on this plan. We put in a little bit of an
2 inlet, and this inlet pipe comes from basically
3 more or less in the location of where the
4 existing storm pipe would be for the hotel, bring
5 it into our drain and then bring it in the water
6 quality basin. This will maintain this area to
7 be dried out, it's not going to sit there and
8 collect water.
9

10 One of the recommendations from the
11 workshop was to take a shorter run and actually
12 go from the inlet and tie it into the overflow
13 control structure and bring it into the pond,
14 therefore eliminating the point of having both
15 additional clean water go through this basin.

16 Unfortunately the way I see things, as
17 part of the construction of phase I and the
18 recommendations from the Town Landscape
19 Architect, we're going to be installing the
20 wetland plants, stabilizing ponds and we're going
21 to be installing a fence around it. So as part
22 of the original phase of having a sediment basin
23 here, it's probably not going to work out well.

24 One of the options actually is to leave
25 the existing alignment that we have for this

1 inlet so when the hotel is being constructed,
2 this being the natural low spot, we're going to
3 have the surface runoff for construction come
4 into a sediment basin and overflow into this
5 system, and then do a little water polishing
6 through the water quality basin into the pond.
7

8 Landscaping as maintained for both the
9 hotel and for the warehouse, we haven't changed
10 anything of that. The only thing that we did do
11 is obviously take some of the landscaping from
12 the hotel site part, phase I, and throw it in
13 there in order to more or less screen back that
14 water quality basin.

15 In addition, there's going to be the
16 stockpile from the warehouse, and it's actually
17 proposed -- it's proposed to be up in this area
18 right here. Currently it's approximately 100 by
19 50. Right now it's peaked up just because of the
20 fact the dump trucks come and dump their fill
21 material. However, it's going to be graded out.
22 The recommendation per the workshop was cover it
23 with six inches of topsoil and seed it so it's
24 stabilized, primarily because of the fact we
25 really don't know what the timeframe is going to

1 HOTEL AND COMMERCIAL BUILDING 64
2 be for when the hotel gets constructed. You
3 really don't want to see bare naked soil piled
4 there without any vegetation on it.

5 As part of the amended site plan
6 application I'd also like to illustrate a few
7 things for the betterment of the project. One
8 such thing is during construction, up on the top
9 here it looks like there's a bit of a bust out in
10 this northeast corner. I'll give you a better
11 illustration. This embankment here is actually
12 the east side on this site. Fortunately it's
13 quite steep to install the eight, ten feet
14 screening trees required along that perimeter.
15 What we did was actually bump up grades up the
16 collars and slope it to about three to one in
17 order for better efficiency of the planting of
18 this entire embankment. The same thing along the
19 north side. Over here adjacent to this parcel
20 you'll see it's also just as steep. So we made
21 some modifications. In this modification we
22 relocated the originally proposed catch basin out
23 in the perimeter side and said we can gain some
24 grade, and we brought them in as far as we could
25 on the north side of the building in order to get

1
2 better grades and then establish the landscape
3 screening as required. That's primarily taking
4 the basins from here and bringing it more to the
5 center.

6 Along with that we went through and
7 made sure that there are some internal changes
8 from where your walk-in warehouse for the
9 standard contractor that comes in, and then also
10 the fact of the showroom on this side.

11 So we split up the handicap parking
12 spaces to accommodate for ADA, both entryways,
13 citizens, and in addition modified the grades to
14 meet better grading, including part of the
15 striped area that was out in the corner, push it
16 out in front of the store, this way ease of
17 access.

18 In coordination with the water
19 department and fire department we had a meeting
20 back on August 7th. Originally we had a fire
21 hydrant located on this side. They requested us
22 to relocate the fire hydrant giving them better
23 accessibility to fight fires coming from the
24 south side or from the west side.

25 Another addition that we went through

1 is you'll see this lovely golf course, green
2 photo here. When you take a 36-inch pipe, if
3 it's not anchored down and you have an overflow
4 control structure filling with water and a flash
5 flood comes along, it can actually fill up the
6 basin and the bottom will float. We actually
7 relocated our overflow control structure from its
8 original location and just brought it further
9 down. There's no modification to the basin
10 itself, there's no modification to the storage
11 capacity or anything of that effect. It includes
12 the same pitch, same discharge rates. Nothing
13 changes, it's just a better design.

14
15 In case anyone hasn't had to go out to
16 Corporate Boulevard, the bottom photos show a
17 panoramic view. Here is the warehouse facility.
18 It comes across. This is the current stockpile
19 area here that they're going to be taking down
20 and topsoil and seeding it. Down in this area
21 here is actually the existing entire boulevard
22 retention pond, and our water quality basin is
23 behind the smaller berms.

24 I would like to entertain any questions
25 you may have.

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HOTEL AND COMMERCIAL BUILDING

CHAIRMAN EWASUTYN: I'll turn to our consultants at this point. The consultants unfortunately never received your maps, so --

MR. LENAHAN: Pardon? The ones that were delivered on Friday?

CHAIRMAN EWASUTYN: Where were they delivered to?

MR. LENAHAN: The building department. I checked to make sure that we were on the list for receipt and that occurred. That included the sheets -- I should have the transmittal here with me. It's August 28th.

CHAIRMAN EWASUTYN: It was a minor error. What had transpired was when I had received the maps there were that many like you said and I put them in everyone's box, but I think there was a miscommunication or misunderstanding of the consultants' meeting, that the consultants were to receive their maps directly to their office. See, the consultants don't come into the Planning Board office to pick up material.

MR. LENAHAN: Understood.

CHAIRMAN EWASUTYN: But we'll review

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that now.

Bryant?

MR. COCKS: As was said, I didn't get to take a look at the second phase. I looked at the first phase and there were just a couple minor revisions.

Just the name of the former engineer was still on the front of the site plans.

Just the revision date should match up.

Other than that, I'll have to take a look at the new plans to make sure everything is in compliance. I didn't have any issues that needed to be addressed on those plans. They were mostly drainage issues that Pat was going to have to review. Pat, who isn't here today, didn't get a chance to review it. He's going to have to take a look at that also.

CHAIRMAN EWASUTYN: Ken Wersted, Traffic Consultant?

MR. WERSTED: We attended the work session last week, and based on the proposal to phase the two buildings, that won't have any effect on the results of the traffic analysis and SEQRA process that was conducted already.

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CHAIRMAN EWASUTYN: Thank you.

Karen Arent, Landscape Architect?

MS. ARENT: I quickly reviewed the set of documents that you just -- you submitted on Friday. I think because you didn't include the landscaping plan for the warehouse, there's no -- I didn't see the plantings for the stormwater management area.

MR. LENAHAN: That's actually on a detail sheet.

MS. ARENT: I looked. This is something you can call me about. I searched for that and -- so I need to make sure that that's going to be part of phase I and it's in the package.

Also you need to reference the notes that are -- the landscaping notes that are on L1-11 of the hotel site and have that referenced on your warehouse site, the notes for the landscaping on that sheet.

MR. LENAHAN: On that sheet as well.

MS. ARENT: I would only need to see those two plans.

MR. LENAHAN: Those two plans?

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HOTEL AND COMMERCIAL BUILDING

MS. ARENT: The detail sheet and the
warehouse sheet.

MR. LENAHAN: Okay.

CHAIRMAN EWASUTYN: Comments from Board
Members. Frank Galli?

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: I was just a little
concerned with the grading and the hills I guess
I can call them. I was kind of concerned as to
why that didn't show on the original topos, that
that would happen, because apparently you
couldn't do what was agreed to originally because
of the grade and you had to modify things. I'm
just kind of concerned that nothing -- now I
understand that. I just think that you can do
better in the future with the topos than the
original submissions.

MR. LENAHAN: Understood.

MR. BROWNE: That should have been --

MR. LENAHAN: I agree with you.

Originally I had done a little research to get to
the bottom of it and I realized within the two-
foot contours there was a bit of a bust walking

1 through identifying -- the surveyor identifying
2 where the top of the slope was and the clearing
3 limits. In addition I know originally there was
4 supposed to have been a retaining wall. They had
5 removed that and then they brought it into
6 acceptable two, two-and-a-half to one slope,
7 however originally it was supposed to be more of
8 like a trap. Then I realized the revisions in
9 '06, that they had modified it because then there
10 was a request of the architect in identifying the
11 eight to ten-foot trees to screen that perimeter,
12 and then I believe it was actually an error on
13 the part of the designer not having a better
14 understanding of how you plant an eight, ten-foot
15 tree on the slope. In nature a tree can easily
16 grow out of a slope like that. You're not
17 dealing with the ball and the water hole and
18 stuff. Unfortunately we made the modification
19 but in reality we actually -- really we sloped
20 this out nice. It's like three to one. If you
21 go back it's a nice transitioned slope. It's not
22 as obscene as it looks here.

24 MR. BROWNE: Karen, I assume you're
25 okay with this.

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MS. ARENT: Yeah. And the grades that they showed that we approved weren't -- they're not what he's showing up there. They're totally different. They're putting back, you know, a better slope. I was hoping they would fill the whole thing with topsoil since they found so much on site but they're only -- they're putting six inches of topsoil on the top, so it's fine.

MR. BROWNE: Thank you.

CHAIRMAN EWASUTYN: Tom Fogarty?

MR. FOGARTY: I know you corrected some of the drainage issues. What impact does that have to when the hotel is going to be built? Do you have to move that at all or will the hotel still fit in where it was originally designed?

MR. LENAHAN: Yes, the hotel will still fit in. The only modification that we would do is in reality you'll see where the inlet pipe is here and it actually comes straight through. It's more or less an alignment of two catch basin runs. It connects to the exact same point, same port hole, that manhole. That would be the only difference that we have here is just taking that one pipe.

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In addition, part of the drainage easement was also to install the two basins on this site. So there will be some modifications, some minor grading when it comes to more or less merging both sites because just the grade difference. What we did with the plans that we had submitted there on Friday was actually illustrated the existing grades, the proposed grades and actually grade in transition grades so the contractor has an idea of how to more or less contour out the land just in between without having the timeframe of when phase II can actually start.

MR. FOGARTY: Thanks.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Basically I was going to ask about the drainage. It's pretty well covered now. Thank you.

CHAIRMAN EWASUTYN: I have just two questions. The 100 by 50 stockpile area that you're talking about, you say you're going to reduce the height. We never talked about the height. What is the existing height? What is the proposed final height?

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HOTEL AND COMMERCIAL BUILDING

MR. LENAHAN: I was actually talking to Tom Frazier, the site super. He went out there and indicated currently we've got a twenty-five, thirty foot height just because of the ramping. See over here, it pools up high. More or less that's the highest pile that we've got. They're going to more or less take down and blend it all together and bring it down to about twenty feet and more or less mound it, kind of I would say more or less like a dome, not like a mountain.

CHAIRMAN EWASUTYN: Tom, since you're here tonight, would you mind coming forward and introducing yourself one more time?

MR. FRAZIER: Sorry I'm late. I'm Tom Frazier, I'm the project superintendent on this.

A lot of this has come about because I was -- I realized we couldn't put the plantings in on this end in the back, and it just -- my knowledge of what can and can't be done, what shouldn't be done, and that was where -- that's what prompted a lot of the changes.

One of the things that I wanted to point out was that this hill of dirt -- okay. All right. This hill of dirt here was an

1 agreement between us and Northeast Realty because
2 what will happen is that -- we've found that
3 there's about two feet of loam topsoil throughout
4 this entire area, and he's going to need this and
5 asked -- he asked us if we could leave it for
6 him, and that's actually where it came about.
7 That's why we're putting it there. It wasn't an
8 oversight on Fuss & O'Neil's part, it was an
9 agreement between Northeast Realty and J.M. to
10 leave him this product.
11

12 What we'll do to appease the Landscape
13 Architect is we'll -- we're going to lower it
14 down, because all we're doing is we domed it --
15 I'm sorry, we ramped it so we could put trucks on
16 it, we've compacted it and now we're just
17 starting to really start pulling back out of it
18 again because we need to build up on this side of
19 the property here because we're putting in the
20 water line and we're finishing off as we go
21 through here down the driveway. We're going to
22 pull back out of this mound and put it in there,
23 then we'll reshape it to a dome and loam it and
24 seed it so it looks like it belongs there, not
25 like, you know, we put it there.

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HOTEL AND COMMERCIAL BUILDING

CHAIRMAN EWASUTYN: That explains it.

Thank you.

Questions from the Board?

MR. GALLI: So it's going to go from
twenty-five feet down to twenty feet?

MR. FRAZIER: It will actually go less
than that. My guess is somewhere around eighteen
feet.

MR. GALLI: Okay. That's all.

CHAIRMAN EWASUTYN: Karen, my only
other question is they're talking about planting
along down the hotel site as far as in that area
along 17K. Do we ask that they come up with a
bond estimate for that or do we just take that --
they're going to fence the detention pond and
they're also going to do some landscape
improvements they're saying. How do we look at
that? Do we just accept it as being the
improvements they're going to be doing? Do we
look for an estimate? It's separate from the
F.W. Webb property.

MR. DONNELLY: I assume they bonded
everything at the beginning.

CHAIRMAN EWASUTYN: I don't know. I'm

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asking. I don't know.

MR. FRAZIER: I don't know how much the bond --

MS. ARENT: I think it's a reasonable bond. Give me a second and I will look it up.

CHAIRMAN EWASUTYN: So the bond is -- the bond that was approved was approved for F.W. Webb. The improvement that's being done is on the hotel property.

MS. ARENT: Right. I understand.

MR. DONNELLY: I think the bonding -- remember, this one was site plan. The bonding was for the entire site.

MS. ARENT: We may have separated it.

CHAIRMAN EWASUTYN: The only thing -- I'm not looking to raise issues, just following what you're saying.

MR. FRAZIER: The pond area right now has actually been seeded. It's been loamed and seeded and it's receiving water. All we'll have to do is the plantings on the top, and if we do the --

CHAIRMAN EWASUTYN: It's minor in nature.

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HOTEL AND COMMERCIAL BUILDING

MS. ARENT: We did separate out the plumbing supply house. It's a separate bond from the hotel.

MR. DONNELLY: But I have to assume that since this was approved as a single site plan, that all of the bonding was paid.

MS. ARENT: Only for the F.W. Webb site. It was requested that that be broken out.

MR. DONNELLY: I can see breaking it out because there were two lots and later on when people wanted a release we'd have to have a separate itemization, but we wouldn't have allowed --

MS. ARENT: We do have two separate amounts for both.

MR. DONNELLY: That makes sense. I think both amounts would have been paid. We can find out.

MS. ARENT: Oh, I'm not sure about whether or not they're paid.

I just have a question for Mike. I would be fine because this is, you know, a generous bond. As long as if they didn't do something on the hotel site, even though it's not

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listed in the estimate, if it could be requested.

MR. DONNELLY: They can't do anything on the hotel site that's not part of phase I.

MS. ARENT: On the stormwater management. I'm talking about in the stormwater management area of the hotel site.

MR. DONNELLY: I don't know. Is all that work completed?

MS. ARENT: They have to put landscaping in. If they don't do the landscaping, as long as I can refer to this bond amount.

MR. DONNELLY: What are we trying to accomplish? We want that landscaping done now?

MS. ARENT: Absolutely.

MR. DONNELLY: We have a bond in place to cover it?

MS. ARENT: It doesn't specifically cover that. It covers the other site.

MR. DONNELLY: It gets back to the question I have, and that is since it's one site plan I think we have a bond for both sets of estimates because we -- I can't imagine we would have done it otherwise. It was a single site

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plan. I see what you're saying.

I guess what we're asking is in the event there's no landscape bond in place for the hotel site, would you allow the excess bonding, calling it that, from the F.W. Webb to cover --

MR. FRAZIER: Yes.

MR. DONNELLY: -- any incomplete landscaping on the hotel site?

MR. LENAHAN: Yes.

MR. FRAZIER: Yes.

MR. DONNELLY: If you're saying yes, I think that covers the issue.

MS. ARENT: That's exactly what I was asking.

MR. FRAZIER: The other thing too is the pond is actually community territory because they're both distributing water into that and they're both going to maintain it. They understand that there's an agreement between the hotel -- Northeast Realty and F.W. Webb that this -- that whole portion was -- there's an easement for the drainage that crosses the hotel property.

MR. LENAHAN: Here's the easement that we've got for the stormwater. So it's actually

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part of that agreement that they have.

MS. ARENT: John, they're only doing the stormwater management, no other improvements, because it's all going to be graded later.

CHAIRMAN EWASUTYN: I heard that. He said do some plantings around it. That's why I raised it. Now we have defined that.

MR. DONNELLY: We need to have the proper corporate names for the two current owners of the parcels and some kind of documentation that shows that they both consent to the amended site plan because both owners are involved here.

MR. LENAHAN: Right. We have the application that has both statements from both owners.

MR. DONNELLY: Just drop me a quick e-mail that tells me their names so I can plug them into the resolution.

Next, I think before the Board acts you should memorialize what I think is obvious and built into your discussions, and that is that the approval of a phasing plan won't change in any fashion any of the environmental issues that were addressed in the existing Environmental Impact

1 Statement as well as the de novo negative
2 declaration you had issued back in 2006. I think
3 it's important that we note that in the record
4 before you take action.
5

6 Finally, we discussed at the work
7 session the possibility that the Board could,
8 subject to receiving sign-off letters, take
9 action on the site plan tonight, and I believe
10 that's legally permissible.

11 What we would need by way of conditions
12 is of course a condition that carries over all of
13 the prior conditions that are relevant. We would
14 need sign-off letters from Bryant Cocks, Pat
15 Hines and Karen Arent that touch on the issues
16 raised in their memos.

17 There were cross grading easements, a
18 whole set of easements that were made part of the
19 original package that I reviewed at the time of
20 approval. I would like someone to review those
21 again and highlight the section that tells us
22 that cross grading for the purposes you've just
23 outlined, which is at the time of hotel
24 construction, that you have the right to enter
25 onto the property of F.W. Webb to meld that

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grading line at that point. I want to make sure those are in place.

We will also include a condition that no certificate of occupancy for phase I will be issued until all of the improvements shown on the phase I plan are completed or have been appropriately bonded.

The resolution will contain other standard conditions that are usual.

I think along those lines, if you issue a SEQRA consistency determination the Board could act this evening.

CHAIRMAN EWASUTYN: Questions from Board Members as far as the resolution for approval and the SEQRA consistency determination that Mike Donnelly has just presented. Frank Galli?

MR. GALLI: No additional questions.

MR. BROWNE: I have one other thing with the modification or whatever with the pile of topsoil. I would like to see some kind of a drawing, or numbers, or something so that code compliance has something they can refer to, to make sure they have something they can say this

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is proper or not proper. I don't know how to word it but --

MS. ARENT: Can they write dome shaped, elevation not to exceed --

MR. FRAZIER: I think the slope would probably be the most important thing.

MR. LENAHAN: Correct. We did identify the maximum slope on the plans there for the stockpile. We could also just identify the maximum height elevation.

MS. ARENT: That would be perfect.

MR. DONNELLY: If you could add a note or detail to the plan that shows exactly what will be done, making it part of the phase I plan, that would be helpful.

MR. BROWNE: Because I'm thinking to myself okay, what I heard was well this, that and the other thing and I'm saying to myself how are the compliance guys going to say it's proper.

MR. DONNELLY: Let's make that part of, Karen, your sign-off letter, that that has been added to the plan and does the trick.

MR. CANFIELD: Also, if I might add, I believe we have soil erosion control and

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landscape inspection money as well. So prior to a C of O both of those conditions will be addressed through the consultants and they'll be inspected. To answer your question, Cliff.

CHAIRMAN EWASUTYN: Jerry, do you have any outstanding comments? I apologize.

MR. CANFIELD: Nothing. The water issue, the new hydraulic analysis has been submitted and it's acceptable. We have nothing outstanding. The language we had discussed in the work session Mike already covered. So no, I don't have anything else.

CHAIRMAN EWASUTYN: Okay. Tom Fogarty?

MR. FOGARTY: I have no further questions.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I was just going to mention, like you were saying, taking the topsoil with the water line going on the site between the hotel and the warehouse, I was concerned about soil erosion. You know, that's going to be all seeded and --

MR. LENAHAN: Right.

MR. WARD: Is there a slope going down

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or is it level to the hotel site?

MR. LENAHAN: It gradually comes all the way down. That's why we have that flared end. It comes down to the low point.

MR. WARD: If you look at it now it's like --

MR. LENAHAN: Right.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Having heard comments from our consultants, having listened to comments from the Planning Board Members, and Mike Donnelly, Planning Board Attorney, has reviewed the project before us and proposed a resolution to grant final approval for the amended site plan for the hotel and commercial building and has outlined that the project before us tonight is consistent with the original SEQRA determination, I'll move for a motion for approval.

MR. FOGARTY: So moved.

MR. WARD: Second.

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

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(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

Just how the process works, eventually as we get a sign off from all the consultants, then the maps eventually go to Pat Hines -- to Bryant Cocks, Planning Consultant, and he'll review them and make a recommendation that the plans are ready for the Planning Board office to sign, at which time you'll call -- make an appointment to drop off one copy of the mylar, one copy of the paper set. The mylars will be signed, returned to you, and at that point you'll know how many copies of the prints we'll need from those mylars.

MR. LENAHAN: Okay. Thank you very much.

(Time noted: 7:40 p.m.)

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

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

DATED: September 22, 2009

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

----- X
In the Matter of

DISCUSSION OF LOCAL LAW REGARDING SELF-STORAGE
OVERLAY DISTRICT

----- X

BOARD BUSINESS

Date: September 3, 2009
Time: 8:15 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: FRANK S. GALLI
CLIFFORD C. BROWNE
THOMAS P. FOGARTY
JOHN A. WARD

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

----- X

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

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2 MR. BROWNE: The next item is the Board
3 Business discussion of a local law regarding
4 self- storage overlay district, Mike Donnelly.

5 MR. DONNELLY: I e-mailed all of you a
6 copy of the law. I think you've seen it. It's a
7 proposal by the Town Board to add a new zoning
8 district to the Zoning Law called the self-
9 storage center overlay district. Just so you
10 understand what an overlay district is, normally
11 you have a district -- you divide the Town up
12 into districts and each one is its own district.
13 The idea of an overlay district is you lay
14 something on top of a district, or several
15 districts, in order to add specific requirements
16 that overlap that area. That's the concept.

17 The law identifies the area that's
18 going to be covered. It's primarily a section of
19 the Route 32 and Route 9W corridor, largely in
20 the B Zoning District.

21 The law goes through a series of
22 requirements after the mapping session requiring
23 buffering of any self-storage facility from any
24 public roadways, a restriction that says that
25 boats and campers and trailers, et cetera must be

1 stored inside, they may not be outside of the
2 building. It does permit moving truck rental or
3 truck rental and the sale of moving supplies on
4 site. I guess the idea is someone could have a
5 storage center that could also double as a truck
6 rental for moving purposes, and could sell boxes
7 and supplies and blankets and whatever else.
8 Boxes are needed to assist in moving.
9

10 There are certain -- there's a
11 reference to the noise and illumination
12 limitations within the ordinance itself that are
13 declared as having application here, and there's
14 also a reference to the performance standards of
15 Section 185-35.

16 Finally, there's a provision that says
17 the design guidelines shall apply to self-storage
18 facilities to the extent practical.

19 That's a brief outline of what the
20 primary provisions are of the law.

21 I think what the Town Board is looking
22 for is any recommendation, report, proposed
23 changes that represent the Planning Board's
24 opinion on this matter.

25 MR. GALLI: Mike, I just have -- maybe

1 what we can put in there, and John was discussing
2 earlier, about the site in New Windsor where they
3 want the boats and everything stored inside. If
4 it's going to be a U-Haul rental or any kind of
5 truck rental place, that the trucks aren't stored
6 out front on the highway. To advertise it, as
7 far as moveable signs, because it is signage.
8 Even though it's on the side of the truck it's
9 signage. They should be stored on the property
10 in the back.
11

12 MR. DONNELLY: Inside or the back?

13 MR. GALLI: So it can't be seen from
14 the roadway. I don't know if they're going to
15 get the bigger trucks inside. If they get boats
16 inside -- I'm sure RVs and stuff inside, I'm sure
17 they can get those trucks inside. Either inside
18 or out of sight in the back.

19 MR. WARD: I mentioned the one going to
20 Washingtonville.

21 MR. GALLI: By Bull Road.

22 MR. WARD: Everything is in the back
23 but --

24 MR. DONNELLY: Of course what the back
25 might mean on the 32/9W corridor might be in

1
2 somebody else's backyard.

3 MR. GALLI: I've also seen them where
4 they have it landscaped and fenced off so you
5 can't see in the site.

6 MR. WARD: Like a buffer.

7 MR. DONNELLY: The buffering
8 requirement strangely I thought was only at the
9 public roadway.

10 MR. GALLI: The only thing -- like I
11 said, the only thing I don't want to see is
12 U-Haul trucks. U-Haul trucks are parked out in
13 front right on the highway, they're parked in
14 front of the gate all for advertisements and
15 they're all outside.

16 MR. COCKS: Mike, section D of this law
17 did actually say -- did add in the separate land
18 use descriptions in the buffer strips and
19 screening section that this is added for sixty
20 feet from residential users. So that's also
21 included. I looked at what the differences would
22 be in the new bulk requirements as what is in the
23 IB Zone that's currently allowed. Really the
24 only difference is in the IB section it's eighty
25 feet for the front yard and this one is going to

1 be sixty. The building height in the IB is only
2 fifteen, now it's going to be thirty-five, so you
3 won't have that tall one like in New Windsor.

4 Then the lot surface coverage was sixty in the IB
5 and it's going to be eighty now, so they can have
6 more asphalt on site. I was discussing this with
7 Ed because I thought it was strange they have
8 this as an allowable use in the IB District, now
9 they're making an overlay district for just some
10 lots in the B District. I don't know if this is
11 a way to get around spot zoning, just one spot
12 where they would --

13
14 MR. GALLI: They must have an
15 applicant.

16 MR. COCKS: I think they already have
17 an applicant.

18 MR. WARD: I have a question. How it
19 all began with me with John was I was talking to
20 Wayne and there is somebody, and they're even
21 pushing having a three-story storage. Wayne says
22 follow the guidelines. If you can do it three
23 stories within thirty-three feet or thirty-five
24 feet. He said it's not my place, it's the
25 Planning Board's place. So somebody is pushing

1 the issue.

2
3 MR. COCKS: We just said that, you
4 know, making a new overlay district is just kind
5 of overkill. You can just add this as an
6 allowable use in the B Zone just in the bulk
7 tables. We didn't know what an overlay zone
8 really accomplished when you just add it as an
9 additional use.

10 MR. GALLI: Does it say how far up 32
11 or 9W it's going to go?

12 MR. DONNELLY: They actually have a map
13 that shows where it's going to be as well.

14 MR. COCKS: It's not in the IB Zone.
15 They're excluding a lot of IB Zones.

16 MR. DONNELLY: There's a map of where
17 it will be in the 9W corridor and where it will
18 be in the 32 corridor.

19 MR. GALLI: Did you send the map to us,
20 too?

21 MR. WARD: It's forty-one pages.

22 MR. DONNELLY: It wasn't a Fax anyway.

23 MR. BROWNE: I would like to just have
24 a comment that I'm against it, period. I don't
25 see any need for it. Another overlay, we don't

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need it.

MR. FOGARTY: When someone comes up with something, let's go get an overlay district.

MR. GALLI: If you have a lot of money and you're a developer, you can push that issue.

MR. FOGARTY: I said a storage facility overlay.

MR. WARD: Basically what John was saying is there's so much work with 9W and you have all the trucks and everything else, basically a storage facility is somebody that's trying to cash in for their property. They get a hundred bucks for one, they're making -- they're like a slumlord.

MR. FOGARTY: If they own this property they want to put a storage facility and it can't fit into the zoning so let's get an overlay. What's the sense of having zoning?

MR. DONNELLY: Would you rather see it be allowed everywhere in the B Zone?

MR. BROWNE: Why don't we just go with the design guidelines and say the heck with them.

MR. DONNELLY: Okay. So first you recommend -- I would report you're not in favor

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of the proposal.

Next, in the event the proposal was enacted, you would prefer to see the guidelines apply like they do to any other use and any truck rental trucks must be stored inside the facility like boats, campers, trailers, et cetera.

MR. WARD: You're going to open up a can of worms.

MR. BROWNE: They already did with that crazy thing on 9W with the heavy equipment repair. That's ridiculous.

MS. ARENT: Instead of requiring the big trucks to be stored inside, could you do something like what is the regulation for the storage stockpiles where you have to have landscaping at least as high as --

MR. GALLI: That is covered under the design guidelines Bryant said.

MR. DONNELLY: Frank's point was if they have to put boats and trailers inside, why shouldn't -- I think they just didn't think of the issue. Trucks that are for rent, they're just going to be box trucks.

MS. ARENT: Okay. So they -- I was

1 LOCAL LAW - SELF-STORAGE OVERLAY DISTRICT 98
2 just saying if you put them outside and screen
3 them really good --

4 MR. WARD: Like Karen said, in New
5 Windsor you have a six-story building plus that.
6 That looks ridiculous. In the middle of nowhere
7 you've got that big building.

8 MR. DONNELLY: When they put the trucks
9 outside, they're doing it because it's like
10 having a sign.

11 MR. GALLI: It's an advertisement.

12 MS. ARENT: I just think it's crazy to
13 put these big things inside. If you can situate
14 it nicely outside and require just the same
15 regulation as for storage piles, like F.W. Webb,
16 that you have to immediately have landscaping as
17 high as the trucks, for example, and you can
18 really screen it well.

19 MR. BROWNE: What's the point of
20 putting them out there? You can't see them
21 anyhow.

22 MS. ARENT: It doesn't make sense to
23 require all that stuff to be in the building
24 because the building can be far uglier than the
25 landscaping. Anyway, they already have it --

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MR. DONNELLY: In the design guidelines.

MR. WARD: The Town is proposing a law for businesses -- residences not in a business home where like a landscaper has his landscaping truck, dump trucks and everything. That's on the table right now. So who knows.

MR. FOGARTY: To allow it?

MR. WARD: To stop it.

MS. ARENT: The same storage guy is smart. He's going to get all the landscapers having to use his facility.

MR. FOGARTY: They get waivers on that stuff.

MR. WARD: It's in front of the Board now.

MR. DONNELLY: I take it then that's the unanimous report. I'll report those several things by letter.

MR. FOGARTY: Good.

MR. DONNELLY: I'll check with John on the way out and make sure he's comfortable with it.

(Time noted: 8:25 p.m.)

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

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

DATED: September 22, 2009

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

----- X

In the Matter of

QUARTERLY SITE INSPECTIONS

----- X

BOARD BUSINESS

Date: September 3, 2009
Time: 8:25 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: FRANK S. GALLI
CLIFFORD C. BROWNE
THOMAS P. FOGARTY
JOHN A. WARD

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

----- X

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

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QUARTERLY SITE INSPECTIONS

102

MR. BROWNE: When are we doing the
quarterly site inspections?

MR. FOGARTY: The 12th and 19th are no
good for me.

MR. GALLI: The 26th is no good.
That's the Town parade. Joe is out thirty days,
so nothing is good for him. Ken is usually good
any time.

MR. BROWNE: What's the two weeks?

MR. GALLI: The 12th and 19th.

MR. FOGARTY: I'm out.

MR. BROWNE: Golf?

MR. FOGARTY: I have a wedding down in
Florida that weekend.

MR. GALLI: You're going to be gone?

MR. BROWNE: The whole month you're
out?

MR. FOGARTY: No, no. The 12th and
19th. The 26th I'm good but Frank is no good.

MR. BROWNE: You guys can make the
26th, both of you?

MR. WARD: Yes.

MR. FOGARTY: Yes.

MR. BROWNE: We'll do it the 26th.

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We're doing the site inspection the 26th.

CHAIRMAN EWASUTYN: Thank you.

MR. DONNELLY: Just quickly, the sentiment of the four members present was that the Planning Board authorized me to issue a report that the Planning Board is not in favor of the proposal, and in the event it's enacted they feel that the design guidelines should apply to the self storage use in the same manner as it does with any other use, and that the rental center trucks, if proposed, must be stored inside just like boats, campers, et cetera.

CHAIRMAN EWASUTYN: Good. I'm glad I wasn't part of it because I think that's a very well thought out process.

MR. DONNELLY: I'll send that letter then.

MR. GALLI: Officially close the Planning Board meeting of September 3rd.

CHAIRMAN EWASUTYN: Roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. FOGARTY: Aye.

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QUARTERLY SITE INSPECTIONS

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 8:30 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 22, 2009