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

----- X

In the Matter of

McDONALD'S
(2017-14)

1403 Route 300
Section 60; Block 3; Lot 41.21

----- X

AMENDED SITE PLAN

Date: October 5, 2017
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
STEPHANIE DELUCA
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: ALAN ROSCOE

----- X

MICHELLE L. CONERO
3 Francis Street
Newburgh, New York 12550
(845)541-4163

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McDONALD'S

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CHAIRMAN EWASUTYN: Good evening,
ladies and gentlemen. We'd like to welcome
you to the Town of Newburgh Planning Board
meeting of the 5th of October.

At this time we'll call the meeting
to order with a roll call vote.

MR. GALLI: Present.

MS. DeLUCA: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. BROWNE: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

MR. DONNELLY: Michael Donnelly,
Planning Board Attorney. Present.

MR. CONERO: Michelle Conero,
Stenographer.

MR. CANFIELD: Jerry Canfield, Code
Compliance Supervisor.

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

CHAIRMAN EWASUTYN: Thank you. At this
point I'll turn the meeting over to Frank Galli.

MR. GALLI: If everybody would stand

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McDONALD'S

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for the Pledge.

(Pledge of Allegiance.)

MR. GALLI: If you have cell phones,
put them on vibrate or shut them off.

CHAIRMAN EWASUTYN: This evening we
have two items on the agenda. The first item on
the agenda is McDonald's. It's located on Route
300. It's an amended site plan.

I always have a hard time remembering
your name.

MR. ROSCOE: Alan Roscoe.

CHAIRMAN EWASUTYN: Alan Roscoe is the
representative.

MR. ROSCOE: Good evening, folks. I'm
Alan Roscoe from Core States Group Engineering
from Watertown, Massachusetts.

We're here again this evening seeking
amended site plan approval for a remodel of
McDonald's at the Newburgh Mall.

Last time we had talked about
addressing several comments that Mr. Hines had
brought forward. Since then we've added
notations to the drawings that I believe
addresses his concerns and comments.

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We've also provided a landscape drawing that shows augmented landscaping per our discussion last time. What I understand today, Mr. Hines is also asking that we address the landscaping a little bit further, which I'm certain we can accomplish. The trick is some of the exterior areas are actually under the maintenance jurisdiction of the mall property itself. So while we can agree to do something, there would have to be some arrangement between the owner/operator and the mall ownership to talk about that landscaping. I don't think that we can say that we won't concede to the Board's wishes. We're certainly going to provide landscaping. We're not going to spend the money that we are on the site and not make it look good. I'm certain we can come to some agreement with the mall ownership. We had specified fairly loosely that we'd use similar landscape species that are there now. If that's not adequate enough, I propose that we just make it a condition that we agree to meet the approval of the Chair or some other representative. We understand we have to do a landscaping bond, so

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we'll need a definite quantity and a definite kind of species provided. I do know that we agreed upon providing, you know, approximately three-foot height landscaping. I think we're generally in agreement, we just have to hash out the details on that.

CHAIRMAN EWASUTYN: Since we're on that note, rather than going back and forth as a general agreement, the project after you has a plant schedule. In that plant schedule it lists deciduous trees, the quantity, the common name, the botanical name, the either caliber or the gallonage. It's that kind of specification that we want to see. It's not a question of we'll come to an agreement. We have to read this print on your landscape plan.

At the last meeting we discussed removal of what you identified -- and I walked up to the board -- as being C in this corner. You said fine, we'll do that. On this plan you show it to be remaining. So rather than going back and forth with the yes we're going to do it, we're going to do it, the plan is deficient. It needs to be improved on this plan.

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B in the corner, you list something as being shrubs. They're not shrubs, they're arborvitaes. An arborvitae isn't a shrub.

If you drive through that aisle, and we can discuss it, the arborvitae is overhanging this private little aisle. It cuts back on sight visibility if you were to go out into that aisle. So Alan, I say it's totally deficient.

Considering the fact that we have Mavis, Buffalo Wings and we have that being done nicely, we have the Newburgh Mall that we have a responsibility to as far as keeping that in good order so they can bring in tenants. We have someone like McDonald's who is investing so much money in the facade of the place and you're really deficient.

I went back to the site again. You said to Pat Hines you don't see the need for double striping because you only have single striping. When you go to that site, Alan, the symbols don't delineate anything, they're worn out. The hashmarks for the crosswalks are deficient. So Alan, I think the whole site needs to be re-striped. Whether you're in agreement

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McDONALD'S

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with that or not, it's just -- it doesn't work the way it looks.

MR. ROSCOE: No. I agree with you. It will be repainted. All the crosswalks we're providing will be repainted. We're showing that on our drawings.

I drove through the site again this afternoon based upon the comments.

CHAIRMAN EWASUTYN: What did you see?

MR. ROSCOE: Well yeah, some of the crosswalks are obviously faded, but we're replacing those. We're already proposing that. All the pavement markings and directional controls and the likes, we're proposing new.

CHAIRMAN EWASUTYN: Is that a fact?

MR. HINES: It's not depicted on the plans, though.

MR. ROSCOE: Yes, it is.

The striping on the spaces; yes, it's faded. I would agree we will re-stripe the spots. I think the discussion we were having is whether or not the stripes should be double lined for each space. The argument that I presented was they're single lined now, could we leave it

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McDONALD'S

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that way.

CHAIRMAN EWASUTYN: Which is fine.

After you brought it to my attention, then I went out there to look at what you were discussing. I noticed most of the lines are just faded.

Is it shown?

MR. HINES: Not on the plans we recently received.

MR. CANFIELD: These are revised plans of 9/28.

MR. GALLI: This is January 31, 2017.

CHAIRMAN EWASUTYN: That's the one I have.

MR. ROSCOE: All of the pavement directional controls are shown here on the drawings. There's arrows depicted for the bypass lanes. We have arrows depicted and drive-through labels for the drive-through lane. We have directional controls painted and the crosswalks are all painted. We are replacing the ADA spaces.

CHAIRMAN EWASUTYN: Will you be striping all the existing parking lot?

MR. ROSCOE: Well based upon what I saw

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McDONALD'S

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today, yeah. Anything that is faded or striped
now that's not --

CHAIRMAN EWASUTYN: I think it's not a
question of anything. I think all of it --

MR. ROSCOE: I think it's an easy fix.
It's just re-stripe the spaces.

MR. HINES: If we're going to re-stripe
all the spaces at this point, then they should
comply with the Town standard.

MR. ROSCOE: We should go back to
double then?

MR. HINES: I think so. If you're
re-striping them all.

MR. ROSCOE: Okay.

CHAIRMAN EWASUTYN: All right. He
knows better than any of us.

Right now we haven't received back
County review. How many days are outstanding?

MR. HINES: Today is the 5th. It's two
days short of thirty days. We sent it out early,
before the first initial appearance here. It was
September 7th that we Fed Ex'd it out to save
time. Unfortunately we haven't heard back and
it's two days short.

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McDONALD'S

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MR. DONNELLY: That's a jurisdictional requirement.

MR. ROSCOE: Understood. Understood.

MR. DONNELLY: We can't act until it's either received or the time has expired.

CHAIRMAN EWASUTYN: I guess what you have to do is come back no matter what because we can't do anything this evening. We can't act on it because we don't have the authority to act on it until the County responds. So if you could revise your landscape plan.

Pat, do you have a copy of this plan that Alan is referring to that shows all the striping?

MR. HINES: I think actually I submitted my set to the County when we did the circulation.

CHAIRMAN EWASUTYN: All right. So we'll put you on the agenda for the 19th unfortunately.

MR. ROSCOE: Two weeks. Okay.

CHAIRMAN EWASUTYN: Two weeks. We'll finalize it then, assuming everything is in place.

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MR. ROSCOE: All right. That's fair.

CHAIRMAN EWASUTYN: Thank you.

MR. ROSCOE: Thank you folks.

(Time noted: 7:07 p.m.)

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

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do hereby
certify:

That hereinbefore set forth is a
true record of the proceedings.

I further certify that I am not
related to any of the parties to this proceeding by
blood or by marriage and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 19th day of October 2017.

Michelle Conero

MICHELLE CONERO

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

----- X

In the Matter of

CORTLAND COMMONS
(2017-11)

5452 Route 9W & Cortland Drive
Section 9; Block 1; Lot 60
B Zone

----- X

PUBLIC HEARING

Date: October 5, 2017
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
STEPHANIE DELUCA
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVES: STANLEY SCHUTZMAN,
JOSEPH SARCHINO & JAY DIESING

----- X

MICHELLE L. CONERO
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CHAIRMAN EWASUTYN: Next on the agenda is Cortland Commons. It's located on Route 9W and Cortland Drive. It's in a B Zone. It's being represented by JMC planning. It's a public hearing.

I'll ask Mr. Mennerich to read the notice of hearing.

MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to Municipal Code of the Town of Newburgh, Chapter 185-57 Section K, on the application of Cortland Commons, project 2017-11, for a commercial site plan. The project is a proposed commercial site plan with a total of 11,200 square feet of buildings. Building A is proposed to be 8,700 square feet, building B is a freestanding fast food restaurant with a drive-through proposed to be 2,500 square feet. The property is located in the B Zoning District and it is 3.2 acres in size. The project has frontage on Routes 9W and Cortland Drive, a private road. The project is proposed to be

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served by municipal water and an on-site subsurface sanitary sewer disposal system. The project is known on the tax maps in the Town of Newburgh as Section 9, Block 1, Lot 60. The public hearing will be held on the 5th day of October 2017 at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7 p.m. at which time all interested persons will be given an opportunity to be heard. By order of the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman, Planning Board Town of Newburgh. Dated 8 September 2017."

CHAIRMAN EWASUTYN: At this point the Board would like to have Mike Donnelly speak.

MR. DONNELLY: Sure. The purpose of the public hearing is for the Board to hear from the members of the public their concerns or issues. After Mr. Schutzman and the applicant's representatives give the presentation, the Chairman of the Planning Board will ask those that wish to speak to please raise your hand and come forward, give us your name, spell it for the Stenographer. Address your comments or questions to the Board. If they can be easily answered,

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one of the consultants in this room will attempt to give you that answer.

CHAIRMAN EWASUTYN: Thank you.

MR. SCHUTZMAN: Good evening Mr. Chairman, Members of the Board, Members of the Public, consultants. My name is Stanley Schutzman, I'm a local attorney. With me tonight is Joseph Sarchino from JMC site development consultants to answer any engineering questions that you may have. Also Jay Diesing from Mauri Architects to the extent you have any architectural questions to ask.

As a legal matter, I just wanted to mention at the outset that initially the owner of this property was a company called JNM Realty, LLC and the applicant that filed the application was under the name of Farrell Holding Co., LTD. There was a recent deed transfer transferring from JNM Realty to another entity controlled by the applicant called JG Farrell III Real Estate, LLC. I'll present Mr. Donnelly with the recorded deed. It was filed.

Second, I understand that an affidavit of mailing was filed with the Planning Board by

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Cynthia Martinez evidencing that the list we received from the assessor's office, which I believe was 308 addressees, was duly mailed. 26 of them have been returned to me. All were listed as my return address. I'll hand these up to the Board.

In addition, I have an affidavit of posting of the hearing notice consistent with the requirements of the Planning Board. This was done personally by Mr. Sarchino. I have photographs of that as well.

And thirdly, as a matter of the public notice, I had understood from the Planning Board that they had sought to advertise it on it's own but we also advertised it directly. I have an original affidavit of publication as well to present to the Planning Board.

The only legal matter that -- significant legal matter that I was aware of was the issue of the right-of-way over Cortland Drive. I presented that documentation earlier to Mr. Donnelly and have his written confirmation demonstrating that we do have the right of access over Cortland Drive.

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MR. DONNELLY: That's correct.

MR. SCHUTZMAN: With that said, to the extent the Board has any legal questions, I'd be glad to answer them. Otherwise, with your permission, I'll turn the meeting over to Mr. Sarchino.

MR. SARCHINO: Thank you, Stan.

I did post the sign. I posted one on Cortland Drive and also one on 9W here.

Just to get the bearings, Cortland Drive is here, Route 9W is here, the 3.2 acre site that was just described. This is a signalized intersection here, the intersection of Cortland and Route 9W.

So the development plan as just described is an 8,700 square foot retail building here and another 2,500 square foot retail restaurant pad site here. This would have a drive-through on the side as well. There's 68 parking spaces that serve the development in accordance with the Town Zoning Code. Access to the site is via a right in/right out drive on 9W and also a full function on Cortland Drive.

As far as the site utilities go,

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there's a subsurface sanitary sewer system here for the project. Water is taken off the municipal system here in Route 9W, and we do have an underground stormwater management system here.

With that, I'll turn it over to Jay. Jay can go through the architecture.

MR. DIESING: Good evening, everyone. I'm Jay Diesing, Mauri Architects.

As was mentioned, there's two buildings on the site, an 8,700 square foot retail building and then the smaller 2,500 square foot fast food pad site building. The retail building is set up so it could be potentially divided into five separate storefronts or one tenant could take multiple storefronts, depending on who they were.

It's a one-story building. It's a hip roof structure. It has a decorative column structure at the front which provides for nice covered entrances to all the storefronts. There are some taller roof features at some of the storefronts that gives them accent to their stores.

We talked a little bit at our first presentation for the project about the height of

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the building. There were some questions if it was under the 30 foot requirement or limit. It's clearly noted on the plans now that it's 29 foot 3, I think, to the very tallest peak of the building.

We have stone veneer on the building from the grade level up to the window sills, and then onto the column bases at the front of the building. We have a mixture of lap siding and shake siding on the building. The main roof is an architectural shingle. The front column structure has a standing seam metal roof, an accent roof.

All the materials are here for anybody that would like to take a peek at it.

Then the smaller fast food building right now is a very similar design, all the same materials, colors. Again, a one-story hip roof structure.

CHAIRMAN EWASUTYN: Any comments from the Board Members at this point?

MR. GALLI: When you say fast food, do you mean fast food like Dunkin Donuts or Starbucks?

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MR. DIESING: It could be something like that. There's no tenant identified at this point.

MR. SARCHINO: Something along those lines.

MR. HINES: When you get a tenant we'll likely have a new architectural review.

MR. SARCHINO: Probably.

MR. GALLI: That's what I was getting at. I think there's a difference between if it's a Dunkin Donuts for parking or if it's a McDonald's for parking.

MR. HINES: It's based on square footage.

MR. GALLI: Okay. That's the only question I had.

CHAIRMAN EWASUTYN: If there are no questions from the Board Members, at this point I'll turn it over to the public. Is there anyone hearing this evening that has any questions or comments?

MS. GUTTER: I have a question.

CHAIRMAN EWASUTYN: Can you give your name?

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MS. GUTTER: It's Antonetta,
A-N-T-O-N-E-T-T-A, last name Gutter, G-U-T-T-E-R.

I live in Par Valley East, so when I
come off of 9W I'm using that Cortland Drive to
come in.

You said that property -- the building,
will they have access to that private drive, the
people that will be visiting those stores and
fast food chains?

Right now I can tell you we have a
backup of cars trying to get onto 9W, the tenants
who live at Par Valley East or Orchard Hills. I
see that as a problem, you know, personally.

MR. SARCHINO: Yes, there is an access
drive off of Cortland Drive. There is a right in
and a right out on Route 9W which will take a lot
of the traffic off of Cortland Drive. So mostly
the only people using this entrance would be if
you wanted to make a left turn going south on
Route 9W.

MS. GUTTER: See, I see that as a
problem. Even with the 9W entrances to that
building, I still see -- living there, I see it
very difficult for people to make a left if it's

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not at a light. You'll be sitting there forever because the traffic coming and going. So most likely people are going to go up to that intersection and pull into that private drive which is going to back up traffic for the residents who live there to get out. So I think that's the problem that I see.

CHAIRMAN EWASUTYN: The project was -- we have -- you have, because we represent you, the Town has a traffic consultant. He's with Creighton, Manning. His name is Ken Wersted. He looked at it. I think it's been coordinated with the DOT. So it has been looked at.

Are you saying that this is occurring eight hours a day or during the a.m. and p.m. peak hour?

MS. GUTTER: I would say -- I've left my condo at 9:30 in the morning and 9W is bumper to bumper.

CHAIRMAN EWASUTYN: That's a fact.
Yeah.

MS. GUTTER: And I see a lot of people who will get frustrated because they can't make that turn into there and they're going to say you

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know what, I'm going to pull into that private drive during the peak hours, especially if it's going to be a McDonald's or a Starbucks where people want to stop to get their coffee and breakfast. You know they're going to pull in during those peak times.

CHAIRMAN EWASUTYN: Do you want to speak, someone on traffic?

MR. SARCHINO: One thing that I would like to note, a center such as this is really built to support the existing population that's there. People are passing by and they want to go get something to eat or a cup of coffee or something like that. It's not the type of center that is going to draw a whole lot of new people to the area. So if people are coming down, they may just make this stop for maybe a cup of coffee or whatever retail and go back on the road. We don't see it as generating a lot of new traffic to the area, especially in the a.m. peak and p.m. peak hours. It's really to support who is driving by now, pull in, get something and go. That's generally the concept with an 11,000 square foot retail center. A lot of the stores in the early

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morning will be closed, early, early morning, during the bad peak times.

MR. HINES: The traffic you're experiencing is on 9W, though, not leaving -- it's a signal controlled intersection.

MS. GUTTER: Right.

MR. HINES: To make the left onto 9W, you can only do that at the green anyway. The 9W -- obviously we're all familiar with the 9W traffic issues. They're backing up on Cortland Drive or backing up on 9W?

MS. GUTTER: They are backing up on Cortland. Our light is not a long light at all. It's seconds. If you miss it you have to wait a long time for the next light.

MR. HINES: That's something DOT periodically reviews is the timing of those signals. If that is an issue they can adjust the timing a little on the signals very easily.

MS. GUTTER: My thing is not so much the stores, it's whatever fast food is going to go in there. That's what I'm saying. That will be traffic no matter if it's peak time. That's what I'm worried about.

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MR. HINES: The project is before DOT for review and approval on the access drives as well. They're also looking at that issue as well.

MS. GUTTER: All right.

CHAIRMAN EWASUTYN: I don't remember it specifically but I think over the course of time there's always a traffic study. I forget exactly but 9W draws between 17,000 and 20,000 cars daily. There's a lot of volume on 9W. There I think is an example that for a two-lane highway it's really kind of --

MS. GUTTER: I've been here since 1975 and I think during the last seven years, maybe eight years that traffic has quadrupled on 9W. I've never seen it as heavy as I have.

MS. DeLUCA: That's very true.

CHAIRMAN EWASUTYN: All in all do you enjoy living in the neighborhood?

MS. GUTTER: Yeah, I enjoy it. I'm a city girl. I moved to the country.

CHAIRMAN EWASUTYN: Whereabouts in the city are you from?

MS. GUTTER: Believe it or not,

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Greenwich Village, MacDougal Street.

CHAIRMAN EWASUTYN: I grew up in the East Village. I still have a place in Hell's Kitchen. I always love floating between the East and West Village. There's a restaurant on Thompson Street which I'm very fond of. Of course there's nothing greater than seeing someone playing a piano in Washington Square Park. I agree, it's a great, great neighborhood.

MS. GUTTER: I'm lucky. I go down frequently because I still have family in Greenwich Village. I'm always down there.

CHAIRMAN EWASUTYN: I guess you and I both can remember when you could rent an apartment for maybe \$125 a month.

MS. GUTTER: Oh, yes. Oh, yes.

CHAIRMAN EWASUTYN: Good to meet you.

MS. GUTTER: Good days.

MS. VERDI: Lauren Verdi, I live on Patton Road. This doesn't affect me but I was thinking about the opposite effect of traffic, private residents going in and using it as a shortcut to get on 9W if there is a backup at the light. I was wondering if they would be open to

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adding speed bumps so you don't have people kind of whizzing through.

I can't really tell how the parking lot works, if they would have to go all the way around to the right to get to that entrance or if they can cut through the middle. If there are like pedestrians, I think that might be a safety concern, if there are people trying to get to work and they know about the traffic, if you would consider speed bumps.

MR. SARCHINO: Sure, we would consider that. I think maybe -- I think maybe we'd do it with some signage. You could come in and go out. That's what you're thinking. Yeah, sure. I'm not sure if speed bumps would be a deterrent or not, but we could potentially put a sign at the entrance here and say no through traffic or something like that. If you did park here and you did get something, you could leave that way obviously. We could sign it no through traffic. That might do a little bit better than speed bumps.

CHAIRMAN EWASUTYN: Any additional questions or comments from the public?

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(No response.)

CHAIRMAN EWASUTYN: Board Members?

MR. DOMINICK: I have one additional. One nice beautiful thing about this project is there's probably a small handful of buildings on 9W that look good. The Board here is trying to aggressively have projects clean up that area aesthetically. So you've got a nice building being added to that corridor that's going to help the area.

MR. HINES: One of the aspects of the project, because it has parking in front, they've added stonewalls along the 9W frontage to screen any vehicles that are parked along there as well. That was a mitigation measure for parking in front, as well as the sidewalk from the right in/right out entrance to the signalized intersection.

MR. SARCHINO: We put a crossing -- a drop curb here and there would be a pedestrian crossing here, and there's a sidewalk that leads you to the center. So you could walk from the development up in there now, just come down the sidewalk, cross over and come right in.

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MR. HINES: Also along 9W.

MR. SARCHINO: Also, this beige line right here, from the crosswalk at this intersection you could also come along the frontage here and then come right into the site here as well. You can cross over and come into this retail center. So it's very pedestrian friendly.

MS. GUTTER: It has the sidewalk like Quickchek?

MR. SARCHINO: Mm'hm'. DOT asked for a ped crossing here. You would be able to hit the ped and go across. It would be a protected walk.

MR. WARD: What she said just in reference to the traffic, because once I heard there was traffic coming down Cortland I said they're going to take a shortcut. I feel you should put a speed bump where all the parking spots are because that's where there's going to be pedestrians. Not there. Over when they first come in. A little further in. The other way. Right in there somewhere. They're going to go, and pedestrians are crossing, either to the restaurant or the building. They're going to be

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in a hurry, rushing to work or wherever they're going. It's access. A speed bump won't hurt.

MR. SARCHINO: We certainly could do it, yeah.

MR. WARD: Thank you. They don't read signs, trust me.

MR. HINES: They don't follow them you mean.

CHAIRMAN EWASUTYN: Pat Hines, Jerry Canfield, do you have anything to add?

MR. CANFIELD: Just two items. Did we talk about signage? Is there an overall signage plan?

MR. SARCHINO: No. We'll have to add that to the plan. It's something they have not looked at yet.

MR. CANFIELD: There have been some projects that proceeded without the signage. At a later date that can be done. It should be a consideration.

The other question also Joe, you talked about a sidewalk. Is there a requirement for a DOT agreement with that sidewalk?

MR. HINES: Yes.

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MR. SARCHINO: We can get a letter from the DOT. They are in agreement with the sidewalk. They did approve the right in/right out turn as shown on the plans. We are in the process -- after the meeting tonight we will be making the phase 2 application to the DOT, which is the next step in the process.

MR. DONNELLY: But you will be required to maintain and take care of that sidewalk under that agreement?

MR. SARCHINO: I believe so, yup.

MR. CANFIELD: That's all I have. Thank you.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: I have written comments. Back to the architectural. It looked suspiciously like a drive-through on the north side of the building.

MR. DIESING: The large building? There's a suspended canopy that's overtop of this entrance door on the right side.

MR. HINES: On the other side. The north side. I assume that's the 9W frontage we're looking at.

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MR. DIESING: Yes. I'm sorry. Yes.

MR. HINES: Where your left hand is.

MR. DIESING: These are just aluminum storefront windows. Over here?

MR. HINES: Yeah. That's not a drive-through canopy?

MR. DIESING: No.

MR. SARCHINO: I think with the original application it was. This one is not.

MR. HINES: From this distance it looked like a canopy sticking out of the building.

MR. DIESING: Just a bump out. A different roof line.

MR. HINES: It wasn't shown on the plan.

We discussed the subsurface sanitary sewer disposal system. That needs a SPDES permit from DEC and approval from the Orange County Health Department for the design and construction.

DOT's review and approval of the site access and utility section is a requirement, realizing that they have conceptually approved

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that. We did recently have a project with conceptual approval that got changed back after it went to the phase 2. We'll be looking for that DOT permit as a condition of approval.

There is a landscaping plan proposed. The Board needs to review that, or has reviewed that. The security and inspection fee will be required for the landscaping.

My office reviewed the stormwater management. Originally the project had a surface storage practice. It's now proposed to have the underground and pipe storage. We find that acceptable. We will issue a municipal authorization upon receipt of request for that.

There was a geo-technical report that was provided to the Board based on the retaining walls on the site. I believe the report stated that there would not be blasting on the site, that the rock encountered would be mechanically removed I think was the gist of that.

MR. SARCHINO: There would not be what?

MR. HINES: Blasting.

MR. SARCHINO: Yes.

MR. HINES: Just for the Board's use,

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that that report did say no blasting. If there is blasting required it's going to require a permit from the Town's code enforcement office, and the Town has specific requirements for blasting. But the geo-tech report did not envision blasting required.

A stormwater facilities control maintenance agreement is also required as a condition of approval.

The Board apparently has not issued a negative declaration. We would recommend a negative declaration at this time.

CHAIRMAN EWASUTYN: Any additional questions or comments from the Board?

(No response.)

CHAIRMAN EWASUTYN: Questions or comments from the public?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a motion from the Board to close the public hearing for Cortland Commons located on Route 9W in the B Zone. The motion would be to declare a negative declaration and to close the public hearing.

MR. GALLI: So moved.

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MR. WARD: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Mike Donnelly, we have ARB approval. That would be part of the conditions for final approval. My understanding is we'll act on the signage at a later date. Would you summarize that?

MR. DONNELLY: Sure. I think you had earlier agreed to give design guideline waivers for parking in the front yard and the maximum height of lighting poles. I will incorporate that into the resolution.

In terms of conditions, we'll need a sign-off letter from Pat Hines on the items in

1
2 his memo. I will add to that that in addition,
3 the location of a speed hump in the area
4 discussed tonight has been added to the plans.
5 We'll need sign-off approvals from the New York
6 State Department of Environmental Conservation
7 for the subsurface sanitary disposal system and
8 from the Orange County Department of Health for
9 that as well. We will reflect the concept
10 approval granted by the DOT but we'll note the
11 requirement that a highway work permit will need
12 to be issued. I believe a stormwater notice of
13 intent will have to be issued before construction
14 begins. I'll recite, as Stan mentioned earlier,
15 that the applicant has demonstrated the right of
16 access across Cortland Drive. The approval will
17 note that we are not approving the signs at this
18 time. The standard Architectural Review Board
19 condition. Landscape security and an inspection
20 fee in the amount of \$2,000. A stormwater
21 improvement security and inspection fee with a
22 stormwater control facility maintenance
23 agreement. Our standard condition which notes
24 that nothing may be constructed on site that is
25 not shown on the approved plans.

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CHAIRMAN EWASUTYN: Any additional
comments from Board Members?

(No response.)

CHAIRMAN EWASUTYN: Pat, Jerry?

MR. HINES: No. Just that the
applicant is aware that there are a substantial
number of conditions that have to be met before
the plans are signed. We've been having issues
with applicants lately that don't realize that.
I'm sure Mr. Schutzman is aware, and Joe as well.
Those conditions need to be, each of them,
resolved prior to the Planning Board stamping the
maps.

MR. SARCHINO: Mm'hm'.

MR. CANFIELD: Don't bring the
bulldozers in just yet.

CHAIRMAN EWASUTYN: Having heard the
conditions for final approval for Cortland
Commons, including ARB approval, presented by the
Planning Board Attorney Mike Donnelly, will
someone make a motion for the approval?

MR. GALLI: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: I have a motion by

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Frank Galli. I have a second by Dave Dominick.
Any discussion of the motion?

(No response.)

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried. Thank you.

MR. SCHUTZMAN: Thank you.

MR. SARCHINO: Thank you.

CHAIRMAN EWASUTYN: I'll move for a
motion to close the Planning Board meeting of
October 5th.

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: Motion by Frank
Galli. Second by Ken Mennerich. I'll ask for a
roll call vote starting with Frank Galli.

MR. GALLI: Aye.

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CORTLAND COMMONS

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 7:37 p.m.)

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

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do hereby
certify:

That hereinbefore set forth is a
true record of the proceedings.

I further certify that I am not
related to any of the parties to this proceeding by
blood or by marriage and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 18th day of October 2017.

Michelle Conero

MICHELLE CONERO