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

----- X

In the Matter of

ORCHARD RIDGE - RE-SUBDIVISION OF LOT #33
(2008-21)

North side of North Hill Lane
Section 23; Block 2; Lot 52
R-3 Zone

----- X

PUBLIC HEARING
TWO-LOT SUBDIVISION

Date: October 16, 2008
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: DONALD MILLER

----- X

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

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ORCHARD RIDGE

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MS. HAINES: Good evening, ladies and gentlemen. I'd like to welcome you to the Town of Newburgh Planning Board meeting of October 16, 2008.

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

MR. GALLI: Present.

MR. BROWNE: Present.

MR. MENNERICH: Present.

MR. PROFACI: Here.

CHAIRMAN EWASUTYN: Present.

MS. HAINES: The Planning Board has experts that will provide input and advice to the Planning Board in reaching various SEQRA determinations. I ask that they introduce themselves at this time.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield, Fire Inspector.

MR. HINES: Pat Hines with McGoey,

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ORCHARD RIDGE

Hauser & Edsall, Consulting Engineers.

MR. COCKS: Bryant Cocks, Planning
Consultant.

MS. ARENT: Karen Arent, Landscape
Architectural Consultant.

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

MS. HAINES: Thank you. At this time
I'll turn the meeting over to Joe Profaci.

MR. PROFACI: Please join us in the
Pledge of Allegiance to the flag.

(Pledge of Allegiance.)

MR. PROFACI: Please make sure your
cell phones are off. Thank you.

MS. HAINES: I want to take this time
to thank all you guys who contributed to wishing
me a happy birthday. The cake and the card were
very thoughtful and I appreciate it.

The first item of business we have
tonight is the re-subdivision of lot 33 of
Orchard Ridge. It's a public hearing on a
two-lot subdivision located on the north side of
North Hill Lane in an R-3 Zone. It is being
represented by Don Miller.

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ORCHARD RIDGE

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MR. MILLER: Yes.

MS. HAINES: 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 Section 276 of the Town Law on the application of re-subdivision of lot number 33 of Orchard Ridge for a two-lot subdivision on premises North Hill Lane in the Town of Newburgh, designated on Town tax map as Section 23; Block 2; Lot 52. Said hearing will be held on the 16th day of October 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 September 19, 2008."

CHAIRMAN EWASUTYN: Thank you. At this point I would like to turn the meeting over to Mike Donnelly, Planning Board Attorney.

MR. DONNELLY: While the publication

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ORCHARD RIDGE

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was properly issued and is in order,
unfortunately the mailings that are required to
be sent to adjoining property owners were not
accomplished, therefore it's my recommendation to
the Board that you may open the hearing and hear
from any member of the public that wishes to be
heard, but you will need to announce that the
hearing is continued to a future date certain and
have the applicant then mail the notices
announcing that date in order to afford the
public the full opportunity the law gives to them
to be heard.

CHAIRMAN EWASUTYN: The date certain
that we'll keep it open until is the 20th of
November, which is a regular scheduled Planning
Board meeting.

If, Mr. Miller, you would see Dina
Haines tomorrow or the day after, Monday, to
collect the mailing, we'll work with that.

MR. MILLER: Sure.

CHAIRMAN EWASUTYN: If you would come
forward please and make your presentation.

Is there anyone here this evening
that's here for the public hearing?

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ORCHARD RIDGE

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(No response.)

CHAIRMAN EWASUTYN: For the record then we'll open it.

MR. MILLER: Hi. My name is Don Miller representing Barger & Miller, the firm that's representing our client for a two-lot subdivision in the subdivision known as Orchard Ridge in the Town of Newburgh on North Hill Lane. It's approximately 1.56 acres being subdivided into two lots, one being .75 acres, the other one being .81 acres.

It really was an existing one lot in size and we engineered to the point where we ran it so we could get two lots out of the same lot.

CHAIRMAN EWASUTYN: Does anyone have any comments. Frank Galli?

MR. GALLI: No.

MR. BROWNE: No.

MR. MENNERICH: No.

MR. PROFACI: No.

CHAIRMAN EWASUTYN: I'll start with our Consultant, Pat Hines.

MR. HINES: We don't have any new comments. We did request last time that an

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ORCHARD RIDGE

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easement be provided for the drainage structures along the rear of the property that have been installed as part of the BCN Filiberti subdivision. I see them highlighted there. That will need to be updated on the maps.

After preliminary approval the project will require approval from the Health Department for the septic system as this site previously was approved by the Health Department as a major subdivision.

CHAIRMAN EWASUTYN: Okay. Bryant Cocks.

MR. COCKS: There was one issue with the E.A.F. Just an indication there's no indication of endangered species according to the DEC.

Just on the plan, the setback for lot 1 is shown at forty feet. It's supposed to be forty feet but in the bulk table it says sixty. That's got to be cleaned up.

Then the lot width looks to be a hundred, not a hundred and five. Those are our only comments.

CHAIRMAN EWASUTYN: Then I'll move for

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ORCHARD RIDGE

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a motion to keep the public hearing open until
the 20th of November.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI. Aye.

CHAIRMAN EWASUTYN: And myself. So
carried.

(Time noted: 7:06 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: November 5, 2008

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

----- X

In the Matter of

SOUTH UNION PLAZA
(2006-41)

Route 300 and Little Britain Road
Section 97; Block 3; Lot 1
IB Zone

----- X

SITE PLAN

Date: October 16, 2008
Time: 7:10 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: PHILLIP GREALY

----- X

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SOUTH UNION PLAZA

MS. HAINES: The next item of business we have tonight is South Union Plaza. It is a site plan located at 300 and Little Britain Road in an IB Zone. It's being represented by --

MR. GREALY: Phillip Grealy.

MS. HAINES: -- Phillip Grealy.

MR. GREALY: Greg Shaw is away so he's not here tonight.

Pretty much we're here to discuss an issue that was initially raised by the Department of Transportation relative to sidewalks along Route 300. There was a letter written earlier this year with a suggestion that the Board consider installation of sidewalks along 300 in association with this project. We've actually been working with the DOT on the permitting for the project, and the person who actually wrote that letter is no longer in the review group, he's been assigned to a different position. What I've tried to do --

CHAIRMAN EWASUTYN: Why don't you get the easel in front of you.

MR. GREALY: I was going to put it on

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SOUTH UNION PLAZA

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the chair.

CHAIRMAN EWASUTYN: Fine.

MR. GREALY: What I've tried to do is just put in the information that would be helpful in looking at the corridor in general and how we've dealt with pedestrians in the area. Pretty much -- in terms of the entire -- I have to bring the Board up to date on what's been looked at and what the improvements are. 17K, 300, Home Depot, Wal-Mart, this is our site. The site that's on immediately after this is the Shoppes at Union Plaza. The discussion relative to pedestrians and sidewalks tied into this project, and the letter had mentioned the possibility of adding a sidewalk along the east side of 300. What we have actually done in our design is we have an internal sidewalk system along the building areas. For orientation purposes, on the site plan this is Old Little Britain Road, Home Depot is here, Hess, Applebee's, Wal-Mart, and this is our proposed site plan.

Associated with this project and some of the other commercial projects along Route 300 there's a new traffic signal going in currently

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SOUTH UNION PLAZA

at this location. As part of that installation it is being interconnected with the existing signal at 17K and 300. In association with the Shoppes, this existing signal at Lowe's and Adams is also being interconnected, and then we as part of the project here, the upgrade of the signal at Orr Avenue and Old Little Britain Road, that signal will also be tied into the system. So right now the two existing lights at Lowe's, Adams, 17K and then the third signal at Old Little Britain Road pretty much work independently so it's not very efficient. After these projects are built, this signal is finished, each of these traffic signals will be tied together so that it will work as a coordinated system. The Wal-Mart signal is basically being replaced. We now have a need for a full four-way operation with more phases so we had to replace the poles. That signal design has been approved by New York State DOT. The redesign of the Orr Avenue signal has been approved by New York State DOT.

What we've done in terms of looking at pedestrians -- there are some pedestrians but

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SOUTH UNION PLAZA

this is not a pedestrian corridor. In looking at South Union Plaza here, this roadway, as you continue to the south there's going to be no further development on this side because the property is the reservoir, the City-owned property. So there's really no continuation of the sidewalk along the east side of Route 300. What we've done is we provided an internal to the project walkway so that if someone wanted to, you know, either cross 300 here, or came from one of the residences, or came from one of the other commercial uses, there are no other sidewalks here but if someone did want to let's say walk from Home Depot to Wal-Mart, today they're either crossing 300 at the signal or -- you know, taking the shortest distance is actually what most people do. They would have an alternate way to walk through a sidewalk area out to a sidewalk connection and then across to Wal-Mart. So we felt that our plan accommodates pedestrians even though there's not a lot of pedestrians here existing. Pedestrians from the project, if they chose to cross to Wal-Mart most people would probably still get in their cars because you're

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SOUTH UNION PLAZA

carrying packages, you're going to, you know, put them in the car and drive over to Wal-Mart, but at least we have the provision to cross 300 at controlled points.

The other issue relative to the sidewalk is that it changes the site plan. We are making some improvements. We're adding in a right-turn lane on Route 300 northbound. That's what's shown here. We're eating up a lot of our land in order to get those improvements in place. The remaining area, you would end up with a sidewalk right on top of Route 300, which is not a real desirable situation. In further discussions with DOT, right now they don't know whether what was written last spring is what they really want. Their main focus is to try to maintain the traffic flow along Route 300, and that's why they worked with us and asked us to make sure that all of the signals work together.

In terms of crossings of Route 300, there are no pedestrian phases being worked into these signals because they don't want -- at this point there's not enough of a demand to have a separate pedestrian phase, and they don't want to

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SOUTH UNION PLAZA

sacrifice the traffic flow on the 300 corridor by having that. It is set up so that in the future if pedestrian traffic did increase, it's designed to accommodate crosswalks, pedestrian push buttons at both these locations, and that would accommodate pedestrian flow. As you continue further to the south, as I said before, there is no use or there won't be any use that would generate the need for pedestrian traffic along the east side of 300 further to the south heading down towards 207.

So we feel that our plan has incorporated, you know, a pedestrian path, you know, internally that would allow someone to walk if they wanted to walk through our project to get to Wal-Mart or from Wal-Mart back to Home Depot, Kohl's or back towards the neighborhood. They could be accommodated at, you know, the signalized intersection either here or up in this area. That's what our proposal is. DOT I think at this point, as I said, doesn't necessarily want to have any kind of crosswalk, pedestrian push buttons at either of these signals. I think at this point, you know, it's really the Board's

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SOUTH UNION PLAZA

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decision in terms of what they want for the Route 300 corridor.

CHAIRMAN EWASUTYN: Originally how we reached this point was Greg Shaw had called in response to the DOT letter and he said it's just not possible to do this, and I referred it to Karen and I said Karen, what do you think. I referred it to Pat Hines, what do you think. They came back to say that it is workable to put a sidewalk in front of it, and that's then brought you forward with your reasoning. We're going to discuss it with the Board but I think the opportunity that we have now before us is unique and it's one that we always try to actually have during the review of this corridor is to have an applicant who is also on the other side of the road present. The thought of that was we can link up these projects.

Bryant, we didn't discuss this at the work session but it would be an opportune time for you to come forward and see that what they're discussing here does link up and what your proposal is as far as internal pedestrian use, then we'll bring it up for a Board discussion as

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far as what we're marrying with this corridor since we may or may not have sidewalks along it but how we can accommodate pedestrians who may want to cross over.

How does the internal circulation work for your project?

MR. WAISNOR: Bryan Waisnor, civil engineer from Langan Engineering. Our internal circulation comes all the way from 300, along our access road and over to Lowe's. It's set off from the road so that there's a little bit of a separation. Obviously the traffic on the road is not as high as it is on 300. We've also got offshoots that go into each of the pods of the buildings linking up the pods to the main sidewalk that goes all the way through.

One of the things we did do early on in the process is we contacted Newburgh/Beacon Bus Line to gauge their interest in a potential bus stop on or around the property. They indicated their preference would be on the property, I suspect because of the traffic flow on 300, and we have allocated an area central to our site for the potential bus stop there.

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SOUTH UNION PLAZA

Along our frontage along Route 300 we have not proposed a sidewalk. It is, as Mr. Grealy explained, not an ideal situation given the volume of the vehicles on 300. We do have a little bit of a grade change if we had to try to fit one in there. We have a lot of existing vegetation there to compete with as well that would force the sidewalk to be closer to the road than you would want to. We do have sidewalks internal to the site that also go all the way out to Orr Avenue, so there are possibilities to link up internal to our site.

CHAIRMAN EWASUTYN: All right. We'll open it up for discussion.

MR. GREALY: We've actually -- you know, we're working together with Bryan but what we tried to do, and maybe this is helpful to the Board, is superimposed on the aerial photograph each of the site plans. This is the Shoppes superimposed. What Bryan has described here is we have an internal sidewalk system and in -- when this initial letter was written by DOT the thinking was, or when I asked him what was the purpose of the sidewalk, the individual who wrote

1 that letter said well, if somebody was up at
2 Lowe's and they wanted to get down to, you know,
3 one of the facilities in this new plaza, how
4 would they get there. We had thought that out in
5 terms of these two plans. We were the common
6 denominator in terms of working with both
7 projects. With this internal road -- sidewalk
8 system and road system we would keep the
9 pedestrian traffic away from Route 300. You
10 know, along the frontage of Lowe's you have the
11 retaining wall, so there's going to be no
12 sidewalk there. It seemed to make more sense to
13 get them away from the roadway but get them down
14 to a point where they're at a controlled
15 intersection and where we could get them to cross
16 300 if they wanted to get into this project for
17 example. Right now the sidewalk, you know, comes
18 out to Orr Avenue. There is some widening being
19 done on Orr Avenue here as part of the upgrades
20 to get to a two-lane approach in front of Hess.
21 So I mean a section of sidewalk could potentially
22 be added in that stretch right there so you can
23 link out to Orr Avenue, come up to the corner.
24 We already have a sidewalk from this project
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SOUTH UNION PLAZA

connecting out to the corner, and, you know, in the future that would be the logical place -- if there was a pedestrian demand and a need for push buttons, that's where it would occur and that would allow that movement. You know, the other location where people may be walking today would be to Wal-Mart. You know, it's on the other side of the street from this project. A few times I've seen people out there. You know, they kind of work their way through the parking areas to get through there. This seems like a logical place. You know, is it physically possible to get a sidewalk in here? It does affect the site plan but you're going to be right up against the road, and it's really not a good situation when you have fairly high-speed traffic here, people right up against the road. You usually like to get it set back further. I think in both of these projects with an internal walkway system we are accommodating the pedestrians. The key question is, you know, how do you get them across 300 at a location that makes sense, that's safe, and that is set up for the future if the demand grew and there was a need to have an actual

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SOUTH UNION PLAZA

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signal phase to handle that.

MR. HINES: Is that going to be striped there for a crosswalk or no?

MR. GREALY: No. Right now DOT does not want to have an actual crosswalk because they want to keep the traffic flow on 300, but it is designed so that it could be added. I think -- you know, in terms of if we look at this pedestrian flow, I think they would -- my gut feeling is that they would allow that to go in now if the Board felt it was important. And the same thing applies at Wal-Mart. It's set up, it's designed so that the crosswalk could be installed but they did not want it to go in at this point in time.

CHAIRMAN EWASUTYN: We're here to talk. Comments?

MR. GALLI: I brought up my concern at the workshop that we were trying to get sidewalks on 300 when we were developing newer projects and the DOT was always against this. We developed, you know, the project -- Home Depot project without them. The sidewalk was in the back internally and the project across the street, and

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SOUTH UNION PLAZA

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then we had the Wal-Mart project with sidewalks out front and now we have new projects.

MR. GREALY: Chili's.

MR. GALLI: Now we have two projects going in which have internal sidewalk connections that I'd like the sidewalks within. Now all of a sudden DOT is changing direction we think, we're not sure, according to you. We're not sure about the things we heard so we don't know which way the DOT is going.

Personally on 300, I'm not in favor of sidewalks on this busy highway. I expressed my concern about it. I think the internal circulation I think is very important. The sidewalk -- if they want to get mall to mall I don't think too many people are going to walk from Home Depot carrying stuff to the next mall. I mean like the Wal-Mart and whatever buildings you're going to have in those two places. The restaurants, I can see that. That was my opinion I brought up then and I still feel the same way.

MR. PROFACI: Did DOT determine in the future, Phil, whether an actual crosswalk with a push button is necessary?

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SOUTH UNION PLAZA

MR. GREALY: It would be twofold. One would be if there was a petition from the Town saying we want -- you know, there's more and more pedestrians here now, we want to have an ability to cross at either location, and then they would look at it and say what is the better location to provide that. I think this is probably, you know, the better location because here you have a lot more volume at Wal-Mart. You know, the volume on Orr Avenue. Even when this project goes in it will increase but it's not going to be the level that's here. You've already come from an open stretch of road through one signalized intersection, so now you're down to a more controlled area. You know, I think the DOT's position that was just voiced to me in the last two weeks when they were reviewing the signals and the other improvement plans that we've done is that they want to maintain the traffic flow along the corridor, and that was the reason why they didn't want to have a separate phase for the pedestrians. I think if the Board felt it important at this time to put in a crosswalk, it's something that they would consider at this

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SOUTH UNION PLAZA

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time. If you talk to the Poughkeepsie office now, like there's not enough demand out there to do all this. I don't know whether it was a change of philosophy or it was just this one person that was looking at, you know, providing sidewalks, you know, just in general. So I think they --

CHAIRMAN EWASUTYN: Who would build this sidewalk or pad site to accommodate this link up? Who would build that?

MR. GREALY: Well, it could be done under either of these projects at this point in time.

CHAIRMAN EWASUTYN: Or a combination?

MR. GREALY: Or a combination of the two. I mean in the whole scheme of things this is already proposed, the signal is being replaced. So really all you would be looking at would be a landing area with a handicap ramp on this side. It appears that there is enough right-of-way right there at the corner.

MR. GALLI: That backs up anyway for the right-hand turn.

MR. GREALY: Yeah. Well where the

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SOUTH UNION PLAZA

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landing pad would be just beyond where the right-turn lane is.

MR. GALLI: I'm saying with the construction going on --

MR. GREALY: There will be work going on in that area. The only concern I have is that as you head back past Hess, the right-of-way is there to get the additional width to have two lanes coming out at the signal, but I believe we start losing width along Orr Avenue. So to get that last hundred feet of sidewalk, if you wanted to put that in, may not be easily done because the right-of-way is pretty tight right there.

MR. GALLI: But they can walk --

MR. GREALY: At least we can get them across 300.

MR. GALLI: There's a parking lot there.

MR. GREALY: Yes. There's a safe area for them to walk. The key is to give them a landing area once they cross 300 and then at least we've gotten out of the main flow of traffic, and then, you know, a hundred feet up the road we have our internal sidewalk system

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SOUTH UNION PLAZA

27

that Bryan described, and that brings you all the way up to 17K internally.

CHAIRMAN EWASUTYN: Would that be reasonable for the Board, to try and get an agreement from everyone that we make that step as far as linking up both projects?

MR. PROFACI: I think so.

MR. GALLI: I would rather see that than external sidewalks.

MR. BROWNE: A lot of the folks that frequent Wal-Mart come in in buses and taxis. Once they get there, if they have the ability to walk across the street to the other stores or whatever, I would think for those folks primarily something should be linked up. The typical folks that go into Lowe's and Home Depot, I don't see a need for those folks primarily, but the Wal-Mart, they're dropped off, they have no transportation. To me they can do that if they cross a street, go to IHOP.

You're putting in a bus stop at your location. Is there going to be a bus stop over there? To me it makes sense from a planning standpoint to link them together.

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SOUTH UNION PLAZA

MR. WAISNOR: You're talking about the landing area?

MR. GREALY: The landing area here. We're building a sidewalk at least up to the corner. So there would be a landing area right at the corner where we're putting in that extra --

MS. ARENT: Can you connect with a sidewalk to the -- through the corner on Orr Avenue and then in front of the stop bar put another crosswalk? Crosswalks are supposed to go in front of the stop bar; right?

MR. GREALY: Yeah. Well there would be a crosswalk here to get across to where Hess is.

MS. ARENT: Right. And then across that way.

MR. GREALY: The point is we really want to get them into this area.

MS. ARENT: You could get them across there and up to the front of the stores where they would want to walk. Right like that.

MR. HINES: You have some big trees there.

MR. GREALY: There's trees in here.

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SOUTH UNION PLAZA

You would lose all your landscaping and then you're bringing them right -- this parking lot is a little tight right here. I don't think that's a real good idea. I think if we could get them back in a much lower traffic volume area they could walk up through. I mean we'll look at this a little more. My recollection is that the right-of-way right here would preclude getting the sidewalk.

MR. HINES: Could you provide a little extra pavement there?

MR. GREALY: That's a possibility.

MR. GALLI: Once they get in Hess there's pavement to walk on. If they walk from Applebee's to Hess in the front, that's open in the front part.

MR. GREALY: I think we could look at this area and just see what else -- I'll work with Bryan together to see what we could do in that area. As I said, maybe the Town needs to petition DOT. We're providing this connection, the signal is in place, it's there. As I said, their reaction to us was we don't want a pedestrian phase here because once we do that

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SOUTH UNION PLAZA

30

we're going to start affecting the traffic flow
on 300.

MR. HINES: The pedestrian crossing
only works when you push the button.

MR. GREALY: What they're saying is
they don't want to have one pedestrian pushing
the button --

MS. ARENT: Pedestrians are much safer
in crosswalks, like sixty percent.

MR. GREALY: Absolutely. That was the
other reason getting back to why we didn't think
it was a good idea to have a sidewalk along here.
Once you get people out here it's going to
encourage them -- because the sidewalk is right
up against the road it's going to give them the
straightest --

MS. ARENT: But it makes sense to
stripe the crosswalks.

MR. GREALY: Yeah.

MR. MENNERICH: Phil, with the
sequencing of the stop lights in this whole
section, right now we know people do cross 300.

MR. GREALY: Yes.

MR. MENNERICH: Will that make -- with

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SOUTH UNION PLAZA

31

the lights being sequenced are those people going to be in more or less danger, the ones that are doing this?

MR. GREALY: Well the sequencing really is to just instead of having to stop at multiple lights. I don't think it's going to change the issue for pedestrians because once the side approach comes up that phase it's the same as it is today. The difference is that the traffic will not come through this light and then have to stop here, start up again and then stop at the next light. So it's really once 300 is moving, that will be more efficient. Once 300 shuts down for the individual side roads, you'll still have the opportunity to cross during that phase. Even without a separate push button phase a pedestrian could cross at this location, he could cross here. So I don't think it's going to make it any different than it is today crossing other than the fact if we do petition and get a striped crosswalk, then we're defining exactly where we want them to cross.

MR. HINES: The project that -- Chili's and Longhorn, they're putting in loop detectors.

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SOUTH UNION PLAZA

They wouldn't need those under that coordinated signal phase.

MR. GREALY: No. On each of these intersections -- in fact, the redesign of this signal, it's a fully activated signal. There's loop detectors in every lane.

MR. HINES: They coordinate together the whole thing.

MR. GREALY: The coordination is so that the individual controllers speak to one another basically is what it comes down to. The signal designs --

MR. HINES: You wouldn't want to stop the whole corridor for one car staged at Chili's.

MR. GREALY: It will get a call on a specific leg but the computer is looking at it okay, I have a call here, I have a call here but that guy is going to wait. At certain times of the day it's going to run at different patterns. Essentially, for example, this is the Orr Avenue/ Old Little Britain Road intersection and it's going to be fully activated. These are all looped in every lane. So you've got loops in the left-turn lane, the through lane. This is the

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SOUTH UNION PLAZA

33

new right-turn lane off Union Avenue to Little Britain. This is coming out of Orr Avenue.

MR. HINES: We had a discussion earlier on Board business how that was going to be impacted and coordinated. You just answered a question from like two hours ago that we had.

MR. GREALY: Getting back to where -- this is where we would be able to put in the landing area with the drop ramp and section of sidewalk. This gets a little difficult in this area but we probably could at least wrap it around the corner. This is the area I was talking about that becomes very tight. So your suggestion maybe would be to bring this curb lane back so the lane would actually be wider and then the white stripe would be about where this curb is, and maybe have another three feet beyond that. That also would help, you know, because in snow conditions this is plowed, at least you would have an additional area.

CHAIRMAN EWASUTYN: Ken Wersted, anything to add?

MR. WERSTED: The whole issue of sidewalks is difficult. I think the Board has

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SOUTH UNION PLAZA

struggled with that over the years. It's been much easier when we've been looking at neighborhoods in the sense that the people using the neighborhood would obviously benefit from the sidewalk. It's easy to require that the whole neighborhood have sidewalks. When we get outside of the neighborhoods it's more difficult when you're looking at sites like this because you don't have as many people necessarily going -- obviously in a specific area and the developments are usually a lot smaller. You have connections from one development to another and the idea of sidewalks is twofold in the sense that you're moving people internally around the site. You might be moving people across from one site to another, whether it be crossing a street to frequent a business on the other side. You know, the other side of it is you're moving people from one area to another in terms of they're not interested in going from one store to the other, they want to go from this town and they're walking north or south to go to a business. Those types of connections, when you don't have them it's always hard to get the first

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one in. I imagine that the Town struggled with that the first time Karen suggested a stonewall in front of a business. Now, you know, years later it's kind of a status quo.

The other issue that kind of comes up, you know, relative to sidewalks and pedestrians, it's also tied into the use of transit. How are people going to be encouraged to use transit when they get off at the bus stop and they don't really have any combinations to take care of them once they get off the bus. That really I think pushes people into using their cars more often. For those who don't have, you know, a private vehicle available, they're turning to transit, they're turning to cabs and so forth to increase their mobility around town.

I don't have a specific, you know, comment on this project in particular but I think it's the idea of sidewalks in the Town. Personally I would encourage them. It's a much bigger picture than I think these two in particular projects. The Town is kind of struggling with this and trying to move forward but, you know, getting resistance from DOT,

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getting some encouragement, getting some resistance. DOT might be struggling with that themselves. Certainly DOT themselves has an identity, but even when you get down into the individual DOT regions, their philosophies on pedestrian transit and priority of passenger cars over other modes of travel can vary from region to region. I think that's one of the examples that we're seeing here in region 8. They might not have the same priorities in terms of modes of travel as a different region may have. I think DOT is thinking about the idea, the Town is also thinking about it, and I guess trying to, you know, work closely and work together better.

CHAIRMAN EWASUTYN: As Mike Donnelly had said earlier, as Ken is talking about region to region we can talk about the county from the eastern end of the county to the western end of the county. Michael discussed what's going on in Woodbury and as far as Middletown.

MR. DONNELLY: Woodbury and 211 was similar in a way in terms of mall after mall that they now have.

MR. HINES: One of the issues with the

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sidewalks on Orr Avenue is they need the highway superintendent to weigh in. Right now I don't see the Town Board, in my discussions with them, approving sidewalks in the right-of-ways without someone to maintain them. That's an issue with even the sidewalks along the front, the maintenance of them. I mean they're internal to the site, they're more likely to be maintained.

CHAIRMAN EWASUTYN: I think this is a fair and good hard attempt to begin linking up projects. If you could work with this in mind it will be accomplishing a big goal. I can't speak to why they put sidewalks on the other side of the river on Route 9 and the speed is the same. So that logic as far as being safe or unsafe, again depending on where you are and who sees things.

MR. GREALY: In some of the areas they are set back further. Out on 211 we did a project together, Karen and I, where we had a very wide right-of-way and we meandered the sidewalk, but it was twenty feet off the travel lane. Different situation. Route 9, there are some sections that are very close to the highway

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SOUTH UNION PLAZA

38

but in most locations -- in the Village of Wappingers, very close. In other locations they've tried to set them back and further away from the roadway.

MS. ARENT: This project doesn't show a sidewalk to Old Little Britain Road. If we're trying to link project to project --

MR. GREALY: Oh, here?

MS. ARENT: Yes.

MR. GREALY: Right now we just have connections out to these points and have an internal, but that -- the question is could we provide a connection here. I guess the answer is yes, but where are we connecting to. That's the question.

MR. GALLI: On the Home Depot side you can't connect.

MR. GREALY: No. There's a guide rail.

MR. GALLI: It's just an empty parking lot.

CHAIRMAN EWASUTYN: Ken.

MR. MENNERICH: I think if we can get a defined crosswalk on Route 300, it will be the first one, it's a step in the right direction.

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SOUTH UNION PLAZA

MS. ARENT: First two.

MR. MENNERICH: First two. Yeah, okay.

MR. GREALY: We may need to get something from the Board, or maybe Ken can get involved on the Board's behalf relative to that.

CHAIRMAN EWASUTYN: Okay. I'll move for a motion from the Board for Ken Wersted to work in coordination with Phil Grealy of John Collins Associates to come up with a letter to the DOT suggesting some pedestrian friendly ways of linking up projects in this neighborhood.

MR. GALLI: So moved.

MR. PROFACI: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: And myself.

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SOUTH UNION PLAZA

40

Thanks very much. I appreciate it.

MR. GREALY: Thank you.

(Time noted: 7:44 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: November 5, 2008

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

----- X

In the Matter of

SHOPPES AT UNION SQUARE
(2007-05)

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

----- X

SITE PLAN

Date: October 16, 2008
Time: 7:45 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: BRYAN WAISNOR

----- X

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

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SHOPPES AT UNION SQUARE

MS. HAINES: The next item of business we have tonight is the Shoppes at Union Square. It's a site plan located at Route 300 and Orr Avenue in an IB Zone. It's being represented by Bryan Waisnor.

MR. WAISNOR: Thank you very much. Again for the record, Bryan Waisnor, Langan Engineering, civil engineer for the project.

To recap, since the last time we came before you here at the Board we came to the workshop session primarily to deal with architecture and signage but we also had a few minor site plan revisions that I'll run you through very, very quickly.

One of the items was to extend our stonewall and screening around the detention basin in the front. Previously it wrapped around to the corner but we brought it all the way to the north at the suggestion of Karen Arent.

We've also made some modifications to the storm drainage, the water mains, added some details and clarifications to the plan that were suggested by Pat Hines, and I think we've addressed those issues at least to the point that

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SHOPPES AT UNION SQUARE

we can address them without our final County Health Department approval.

Other than that, the other significant revisions were all related to signage and building architecture.

If I may, I'll introduce Eric Nyler to review those revisions with you now.

MR. NYLER: Would you like me to go through the main points or a lengthy response to the comments we went through at the consultants' workshop and made a host of modifications to the drawing?

CHAIRMAN EWASUTYN: Do you want to cover the main points or detail by detail?

MS. ARENT: It's up to you. I think main points, unless you want to see the changes that they made.

CHAIRMAN EWASUTYN: How would the Board like to see it?

MR. GALLI: I would like to see the new stuff. The old stuff we didn't like.

CHAIRMAN EWASUTYN: We'll go through the main points.

MR. NYLER: I guess maybe the first

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SHOPPES AT UNION SQUARE

thing would be your concern about the materials, so we've now -- there is a technical issue of color matching from one drawing to the other and drawings generated in different ways and printed on different printers. To have some quality control on that we've established a color scheme. These are the manufacturer's colors of the efface system we intend to use. We notated those colors on these elevation sheets. The color scheme is intended to reflect the original renderings that we submitted, the colors of those based on matching those colors to the manufacturer's products, and those are the notations on the drawings. The elevations still don't visually have some of the same tones but this reflects the colors, and I brought samples for people to look at.

MS. ARENT: That's Circuit City right there. They changed that elevation quite a bit.

MR. NYLER: I think that's the point of the single largest change is reduction in signage on the Circuit City building. So now it's the same square footage total as the retail B building as we call which is directly adjacent to

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SHOPPES AT UNION SQUARE

it. So these two buildings are a similar size and have similar signage size.

We've also reduced the number of signs on the Circuit City building. There are two signs, one over the main entry to the store and one on the side. As you come up the driveway you'll see that.

We'll get back to the pylon sign. The pylon sign, there is a concern or a requirement that we make it shorter, so we've reduced the number of tenants that are going to be on the sign, on the pylon sign to only those tenants that cannot be seen from Route 300. That will enable us to drop the height of the sign by about eight feet. It's now just a tad under twenty feet high. We provided enough slots on the sign for what we project to be the number of tenants in the back two buildings, so -- I'm sorry, the back three buildings, the Texas Roadhouse, the Circuit City building and retail B which we would like to provide three slots on the pylon for that because there's a potential for that building to be subdivided into three tenants. Probably no more than three. We've also shown an alternate

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SHOPPES AT UNION SQUARE

signage scheme on the elevation for that building to accommodate that, if that were even to happen, the total number of small signs to the large sign that's on there now. So there would be no change to the signage alignment.

We made a lot of refinements to the signage tabulation based on these comments and also recalculating the Texas Roadhouse sign using this other method, which --

MS. ARENT: Jerry, I would like you to just see this to make sure this is correctly calculated.

MR. NYLER: We calculated this sign based on the idea it's a rectangle.

MS. ARENT: The rectangle is on top?

MR. NYLER: The top of the rectangle is the crest of that point. I would like to point out and state that bumps up our signage total considerably because we're including air space now as part of our signage tabulation now. It increased it by a couple hundred square feet using that method.

MR. WAISNOR: Eric, can you point out for Jerry how you calculated that?

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SHOPPES AT UNION SQUARE

47

MR. NYLER: We understood when we had a sign like this that popped up above the building, that my assumption is when you had a sign above a building -- in other words, if you had a shaped sign on the face of the building you would calculate the shape, but if it projects up above the building you would make a rectangle up to the top of it and treat this whole thing as a rectangle.

MR. CANFIELD: The back would be considered contrast; right?

MS. ARENT: And then there's air space. You do this and this and try to --

Eric, Jerry is just saying you do the rectangle and the triangle. You just do this.

MR. NYLER: Okay.

MS. ARENT: Just revise that.

MR. NYLER: That will reduce our signage total by 150 square feet. We've also included the Texas flag in our square footage of the total for that building and lowered it below the American flag. We've removed one sign, so they have two signs on the building.

There were a number of signage notes

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SHOPPES AT UNION SQUARE

that Karen and I went over at the consultants' meeting, general signage notes that indicate the restrictions on the signage, that signs will only be placed on the building in locations shown on the drawings, no window signs, flashing lights, et cetera. We've also clarified -- I'm sorry, not clarified. We removed the notes for internal illumination. Lighting of the signs in this project would be by coverlet edge lighting or lights pointed at the signs or a halo effect type thing where you have solid letters and the light is behind that so the edge of the letter glows but there's no translucent neon lighting or translucent letters that are glowing, it's all solid letters that are either lighted from the outside or behind.

MR. GALLI: John, I have a question. Jerry, on the Texas flag, not the American flag, he said it was considered -- it was part of the sign calculation. Is there a height limit to that being a sign -- counting it as a sign as far as how high it could be off the top of the building or --

MR. CANFIELD: A total of thirty-five

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SHOPPES AT UNION SQUARE

feet.

MR. GALLI: With a two-story building with the flag above it, it's higher than thirty-five feet I would think.

MR. NYLER: It might be forty feet.

MR. CANFIELD: The mass off the top of the building. The total overall feet will exceed thirty-five.

MR. NYLER: If it's not thirty-five I'll crank it down to thirty-five.

MR. GALLI: Just for the Texas one, not the American flag. It's really an advertisement sign even though it's a flag. It can't be more than thirty-five feet total, the building and the sign.

MR. NYLER: We'll change it to thirty-five. I thought I read forty in there. I'll correct it to thirty-five.

MR. CANFIELD: You wouldn't be putting that Texas flag higher than the American flag.

MR. NYLER: No. I assume there's not a restriction -- well what's the maximum height for the American flag? I assume we would leave that height as shown and just lower the Texas flag to

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SHOPPES AT UNION SQUARE

thirty-five.

MR. CANFIELD: Thirty-five.

CHAIRMAN EWASUTYN: Really?

MR. GALLI: For the American flag there's a height restriction?

MR. CANFIELD: Our zoning does not specify which flag.

CHAIRMAN EWASUTYN: The monopole that they were proposing for Omnipoint --

MS. ARENT: It's a hundred feet too high.

MR. GALLI: Colandrea has that pole. He never got approval on that flag pole.

MR. CANFIELD: Who is going to argue with the American flag. The zoning does not specify.

MR. GALLI: The Texas Longhorn flag is -- to me it's an advertisement. That's why when he said he calculated it as a sign calculation, that's fine but I want to make sure they don't go putting it up and all of a sudden we find out it's too high above the building. The American flag you can fly but the Texas flag has to be no higher than thirty-five feet.

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SHOPPES AT UNION SQUARE

MR. NYLER: We'll change that.

CHAIRMAN EWASUTYN: Point taken. Go ahead.

MR. NYLER: Those were the major points that I picked up from the meeting and from our meeting with Karen.

CHAIRMAN EWASUTYN: Any comments from the Board on the ARB that's before us right now. Frank Galli?

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: No. I appreciate your technical information.

I did have a question as far as Circuit City. Do you have a back-up plan in case they don't make it.

MR. GODDARD: I have another tenant.

MR. BROWNE: I'm just curious because with the signage on the building, would it remain the same building or just the same footprint and you'll go from there if something happens?

MR. GODDARD: Presumably if something goes wrong with Circuit City we'll have to address that again if the replacement tenant

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SHOPPES AT UNION SQUARE

needs another look. I hope it doesn't happen but it might.

CHAIRMAN EWASUTYN: Ken?

MR. MENNERICH: No. That's much better.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: No. It's very good.

CHAIRMAN EWASUTYN: I would like to go back to the site plan and see how we can work on that. I'll turn to Pat Hines for his comments.

MR. HINES: We gave some pretty detailed comments the last time they were before the Board to make sure that their plans would be up to speed. They have all been addressed. We received an item-by-item response from Bryan Waisnor.

The water mains have been revised pursuant to our request. The details we requested for various items, the culverts, the water mains, the sewer mains, have all been added to the plans.

DEC. I know they've been going back and forth with DEC. They have some comments they need to address.

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They modified the plans. Bryan and I went out and walked the site and identified some restrictions in the existing stream channel. The notes have been added to the plans that those will be removed. That was more in response to the ZBA appearance they had and some comments there. That's been addressed.

I have a couple of minor technical details that can be cleaned up, otherwise the plans are in good shape and each of our comments was addressed item by item.

CHAIRMAN EWASUTYN: You received a City flow acceptance letter?

MR. WAISNOR: Yes.

CHAIRMAN EWASUTYN: Thank you.

Jerry Canfield?

MR. CANFIELD: Our previous fire protection comments have been addressed. At the work session we addressed again the modification to the rear. We have no issue with that.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

MR. COCKS: One thing on the signage. That Sprint pylon sign that's up, is that going

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SHOPPES AT UNION SQUARE

to be removed?

MR. NYLER: The one in front, yes. The free-standing one; yes, that comes out. We took that out -- it's not in the signage tabulation because it comes out.

MR. COCKS: It wasn't shown on the site plan as being there.

They addressed all the architectural stuff.

Just in the bulk table, once all the variances are granted and all the signage and that, just list that. There was a building in the back of the site. Every other one was labeled to be removed but this one wasn't labeled. If you would just identify what color the bollards are going to be. That was it.

CHAIRMAN EWASUTYN: Ken Wersted, Traffic Consultant?

MR. WERSTED: I don't have any specific traffic comments on the site plan. We'll talk a little bit about the cross connection to most directly the little brick house property. I've looked at those three sites just kind of conceptually and what could happen out there,

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SHOPPES AT UNION SQUARE

kind of taking into account setbacks or parking or drainage needs. Just looking at it from an access standpoint, if those three parcels were ever redeveloped they might have to all be developed at the same time given the small size of them. So I think the cross connection in some fashion to this project is an important aspect for considering progress throughout the site.

CHAIRMAN EWASUTYN: Thank you.

Karen Arent?

MS. ARENT: The two pylon signs are shown. The one for the site plan at Cosimo's, is that still shown, and, if so, that would need a variance as well.

MR. NYLER: The Cosimo's pylon is an existing sign.

MS. ARENT: Right. But there's only one pylon allowed per site. When you're getting variances, if you --

MR. WAISNOR: That's a separate lot.

MS. ARENT: Does that work with --

CHAIRMAN EWASUTYN: Mike?

MR. DONNELLY: I'm sorry, I was taking notes here.

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SHOPPES AT UNION SQUARE

MR. WAISNOR: The Cosimo's lot has a sign out at the corner, a free-standing pylon sign, and we're proposing a new pylon sign here.

MR. DONNELLY: I thought -- I have to look at the ZBA variance. I thought the Zoning Board took the position that it was acting as a site. What was that language? Was it per lot? Let me look at my notes. I thought we talked about this last time. Two pylon signs are permitted when two lots are involved but operates as a single site. I think what we looked at was the language referenced lots, not sites. Business signs. A sign or signs free-standing or attached to a building announcing a business establishment on the same lot in a business district or advertising a service shall not be more than one free-standing sign. So each lot may have a free-standing sign.

MR. GODDARD: That was our understanding.

CHAIRMAN EWASUTYN: So that's no longer an issue.

Jerry.

MR. CANFIELD: If I could just go back

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SHOPPES AT UNION SQUARE

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to the height. I incorrectly spoke. It is forty feet.

CHAIRMAN EWASUTYN: For the flag?

MR. CANFIELD: For the sign total height. It's referenced in two sections in the bulk use requirements in an IB Zone and then also in 185-14 which covers signage, 185-14(c)6). Again it's forty feet in height.

CHAIRMAN EWASUTYN: Thank you, Jerry.

Comments from Board Members on the site plan. Frank Galli?

MR. GALLI: The two signs are okay? That's what I understood.

MR. DONNELLY: Yes.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. GALLI: I do have one, John. Ken, you were talking about an interconnection between the properties in the front.

MR. WERSTED: Correct.

MR. WAISNOR: As part of the plan we've allocated --

MR. GALLI: Okay.

MR. WAISNOR: -- a potential crossing there in the future.

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MR. GALLI: Okay.

CHAIRMAN EWASUTYN: Thank you.

Cliff Browne?

MR. BROWNE: I'm good. Good job.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I'm good.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: Nothing further, John.

CHAIRMAN EWASUTYN: Mike Donnelly,
would you present to the Board for discussion a
resolution for conditional final approval.

MR. DONNELLY: I had given out a
written resolution to the Members during work
session. We did discuss it at that time. It's
an incorporation of the conditions of the
preliminary resolution as they've been resolved.

Pat, you mentioned you had a few
technical items, so we'll need a sign-off letter
from you.

Karen, your issues are resolved now?

MS. ARENT: We just need a landscape
cost estimate.

MR. DONNELLY: Ken and Bryant, you're
all set as well. All right.

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The other agency approvals will all be conditions of this approval, and in the event those like the DOT impose other conditions or other modifications to the plan, then you'll need to return for amended site plan. Those that remain outstanding are the Town of Newburgh engineer for the sewer main and the stormwater management plan, the water department. We had the City of Newburgh. We'll need the Health Department, DEC, DOT, and Army Corp. The Zoning Board has granted its variance and we'll make reference to that within the resolution. We note that the signs shown on the plans are -- need to be approved by the building department, and if necessary a variance will be needed. That would only be for signage. Hours of illumination on all proposed signs and will be in compliance with all Town requirements. We talked about the comprehensive -- or cohesive sign plan. We note that no sign that is inconsistent with that plan shall receive a permit in the future. We had talked for some time about a potential connection of this property to adjoining properties fronting on Route 300, and I think at the last meeting it

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SHOPPES AT UNION SQUARE

was determined that that wasn't going to work but I think there was still an agreement to provide an easement --

MR. HINES: I think Bryan just said it's shown.

MR. WAISNOR: We provided on the plan the future connection. We're not going to construct that at this time.

MR. DONNELLY: As an easement area. The actual one is there but it's a potential future easement, and I think that the resolution condition would -- the way it was written before was going to reflect that the responsibility for construction of that would not be yours. In other words, you're affording the opportunity but you're not going to make the connection.

MR. WAISNOR: Correct.

MR. DONNELLY: We talked about the crosswalk. I assume what we want to do is as we had done with a few other projects where there's an improvement to be shared is we'll say no CO will issue in either project until that is completed. Obviously it's subject to DOT approval, but is that where you want to go with

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SHOPPES AT UNION SQUARE

that condition? We didn't have a chance to talk about it.

CHAIRMAN EWASUTYN: Is that satisfactory?

MR. GODDARD: Talking about a landing area?

MR. DONNELLY: I guess it's the striping of the pavement and the landing area.

MR. GODDARD: If the landing area is not on property we control we're going to have to have the right to do it from someone else.

MR. DONNELLY: DOT.

MR. HINES: It's not on private property.

MR. DONNELLY: We'll leave to you and the other project how you share it, and it may just be whoever goes first does it but the condition will be --

MR. GODDARD: I don't think it's a big eye sore.

MR. DONNELLY: No. I just want to make sure it doesn't get lost.

MR. GODDARD: I don't have a problem with that.

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MR. WAISNOR: To be clear, we're going to request the crosswalk but the State will ultimately have the jurisdiction as to whether or not to permit it?

MR. DONNELLY: It's subject to DOT approval.

The standard ARB condition. The conditions from the preliminary resolution dealing with complying with the landscape and parking lot maintenance provisions of the ordinance. We talked at the work session, although it was not in the preliminary resolution, because we have two lots in a commercial shopping center like this the Planning Board likes to have a single entity who will be responsible for all enforcement issues. In the past what we've required is that there be a simplified Town/owner pact agreement. So you and Cosimo's and the Town agree that, for instance, it is your company who will be in charge of all enforcement issues, and you take care of that with Cosimo's as you see fit, and we would ask that that be accomplished here.

MR. GODDARD: That's fine.

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MR. DONNELLY: We had asked in the preliminary resolution that you petition the Town under the Vehicle and Traffic Law to allow VTL enforcement on site.

MR. GODDARD: That's been done.

MR. DONNELLY: We'll need a landscape security and inspection fee, stormwater security and inspection fee, a water main extension security and inspection fee, and then the standard condition regarding outdoor fixtures and amenities. You can't build anything on the site that is not shown on the plans.

MS. ARENT: Mike, is this for ARB also?

MR. DONNELLY: Yes.

MS. ARENT: I do have to check the Texas Roadhouse sign calculation.

MR. DONNELLY: We'll need a sign-off from you as well.

MS. ARENT: And also there's a marquis sign shown on the site plan and that's not in conformance with the design guidelines. Sometimes the Planning Board waives the design guidelines.

CHAIRMAN EWASUTYN: That was part of

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SHOPPES AT UNION SQUARE

your comment review. What is your recommendation to the Planning Board?

MS. ARENT: I recommend waiving the design guidelines due to the fact that you can't see some of the businesses from Route 300 and they're the only ones being represented on the marquis type sign.

CHAIRMAN EWASUTYN: I'll move for a motion from the Board to waive the design guideline standards to permit a marquis sign for the site plan known as the Shoppes at Union Square.

MR. PROFACI: So moved.

MR. MENNERICH: Second.

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

MR. BROWNE: I think the motion should include the reasons.

MR. DONNELLY: It can't be seen from adjoining properties or any public views.

CHAIRMAN EWASUTYN: The Planning Board will waive from the design guideline standards to allow for a marquis sign because it can not be

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SHOPPES AT UNION SQUARE

seen from any other vantage point.

I have a motion by Joe Profaci. I have a second by Ken Mennerich. I had discussion. Any further discussion?

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Aye.

Mike Donnelly, back to you.

MR. DONNELLY: I think that was the end of the conditions. I'll add those findings to the resolution.

CHAIRMAN EWASUTYN: Having heard the conditions of approval prepared in the resolution by Attorney Mike Donnelly for GPD Amodeo Partners, Shoppes at Union Square, I'll move for that motion.

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by

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SHOPPES AT UNION SQUARE

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself yes. So
carried.

Thanks for your time and your effort.

MR. GODDARD: Thank you guys very much.

MR. WAISNOR: Thank you.

(Time noted: 8:10 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: November 5, 2008

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

----- X
In the Matter of

MINARD SUBDIVISION

97 Leslie Road
Section 20; Block 1; Lot 31
R-2 Zone

----- X

CONCEPTUAL SKETCH PLAN
TWO-LOT SUBDIVISION

Date: October 16, 2008
Time: 8:10 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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

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MINARD SUBDIVISION

MS. HAINES: The last item of business we have tonight is the Minard subdivision. It is a conceptual sketch plan and a two-lot subdivision located at 97 Leslie Road. It is in an R-2 Zone and being represented by Charlie Brown.

MR. BROWN: This is an existing eleven-acre parcel on Leslie Road -- on the south side of Leslie Road, a couple hundred feet from the intersection with Frozen Ridge.

There's a single-family residence on the property now. The proposal is to subdivide off one building lot and roughly two-thirds of an acre which will be served by an on-site septic system and Town water.

CHAIRMAN EWASUTYN: Thank you. We reviewed this at our work session. I'll ask Pat Hines and Bryant Cocks to present their comments.

MR. HINES: We had some clean-up items. Two-foot contours are required. We're suggesting to the Planning Board they only be required in the area to be developed and the immediate area around that.

The highway superintendent's comments

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are required.

The house location needs to be revised. There's a draft clean-up where it's sticking over the front yard setback.

You're going to need to depict the -- have a note stating that the building foundation will be staked prior to construction. That's part of Jerry Canfield's comments.

Also the building envelop extends back on the lot and the lot is less than a hundred feet wide.

At work session we discussed with the Planning Board the negative declaration and found that we didn't have a problem with that.

CHAIRMAN EWASUTYN: Bryant Cocks?

MR. COCKS: Yes. In the bulk table the actual dimensions should be shown, not the minimum required.

Once the two-foot contours go on the plans a surveyor's seal and signature will be required.

As Pat mentioned, the house is actually in the building envelop and that needs to be adjusted.

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Adjacent property owners should be listed on plans.

One thing is the driveway is shown to go straight through that stonewall. Is there any way you can move it down a little?

MR. BROWN: We can do that. That's not a problem.

MR. COCKS: Just a couple E.A.F. items that need to be cleaned up. Just verifying that the DEC, there's no endangered species. It also said there was a pond contiguous to the property. It wasn't shown on the site plan.

MR. BROWN: It's way in the back. It's not anywhere near the development area. I'll put it on the next submission.

MR. COCKS: There's a word misspelled. You have my comment sheet.

As Pat mentioned, the Town of Newburgh Highway Department still needs to approve the driveway issue.

I think we can make a declaration.

CHAIRMAN EWASUTYN: Jerry Canfield, I know you had a comment.

MR. CANFIELD: It was covered. Thank

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MINARD SUBDIVISION

you.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: Nothing more.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: No thank you, John.

CHAIRMAN EWASUTYN: I'll move for a motion to first grant conceptual approval for the two-lot subdivision for the Lands of Minard.

MR. PROFACI: So moved.

MR. MENNERICH: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

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MINARD SUBDIVISION

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

Charlie, you'll be able to get the revised maps to Bryant and Pat?

MR. BROWN: I've got to talk to the surveyor. I would like to ask again, as Pat suggested, a waiver if the Board -- just to show the topography. The back of the site is very, very thick.

CHAIRMAN EWASUTYN: I'll move for a motion from the Board to grant a waiver to the Lands of Minard to show topo for just lot number --

MR. BROWN: 2.

CHAIRMAN EWASUTYN: -- lot number 2.

MR. PROFACI: So moved.

MR. GALLI: Second.

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

(No response.)

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

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MINARD SUBDIVISION

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: And myself yes.

MR. HINES: I think it should go out a hundred feet just to clarify that.

MR. BROWN: A hundred feet of the proposed property line.

CHAIRMAN EWASUTYN: With that added, that verbiage to the waiver that the topo go on to be extended a hundred feet beyond the lot line for lot number 2.

MR. BROWN: Thank you.

CHAIRMAN EWASUTYN: You're welcome. So what we're hoping for is that we're going to declare a negative declaration. I'm going to ask for a motion to set it for a public hearing on the 20th of November and to -- you'll need how much time to get revised maps to our consultants, just so I get a --

MR. BROWN: I'm going to talk to the surveyor. I think he said he started on the property. This will help considerably with the

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MINARD SUBDIVISION

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topo. Two weeks should do it.

CHAIRMAN EWASUTYN: All right. Then I'll move for a motion to grant a negative declaration and to set this for a public hearing for the 20th of November for Mr. Brown to get revised subdivision plans to Bryant Cocks and Pat Hines. They will then cc us on the letter allowing us to move forward with the scheduled 20th of November public hearing.

MR. MENNERICH: So moved.

MR. PROFACI: Second.

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

(No verbal response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

MR. BROWN: Thank you.

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MINARD SUBDIVISION

(Time noted: 8:17 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: November 5, 2008

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

----- X
In the Matter of

R&T ORCHARDS
(2005-15)

Request for Extension of Preliminary Approval

----- X

BOARD BUSINESS

Date: October 16, 2008
Time: 8:18 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- X

MICHELLE L. CONERO
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Wallkill, New York 12589
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R&T ORCHARDS

MS. HAINES: The first item of Board Business we have is R&T Orchards. We received a letter from Andrew Featherston dated October 7th. It was in response to a letter sent from our office requesting a status report. They wrote back and they're requesting an extension of their preliminary approval. The approval was granted December 7, 2006. An extension would be valid through Wednesday, March 5, 2009.

CHAIRMAN EWASUTYN: I'll move for that motion.

MR. PROFACI: So moved.

CHAIRMAN EWASUTYN: I have a motion by Joe Profaci.

MR. MENNERICH: Second

CHAIRMAN EWASUTYN: Second by Ken Mennerich. Any discussion of the motion?

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

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R&T ORCHARDS

79

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself. So
carried.

(Time noted: 8:19 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: November 5, 2008

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

----- X
In the Matter of

PETCO
(2008-13)

Final Site Plan and ARB Approval

----- X

BOARD BUSINESS

Date: October 16, 2008
Time: 8:19 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- X

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PETCO

81

MS. HAINES: The second thing we have is Petco. We received a response from the Orange County Department of Planning on October 9, 2008, so we need final site plan and ARB approval.

CHAIRMAN EWASUTYN: At this point I'll turn to Mike Donnelly who has prepared a resolution. Mike.

MR. DONNELLY: I've given you all copies of the resolution. I also had been provided with the missing information regarding the Bed, Bath & Beyond sign. In condition number one on page 4 as well as in the Findings, at the top of that page the value to be inserted is 238 foot candles.

The conditions therefore are the waiver of the design guideline requirement that no internally illuminated signs may be had on site conditioned upon the value of this sign not exceeding 238.

MR. HINES: That number is very, very high.

MR. DONNELLY: I can only tell you --

MR. HINES: I just want to know from

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PETCO

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what distance he took it. We may need to further clarify that. 238 foot candles is --

MS. ARENT: Foot candles?

MR. HINES: That's worse than the light on the tower at Stewart.

MS. ARENT: That's higher than anything I've ever heard.

MR. DONNELLY: Let's get a sign-off letter certifying the foot candles.

MR. BROWNE: With the foot candles and looking at a different color, different color lights, the foot candles of different color lights will make things appear greatly, greatly different as far as the brightness goes. If it's the same foot candles for a white light than a red light, the red light is going to be super bright. I think it needs to be more of an appearance than a fixed number. I don't know how we can do it.

MR. DONNELLY: We talked about making it a foot candle value.

MR. BROWNE: I'm saying to myself I think we messed up on that because the same foot candles, red ones can be very, very different

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PETCO

83

than the white ones as far as appearance goes.

CHAIRMAN EWASUTYN: What's your recommendation to the Board? We started in this direction, they came back with information. It may have to be readjusted.

MR. BROWNE: I think it needs to be a visual approval. If Karen looks at it and thinks it's appropriate, I would go with that.

CHAIRMAN EWASUTYN: Do you feel qualified --

MS. ARENT: It's hard to look at a drawing of a sign and determine how luminescent it is or how bright it is.

MR. BROWNE: You have to have something lit.

MR. PROFACI: You can't have them install it and look at it and say it's too bright.

MS. ARENT: We have to have what their proposed sign is and then we have to compare it to the other signs.

MR. COCKS: Where is the nearest Petco?

MS. ARENT: Middletown.

MR. COCKS: If it's going to be the

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PETCO

84

same sign they're proposing --

MS. ARENT: I believe it's different.
The facade in Middletown is different than this
facade. I don't know about the signage.

MR. DONNELLY: We have the sign plan.
We have an existing Bed, Bath & Beyond. I don't
know how we quantify it. Are you going to take a
measurement in Middletown?

MS. ARENT: I can't take a measurement,
I don't have the equipment.

MR. BROWNE: If we've already waived
the idea of having the --

CHAIRMAN EWASUTYN: Internally
illuminated sign --

MR. BROWNE: Yeah. Just let them put
up what they normally put up and be done with it.

MR. DONNELLY: We wanted to make sure
it didn't exceed because your rationale was you
wanted it to have a similar luminar value. If
this is the closest thing we can do, have Pat at
least determine what the correct number is. It
may not be perfect for the reason you said, the
colors or perceived difference.

CHAIRMAN EWASUTYN: What we need to do

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PETCO

85

is we need to have Pat and Karen look at the illumination, which is described now as being 238 foot candles, --

MR. DONNELLY: That's the information I have.

CHAIRMAN EWASUTYN: -- and see if that's reasonable. If it's found to be unreasonable in comparison to Bed, Bath & Beyond then the necessary adjustment will be made to make it compatible.

MR. DONNELLY: What the 238 was supposed to be is the actual reading of the existing Bed, Bath & Beyond sign. That's the number they can not exceed. So this is just a matter of taking the proper reading and plugging in the number.

MR. BROWNE: One of the difficulties with foot candles is the further you get away from the source the less it gets. So if they are right up at the light surface it's going to be very high.

MS. ARENT: We have to qualify --

MR. DONNELLY: At what distance.

MR. HINES: There needs to be a

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PETCO

86

distance. I have a feeling he may have taken the meter up on the roof and held it up to the sign.

CHAIRMAN EWASUTYN: That sounds pretty intense.

MR. HINES: That number is astronomical.

MR. COCKS: At The Market Place it was 5.

MR. DONNELLY: Pat, you'll find out what it is. What will be plugged in is X number of foot candles measured at X number of feet from the center of the sign, or whatever the methodology is.

MR. HINES: We'll figure out something.

CHAIRMAN EWASUTYN: We'll indicate that adjustment.

MR. DONNELLY: Pat will give us a letter on that.

The next condition was the narrative they gave us that reported on the extent veterinary services will be attached to the resolution and will become the limit of the uses to be carried out on the site. Landscape

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PETCO 87
security, an inspection fee and then the standard
condition on outdoor fixtures and amenities.

CHAIRMAN EWASUTYN: Karen, have they
given you a cost estimate for landscaping?

MS. ARENT: They just sent me
something. I just looked at it. They got it to
me yesterday late in the day. I looked at it
here. They don't have a cost submitted here but
there is one thing they need to change. They
have mature sizes listed for plant materials and
not --

CHAIRMAN EWASUTYN: Okay. For the
record, Dina had walked through with them what
has to be done yesterday as far as the site plan
to get it stamped. With that being the case,
then you can begin reviewing -- we're not
going to be reviewing it now. Their plans need
to be signed and speaking with them with what
corrections have to be done and then we'll wait
for the necessary sign off. Once you approve the
cost estimate, then they'll get that to the Town
Board and the Town Board could act on that.

Comments from the Board Members?

MR. GALLI: No additional.

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PETCO

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CHAIRMAN EWASUTYN: So now the action before us is to approve the site plan and ARB for Newburgh Capital Group (Petco) prepared by our Attorney, Mike Donnelly, dated October 16, 2008.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

Who would like to take the lead responsibility to speak with Joe Minuta as far as --

MR. HINES: I will.

CHAIRMAN EWASUTYN: You'll speak with him tomorrow?

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PETCO

89

MR. HINES: Yes.

CHAIRMAN EWASUTYN: Thank you.

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

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

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

DATED: November 5, 2008

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

----- X
In the Matter of

NEWBURGH RETAIL DEVELOPERS
(2005-33)

RE: Longhorn Steakhouse

----- X

BOARD BUSINESS

Date: October 16, 2008
Time: 8:26 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- X

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MS. HAINES: The next thing on Board
Business tonight was Newburgh Retail
Developers and Longhorn Steakhouse. We
already went through that during the work
session. Should we do it again?

CHAIRMAN EWASUTYN: I think that's
fine. Any comments on that?

(No response.)

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

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

----- X
In the Matter of

ANCHORAGE ON THE HUDSON
(2008-17)

Discussion by Michael Donnelly, Esq.

----- X

BOARD BUSINESS

Date: October 16, 2008
Time: 8:27 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- X

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MS. HAINES: Okay. The next thing is Mike Donnelly discussing Anchorage on the Hudson.

MR. DONNELLY: You'll remember this was an application I think best described as ratifying certain grading work that was carried out on the site that was not consistent with the original approved subdivision. At the time we discussed the issue of whether or not an amended subdivision plat should be filed with the Orange County Clerk. One of the things we had requested of the applicant was an easement that had been shown on the plan, that was never constructed and is now not needed, be abandoned. The thought was what was the appropriate level of formality. I think our thought was that an amended subdivision could be filed with the Town and would not need to go to the County. I spoke to the applicant's attorney, and my thinking at the time I said that was because the easement was created by the filing of a map only and never recorded, we didn't need to do anything else. When we discussed it we both recognized that the recent Omara/Town of Wappingers case has now said that when a map is filed it creates an easement that

1 -- an enforceable easement at least as far as
2 municipal enforcement is concerned. Therefore, I
3 think to extinguish that easement properly we
4 need to actually file an amended map with the
5 County Clerk. I don't think the approval is
6 anything different but I spoke with John
7 afterwards and I think I sent an e-mail to
8 everyone. My suggestion is that the resolution
9 stand as voted on on the date that it was written
10 but that a condition be added, which I have
11 added, that an amended plat be filed in the
12 Orange County Clerk's office in order to
13 extinguish that easement. The applicant's
14 attorney has agreed. You have that resolution in
15 front of you this evening. I think it should be
16 ratified as a change in that condition.

17
18 CHAIRMAN EWASUTYN: Okay. Then I'll
19 move for a motion basically at this point to
20 grant subdivision approval for the amended --

21 MR. DONNELLY: It's in essence an
22 amended subdivision approval in addition to after
23 the fact a clearing and grading permit.

24 CHAIRMAN EWASUTYN: I'll move for a
25 motion to grant an amended subdivision approval

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ANCHORAGE ON THE HUDSON

and a clearing and grading permit for Hudson
Landing Corp subject to the resolution prepared
by Attorney Mike Donnelly.

MR. PROFACI: So moved.

MR. MENNERICH: Second.

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

(No response.)

CHAIRMAN EWASUTYN: No discussion, I'll
move for a roll call vote starting with Frank
Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself yes. So
carried.

(Time noted: 8:31 p.m.)

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DATED: November 5, 2008

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

----- X

In the Matter of

LANDS OF BARRY WHITE
(2008-02)

Scheduling of Public Hearing for 11/6/08

----- X

BOARD BUSINESS

Date: October 16, 2008
Time: 8:34 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- X

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LANDS OF BARRY WHITE

MS. HAINES: This isn't listed under Board Business tonight but we all have to discuss the Lands of Barry White. Barry White was last before us on September 4th. They had received their front yard variance allowing a setback of 21.7 feet where 50 is required on July 24th. There were a few outstanding items that need to be corrected before you guys can issue a neg dec and before a public hearing date can be set.

Revised plans were dropped to Pat Hines' office on October 14th for review of those outstanding items. I'll turn to Pat Hines to bring us along on if those items were addressed.

MR. HINES: They have addressed my comments on those plans. I know Bryant had some comments regarding the E.A.F. that need to get modified. Otherwise I think they're ready for their public hearing.

CHAIRMAN EWASUTYN: Bryant.

MR. COCKS: I never got revised plans or a revised E.A.F. I can't tell if my comments have been addressed. If Pat says that the site

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LANDS OF BARRY WHITE

100

plan comments have been addressed, then I trust
him.

MR. HINES: It took awhile to get the
plans. They were promised to me a million times.

CHAIRMAN EWASUTYN: Any comments from
the Board Members?

MR. GALLI: No.

MR. BROWNE: No.

CHAIRMAN EWASUTYN: I'll move for a
motion to declare a negative declaration for the
two-lot subdivision of Barry White and schedule
it for a public hearing for the 6th of November.

MR. PROFACI: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by
Joe Profaci. I have a second by Ken Mennerich --
excuse me, Frank Galli. Any discussion of the
motion?

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

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LANDS OF BARRY WHITE

101

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself yes. So
carried.

(Time noted: 8:34 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
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STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH PLANNING BOARD

----- X

In the Matter of

SOUTH UNION PLAZA
(2006-41)

Attendance at Consultant's work session on 10/28/08

----- X

BOARD BUSINESS

Date: October 16, 2008
Time: 8:34 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DINA HAINES
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SOUTH UNION PLAZA

103

MS. HAINES: The very last thing tonight is South Union Plaza. They would like to go to the consultants' work session in October.

CHAIRMAN EWASUTYN: Bryant, what's the date of that?

MR. COCKS: The 28th.

CHAIRMAN EWASUTYN: I'll move for a motion to set the 28th of October for a work session for the -- what shops is this?

MS. HAINES: South Union Plaza.

MR. MENNERICH: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion --

MS. HAINES: Karen has her hand up.

MS. ARENT: After that I want to ask you something.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

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SOUTH UNION PLAZA

104

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself. So
carried.

MS. ARENT: We were quietly talking
about the South Union Plaza and the lack of
connection to Old Little Britain Road. I just
wanted to make the Board aware that the shoulder
there is very wide. There's a gravel shoulder
that's very wide. As Bryant just said, for
planning to think about possibly connecting a
sidewalk down to Old Little Britain Road just
because the shoulder is very wide.

MR. GALLI: Old Little Britain Road
going down towards Britain Commons or --

MS. ARENT: No. Taking the sidewalk
along Old Little Britain Road because the three
little businesses there some day might change and
perhaps some day there would be a sidewalk, or
perhaps if there's never a sidewalk -- the
shoulder is very wide along Old Little Britain
Road. There's like a gravel shoulder along Home
Depot. It's a really wide shoulder. We were
just thinking so I just wanted to let you know.

MR. GALLI: Home Depot would have to

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SOUTH UNION PLAZA

105

put it in.

MR. HINES: She's talking about just the spur along the entrance drive on South Union Plaza.

MS. ARENT: He was talking about how this project is connecting to that project.

CHAIRMAN EWASUTYN: Are you asking the Board if you can bring that up under discussion at the work session?

MS. ARENT: Yes.

CHAIRMAN EWASUTYN: By all means you can bring it up.

MR. MENNERICH: This is so they can go into the back Home Depot entrance?

MS. ARENT: Or some day -- or walk down the shoulder on Old Little Britain Road because it is wide and there is a place to walk.

MR. HINES: There may be two restaurants.

MS. ARENT: Two restaurants and Britain Commons. There's a neighborhood there and just make -- it kind of makes sense. If we could ask them about that.

CHAIRMAN EWASUTYN: Good idea.

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MR. WERSTED: From that same area, last week I sent a letter to Phil Grealy regarding the Kohl's/Petsmart project and to summarize the improvements in that area and kind of what to do with that after-study fund. I just talked to him today and he mentioned that it could be used, instead of the Orr Avenue/Old Little Britain Road right-turn lane, it seems like there's enough people there to pay for that, to use that money down at Old Little Britain Road and 207 for some type of improvement. It's not a lot of money to do an improvement but perhaps it could go to the design of something down there. If Britain Commons comes in and does anything down there it may help, you know, create an improvement down there. He's going to, you know, follow up and summarize his thoughts and get back to me on that.

CHAIRMAN EWASUTYN: Britain Commons is also part of this up and coming work session on the 28th. The Shoppes at Union Square is part of the upcoming work session.

We'll trust in your endeavors to bring these issues forward and come back to us with

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SOUTH UNION PLAZA

107

what's possible or what you're looking to create.

I'll move for a motion to close the
Planning Board meeting of October 16th.

MR. GALLI: So moved.

MR. PROFACI: Second.

CHAIRMAN EWASUTYN: I have a motion by
Frank Galli. I have a second by Joe Profaci.
I'll move for a roll call vote.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: And myself. So
carried.

(Time noted: 8:36 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: November 5, 2008