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

----- X

In the Matter of

CRYSTAL RUN MEDICAL OFFICE
(2013-18)

1000-1006 Union Avenue/NYS Route 300
Section 97; Block 3; Lots 6, 7 and 8.28
Section 4; Block 1; Lot 72.2 (New Windsor)
IB Zone

----- X

LOT LINE AND CLEARING & GRADING

Date: November 21, 2013
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: DOMINIC CORDISCO

----- X

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

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MR. BROWN: Good evening, gentlemen.
Welcome to this evening's Planning Board
meeting of the Town of Newburgh, November 21,
2013.

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

MR. GALLI: Present.

MR. BROWNE: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. PROFACI: Here.

MR. FOGARTY: Here.

MR. WARD: Present.

MR. BROWNE: Also we have -- the
Planning Board has professional experts that
assist us in reviews and input before us,
including SEQRA determinations as well as code
and planning details. I'd ask them to introduce
themselves at this time.

MR. DONNELLY: Michael Donnelly,
Planning Board Attorney.

MS. CONERO: Michelle Conero,
Stenographer.

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MR. CANFIELD: Jerry Canfield, Town of Newburgh.

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

MR. BROWNE: Thank you. I'll turn the meeting over to John Ward at this time.

MR. WARD: Please stand to say the Pledge.

(Pledge of Allegiance.)

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

MR. BROWNE: Our first order of business this evening is Crystal Run Medical Office, project number 2013-18. This is a lot line and clearing and grading issue. It's being presented by Dominic Cordisco.

MR. CORDISCO: Thank you. Members of the Board, it's good to see you here. This is Crystal Run Healthcare with our medical office building proposed on Route 300 at the intersection of Old Little Britain Road.

Since the last time we were before you we applied for and received variances from the Zoning Board of Appeals. The variance that we

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received was actually in connection with the height we applied for and received. If you recall, this was proposed to be a three-story building, and I'm using the past tense there on purpose. I'll explain in a moment. The renderings that we had shown you in the plan originally was for a three-story building. The uppermost section would be forty-eight feet tall, which included all of the screening for the rooftop units.

Let me take a step back here for a second. Dr. Teitelbaum, the owner of Crystal Run Healthcare, was originally intending to build on the same type of building that he's been building in the Town of Wallkill here in the Town of Newburgh. While they were exploring that option they decided well, is this necessarily the best way for us to practice healthcare and for our patients and for their efficiency. So what they did was they actually sent out a number of their key staff members to look at new buildings throughout the country for healthcare. They came back and decided that actually a different layout would be better.

Just to give you a sense of

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perspective, what they're talking about here is a two-story building. So we won't need the variance. The layout of the two-story building is a much more efficient use of space. If you typically go in to a doctor's office, or Crystal Run Healthcare in particular, you go in, there's a desk, you check in at the desk, you go to a waiting area, you're in the waiting area, then there's doctors' offices along the hallways and offices -- I mean examining rooms along hallways and then doctors' offices that are separate from that. So everything is fairly compartmentalized.

What their new layout is going to be, and I believe it's on the cutting edge of healthcare, is that you will come in, you'll check in and you'll be immediately placed into an examining room. There's no waiting area. So every patient is going to have privacy in an immediate waiting area -- examining room. The examining rooms are built in a perimeter around the central area where all the medical staff are, where all the practitioners are and the doctors are as well as the nurses. So what happens is as soon as you go in to one of these rooms, you'll be then seen

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by the nurse, by someone else coming to take your blood, and then eventually by the doctor. You in that room is cutting down on waiting time and it will be much more efficient. The reality is this new layout is only going to require a two-story building.

Just to clue you in, while I was at the Zoning Board meeting and we were applying for our variances, we actually finished our presentation, I get an e-mail on my phone from Crystal Run Healthcare saying Dr. Teitelbaum just got back from his trip to the northwest and he decided on a two-story building. This was right before the Zoning Board was about to vote. I didn't want to stop them from voting, so what I did was about twenty minutes later I texted him back and I said well, we can have a two-story building and it can even be as tall as forty-eight feet. Just kidding.

In any event, we did receive a variance which unfortunately is no longer going to be necessary for the project.

We also received the interpretation in connection with the mobile MRI unit. There was

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some question as to whether or not that was allowable on the site. We did apply to the Zoning Board and they provided that clarification. So we are going to be having that on our plan.

What we've submitted for you tonight is not the site plan because we are still working on the site plan now that it reflects a two-story layout rather than a three-story layout. But we do have the lot line change plan which is the subdivision. This is, I believe, five lots that are being consolidated effectively into two lots, one lot that's going to be the Crystal Run Healthcare facility and then an additional corner lot that is going to be transferred by the Flannerys to a different entity that's not controlled or affiliated with Crystal Run Healthcare.

So we're looking to finalize this so that the transaction itself could be finalized and Crystal Run Healthcare can take title to its portion of the property.

We understand that there's a mandatory public hearing in connection with the subdivision

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plat, and we also -- given the fact that Crystal Run Healthcare intends to take title prior to having all final approvals in place, we are anticipating that they're going to want to start working in the ground prior to getting all of the outside agency approvals. So prior to getting perhaps, for instance, the final DOT highway work permit, they may want to start working on the site and preparing it for their building. We also applied for the clearing and grading permit as well. We understand that that requires a public hearing. Our intention was to ask that those public hearings be combined so we only have one public hearing on both issues.

That's all I have.

CHAIRMAN EWASUTYN: Pat Hines, Planning Consultant?

MR. HINES: We looked at the plan. There are many structures on the site that are going to have to be removed prior to the final approval or signing of the lot consolidation lot line change plan because they would create issues with bulk compliance. I did speak with the applicant's attorney and they did state that they

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were aware that those will have to be removed.
We'll just have some notes added to the plans.
A demolition permit will be required for those
structures. A note to that effect should be added
to the plans.

County Planning review for the lot line
change and subdivision is required.

There's an easement shown that still
says proposed. I believe it was executed prior,
so we'll need that cleaned up.

MR. CORDISCO: It is executed.

MR. HINES: I think that's to your
client's benefit that it was.

MR. CORDISCO: Yes.

MR. HINES: Show that there.

I had a question and I believe it's
been resolved. Tax lot 97; 3; 1, the former
tailor shop is part of this application and has a
bulk front yard issue, but I believe that
building is now proposed to be removed also.

MR. CORDISCO: That is correct.

MR. HINES: That eliminates the need
for that.

MR. CORDISCO: That will be on the lot

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that will be taken by Newburgh Towne Center.

MR. HINES: I did see earlier today via e-mail Ken Wersted had a comment regarding a right-turn lane and some provisions for that. That may change the lot line layout a little bit. Whether it needs to be constructed at this time, we wanted to be sure there was adequate area for that. I don't know if anyone has seen that yet. I saw that in an e-mail today. That will need to be taken a look at in the final plans. That goes back to several projects and iterations of this project in the past.

As far as the clearing and grading, we have no problem processing the clearing and grading application with the public hearing. We do need additional information. The grading plan and the stormwater pollution prevention plan will have to be provided prior to the public hearing. We don't have a problem with the Planning Board scheduling that. I think it's a month out anyway.

That's all we have.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: We don't have anything

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additional at this time. Once we see a little more details on the grading, we can comment.

CHAIRMAN EWASUTYN: Mike Donnelly, where is the Planning Board?

MR. DONNELLY: You issued a notice of intent to be lead agency on October 3rd. No one has rejected that or challenged that. You can finalize your lead agency.

You'll have to issue a declaration of significance.

I think a negative declaration is in order. Correct me if I'm wrong.

MR. HINES: Yeah. I don't envision any significant environmental impacts that can't be overcome during the technical review of the project. We're going to look for supporting documentation. The site has been through various environmental reviews before and we feel comfortable with the negative dec to keep the project moving along with the supporting documentation to follow and the various reports we're anticipating.

MR. DONNELLY: We also need to send it to the County Planning Department. With those

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three things, it's ready for a hearing.

CHAIRMAN EWASUTYN: Comments from Board Members. John Ward?

MR. WARD: No comment.

MR. FOGARTY: I have one. Are we going to receive more information regarding the clearing and grading as far as what the plan is and what you're going to be doing?

MR. CORDISCO: Yes, you will. I'm not entirely sure of the timing of that. What we're really talking about is the stormwater pollution prevention plan.

MR. HINES: And the grading plan.

MR. CORDISCO: Correct. That would go along with that. We're working on it but as a result of the change from the three-story to two-story, it changed our layout slightly. For one thing for instance, it's cut down on the number of parking spaces we'll be providing on site. For instance, we provided quite a bit of extra excess parking which the Board had commented on last time. We're not going to have as much excess parking now because the building is going to be wider but lower. So that is something that we're

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currently working on.

Depending on the scheduling of the public hearing, I can't commit to a specific date as to when you would have the stormwater pollution prevention plan.

MR. DONNELLY: The public hearing on the clearing and grading plan would have to be kept open. The Board discussed that at work session, in the event it was not in place before the hearing date.

MR. CORDISCO: Understood. Thank you.

CHAIRMAN EWASUTYN: Any other questions, Tom?

MR. FOGARTY: No. Not at this time.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: No questions.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

MR. BROWNE: I have none.

MR. GALLI: How many parking spaces are you looking to knock it down to?

MR. O'ROURKE: The parking spaces we're designed for now, your code requires a minimum of 250. The applicant, based upon other areas, is

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looking for anywhere from 300 to 350. It's just a matter of us trying to configure that to their new layout to put it on the site.

MR. HINES: John, can you give Michelle your name?

MR. O'ROURKE: John O'Rourke with Lanc & Tully Engineering.

MR. GALLI: That's all I have, John.

MR. WARD: We were talking about parking spots and them going across the traffic. Are you going to clarify that, too?

MR. HINES: The pedestrian flow.

MR. O'ROURKE: Yeah. We're going to have -- it's one of the things we're working on. We're putting crosswalks specifically in the rear of the building. If you remember -- I'll show you from last time. The consultant had concerns with accessing here in through crosswalks. In our new design we'll have crosswalks in this area. This area doesn't lend itself to it, but any handicap parking spaces or these main islands will have crosswalks as well.

MR. WARD: Okay.

MR. FOGARTY: This doesn't necessarily

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pertain, but on the plans it shows those four buried storage containers. Do they have to be removed? They're right in the Town of New Windsor there.

MR. O'ROURKE: Yes. I believe they were already removed. There was an environmental study done. There's monitoring wells and that has come back good. There's continued monitoring. That we would update when we submit the full application to you, there would be a copy of that report.

MR. FOGARTY: Okay.

CHAIRMAN EWASUTYN: Any additional questions or comments?

MR. HINES: The only issue is this is also located in the Town of New Windsor. I need to work with Mark Edsall from my office to make sure that we're going to be the lead. We had a similar situation with the Wal-Mart where the actual structure crossed the lot lines, and because the majority of the project was in the Town of Newburgh, New Windsor did defer to us as part of the project. We'll pursue that also.

MR. CORDISCO: I could address that if the Board would like. I was in New Windsor at

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their last meeting. The planning board did take up the referral from this Board. They acknowledged the referral and said they would not require any site plan approval for the minimal amount of construction that takes place in New Windsor, and they have no objection to the Town of Newburgh proceeding with the project. I believe Mr. Edsall was supposed to send a letter to that effect, but I also think he left the following day for his vacation.

CHAIRMAN EWASUTYN: All right. If there are no further questions or comments; Dominic, you'll take the responsibility of circulating to the Orange County Planning Department?

MR. CORDISCO: Certainly. On that point, given that we are working on the detailed site plan and are anticipating making that submission, at some point in the not too distant future I was wondering if we could perhaps be authorized now but the submission would be made to the County Planning Department when we have the detailed site plan that would go along with that. I don't anticipate that the County Planning

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Department is going to have concerns and certainly will want to look at the stormwater pollution prevention plan and the details regarding the site plan. We either have to send it twice to them or once.

MR. DONNELLY: Once is better.

MR. CORDISCO: I would suggest once so they can see the entire package all together. I think the Board --

CHAIRMAN EWASUTYN: My only concern is timing. Not saying that -- today is the 21st. The public hearing -- I believe the second meeting in December is the 21st, and you know the Municipal Law better than I do, they have so many days to respond.

MR. CORDISCO: Thirty.

CHAIRMAN EWASUTYN: We may not be able to take action until that response comes in. That's your plan.

MR. CORDISCO: Understood. We can coordinate that as we understand where we are with the engineering.

MR. HINES: John, it would be the 19th of December. So it's not even thirty days.

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CHAIRMAN EWASUTYN: All right. Is the Board in agreement that they'll coordinate a distribution to the County, one on the subdivision clearing and grading and the other being on the site plan?

Okay. All right. That being the case for now, we'll declare a negative declaration on the lot line change for Crystal Run Medical Office and set the public hearing for the 19th of December.

MR. GALLI: So moved.

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

MR. HINES: Was that a negative dec for the entire project or --

MR. DONNELLY: It has to be for everything.

MR. HINES: It will have to be for everything.

CHAIRMAN EWASUTYN: We're doing everything?

MR. DONNELLY: It's one action.

CHAIRMAN EWASUTYN: That would be for the site plan also?

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MR. DONNELLY: Site plan, subdivision, the lot line and clear and grading.

MR. HINES: Because the project has been reviewed under various scenarios before, I feel comfortable. We've seen more intense development to this project. Not this project but the retail development was much larger.

CHAIRMAN EWASUTYN: Correct me. The negative declaration is for the lot line change, the subdivision and the site plan?

MR. HINES: Yeah.

MR. DONNELLY: And the clearing and grading which is a subspecies of it.

CHAIRMAN EWASUTYN: I rescind that and ask for a motion to grant a negative declaration on the lot line change, --

MR. GALLI: So moved.

CHAIRMAN EWASUTYN: -- the subdivision, clearing and grading and the site plan. I have a motion by Frank Galli.

MR. FOGARTY: Second.

CHAIRMAN EWASUTYN: A second by Tom Fogarty. Any discussion of the motion?

MR. BROWNE: I think for the record it

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should be noted that the basis -- we're basing it on the previous studies we've done on the same properties over the past year.

CHAIRMAN EWASUTYN: Okay. Make that be part of the record.

So we have a motion by Frank Galli, a second by Tom Fogarty. We had discussion by Cliff Browne. 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.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried. Thank you.

(Time noted: 7:20 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: December 11, 2013

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

----- X

In the Matter of

VOLKSWAGEN OF NEWBURGH
(2013-11)

Route 17K & McDonald Street
Section 95; Block 1; Lot 53
IB Zone

----- X

SITE PLAN

Date: November 21, 2013
Time: 7:20 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: DOMINIC CORDISCO

----- X

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MR. BROWNE: Our next item of business is Volkswagen of Newburgh, project number 2013-11. This is a site plan, again presented by Dominic Cordisco.

MR. CORDISCO: Yes. I'm joined tonight by Joseph Sarchino from John Meyer Consulting, the project engineer. We also have the owners and other representatives in the room tonight, the architect.

At this point, this is our second meeting before the Board, just a quick update. We did appear before the Zoning Board and we did obtain a variance.

As you may recall, this project is along Route 17K and it's also bordered on one side by Mulberry Lane which turns out to be a private road and as so requires a setback along the entire stretch of Mulberry Lane. We appeared before the Zoning Board and we did receive a twenty-yard setback.

The requirement for the front yard along Mulberry was fifty feet and we are proposing forty feet as our setback. So we received a ten-foot benefit as a result of the

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2 Zoning Board's action in that regard. We did have
3 a public hearing before the Zoning Board.
4 Although no one physically came to the meeting,
5 we did receive a letter -- the Zoning Board
6 received a letter from the Smolenski's which I
7 believe have a residence that is in this lot back
8 here. They wrote to the Zoning Board stating
9 concerns that their views of the site -- their
10 wooded views of the site be preserved along
11 Mulberry as much as possible. The Zoning Board
12 recommended that the Planning Board consider that
13 as the project moves forward.

14 At this point I prefer to turn it over
15 to Mr. Sarchino who can walk you through the
16 updated plans.

17 MR. SARCHINO: Thanks, Dominic.

18 I'll speak along the lines Dominic left
19 off. One thing is the plan really hasn't changed
20 since the first meeting that we presented the
21 drawing. The building is still 23,340 square
22 feet, still has access across the street from the
23 National Guard entrance. A signal modification
24 will be required because we're providing a
25 left-turn lane coming into the property here.

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One thing we did talk to the Zoning Board about was maintaining the viewshed and trying to minimize the views towards the proposed car dealership development. You'll see in our plans, and it was something the Zoning Board had requested, on the top of this wall the property is approximately twelve feet below Mulberry Lane once we do the cut and fill on the project. We have a retaining wall along here. We provided a six-foot high privacy fence on top of the wall there to protect the views in. As you come down the project along this end here, we were taking down some spruce trees to this point so we were proposing to plant spruce trees and some dogwoods along that embankment here to again shield the views from into the rear parking lot. So that's something that you'll see on the landscape plan that we submitted.

At the request of the Board one thing that we've included was a fieldstone, a dry stonewall that comes across the property here and curls into the driveway here to kind of mimic what was occurring down the street. I think that was something the Board requested.

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We also have a nice planted area in front of these car display areas with sodded lawn here and sodded lawn on the other side of the stone fence here, and then some trees on either side of it.

Our stormwater facility is along this side of the property here. We have a stormwater basin here, a forebay for it and a vegetative swale here.

We're also showing some pervious pavement in the back of the property here, and that will probably be impervious asphalt pavement. We did show that as part of our stormwater management plan.

The proposed parking, again if you recall, is 195 spaces which basically is encompassed within the gray area here. We are proposing 51 future spaces potentially to be constructed here, and that depends on how successful the dealership is, whether that gets constructed.

That's a general overview of it. If there's any questions, I'd be happy to answer them.

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CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: The impervious pavement, you're not going to seal coat it after a couple years?

MR. SARCHINO: We won't seal coat that. The nice thing is it's in the car storage area so it's not an area that's going to have to get sanded and salted. That's in an area that won't have any of that. We specifically did that back in this area here, and we don't think we're going to have that problem. It's not out in the front where it will be sanded and salted and have to be maintained as such.

We also, as part of the stormwater basin, we have a vegetative swale which the parking lot drains into. It's just a curb break and flows into the vegetative swale and goes into a forebay. So there's a couple of good things we've incorporated into the plan with regard to stormwater.

MR. GALLI: The trees that you're putting in the back closer to the neighbor, the one that wrote the letter --

MR. SARCHINO: He's back here.

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MR. GALLI: -- how high are they going to be when you plant them?

MR. SARCHINO: I think they're specified as twelve to fourteen feet high. We have some dogwood trees along -- native species along the bottom of the slope here. These are existing spruce trees that would remain. We have the existing spruce trees to remain down to here, to the fenced area, and then the fence to here. So we'll keep the screening.

MR. GALLI: Thank you.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: I was just thinking about how the elevation of the person that wrote the letter, how the elevation of their property compared to what you're doing. I don't know. I was thinking about it. For what you're putting in there, I don't think it would make much difference.

MR. SARCHINO: One good thing is the parking lot is about twelve feet lower than Mulberry here. We're dropped down, which is good as far as being able to visually just look right into the parking lot. Then we have a screen that

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we propose. The light fixtures are all dark skylight fixtures, downward lighting.

MR. BROWNE: The neighbor's elevation, is he going uphill?

MR. SARCHINO: He's uphill.

MR. BROWNE: Where his residence is, how high is that compared to the top of the trees and stuff?

MR. HINES: I've never been back that far to see that residence. It's back there.

CHAIRMAN EWASUTYN: The house sits back off the road.

MR. GALLI: It's pretty far.

CHAIRMAN EWASUTYN: It's a one-story house.

MR. SARCHINO: The house is back in this corner right here.

CHAIRMAN EWASUTYN: It's heavily wooded.

MR. SARCHINO: We're keeping the trees approximately to this point. Everything around it is all staying.

MR. BROWNE: Thank you.

CHAIRMAN EWASUTYN: Ken Mennerich?

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MR. MENNERICH: On the retaining wall having the vinyl fencing above it, you mentioned it's going to be white. Is that something the ZBA requested?

MR. SARCHINO: Not necessarily white. I think that's the color that was chosen. It could be any color that they provide the fence in, but --

MR. MENNERICH: What color is the block going to be, the retaining wall?

MR. SARCHINO: I don't know as far as the wall type here has been chosen yet as far as the color goes. I'm hearing gray. But again, that would only be seen from this side. Again, this is higher so the wall would be on the lower side.

MR. MENNERICH: A white fence kind of really stands out. That's the only reason.

MR. SARCHINO: If you remember -- it was something the Zoning Board mentioned. If you remember on the Target project, I was the designer on that as well, we put that white fence -- here's the front entrance -- up to the right, up on that slope, to help screen those

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residential properties. They mentioned that specifically. So it would be something along those lines, white, it could be beige. We're thinking a vinyl fence probably. So it could be either one of those two colors. If the Board wants something specific --

MR. MENNERICH: I think the beige type of color would be better.

MR. GALLI: Something more to blend in with the block.

MR. MENNERICH: The blocks are going to be gray. You may be able to get something --

MR. SARCHINO: We can look at that and on the next submission provide a cut sheet for the fence for the Board to take a look at.

MR. MENNERICH: Thanks.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: I have no questions.

CHAIRMAN EWASUTYN: Tom Fogarty?

MR. FOGARTY: The future inventory lot, what's going to trigger the paving of that lot?

MR. SARCHINO: Well, it's just business. How successful the dealership is. If they find they need more inventory spaces. Right

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now we're providing 125 inventory parking spaces without this 51. If we added the 51 it would go up to 176. It's really just a matter of business, how successful the dealership is. Of course we're hoping it's very successful. Right now they are thinking 125 parking spaces is something to start with, and eventually if it needs to go beyond that.

MR. HINES: Tom, those aren't graded in yet. It will only be constructed -- it's not just paving. It won't be constructed until they determine they need it. The stormwater management plan has taken that into account as being constructed.

MR. FOGARTY: If they decide to do that do they have to get a permit?

MR. HINES: Yes. That would be something from Jerry's office.

MR. DONNELLY: Not from the Planning Board, from Jerry.

MR. SARCHINO: Pat just beat me to it. One important point is the stormwater management, we wouldn't have to go down in here and reconstruct anything. It's sized already for

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that.

MR. FOGARTY: Thank you.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I asked before about the displays with the cars. What are you doing to display? That was my main question the last time.

MR. SARCHINO: I do remember that. I think you specifically asked for a curb to go around it. That's what we're proposing. If you look at the plans, it's a concrete pad and we do have a curb around it, landscaping in the front and the sod and grass along the sides. It will be irrigated, most likely, so it will be kept nice. They want it to look good. We did provide the curb around the concrete pad.

MR. HINES: John, there's some lighting in the front along each one of them, too.

MR. WARD: If you look at Toyota, how they did it, that was a big issue for me to push. It sells cars but at the same time safety, too.

MR. SARCHINO: Safety too. Keep the car right on the pad, which I think is good.

MR. WARD: Johnny going in the car and

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there it goes.

CHAIRMAN EWASUTYN: And the height of the wall is thirty inches?

MR. SARCHINO: Yeah. It's thirty inches. That's correct, Mr. Chairman.

CHAIRMAN EWASUTYN: Comments. Mike Donnelly?

MR. DONNELLY: This one similarly, before you move forward, would need a negative declaration.

MR. CORDISCO: Mr. Chairman, we will have Philip Clark, the project architect, if the Board would like to see the renderings.

CHAIRMAN EWASUTYN: Let me finish with Jerry and Pat Hines. Jerry Canfield?

MR. CANFIELD: I have no comments.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: We have received the stormwater pollution prevention plan. I just received comments in my e-mail today. We'll get those out to the applicant to address.

A demolition permit is required for the existing structures. There is a note on the demolition plan requiring that.

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Just some procedural things. A City of Newburgh flow acceptance letter is required, DOT approval for the access drive and the roadway modifications, a County Planning referral will be required.

I believe the plans are in sufficient state now they could be sent to the County for review.

It is in the flight path overlay and FAA clearance is required due to it's proximity to the airport.

A comment that the landscaping plan has plantings over the discharge pipe from the stormwater facility. Take a look at that.

Also, the location of the level spreader and emergency spillway, if it was moved 100 or 150 feet to the north it could access the stream directly and discharge to the stream on your property rather than the discharge of 100 or so feet on the neighboring property. We're asking you to take a look at that.

The lighting, it's 17 foot 6 inches. The design guidelines call for 16 feet. We're asking you to take a look at that based on the

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design guidelines. There is a possibility of waivers to those design guidelines if the number of lights would be excessive at that height. So just the analysis of that based on the design guidelines should be submitted for the Board's use.

The water service detail needs to be addressed pursuant to the Town of Newburgh requirements that the potable water will be turned off if the fire sprinkler lines should be turned off. We're also asking you to take a look at the flows and pressures. There's only a four-inch line provided into the site for the sprinkler line. Just to make sure that's adequate. I don't know what the pressure is. It may be fine.

We need comments from Jerry's office regarding the location of the hydrant. There's one hydrant to be relocated on 17K, a little bit to the east. We did note there are no hydrants provided internal to the site. That's something Jerry's office will take a look at. If there are hydrants required on the site, County Health Department approval for those is required.

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Currently it's not because you're not proposing those. If they are required, that will kick in.

We're asking, at least on the landscaping plan, to show the 35 foot required buffer for -- you comply with the landscape plan but just to strike a line there showing that.

You did mention a nearby car dealership that has some enforcement issues regarding placing of vehicles in there. You brought it up, we didn't.

Also, just the Board's attention that there are the twelve-foot retaining walls that we've been discussing with the white fence. There's also a twelve-foot retaining wall on the east side which drops off the site. If you're looking at a twelve foot wall to the west and a twelve foot drop, there's a lot of extensive retaining walls. You may want to take a look at that during the architectural review portion. I know you talked about colors. The retaining walls will be a dominant feature on the site.

That's all we have so far.

CHAIRMAN EWASUTYN: You have someone in the audience --

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MR. CORDISCO: Mr. Clark from Claris Construction is here and has renderings.

CHAIRMAN EWASUTYN: Do you have a card, Mr. Clark? If you'd give that to the stenographer.

MR. CLARK: As the site engineer said, I'm Phil Clark, I'm the architect on the project.

This is a 23,000 square foot facility with -- it's a 21,000 footprint, 2,000 parts mezzanine on the second floor in the back.

This rendering is the actual elevations. I put this together from actually the VW website. These are prototype photos. There's a lot of whites and grays. Very contemporary, clean lines. So it's white and gray.

So I go back to someone's comment about the long fence being white and possibly more of a tan. We might want to consider staying in the gray tones or the white tones for that fence.

There's a lot of glass, as in most showrooms. Glass and then white metal lucron panels, the metal panels. Like most car dealerships, a very sleek look.

The back of the building is stucco

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most of the way around. Some metal panels again accenting it.

The showroom itself is approximately 7,000 square feet. I'm sorry. The showroom is -- the sales is about 7,000 square feet. The back has a service department which has twelve bays.

Any questions?

CHAIRMAN EWASUTYN: Open discussion, Board Members.

MR. BROWNE: There's something missing. I don't see the window signs that are in the windows. How about the window signs?

MR. MENNERICH: Because of the overflight pattern for the airport, are you going to have to use any special materials in the ceilings or anything?

MR. CLARK: For the vibrations?

MR. MENNERICH: For noise.

MR. CLARK: No, we won't have to.

MR. FOGARTY: It's a good spot and it's an attractive building.

MR. WARD: Is there any special lighting? Like Toyota has the lights up. Did they tell you anything?

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MR. CORDISCO: You mean from the Port Authority or the FAA?

MR. WARD: Yes.

MR. CORDISCO: We've applied to the FAA for their opinion and we have not yet heard back. We have met with the Port Authority. We asked them that specific question and they did not have an answer as to what they would like to see, if anything, as far as beacons on top of the building.

MR. WARD: You're low, so --

MR. CORDISCO: We are. You're right. They considered the runway to have a plain -- not a plane. There's lot of planes. As far as horizontal plains from the runway, and we are beneath that. We are still within the runway protection zone. It's not the entire site, just a corner of the site or a portion of the site falls within the protection zone which triggers the need to go to them. If it was just a question of height, we believe we're underneath the requirements to go to the FAA.

MR. HINES: They're below the elevation. Anything in that zone needs their

1 approval.

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3 MR. WARD: You don't want them landing
4 on your roof.

5 MR. CORDISCO: Correct. We did ask and
6 I expect we will receive comments.

7 MR. WARD: This is the basic corporate
8 design, too; right?

9 MR. CORDISCO: Yes.

10 MR. WARD: I've seen it before, I think
11 in Ramsey.

12 MR. CLARK: It's the image upgrade of
13 Volkswagen.

14 MR. FOGARTY: In other words, any new,
15 they'll all have the same concept?

16 MR. CLARK: It kind of limits us as
17 architects but it pays the bills.

18 CHAIRMAN EWASUTYN: Any other further
19 questions or comments?

20 (No response.)

21 CHAIRMAN EWASUTYN: Then I'll move for
22 a motion to declare -- before I do that, it's
23 optional from the Planning Board, does the
24 Planning Board want to hold a public hearing?
25 I'll poll the Board Members.

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Frank?

MR. GALLI: They had a public hearing, which I attended, at the ZBA. The only thing that showed up was a letter and they scrutinized it pretty good, the Zoning Board. Personally I would say no.

MR. BROWNE: No.

MR. MENNERICH: No.

MR. PROFACI: No.

MR. FOGARTY: Yes.

MR. WARD: No.

CHAIRMAN EWASUTYN: Myself no.

So let the record show that the Planning Board, at it's discretion, waived a public hearing on the site plan for Volkswagen of Newburgh.

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

MR. WARD: So moved.

MR. PROFACI: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward, a second by Joe Profaci. Any discussion of the motion?

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(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

MR. GALLI: John, I'd like to say one thing. On the screening they did for the neighbor, even though it's not required they went above and beyond and actually put it in for the neighbor to keep peace. I guess he's been there like fifty years and they had him real concerned about looking into the back of a car dealership.

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

CHAIRMAN EWASUTYN: The next item of business this evening is to close the Planning Board meeting of the 21st of November. I'll ask for a motion to that.

MR. PROFACI: So moved.

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MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 7:42 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: December 11, 2013