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

- - - - - X

In the Matter of

ROCK CUT ESTATES  
(2019-19)

Rock Cut Road  
Section 47; Block 2; Lots 11, 12, 13.2, 14.2 & 15.2  
R-1 Zone

- - - - - X

PUBLIC HEARING  
AMENDED SUBDIVISION

Date: December 5, 2019  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
STEPHANIE DeLUCA  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD

ALSO PRESENT: ROBERT J. DICKOVER, ESQ.  
SHAWN ARNOTT  
KAREN ARENT  
GERALD CANFIELD  
FRANK FILICIOTTO

APPLICANT'S REPRESENTATIVE: ROBIN SCOPTEUOLO

- - - - - X

MICHELLE L. CONERO  
PMB #276  
56 North Plank Road, Suite 1  
Newburgh, New York 12550  
(845) 541-4163

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CHAIRMAN EWASUTYN: Good evening, ladies and gentlemen. We'd like to welcome you to the Town of Newburgh Planning Board meeting of the 5th of December. This evening we have three items on the agenda.

At this point I'll ask for a roll call vote starting with Stephanie.

MS. DeLUCA: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

MR. DICKOVER: Rob Dickover, Counsel, present.

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield, Town of Newburgh.

MR. ARNOTT: Shawn Arnott, McGoey, Hauser & Edsall Consulting Engineers.

MS. ARENT: Karen Arent, Landscape Architectural Consultant.

MR. FILICIOTTO: Frank Filiciotto, Creighton, Manning Engineering, Traffic

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ROCK CUT ESTATES

3

Consultant.

CHAIRMAN EWASUTYN: At this time we'll turn the meeting over to John Ward.

MR. WARD: Please stand to say the Pledge.

(Pledge of Allegiance.)

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

CHAIRMAN EWASUTYN: The first item of business this evening is Rock Cut Estates. It's located on Rock Cut Road in an R-1 Zone. It's here before us tonight for a public hearing.

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

MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to Section 276 of the Town Law on the application of Rock Cut Estates, amended subdivision, project number 2019-19, for an amended subdivision on Rock Cut Road in the Town of Newburgh, designated on Town tax map as Section 47; Block 2; Lot 11, 12, 13.2, 14.2 and

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15.2. The project is an amended subdivision reducing the previous five-lot subdivision to a four-lot subdivision, eliminating the previously proposed private roadway in favor of a common driveway serving three of the lots. The fourth lot will have it's own driveway access to the County roadway. All lots will be served by on-site wells and subsurface sanitary sewer disposal systems. A public hearing will be held on the 5th day of December 2019 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 13 November 2019."

CHAIRMAN EWASUTYN: Thank you.

The way the meeting is held for a public hearing is the applicant will present the proposal. When they're finished with that, if there's anyone here in the audience who has any questions or comments, would you please raise your hand and give your name and your address. Thank you.

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You are?

MS. SCOPTEUOLO: Robin Scapatolo. The engineer for the project unfortunately was unable to be here tonight. I do have his drawing.

CHAIRMAN EWASUTYN: Are you the owner, Robin?

MS. SCOPTEUOLO: I am one of the owners, yes.

MR. DOMINICK: Robin, just turn that for the audience.

MS. SCOPTEUOLO: I am before the Board for an amended site plan. Sorry. An amended subdivision.

We had previously been granted approval for five lots. That would require a substantial private roadway as well as a retention pond. We are looking to eliminate the fifth lot, consolidate down to four, and that would allow three of the lots to be served by a common drive with Town Board approval. We would have the fourth lot have it's own driveway coming directly off Rock Cut Road. This should be a much better fit for the neighborhood as well as less disturbance of acreage. We think it's actually a

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much better fit than a private roadway and the fifth lot.

CHAIRMAN EWASUTYN: Thank you, Robin.

Is there anyone here this evening that has any questions or comments?

(No response.)

CHAIRMAN EWASUTYN: Let the record show that there was no one in the audience this evening with questions or comments.

At this time I'll turn to Shawn with McGoey, Hauser & Edsall. His office has done the review of this project.

MR. ARNOTT: That's correct. Pat Hines from our office prepared a technical review comment letter. I'll go over a few of the kind of bigger items.

First is the status of the Town Board's approval for the three-lot common driveway for the three lots in the back. Their approval should be discussed and addressed tonight.

Since the driveway or accessway for those three lots is being revised, Orange County DPW, since Rock Cut Road is a County road, their approval should be received for that revision.

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Previously with the five lots and the substantial greater disturbance for the proposed private road, together with DEC and Town regulations, required a stormwater pollution prevention plan with the revised layout. That's no longer needed as the disturbance is between 1 and 5 acres and less than 25 percent disturbance to the overall site. So the stormwater improvements have been eliminated.

Demolition permits will be necessary for the existing residential structure that's on the site to be removed from the site.

There is some revised grading that needs to be done as some of the grading went on to one of the adjoining lots. That will have to be submitted to the Board for review.

The access and maintenance agreements for the common driveway should be reviewed by the Board's attorney as a condition of approval.

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

MR. CANFIELD: Just in addition to the demo permit that's required for the existing structure, also the tank. The septic tank and

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field that's being abandoned. The tank should come out of the ground and be disposed of properly. That's all I have, John.

CHAIRMAN EWASUTYN: Thank you.

Comments from any of the Board Members?

MR. WARD: A question. With the driveway, is that a common driveway or is there a private road?

MR. CANFIELD: It's a common driveway. The applicant, I believe, has an application before the Board -- the Town Board to request a waiver for that.

MR. WARD: Okay. My other question is the maintenance on it. Were we going to have it on the plan or something, do you remember? The agreements?

MR. CANFIELD: There should be some type of maintenance agreement.

MR. ARNOTT: That's correct.

MR. WARD: That's on the plans?

MR. ARNOTT: Not on the plans. That will be a separate document.

MR. CANFIELD: That becomes a civil issue, John.



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MR. WARD: And 911. They'll be with 911 knowing where they go on the common driveway? Addresses?

MR. CANFIELD: Although it's a common driveway in nature, it still may need a name of the common driveway for 911 addressing purposes.

MR. WARD: That's why I'm asking.

MR. CANFIELD: You're correct.

Also it should be noted, I'm certain that at the Town Board level they'll ask for fire department input as far as accessibility and turnaround.

MS. SCOPTEUOLO: That actually was a comment that came up at the meeting of November 25th. We were on the agenda before the Town Board then. It's my understanding that the engineer has reached out to, I believe it's Cronomer Fire Department.

MR. CANFIELD: I think it's Coldenham -- Orange Lake.

MS. SCOPTEUOLO: Orange Lake. I'm not aware of what the answer was yet from the engineer. I would have to touch base with him directly.

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MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Any other comments?

MR. DOMINICK: I believe, Jerry,  
correct, your office is the process for the  
street names?

MR. CANFIELD: Correct.

MS. SCOPTEUOLO: So I could submit a  
street name to your office for approval?

MR. CANFIELD: Actually it goes to the  
Town Clerk's office. Submit three names with one  
being your priority and then they'll coordinate  
with our office for duplication and what not.

MS. SCOPTEUOLO: Okay.

CHAIRMAN EWASUTYN: Thank you, Dave.  
Ken Mennerich?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: No questions.

CHAIRMAN EWASUTYN: At this point,  
since there are no further questions or comments  
from the public, I'll move for a motion to close  
the public hearing on Rock Cut Estates.

MR. WARD: So moved.

MR. DOMINICK: Second.

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CHAIRMAN EWASUTYN: A motion by John Ward, a second by Dave Dominick. I'll ask for a roll call vote starting with Stephanie DeLuca.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

At this point we'll turn the meeting over to Rob Dickover, Planning Board Attorney, to review the conditions for final approval for Rock Cut Estates.

MR. DICKOVER: This will be a resolution for approval for an amended subdivision for the applicant who is Alexandra Development, Incorporated for the project known as Rock Cut Estates.

The approval -- the resolution will describe the nature of the application, the reduction of the previously approved five lots now down to four served by a private driveway. We'll recite the plans that have been submitted together with their last revision date as well as the history of the application. The public

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hearing being held this evening and closed this evening. The Board issued a negative declaration for SEQRA purposes back on November 7th this year. The matter was referred to the County Planning Department pursuant to General Municipal Law 239, and that department reported back there were no significant intermunicipal or Countywide considerations found to exist, but they did include an advisory comment to preserve stonewalls.

The resolution will recite an approval of the application with the following conditions: The plan should not be signed until we receive a letter from the Planning Board engineer certifying that the plans had been modified in accordance with his memorandum of December 5, 2019. There will be a specific condition that will be subject to and conditioned upon delivery from the Orange County Department of Health for realty subdivision approval. It will contain a condition that Town Board approval for the three lots to be served by the private drive has been authorized. There also will be a further condition that no further subdivision of the

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properties will be allowed because they're being served by a driveway servicing three of those lots. The Board will be finding that additional properties could not be served by that driveway. It will contain that prohibition against further subdivision. The applicant will be required to provide a private roadway easement and maintenance agreement for those lots being served by the common driveway. That will need to be submitted to the Planning Board Attorney for their review and approval. That instrument will need to be recorded and a copy of it with the filing receipt presented to the Town Building Department as a condition of the approval. Apropos to the County Planning Department's comment about preserving stonewalls, this application and approval will be subject to the stonewalls on the site only being removed from the site as necessary for the construction of the improvements.

In addition to those, the approval will have the general conditions that you supply the necessary number of mylars and print copies and that all fees due to the Board be paid.

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I believe that's it, Mr. Chairman.

CHAIRMAN EWASUTYN: Thank you. The rec fees associated with this, they were originally paid. There are no rec fees that need to be collected.

Jerry Canfield, do you have anything to add to the resolution?

MR. CANFIELD: Nothing to the resolution.

CHAIRMAN EWASUTYN: Shawn?

MR. ARNOTT: Nothing to the resolution.

CHAIRMAN EWASUTYN: Anything from the Board Members?

(No response.)

CHAIRMAN EWASUTYN: Would someone make a motion to approve Rock Cut Estates amended subdivision subject to the conditions presented by the Planning Board Attorney, Rob Dickover?

MR. MENNERICH: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich. I have a second by John Ward. May I have a roll call vote starting with Stephanie DeLuca.

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MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried. Thank you.

MS. SCOPTEUOLO: Thank you very much  
for your time.

(Time noted: 7:18 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 14th day of December 2019.

*Michelle Conero*

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MICHELLE CONERO



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

- - - - - X

In the Matter of

HUDSON PLACE  
(2019-23)

Route 9W  
Section 9; Block 1; Lots 10, 11, 12, 56.21 & 56.22  
R-3/B Zone

- - - - - X

INITIAL APPEARANCE  
MIXED USE SITE PLAN & SUBDIVISION

Date: December 5, 2019  
Time: 7:18 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
STEPHANIE DeLUCA  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD

ALSO PRESENT: ROBERT J. DICKOVER, ESQ.  
SHAWN ARNOTT  
KAREN ARENT  
GERALD CANFIELD  
FRANK FILICIOTTO

APPLICANT'S REPRESENTATIVES: STANLEY SCHUTZMAN,  
ANTHONY GUCCIONE, PETER GAITO & GREG PANCOST

- - - - - X

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HUDSON PLACE

CHAIRMAN EWASUTYN: Our second item of business this evening is Hudson Place. It's an initial appearance for a mixed use site plan and subdivision. It's located on Route 9W. The zone is R-3/B for business. The engineering firm is JMC Planning, Engineer, Landscape, Architecture and Land Surveyors.

I think this evening we have Stan Schutzman, the attorney who is representing the applicant

MR. SCHUTZMAN: Thank you, Mr. Chairman.

Good evening, Members of the Board, Consultants, Mr. Chairman. My name is Stan Schutzman, I'm a local attorney. I'm here today for the first meeting on the presentation by the Farrell Group for the Hudson Place site plan approval and subdivision approval. I'm here to answer any legal questions the Board may have.

Also with me tonight is Anthony Guccione on behalf of JMC, our engineer; Peter Gaito who is responsible for developing the architecturals; as well as a representative of

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HUDSON PLACE

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the Farrell Group, Greg Pancost who is the project manager.

CHAIRMAN EWASUTYN: May I stop you? Do you gentlemen have business cards that you can offer to the Stenographer? Please.

MR. SCHUTZMAN: In the overall, we're looking for a merger of four existing lots and a re-subdivision into three proposed lots. The proposal involves 216 market rate residential apartments of which 24 will be designated as senior market rate apartments.

There's also development of a 25,000 square foot retail building.

There also will be the installation of a sewer treatment plant to serve the development.

If the Board has any questions of a legal nature, I'm prepared to discuss them now, or I'll turn the meeting over to Anthony to make the presentation.

CHAIRMAN EWASUTYN: Why don't we put it in one package and if we have to go back to legal questions we'll go back to them. Let's have a better understanding.

MR. GUCCIONE: Good evening. My name

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is Anthony Guccione, I'm an associate principal with the firm JMC. I'd like to take you through the site plan for the project. Is this good? Should I turn it at all?

The project site is shown here. It's outlined in this darker red line that goes around the outside of the site. The site is 32.7 acres in size. It's at the intersection of Route 9W and Morris Drive right here. Just to orient you a little bit, there's a defunct limo service across the street, across 9W. There's a landscaper's yard to the south here. There's a residential subdivision to the north.

The property consists of five existing lots. I know Stan said four. It's actually five. There's a larger lot here. If you see these lighter red lines, I hope you can see them, this is the largest lot, it's 24.4 acres. The second lot is here on the north side of the site. The third. The fourth is along 9W. A smaller fifth lot is here. The idea was to merge those five lots and re-subdivide the property to accommodate the project.

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Overlook Farms. It's here on 9W. They've got some nursery houses, some greenhouses. There are some residences on the site. The remainder of the site is basically an orchard and a farm that's functioning right now.

The site generally slopes from the back down towards Route 9W. It's got a decent amount of topography to it, the site.

There are two existing ponds on the site. One upper pond is a manmade pond. The central pond is also a manmade pond. They're primarily used for irrigation for the farming process. The upper pond will be modified, and the lower pond probably will be modified. That will be a central point for amenities to the site. I'll show that to you when I get to the site plan.

There are some water courses in addition to the ponds, some minor wetlands and some drainage ditches. As well along Route 9W there is a floodplain. Those will be modified to accommodate the development of the project.

There's a zoning line that runs through this site right here, this green line. On the 9W

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side of that line is a B, Business, Zone. On the west side of the site -- of that line is an R-3, Residential Zone. Those zones work for the project. The project meets the requirements of those zones by use as well as the bulk requirements of those zoning districts.

I'd like to take you to the proposed site plan now. It's in the same orientation. You can see 9W again, Morris Drive, the two ponds.

As I said, after those five lots are merged, the idea is to subdivide this into three lots. The larger lot would be here in the back. That lot would be 27.95 acres in size. That would be used for the residential development. The lot in the front along 9W is proposed to be used for retail. That will be 4.2 acres in size. There's a small lot here, just over .5 of an acre, and it's proposed to be used for a sewage treatment plant which would serve the residential and retail components of the project. Those lot lines still work. Those are the preliminary lines for the purpose of this plan right now.

In terms of the residential

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development, there are 216 residential apartment units proposed in 17 buildings on the site, of which 24 of those units would be designated for seniors, senior housing. There are 454 parking spaces to support those units, and that's in accordance with the zoning requirements of two spaces per unit.

The units are proposed to be arranged along a serpentine road which works with the topography. It sneaks up the hill and affords nice views and allows the units to be nestled into the topography to work with the site, and take advantage of views, and make good use of the topo on the site.

The buildings are going to be designed such that the front of the building, the first floor will be at grade with the parking areas and the roadways, and then the back of the buildings would be exposed -- the lower level would be exposed to the back to take advantage of the slope. It kind of turns the building into a bit of a retaining wall to step up the site which nestles the buildings nicely into the site. Peter will get a little more into the

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architecture of the buildings and the way they'll look after I'm done here.

The upper fourteen buildings here have twelve units each in them. You can see these three lower buildings that are around the pond which have sixteen units each in them.

As I mentioned before about the amenities, the pond on the bottom will remain, and then there's a clubhouse proposed here with a pool. There's a walking path proposed around the pond. There are tennis courts, a dog park. These items are preliminary but we're working on that. There's a gazebo, potentially a bocci court. Those type of amenities are to be used by the residents of the development.

The retail portion that's being proposed now is a 25,000 square foot pad. There are 172 parking spaces in the parking lot around that pad. They're in accordance with the one space per 150 square feet of retail per your code.

Then finally, in the southeast corner of the site there's a small parcel with the sewage treatment facility to serve the site.



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Access to the property. A new driveway is proposed here to access both the retail and the residential. That would come off of Route 9W, about 500 feet south of the 9W and Morris Drive intersection. We're proposing to do some minor widening along 9W to add a right-turn and a left-turn lane into the driveway as well as a minor modification over Morris to add a dedicated left and through right lane there. That traffic signal would be modified to accommodate the changes in the lanes. All this would be approved, coordinated and permitted through the New York State Department of Transportation.

Finally the stormwater. Preliminarily we're proposing to put stormwater and some bio-retention areas that have been sited throughout the site. There will be a series of vegetated swales going through the bio-retention features. We'll probably modify the pond to serve the stormwater function for the site.

That kind of explains the site plan. I'd be happy to answer any questions, or we can turn it over to Mr. Gaito.

CHAIRMAN EWASUTYN: If you don't mind,

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let's go on to the buildings and then we'll regroup and begin discussing the site plan.

MR. GAITO: So you understand the topo, the pond -- the recreation pond we spoke of is down here. The hill does climb up to the top here. You can see how the buildings are nestled into the ground as well. These flat sections will be the roads, the serpentine roads. We are trying to be conscious of both not just the architecture and plan but also the elevation, trying to tuck them in so they are not too tall and you see over, and through, and between them. Similar to theater seats, you see above and between them as you go up and down the site.

There are two building types. Fairly similar, just different sizes. I can go through quickly the buildings. Generally speaking, the buildings themselves, each one -- this is the lowest floor. You see this is tucked in the hill. Each unit -- here is one unit, one unit. There's a central hallway access separating the units. Where possible there's open recreation access from each unit to the outside. So in this case the lowest level, they'll have a private

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area in the backyard. We tried to make the buildings themselves as homelike as possible even though they're a tenant setting.

The ones nestled on the pond, each one would have pathways to the pond as well.

The second floor would be the second floor above this floor. This is still facing the pond in this direction, and this would be the road access we saw earlier. Road access would drop off. Again, two central clear areas, a nice landscaped courtyard in the front, access into the buildings. Each unit is off of that. Some face the northern part of the site, some face the east side, the pond side.

The top level is essentially the same thing as the second floor. Some have balconies. Some have balconies facing the pond, some have balconies facing the side. The units themselves are generally spaced with appropriate elements for two bedrooms and one bedroom. There's plenty of light and characteristics of natural lighting, open space, flexible plans, closets. All those sort of good amenities we like to find in a residential space.

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Here is an elevation to show, again, this kind of built into the hill. This is the upper level up top here. This was the lower level kind of working towards the balcony section.

We're still playing with the color scheme in general but we think the -- we're trying to have a charming character that works with the previous current farm type aspect, also of a more communal design to it as well. So the balconies, everything is going to be pushed into the building and kind of work with the mountain terrain. Not too imposing. Purposely we decided not to have a box. There's a lot of in and out to create shade and shadow and variations so it's not just a box parked up on a hill. With the variations in sight lines as well as the definition of the building plain, there's no continuous wall of building at any point in these buildings.

The upper buildings are similar. Again it's the same idea as you come up on the driveway on this side.

What will be good to show is the level

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up top there actually has garages inside the building. Down below there's not. On the upper buildings there are garage spaces inside the buildings. There's also tenant space in front as well as parking across from the building itself.

Just one last thing to show you. Here again is the same type of theory, similar architecture, built into the hill. There will be some sort of driveway aspect pulling to the front here.

I'll leave you with a quick perspective to show what we're thinking in terms of overall look so you get a sense. So again, from the pond view, a portion of the site. The ponds, recreation area as mentioned before. The clubhouse and such over here. We're trying to create a nice space for all ages and activities. The pond is a central figure in the recreation aspect. The buildings sort of dancing built into the hill, sliding along as they progress up the hill.

This is just a close-up of some of the architecture and how it will look in terms of siding and different materials and stone as we

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landscape around the natural beauty of the site.

CHAIRMAN EWASUTYN: Thank you.

Anthony, in your presentation you talked about how the proposed project meets the zoning requirements and usable area requirements.

MR. GUCCIONE: Correct.

CHAIRMAN EWASUTYN: I think what we're going to discuss primarily tonight, along with other matters, is how did you determine usable area? I think that's really important. Jerry Canfield will have some thoughts on that. Shawn with McGoey, Hauser & Edsall will have some comments on that. Let's start by having Jerry Canfield and Shawn offer their thoughts on usable area, and then you can respond if you think you're meeting that in your design criteria, if that's all right with you.

MR. GUCCIONE: Sure.

CHAIRMAN EWASUTYN: Jerry.

MR. CANFIELD: The project takes into account or is predicated on receiving a bonus density from the Town Board which would require the Planning Board to make a recommendation to the Town Board to act on that. The zone is an

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R-3 Zone. The project use is permitted in the R-3. The density for the R-3 is six units per acre. With the bonus density, if they should receive that, it is nine units per acre. The bulk use tables that have been depicted indicate that you're taking the nine units per acre.

The question that we have, and we discussed it at the work session, was how did you determine the usable area?

The main question that Pat Hines' office and myself have discussed is the ponds. As I interpret and would definitely make a ruling on, usable area does not include the pond area. So the question would be to you folks your density counts, how did you calculate them and did you use the pond area as usable area?

MR. GUCCIONE: Yes. So we did use the pond for usable area. It was our understanding, and I'm not sure of the genesis of that, that the pond would count towards usable area. We did take the deductions for steep slopes and wetlands, which you only use 75 percent of them if you're going to have a senior housing component. 75 percent of those were deducted and

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100 percent of the floodplains were deducted, however we did count the pond towards our usable area. That's something we would like to discuss and get clarification on. It was our understanding -- I'm not sure where that determination came from. It was our understanding that that would count.

MR. ARNOTT: If I may. It's in the usable area definition. I'm going to read an excerpt here. "Those portions of the site deducted include DEC regulated bodies, protected wetlands," and then it goes on. Pat and I did look at the Federal wetlands mapper, and that pond is identified on the wetlands mapper.

MR. GUCCIONE: The Army Corp but I don't believe on the DEC.

MR. ARNOTT: Right. It's not only DEC wetlands but protected wetlands.

MR. GUCCIONE: So Army Corp would qualify?

MR. ARNOTT: That would be my recommendation. That's ultimately up to Jerry on that determination.

MR. GUCCIONE: Those are manmade



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irrigation ponds made by the farm. Although some of these are Army Corp jurisdiction, some of these wetlands and these drainage ditches, they're not on the DEC State maps, which is usually what we look for in requiring buffers and those types of things.

MR. ARNOTT: We're just using the usable area definition for that.

MR. CANFIELD: I think to come to a conclusion to proceed with this portion of it is that we're requesting you submit to us how you determined your density, and then we can respond to that. If the determination is, and I'm quite certain it will be, how we stand and interpret usable area, your option would be to proceed to the Zoning Board of Appeals for an interpretation.

MR. GUCCIONE: Okay. Or make an adjustment in our unit count. If you look at note 2 on our table of land use, in the calculations we did spell out the deductions we took there. It's all there. I think the only thing we're discussing is whether the ponds count or not. Do you see that note 2 under table

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HUDSON PLACE

34

number 1?

MR. CANFIELD: Number 4 I think is what he's saying.

MR. ARNOTT: Note 2 or note 4?

MR. GUCCIONE: It says net parcel. May I come over and take a look?

MR. ARNOTT: Sure.

MR. GUCCIONE: This note right here, base density calculation, and then we talked about here. If you go down to here it talks about the wetlands, steep slopes, the 75 percent deduction for senior housing. Here we did say the pond is usable area. So if that's not the case, I think that's the one thing that we have to make an adjustment on.

MR. CANFIELD: That's correct. That's correct.

MR. GUCCIONE: I'd like to reevaluate that and come back to you. Fair enough.

CHAIRMAN EWASUTYN: At this point let's hear from the Board Members as to what we're discussing now, if there are any comments based upon the site plan presented by Anthony. Stephanie?

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MS. DeLUCA: Come back.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: For the retail store that's going to be along 9W, all the parking is in the front, basically between the building and the road. Our Town of Newburgh design guidelines call for the building to be up front with the parking in the back.

MR. GUCCIONE: We can certainly take a look at that. I know all the retailers like their parking in front. They fight us because people driving by don't think there's parking. The retailers prefer it this way. It's something we can evaluate. We have the stonewall that's the standard going along the front edge of the parking lot. We can take a look at how we may massage that building and better comply with your design guidelines.

MR. MENNERICH: How high is that stonewall?

MR. GUCCIONE: Several feet. I don't remember what your standard is. 24 inches?

MR. WARD: I think it's 24.

MR. GUCCIONE: 2 feet, 24 inches. It's

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in keeping with the rest of them in Town.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: We've been very consistent with any development or modifications in the 9W corridor, which this falls into. That goes with the enhancement and beautification of that area. You said in your presentation, Anthony, that the site has nature, beauty of the site, quote/unquote. The front is lacking landscape and curb appeal, and throughout the site. I know this is preliminary but keep that in mind when we proceed further. Just the 24-inch stonewall, that's really not much curb appeal or inviting.

MR. GUCCIONE: We'll take a look at that. Thank you.

MR. DOMINICK: The other thing I had was the sidewalk out front, where does that start and stop?

MR. GUCCIONE: Well there's an existing sidewalk that goes from somewhere about here and wraps around to here. Looking at this over the last few days, we have a sidewalk that follows the road and comes down to the clubhouse. I did

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see some notes from some of the consultants, I believe it was the landscape consultant and also the engineer, to extend it down to 9W. It certainly makes sense. You might even want to put a sidewalk across the frontage of the property along 9W for future developments to connect to it as well.

MR. DOMINICK: That's what I was getting at, to extend it to 9W and then parallel with 9W. 9W is heavily traveled and there are a lot of pedestrians. We want to keep pedestrians safe.

MR. GUCCIONE: It makes sense. These plans are preliminary and we'll continue to evolve these as we go.

MR. DOMINICK: Two other ones. What's the median price range?

MR. WARD: They're rentals.

MR. GUCCIONE: Rentals. My understanding --

MR. SCHUTZMAN: These rentals will be more on the high side. I would say starting in the mid thousands. 1,500 plus into the mid 2,000s.

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MR. DOMINICK: Luxury type?

MR. SCHUTZMAN: Yes. With nicer style finishings and such within the confines of the apartments themselves.

MR. DOMINICK: Finally, Anthony, you talked about 25,000 square foot retail space?

MR. GUCCIONE: Yes.

MR. DOMINICK: That's a pretty big retail space. What do you have in mind?

MR. GUCCIONE: Right now it's spec. I believe the applicant is speaking to some folks but I don't think they've had anything that they're ready to divulge. I'm not sure who they are talking to right now. We can get back to you on the possibility. They asked us for a footprint of that size based on who they were speaking to preliminarily. I don't think there's any solidity to anything yet.

MR. DOMINICK: Are you looking at one applicant, multiple applicants dividing that space up? Are you going to add a drive-thru?

MR. GUCCIONE: It could be anything. It's early in the process. You have to get a little further because you can get interest from

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tenants. Right now it's a spec box.

MR. DOMINICK: Thank you.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Back to the retail store and what you just said. It's important future wise to let us know. Like Jerry will tell you, it's happened where you have one retail store and all of a sudden you have five in there. One could be food, one could be this. It's important for the parking and everything else.

MR. GUCCIONE: Okay. We'll keep that in mind going forward.

MR. WARD: Ditto on moving the building forward, parking in the back, keep the stonewall like it is, sidewalk straight up.

At the same time, with the sidewalk going down to 9W, I recommend like a gazebo or something for the kids going to school, for the school bus or whatever. You've done it on previous projects.

It's going to be very visual from 9W, seeing these buildings. I'm looking at it and I see three different colors of the buildings. To me it's got to be either tone it down or

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HUDSON PLACE

40

whatever. I'm seeing three different colors on your ARB.

MR. GAITO: Here you basically see one. That's what you're going to see.

MR. WARD: I'm looking down below here.

MR. GAITO: This one. Okay.

MR. WARD: You have to give --

MR. GAITO: Generally speaking, you see one color. Right? The color accents, the accents, and the shadow line in between this is the second color. That's really the colors that you see. It looks like one. I wouldn't look at this. This is still in development. I tried to elicit an example. It's a different color setup versus one-by-one color. The colors have a purpose in breaking up the massing so it doesn't look like boxes on a hill. From a distance coming by -- cars coming by at the speed they do on Route 9W, it will all kind of blend together. The colors are muted. They're not bright colors, not meant to attract but sort of fade in as they would. We are looking at the different colors in that regard in terms of the modalities of them to be more toned down as this sort of illustration



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HUDSON PLACE

41

illustrates.

CHAIRMAN EWASUTYN: On your ARB form you list the colors of the exterior buildings as being gray, brown or tan.

MR. GAITO: Correct. There's two different building types. This is building type 1, this is building type 2. This is a tan, this might be a brown. The accent color is gray for both of them. It's not necessarily different from each other.

MR. WARD: Most of the projects are more two tone. That's why I'm saying. On the peaks they have a different color and then you have the bottom. To me this doesn't look -- it looks cheap overall. If you go down on 9W and look up, all you're going to see is that. That's what I'm saying to you. I'm throwing it out there so you can evaluate what it is.

How many stories are the buildings?

How many floors do you have?

MR. GAITO: Two and three.

MR. WARD: So the fronts are three?

MR. GAITO: Yes.

MR. WARD: That's more the reason why

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HUDSON PLACE

42

I'm saying it.

Is it going to be built in phases?

MR. GAITO: I don't believe so.

MR. WARD: Okay.

MR. CANFIELD: I thought the EAF said  
it was two phases?

MR. GAITO: It's up to the owner.

MR. GUCCIONE: I think the idea of two  
phases was the retail and the residential. Still  
to be determined, to be finalized when we get a  
little closer.

MR. WARD: That's it for now. Thank  
you.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: I also am concerned about  
the color scheme as well. I have to agree with  
what John had said, it's just not pleasing.

My second question is how wide are you  
planning to make the highway entrance or the  
blacktop?

MR. GUCCIONE: The entrance here?  
They're three 12-foot lanes.

MS. DeLUCA: And widening the road  
itself?

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MR. GUCCIONE: Over here?

MS. DeLUCA: Yes.

MR. GUCCIONE: We have to work it out with the DOT. Typically it would be three 12-foot lanes.

MS. DeLUCA: Okay. Thank you.

CHAIRMAN EWASUTYN: You may want to consider at a future date having some line of sight detail on this project.

MR. GUCCIONE: Along 9W?

CHAIRMAN EWASUTYN: Yes.

MR. GUCCIONE: We acknowledge we need to do a traffic study, look at sight distance.

CHAIRMAN EWASUTYN: Even line of sight as far as looking at the buildings as they situate.

MR. GUCCIONE: A visual study. Okay.

CHAIRMAN EWASUTYN: Since we touched upon traffic, Frank with Creighton, Manning associates did some initial reviews of this, made some comments. Frank.

MR. FILICIOTTO: My colleague Ken Wersted couldn't be here tonight. He authored a letter. He and I have been working on the

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project together.

Again as the applicant stated, there hasn't been a traffic study done yet. We laid out and strongly recommend that one be done. We outlined some study intersections up and down Route 9W that we believe should be looked at as part of the traffic study. We set up some time periods that would make sense based on the types of uses proposed.

We also cited some other planned projects in the area that should be factored into a no-build analysis when you're factoring in something like this in terms of the project.

Sight distances were also mentioned.

Just note for the public benefit, the widening along Route 9W is being proposed to accommodate left turns in and out of the property. Obviously this project is going to need a DOT highway work permit in order for approval. I know the applicant is well aware of that, and I'm sure that process will start. I will note the DOT may require a different scope of study in terms of the traffic. We'll have a joint coordination effort on that, and obviously

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we'll defer to DOT on anything above and beyond what we require in terms of that requirement.

I'll echo some of the Board comments regarding the 25,000 square foot retail building. Just the traffic study should kind of explore what some likely possibilities are for that. I think in this day and age the idea of one tenant -- 25,000 square feet -- taking that space is probably unlikely. If it's a couple of different tenants, we'd like to see that interaction and what affect that has on traffic generation.

Just a few other comments. I just want to point out -- I know the applicant has my letter so I'm trying to hit on the main points. Just noting that there is a box culvert on Route 9W that the widening will impact. I'm sure you saw that. Just a few things like that.

I think we'll wait on the balance of our comments until the applicant submits a traffic study and gets a little further into the DOT process.

CHAIRMAN EWASUTYN: Karen, there isn't at this point, because it's more of a conceptual plan, any landscaping. Do you have some initial

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recommendations or comments as it relates to mitigating some of the visual impact by the use of landscaping?

MS. ARENT: Yes. It would be great to see some space allocated for planting trees. The islands that you're showing the trees in are very small and substantial trees won't grow in them as far as the commercial site. It would be great to see some of that.

Also the ditch along the front of the site, it's six feet deep. I don't know if there's a way to kind of make that more attractive.

The rock wall is nice.

The pond is also very low in the ground as it is. Your proposal is to make it appear even lower in the ground. Somehow make that more visually appealing.

I think the ideas about moving the building forward are very good suggestions. I don't know if there's a use that could take advantage of perhaps a beautiful stream in the foreground. If you could make the stream beautiful and maybe move the building. You could

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really make it look attractive.

Then the pump house would be great for you to build something because it's your gateway to the project. The pump house should be very attractive as well.

Then in between, of course, each layer you're going to need substantial landscaping to soften the buildings.

I know across the road at Orchard Hills they used stone on the bottom of the buildings to try to help it blend a little. That could be a possibility.

That's about it on my comments.

CHAIRMAN EWASUTYN: Shawn, some additional comments?

MR. ARNOTT: I do have additional to the usable area comment that we already discussed. The bulk table doesn't identify lot 10 on any of the tables.

A floodplain development permit will be required as there is some proposed disturbance within them.

This project would be a Type 1 under SEQRA as it's in the agricultural district and

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proposes greater than 2.5 acres of disturbance.

Future discussions regarding the operation and ownership of the sewage treatment plant should be discussed with the Board.

CHAIRMAN EWASUTYN: Stan, we may stop now as far as the legal matter. The transportation development district, is that going to be managed with the plan?

MR. SCHUTZMAN: To set up the sewer district within the metes and bounds of the property.

CHAIRMAN EWASUTYN: And that will be on a separate parcel?

MR. SCHUTZMAN: That will be on a separate parcel.

CHAIRMAN EWASUTYN: Pat Hines had some concern about that. Do you want to comment on that?

MR. ARNOTT: Similar to a nearby project across the street, some of the parcels had gone for tax sale. The sewage treatment facility was on a separate parcel and had not gone to tax sale and was owned, and the rates were controlled by that owner of that parcel. He



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does have some concerns as to having a separate parcel for the sewage treatment plant. I think some discussion should be had as to whether or not it is appropriate on a separate parcel, or some kind of restriction with some other language or documents for ownership.

CHAIRMAN EWASUTYN: Future discussion.  
Shawn, continue.

MR. ARNOTT: Sure. The EAF identified some habitats for threatened or endangered bat species. That will have to be addressed.

A map identifying the environmentally constrained areas, such as the steep slopes, wetlands and floodplains, should be provided. That will be helpful for the usable area calculation.

Pat notes that the access drive -- dual access is provided for emergency services but attaches and is viable for roads A, B and C. Beyond C there isn't a dual access, it's only a single point of access. That's a concern.

Mr. Ward already pointed out the school bus stop facility should be adjacent to the site since school buses will likely not be able to

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access on the private road.

The EAF, page 5, identifies wetland impacts but it's blank on the EAF.

Then number 12, Pat just identified some interested or involved agencies for consideration for the circulation for intent for lead agency.

CHAIRMAN EWASUTYN: Stan, would you like to summarize it, please?

MR. SCHUTZMAN: We're going to get our approval letter in a month.

CHAIRMAN EWASUTYN: You are a local attorney. I think it was a good meeting. I think it's too early at this point to set up a consultants' meeting to begin laying things out that don't have to be reiterated meeting after meeting after meeting. At this point I think we have to come back with the usable area study, taking it into consideration. I think that would be -- Jerry.

MR. CANFIELD: I have a couple of additional items, not to add to your Santa's list.

The EAF refers to the City of Newburgh

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water supply components being Browns Pond, Washington Lake. That should be changed to the Town of Newburgh, Chadwick Lake and the aqueduct tap.

Also added to the agencies to be circulated tp should be Orange County Board of Health because there will be a main extension. The buildings will be required to be sprinklered, so that will need a main extension.

Also just a point I'm sure you're aware of. Our Zoning Code 185-25 deals specifically with multiple dwellings and projects of this nature. You may want to take a look at that. It talks about maintaining single ownership. That may relate to the retail and, most importantly, the sewer plant as far as common ownership there.

Future submittals of course will address other details as they become available.

Water mains, hydraulic analysis. All these buildings will be required to be sprinklered. You need to be aware of that. We'll need hydraulic calculations on that as well.

Also I have a question. Has it been

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HUDSON PLACE

52

considered, will there be blasting on this site?

MR. GUCCIONE: As far as the blasting, we do anticipate there probably will be some amount of rock removal. The applicant is about to have a geotechnical report undergone, so we'll get more information on that. We'd like to leave our options open. If there is of course a substantial amount of rock, we'd like to keep the idea of blasting open so it's more of a quick procedure and it doesn't get drawn out over a long period. We'll know more once we get this geotechnical report back and are able to analyze that.

MR. CANFIELD: That's all, John.

CHAIRMAN EWASUTYN: Rob Dickover, do you have anything to add?

MR. DICKOVER: The most interesting thing really is the handling of the package plan, how you're going to bind that property should it fall into separate ownership. It's a major concern that the Board has. Please give it your attention.

CHAIRMAN EWASUTYN: Based upon Pat Hines' comment number 12 on his review letter,

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HUDSON PLACE

53

Pat is recommending that we declare our intent to be lead agency and circulate to all of the interested and involved agencies. He lists New York State Department of Environmental Conservation, the DOT, the Town of Newburgh Code Enforcement Officer for a floodplain permit, Orange County Planning Department based upon 239, Town of Newburgh Town Board for the senior density, New York State Ag & Market for construction in an AR District and, Jerry Canfield, the Orange County Board of Health.

Would someone move for that?

MR. CANFIELD: John, a correction. That's an Ag District, not AR.

CHAIRMAN EWASUTYN: Excuse me. Ag District. Thank you. New York State Ag & Markets.

MR. DICKOVER: John, excuse me. I thought Pat suggested that because we don't have the density calculation confirmed yet, that we hold off on the declaration of intent.

CHAIRMAN EWASUTYN: I don't remember hearing that.

MR. DICKOVER: Anybody else?

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(No response.)

MR. DICKOVER: It was just me.

CHAIRMAN EWASUTYN: If anything, the density count would be less than rather than greater than. Correct?

MR. DICKOVER: Yeah.

CHAIRMAN EWASUTYN: Would someone make a motion to move to declare intent for lead agency?

MR. DOMINICK: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Dave Dominick. I have a second by -- John Ward?

MR. WARD: Yes.

CHAIRMAN EWASUTYN: I'll ask for a roll call vote starting with Stephanie DeLuca.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried.

Again one more time. Do you have anything you want to add or question at this

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HUDSON PLACE

55

point?

MR. SCHUTZMAN: I think we're good.

CHAIRMAN EWASUTYN: Let's keep in mind also the future lighting as the project becomes developed and you're looking along 9W. There's been some questions or comments as far as the lighting at Gardnertown Commons and whether the lighting there has throws that are down. It seems like there are some people that think that it's unusually bright there at night. Again, I will drive by there at night. I haven't been by there at night. Lighting will be important with the site also.

MR. SCHUTZMAN: The State of Hawaii requires all lights be pointed down because they want to look at the stars.

CHAIRMAN EWASUTYN: I think true of the Town of Newburgh. They're sort of our neighboring town, Hawaii, aren't they? We can only dream with the weather the way it is, you know.

Thank you.

MR. SCHUTZMAN: Thank you all.

(Time noted: 8:03 p.m.)

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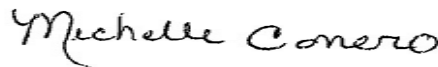
C E R T I F I C A T I O N

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 14th day of December 2019.



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MICHELLE CONERO



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

----- X  
In the Matter of

HEALEY KIA  
(2019-25)

New York State Route 17K  
Section 95; Block 1; Lot 54.2  
IB Zone

----- X

INITIAL APPEARANCE  
AMENDED SITE PLAN

Date: December 5, 2019  
Time: 8:03 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
STEPHANIE DeLUCA  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD

ALSO PRESENT: ROBERT J. DICKOVER, ESQ.  
SHAWN ARNOTT  
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: MARK DAY

----- X

MICHELLE L. CONERO  
PMB #276  
56 North Plank Road, Suite 1  
Newburgh, New York 12550  
(845) 541-4163

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HEALEY KIA

58

CHAIRMAN EWASUTYN: The third and last item of business this evening is Healey Kia. It's an initial appearance for an amended site plan. It's located on New York State Route 17K in an IB Zone. It's being represented by MA Day Engineering.

MR. DAY: Actually it's Day, Stokosa now.

CHAIRMAN EWASUTYN: Excuse me?

MR. DAY: It's Day, Stokosa. We picked up a partner.

CHAIRMAN EWASUTYN: And you are?

MR. DAY: Mark Day. Good evening. As the Chairman mentioned, this is the Kia site. It's on the north side of 17K.

Currently the Kia facility occupies this lot in front. They have purchased the property to the east, which actually is a flag lot if you will. It actually goes to the north of the property. They have been in search for awhile for overflow parking. This site became available to them a couple years ago. We had walked the site a number of times. They were looking specifically in this area.

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It's very difficult because of the -- there's a drainage swale on the property. What they've done is they purchased the entire property but are only going to be able to utilize the piece to the north.

Currently we're proposing about 200 overflow parking spaces there, strictly for inventory for overflow. Our proposal is to access the site at the rear of the existing parking lot.

We're proposing a culvert pipe to pick up the drainage which is currently served by a swale now. We're going to basically put a gravel area back here.

What we had originally shown was a parking area which was graded to about 5 percent, which is what the code requires. I spoke to Mr. Hines last week and he had said because it's not accessible to the public and it's only used by the dealership, that we can increase it. Basically it's at 10 percent now. The owners feel they can utilize 10 percent. So what we were proposing was a pretty substantial wall. Right now we're going to drastically remove a lot

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of that wall. Instead of being in one area 12 feet, it could be as high as only 2 feet. That's our goal.

We did get the comments from Mr. Hines. One of the comments he made, number 1, which was possibly doing a lot line realignment. The unfortunate part is the properties are owned by the same owners but one has a mortgage and one does not. They're not able to do an actual lot line realignment without there being an issue with the existing mortgage.

We are going to propose the stormwater requirements that Mr. Hines actually points out. That will be forthcoming.

Three, the same issue. We will be providing the stormwater management details.

He makes a comment, 4, which basically I think he's making a comment that talks about how this has been done elsewhere in Town.

The EAF did point out two endangered species through the EAF mapper. The owner has retained a biologist who will be out next week to determine. The two species are Indiana Bat and the Sandpiper --

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MR. WARD: Upland Sandpiper.

MR. DAY: That's it. Apparently that species likes the open airport area. So he'll be out next week to evaluate that.

We were proposing an area in the front here -- the owners have a visibility issue. They would like to remove some of the large trees so they have more of a visual acuity on Route 17K as you're headed west. The intent would be to only cut the trees, not remove stumps, not to disturb the area any more than that. I just throw that out there because I'm not sure if there's another way we can handle that where we're trying to limit the amount of disturbance on the site.

Also Pat brought up an issue about the public access. We will be putting signs here, gates. This will not be accessed by the general public. We will put up the signage barricades and such.

The metes and bounds. This is not an easement, this is actually in fee ownership. There wouldn't be an easement, if that's okay with the Board.

The last note, we would put that note

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HEALEY KIA

62

on the plan which talks about any change of use would sever the parking lot requirement.

We did propose lighting on the site. It's mainly for security. The lighting is a down -- it's a full shielded light that's -- it's 18 feet tall. Actually, it's 20 from grade. It's about a 20 foot light. We have zero spillage onto neighboring properties through use of the glare shield.

Basically that's it.

CHAIRMAN EWASUTYN: Shawn, Pat reviewed the project.

MR. ARNOTT: Mr. Day did a nice job for me in going over the comment letter. I don't know if I have much to add to that.

CHAIRMAN EWASUTYN: Are there agencies that we have to circulate to along with the Orange County Planning Department?

MR. ARNOTT: The Planning Department. Not to my knowledge. I'm just thinking offhand. I don't believe there would be any to add.

CHAIRMAN EWASUTYN: So the action before us this evening then would be to circulate to the Orange County Planning Department and to

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HEALEY KIA

63

ask the Planning Board Members if they want to have a public hearing?

MR. ARNOTT: That would be correct.

MR. WARD: I had one question. Is it going to be fenced in?

MR. DAY: Yes. I failed to mention that. Sorry. There is going to be a fence that will -- a chain link that will cross between the existing and the proposed parking area along the west side and also along the north side for the limit of where we're proposing the parking area. The east side will stay generally open.

MR. WARD: I was thinking if you could put a fence right there, too. You don't want somebody going in there stealing things. They could drive through the gate one, two, three.

MR. DAY: I will throw it out there. Four sides? You want a full --

MR. WARD: Yes.

MR. DAY: Chain link is okay?

MR. WARD: Yeah.

MR. DAY: Six foot?

MR. WARD: Yeah.

MR. MENNERICH: The trees you talked

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HEALEY KIA

64

about wanting to remove on that lot, --

MR. DAY: Yes, sir.

MR. MENNERICH: -- you haven't given us the extent of how much is going to be cleared.

MR. DAY: It's this hashed area right here.

MR. MENNERICH: Okay.

MR. DAY: If you drive west on 17K you don't see their facility until you're right up on it. I know it's been --

MR. MENNERICH: I was concerned that it was going all the way up to the parking.

MR. DAY: No. It's this hatched area right in the front of the lot.

MR. MENNERICH: Thank you.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Going off what John and Ken said, the first part of my question was -- I had three main areas of concern, security, lighting and fencing. You kind of touched on that.

You know you're going to get customers that are going to wander back there because they see that white car, that blue car that they're



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HEALEY KIA

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looking for. Do you think a chain link fence is enough?

MR. DAY: This will actually be gated. A chain link fence with a swing gate on it.

MR. DOMINICK: Great. Then touching off what Ken just said, out front you want to do limited disturbance of the tree area. Leaving the stumps, is that going to be aesthetically pleasing? You have a beautiful showroom, a beautiful landscaped area.

MR. DAY: I don't mean leave a two or three foot stump. It basically would be stumped to about grade. What we don't want to do is pull the stumps, then you're dealing with a severe erosion potential problem. You do have a stream right here. If the Board wants -- they're not opposed to doing that and then putting a grass surface there if that's more appealing.

CHAIRMAN EWASUTYN: Shawn, what would you recommend?

MR. ARNOTT: Perhaps an alternative could be grinding the stumps with topsoil and seed -- grass seed on top.

MR. WARD: Providing you don't park a

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HEALEY KIA

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car there.

MR. DAY: I don't think you can get there.

MR. ARNOTT: Most of it is blocked by the stream.

MR. DAY: That stream. You'll go airborne.

MR. DOMINICK: I would like to go with Shawn's recommendation of stump grinding and top soil. A nice sod on top. You already park the cars in the front on the other side.

MR. DAY: We'll do it.

MR. CANFIELD: That's a good point. We have had history with this dealership as well as others on 17K with the parking in the front on 17K. I guess a note would be appropriate to be put on the plan that there is to be no parking of vehicles out front.

MR. DAY: In front. Okay.

MR. DOMINICK: What's the footage, Jerry, from the road? Isn't there a buffer?

MR. CANFIELD: 35 feet I think it is.

MR. DOMINICK: Thank you.

MR. ARNOTT: That would be for this

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HEALEY KIA

67

lot?

MR. CANFIELD: Correct. It's for both lots. A special caveat to address this. It's cleared for sight distance, not more display.

MR. DAY: There is a pretty deep ravine here. That's what I looked at years ago and I said you're building a bridge. They weren't too excited about that, as you can imagine. There's really no way to get from 17K onto this lot because that stream actually crosses in front of it. It's pretty deep. I don't anticipate them -- well --

MR. CANFIELD: Did you verify, Mark, is there a flood zone there?

MR. DAY: I will verify that.

MR. CANFIELD: If you do you'll need a floodplain development permit for the disturbance. Even cutting trees is a disturbance.

MR. DAY: I will double check it.

CHAIRMAN EWASUTYN: So we had discussion. We were considering circulating to the Orange County Planning Department. I'll poll the Board Members to see if they want to have a

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HEALEY KIA

68

public hearing. We'll start with John Ward as far as a public hearing.

MR. WARD: No.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: No. I don't think it's necessary.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No. I think we should say that it's based on the surrounding areas -- the uses that are in the surrounding areas, it should not be a major concern.

CHAIRMAN EWASUTYN: It's compatible with what is existing in the current area.

Stephanie DeLuca?

MS. DeLUCA: No.

CHAIRMAN EWASUTYN: Okay. Myself, I'll waive a public hearing.

Let the record show that the Planning Board waived a public hearing on Healey Kia, the amended site plan, and that we'll be circulating to the Orange County Planning Department.

If you'll work with Pat Hines, getting him plans, he'll circulate to the Orange County Planning Department.

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HEALEY KIA

69

MR. DAY: Will do. Thank you very much. Have a good holiday, all.

CHAIRMAN EWASUTYN: There being no further business this evening, would someone make a motion to close the Planning Board meeting of December 5, 2019?

MS. DeLUCA: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: Motion by Stephanie DeLuca. A second by John Ward. I'll ask for a roll call vote.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 8:18 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 14th day of December 2019.

*Michelle Conero*

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MICHELLE CONERO