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

----- X

In the Matter of

EXETER BUILDING CORP.
(2002-26)

Route 17K
Section 89; Block 1; Lots 1.1, 1.2 & 3.32
R-3 Zone

----- X

CONDITIONAL FINAL APPROVAL

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

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
KAREN ARENT

APPLICANT'S REPRESENTATIVE: JENNIFER ECHEVARRIA

----- X

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

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EXETER

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MR. PROFACI: Good evening, ladies and gentlemen, and welcome to the Town of Newburgh Planning Board meeting of December 3, 2009.

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

MR. GALLI: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. FOGARTY: Here.

MR. WARD: Present.

MR. PROFACI: The Planning Board has professional experts that provide reviews and input on the business before us including SEQRA determinations as well as code and planning details. I ask them to introduce themselves.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

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

MS. ARENT: Karen Arent, Landscape Architectural Consultant.

MR. PROFACI: If you would please join

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EXETER

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us in the Pledge of allegiance.

(Pledge of Allegiance.)

MR. PROFACI: If you would please make sure your cell phones are turned off. Thank you.

The first item on this evening's agenda is Exeter for a conditional final approval.

MS. ECHEVARRIA: Good evening, gentlemen. I don't know where I'm supposed to stand. My name is Jennifer Echevarria, I'm an associate with Burke, Miele & Golden representing Exeter Building Corp.

Exeter has applied for an extension of final site plan approval that was originally granted December 20, 2007. We respectfully request that the Board act on this.

CHAIRMAN EWASUTYN: Jennifer, at this point I would like to turn to Mike Donnelly, the Planning Board Attorney, to advise the Planning Board of the status.

MR. DONNELLY: As we discussed at work session, and most of you are very familiar with the long process of this application, you had granted conditional final approval to the applicant in 2007 at a time when the courts had

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EXETER

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declared that Exeter was entitled to the three-year grandfathering or vesting period under the ordinance that had existed before the Town Board changed it. The applicant was unable to satisfy the conditions of that approval resolution within the three-year time period and came before you in October and asked you to extend that approval. The applicant reported at that time that it had applied to the Zoning Board for a determination, that in addition to the grandfathering it was entitled to common law vested rights based upon work done and monies expended in pursuance of the clearing and grading permit. I recommended to you then that you wait until the Zoning Board decided that application, and that if it decided the application in Exeter's favor, that you would then be in a position to consider granting the extension, but that if it decided the application adversely to Exeter, then with no zoning ordinance in place it would support the use it had earlier been approved, I told you it would be my recommendation that it would be inappropriate for you to grant the extension.

Mr. Golden, in his letter to you of

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EXETER

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September of 2009 before the October appearance, included a narrative with his letter and he properly set forth the issue that was before you and is here before you again tonight. In that narrative he said to satisfy the requirements for an extension of the site plan approval we, meaning Exeter, must demonstrate that there has been no substantial change in either the condition of the site and its environs or the applicable zoning requirements.

The net result of the expiration of the three-year grandfathering period and the Zoning Board not granting the relief requested is essentially a change in the applicable zoning requirements, therefore it's my legal advice to you that you deny the extension that's requested.

CHAIRMAN EWASUTYN: Questions or comments from Board Members. Frank Galli?

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

MR. PROFACI: No questions, John.

MR. FOGARTY: None.

MR. WARD: No.

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EXETER

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CHAIRMAN EWASUTYN: Bryant Cocks,
Planning Consultant?

MR. COCKS: I have nothing at this
time.

CHAIRMAN EWASUTYN: Karen Arent?

MS. ARENT: Nothing.

CHAIRMAN EWASUTYN: Having heard the
advice of our Attorney, Mike Donnelly, I'll move
for a motion to -- deny the extension was it,
Mike?

MR. DONNELLY: Yes. The request for an
extension of conditional final approval.

CHAIRMAN EWASUTYN: To deny the
request for the extension of conditional final
approval.

MR. MENNERICH: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by
Ken Mennerich and a second by John Ward. Any
discussion of the motion?

(No response.)

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

MR. GALLI: Aye.

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EXETER

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MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself. So
carried.

MS. ECHEVARRIA: Thank you, gentlemen.
Have a nice evening.

(Time noted: 7:05 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 22, 2009

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

----- X

In the Matter of

BERLIN, LLC
(2003-41)

Route 17K and Skyers Lane
Section 89; Block 1; Lot 32
B Zone

----- X

AMENDED RESOLUTION

Date: December 3, 2009
Time: 7:05 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
KAREN ARENT

APPLICANT'S REPRESENTATIVE: JAY R. MYROW

----- X

MICHELLE L. CONERO
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BERLIN, LLC

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MR. PROFACI: The next applicant on the agenda is Berlin for an amended resolution.

MR. MYROW: Good evening. My name is Jay Myrow, I'm an attorney with Blustein, Shapiro, Rich & Barone in Goshen, New York. I'm the attorney for the applicant.

This is an application to amend a prior resolution I think the Board approved in August of 2009 for the Dunkin Donuts on Route 17K.

The reason we're here, and I believe the Town has -- should have -- the Board should have copies of the correspondence, we received a letter from the DOT dated September 1, '09. Basically the board read the resolution of approval as requiring that in the event Gateway Commons, which I believe is the adjoining property seeking approval, when that access way for their project is open, they read your resolution as requiring Berlin, LLC to close their access way off 17K, and that appears to be unconditional in their letter. We believe that that really wasn't the intent of this Board and we're asking that specifically in the resolution

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BERLIN, LLC

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paragraph 8 be either sufficiently amended or removed so that there's no uncertainty as to our rights to continue with our access off 17K. It's my understanding that the approval from the DOT which was received before the August approval was basically unconditional and that the only reason this came up was based on their reading of the language in paragraph 8 of the resolution. So that's why we're here tonight.

CHAIRMAN EWASUTYN: Would you take the time to read paragraph 8 out loud, please?

MR. MYROW: Absolutely. The heading is "Future driveway relocation." Number 8, "The proposed direct driveway access to Route 17K has been approved in concept by the New York State Department of Transportation. An adjoining property owner, Gateway Commons, is proposing an entrance way to Route 17K in close proximity to the site making direct access to this site difficult. The applicant has agreed therefore that: Following construction of the Gateway Commons access way and after consultation with the DOT, it will propose closing its direct site driveway access to Route 17K and will then

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BERLIN, LLC

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construct a cross access way between the parcels from which full access to this site will thereafter be provided through the Gateway Commons access way. The planning board agrees that it shall review any amended site plan the applicant may submit in the future in order to comply with any such proposal. Should the common access point be constructed more than 250 feet from the Berlin, LLC site, or should permission from Gateway Commons not be obtained, or should the DOT not authorize future alternative access, then the planning board shall consider all other alternatives proposed including continuation of full direct Route 17K access or direct access from restricted turning movements -- with restricted turning movements."

CHAIRMAN EWASUTYN: And your request from the Board this evening is to?

MR. MYROW: Well, we're not -- to the extent that this was interpreted by the DOT as conditioning our rights of entrance, I'm not really sure what this is going to accomplish. I'm not sure really what the meaning of this paragraph is going to be for something that

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BERLIN, LLC

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doesn't exist today. We certainly would put on the record that we're perfectly willing to discuss and talk to this Board and Gateway Commons if and when something comes to fruition there, but as of today we -- my client has secured an access permit from the State DOT and it was unconditional. To the extent that this is causing confusion with the DOT, we'd ask that it be removed. I don't think it really would -- I don't think it jeopardizes anything because we can't agree to something that doesn't exist today anyway. So to the extent that -- I'm not sure how meaningful it really is. I don't think this Board ever -- I think -- it's my understanding, and I will say I wasn't representing the applicant at the time, but really this whole issue with Gateway Commons came up for the first time at the August meeting and had not really been addressed for the two years that was going on prior to that. We had proceeded all along as on our own. We weren't a joint application with Gateway Commons. This seems to have gotten muddied up based on this language. Again, my client is not adverse to talking to anybody but

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BERLIN, LLC

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he's worked long and hard to secure the approval -- in seeking the approval he was seeking from this Board and from the DOT, and if there's confusion on this any further, it severely jeopardizes the building being developed properly. I don't think that's really an issue.

We really need something that we can go back to the DOT and say listen, this was not really the intent, you have to remove the last sentence of your letter so that we -- so that we know that from you we don't have an obligation to close this thing in the future unless we make an agreement with Gateway commons and with this Board.

I'll read the last sentence that's really troublesome in the letter. "As per the Town of Newburgh's Planning Board approval, this entrance will be removed when the Gateway Commons project entrance is constructed." I'm not sure really -- you can fill me in. It's my understanding, and I've looked at the minutes, I don't think that really was the intent. I've spoken briefly to Mike -- Mr. Donnelly also.

CHAIRMAN EWASUTYN: So Mike, the

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BERLIN, LLC

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discussion is to an amended resolution that would not carry forth paragraph 8, and there's a general agreement that at a future time there could be a meeting of discussion between the applicant, the Planning Board, DOT and people from Gateway.

Can you bring us further along on this?

MR. DONNELLY: I think you hit the nail on the head. You could either remove the condition or, if language something like I'm going to read in a moment would lead the DOT to better understand what was intended, replace it with language something like the following, and I'll read it as if it's the entire provision:
"The proposed direct driveway access to Route 17K has been approved in concept by the New York State Department of Transportation. An adjoining property owner, Gateway Commons, is proposing an entrance way to Route 17K in close proximity to this site making direct access to this site difficult. The applicant has agreed therefore that following construction of the Gateway Commons access way it will discuss with Gateway Commons, the DOT and the Planning Board the

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BERLIN, LLC

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possibility of constructing an access way between the parcels from which access to this site will be provided through the Gateway Commons access way. The Planning Board agrees that it shall review any amended site plan the applicant may submit in the future in this regard." I don't know if we need to say more than that. We could add the remaining language that talked about all possibilities should the --

MR. MYROW: What I would ask is that there be an affirmative statement in the resolution stating that the language -- that this provision in no way conditions or requires -- conditions the applicant to remove this access way and is not really a mandate to the DOT as such. I think it has to be unconditional at this time. But if the Board wants -- I think it needs to be stated because otherwise I know I'm going to go back to the DOT and I can't guarantee how they're going to interpret this. I think if there's an affirmative statement that the approval right now is unconditional with an obligation -- with an inference that we're going to come back and talk to you, I don't have a

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BERLIN, LLC

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problem with that. What Mr. Donnelly is proposing I think would work as long as it's affirmative that --

MR. DONNELLY: I can add another sentence: "This condition is not intended to require removal of the applicant's direct access to Route 17K and the Planning Board shall consider all other reasonable alternatives proposed, including continuation of full direct access to Route 17K or direct access with restricted turning movements."

MR. MYROW: In the event it becomes necessary by approval of Woodbury --

CHAIRMAN EWASUTYN: Gateway.

MR. DONNELLY: Gateway Commons.

MR. MYROW: -- Gateway Commons. Would it be better -- could I have one second?

MR. DONNELLY: Yeah.

(Pause in the proceeding.)

MR. MYROW: Would it be beneficial to put this off for a short period of time so I can work with Mr. Donnelly on the language of this, because I'm listening to it but --

CHAIRMAN EWASUTYN: Meaning this

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BERLIN, LLC

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evening and come back at a later time?

MR. DONNELLY: Another meeting?

MR. MYROW: Yeah.

MR. DONNELLY: If you're not in a rush you could come back at a later meeting pursuant to the schedule.

CHAIRMAN EWASUTYN: So you want us to reschedule this for the 17th of December?

MR. MYROW: Today is -- yeah. If that's acceptable to the Board. Instead of me sitting here saying -- I'd rather see it on paper.

MR. DONNELLY: I'll send this to you tomorrow and we can discuss it.

MR. MYROW: That would be great.

CHAIRMAN EWASUTYN: I'll move for a motion to reschedule the Berlin amended resolution site plan to our meeting of December 17th.

MR. FOGARTY: So moved.

MR. GALLI: Second.

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

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BERLIN, LLC

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(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So
carried.

MR. MYROW: Thank you for your
consideration. I appreciate it. Have a good
evening.

(Time noted: 7:16 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 22, 2009

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

----- X
In the Matter of

LANDS OF HAMMOND
(2004-27)

Cronk Road
Section 1; Block 1; Lots 5.3 & 63
AR Zone

----- X

CONDITIONAL FINAL APPROVAL
MINOR SUBDIVISION

Date: December 3, 2009
Time: 7:16 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
KAREN ARENT

APPLICANT'S REPRESENTATIVE: CRAIG MARTI

----- X

MICHELLE L. CONERO
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MR. PROFACI: The next item on the agenda is the Lands of Hammond on Cronk Road off of Orchard Drive, represented tonight by Craig Marti.

MR. MARTI: Mr. Chairman and the Board, my name is Craig Marti, I'm representing John Hammond in this application.

For the new Members on the Board, the project was originally proposed as a fifteen-lot subdivision which consisted basically of separating the existing lots on the parent parcel off onto a separate lot, then a creation of a larger portion which would be further subdivided into thirteen new residential lots, and then a larger, undeveloped piece at this time, a residual parcel of 45 acres in size. That received SEQRA determination and preliminary approval in early 2007. Subsequent to that time Mr. Hammond, under that preliminary approval, has constructed the drainage facilities, curbing through the entire length of the roadway and paved a portion to serve the lots which had pre-existing rights of access, ingress and egress over a right-of-way which went to the home of Mr.

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Hammond.

The proposal currently -- we came back in early 2009 to propose a minor subdivision which would consist of the separation again of an 8 1/2 acre lot which would contain the existing structures, the 45-acre residual lot and then the larger lot, about 20.2 acres, which is planned for further subdivision at this time in the form of a request for preliminary approval or reaffirmation of the preliminary approval pertaining to the thirteen proposed lots.

The proposal is to finalize the three-lot subdivision at this time such that the subdivision can be separated into a separate ownership and developed independent of the ownership interest Mr. Hammond has in the existing structures and his own residence here, the renovated farmhouse.

So we're here tonight. The application that's currently before the Board is for the consideration of a final approval of a minor subdivision to accomplish that task and then a reaffirmation of the preliminary approval of the thirteen proposed residential lots such that we

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2 could then proceed to the Orange County
3 Department of Health for their review and
4 approval of that subdivision and the major
5 subdivision and septic systems and wells that
6 serve those particular lots.

7 The lot configuration has not changed
8 since the preliminary approval of the fifteen-lot
9 subdivision. We're basically breaking it only
10 into a minor subdivision, separating the
11 subdivision interest for Mr. Hammond's personal
12 interest and then proceeding with the preliminary
13 approval and review by Orange County for the
14 major subdivision.

15 CHAIRMAN EWASUTYN: At this point I
16 would like to turn to Bryant Cocks, Planning
17 Consultant. Bryant.

18 MR. COCKS: For the minor subdivision
19 and the bulk tables, if you could just put the
20 actual dimensions on each lot instead of the
21 minimum required. That will also be required for
22 the final approval for the major subdivision when
23 it's eventually done.

24 The engineer's stamp and seal have to
25 actually be on there. They can't just be a

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copied version when they come in for signature.

I made the statement that a cul-de-sac was going to be needed for the end of the road but I talked to Pat and Jay today and they were both okay, saying the stub was okay.

All easements are going to need to be submitted to Mike Donnelly. I'm going to refer to him to discuss bonding and payment of fees since there are going to be different issues with the minor and major subdivisions.

CHAIRMAN EWASUTYN: Karen Arent, Landscape Architect, do you have any comments on this?

MS. ARENT: Not on the major subdivision. I had minor comments on the preliminary that were the same comments as a couple years ago.

CHAIRMAN EWASUTYN: Thank you.

Mike Donnelly, Planning Board Attorney.

MR. DONNELLY: You had granted preliminary approval to the fourteen-lot subdivision in May of 2007. What the applicant is now proposing is that the first phase, referred to now as a minor three-lot subdivision,

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2 be given final approval at this time and that the
3 preliminary approval for the balance be continued
4 to a future date. I believe you have the power
5 and authority to do that. I've prepared a draft
6 resolution that will authorize that phase I final
7 approval. It tracks the original resolution and
8 has not too many new conditions. We will need a
9 sign-off letter from Bryant Cocks on the issues
10 he just outlined. We will carry the other
11 conditions that relate to the road length waiver
12 resolution of the Town Board, the decision of the
13 Zoning Board of Appeals, the requirement of
14 clearing limits being marked in the field. We
15 will reaffirm the ARB approval that you gave to
16 the multi-family building on the basis that no
17 changes are proposed and what is there is
18 satisfactory. It also recites that you're
19 granting final site plan approval to that multi-
20 family building because it had received
21 preliminary site plan approval in 2007.

22 Pat Hines informed us at the work
23 session that there are no financial security
24 requirements for this first phase, the minor
25 subdivision. The resolution will recite that

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appropriate financial security will be required at the time of the second phase of the subdivision where there will be a Town road and certain other landscaping improvements.

Finally, because this is a three-lot subdivision where only two of the lots are new, there will be the requirement of a payment of fee in lieu of parklands for the two new lots. If the applicant desires to do so, they may have those fees deferred until the time of building permit rather than the time of map filing, however they have to make certain map note changes and present a certification to the town clerk, but if you wish me to do so I'll include that language in the resolution as well.

MR. MARTI: I believe we would rather add the notes to defer them because there's no particular building proposed on the -- on either the residual portion or on the thirteen-lot separate from the approval that we'll get from the major subdivision. So we would defer those fees to a more appropriate time later.

MR. DONNELLY: I'll include that language in the resolution as well then.

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LANDS OF HAMMOND

CHAIRMAN EWASUTYN: Comments or questions from Board Members. Frank Galli?

MR. GALLI: No additional.

MR. MENNERICH: No questions.

MR. PROFACI: Nothing further.

MR. FOGARTY: I just have one. On the three lot, is it one lot that's going to have multi-family or two?

MR. MARTI: There's one lot, it's about 8.46 acres, which will contain all of the existing residential structures. That's the lot which we received site plan approval, and we had gone through some ZBA and the appropriate variances obtained for the preliminary approval. Now that's part of the final subdivision and we need the final approval for that site plan in conjunction with the approval of the minor subdivision as Mr. Donnelly outlined in his resolution.

MR. FOGARTY: Thank you.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I'm good. Thank you.

CHAIRMAN EWASUTYN: Having heard the conditions for final approval and preliminary

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approval presented by Attorney Mike Donnelly in the resolution, I'll combine those motions to move to approve a final approval for the minor subdivision of three lots noted as being phase I, to grant final site plan approval for the lot which contains the multi-family, and to grant preliminary approval for the major subdivision.

MR. WARD: So moved.

CHAIRMAN EWASUTYN: I have a motion by John Ward.

MR. PROFACI: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

MR. MARTI: Thank you.

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(Time noted: 7:26 p.m.)

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

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

DATED: December 22, 2009

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

----- X
In the Matter of

NEWBURGH TOYOTA
(2009-15)

Route 17K
Section 89; Block 1; Lots 67.0
IB Zone

----- X

CONCEPTUAL SITE PLAN

Date: December 3, 2009
Time: 7:26 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
KAREN ARENT

APPLICANT'S REPRESENTATIVE: GREGORY SHAW

----- X

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

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NEWBURGH TOYOTA

MR. PROFACI: The next item on the agenda is Newburgh Toyota on Route 17K across from Stewart Airport with a conceptual site plan.

MR. CORDISCO: Good evening, Mr. Chairman, Members of the Board. It's good to see you again. I'm Dominick Cordisco from Drake, Loeb and I'm here on behalf of Newburgh Toyota which is a new car dealership located on 17K next to the Auto Auction.

At this point I want to introduce to you, and of course you're certainly aware of Greg Shaw. He prepared the plans. And we also have with us Dan Barteluce, our architect. I believe Greg would like to provide an overview of the plans. We also have some rendering Mr. Barteluce has brought, then we can talk about where we go from here. I also have in the audience Dennis Luison in the back. He's the owner of the project, with his team.

So we're here to make our initial presentation to you and then to hear whatever comments and concerns that you have.

At this point I would like to turn it

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over to Mr. Shaw.

MR. SHAW: Thank you. The project totals 5.5 acres and is located in the interchange business, is located on the north side of 17K just east of the 84 overpass. Presently the site is vegetated. Formerly on the site was a residence. That was removed within the past year. The site is presently vacant at this time.

What we're proposing is to construct a two-story car dealership. The first floor will be 36,680 square feet and the second floor will be much smaller, only 8,710 square feet, for a total of 45,390 square feet throughout the two floors.

Situated around the building will be the parking for the facility. We are planning on twenty spaces for customers and visitors and thirty spaces for employees. In addition to that we're proposing twenty-eight spaces exterior to the building for car service, twenty-seven spaces interior to the building for car service, and at the rear of the building, most remote from Route 17K, we're proposing car storage of a hundred and

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thirty-eight spaces.

With respect to the infrastructure, we will be tying into the Town's sixteen-inch water main on our side of Route 17K. We'll also be pumping into the Town's low-pressure sewer system, again on our side of Route 17K.

Integrated into the site are two water quality stormwater detention ponds as we are obligated to comply with the New York State DEC regulations for stormwater discharge. Both of those ponds will be able to detain flows up to a hundred-year storm.

This project -- this parcel of land is kind of unique. It sits up on the hill. It's a little different than the Auto Auction which is immediately to the east of it. It's really not visual as you ride along Route 17K due to the steep incline in grade. We're obligated to provide a thirty-five foot wide landscaped buffer, which we will. That's in accordance with your zoning ordinance.

I'd like to just take a minute to talk about the comments regarding the landscape architecture for the site. A couple of the

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comments dealt with locating some existing vegetation in order to attempt to preserve that. We will certainly do that. If we can possibly change the regrading or if the vegetation is within the landscape buffer, we'll obviously leave that incorporated into our design. We have to also be sensitive to the fact this is a new car dealership and new cars and existing trees don't always go hand in hand with respect to either sap or falling tree limbs. We'll have to look at that closely also and try to come up with a balance that works for the dealership also while trying to preserve the vegetation.

One final thought, and it has to do with the landscape berm of the Auto Auction. I spent some time today taking a look at it. You have three different components, at least in my opinion, of the Auto Auction landscaping. The first component, which is probably most to the east, consists of about a one-on-three grass slope, a four-foot high stonewall and then again a one-on-three slope above the wall with plantings on top. As you start moving closer to our site, that stonewall disappears, the berm

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drops and now you have a view of the parking that's within the Auto Auction facility. Continuing on in a westerly direction you now come back into the berm which is a berm to the stormwater detention pond and also acts as a visual buffer to the pond also. That portion which is probably the most attractive, which is the berm with the stonewall, is over a thousand feet away from our site. I noticed on one of the review comments the word continuity. It would be quite a hardship for us to incorporate that into our design even though it wouldn't be -- it wouldn't be contiguous to our site. Another thing that we have to deal with, and I looked at the slopes of the Auto Auction, is that it's grass, it's a one-on-three slope. We have a one-on-two slope. Ours is not going to be grass. The best we're going to have to do is come up with an acceptable ground cover, and then within the landscape buffer area come up with something that's attractive. So the reason I'm spending some time thinking about this and discussing it with the Board, and I just ask you to think on it over the time period before we return, is what do

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you think would be appropriate for a buffer based upon what we submit. For us to follow that which was generated by the Auto Auction I really don't think works for us for many reasons. The final reason is also the majority of the work that would be done with respect to trying to follow the Auto Auction would be done in the State right-of-way. Building a stonewall and such is really not conducive to the DOT and them possibly expanding 17K at some future point.

So that's a brief overview of the project. I'd like to introduce Dan Barteluce, our architect, to just give you an overview of what the building is going to look like. This is not for architectural review. We'll be coming back at a later date for that. This is just to give you a sense of the building. Thank you.

MR. BARTELUCE: Thank you for this opportunity. We've done several Toyota projects throughout the country. Nationally there's a design prototype for Toyota. We follow those guidelines when we design these buildings, as you can see from the site plan and the architecturals that we submitted.

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Greg pointed out the square footage of the building. We have a main entrance here on the corner -- a main entrance on the corner here that has a luminous portal into a showroom area. Greg mentioned a second level which is a portion of this which is offices, part storage, storage above, and then in the back is the service center.

All the cars are received here at service reception where a customer will come in, park their car and then a valet will take it in.

New car delivery is another appendage to the building on this side where new cars are prepped, finance people come out and the car is shown and it exits the building.

The second level, which is only about 8,700 square feet, has one decorative stair in the showroom that will take you up. It's executive offices, accounting, an oversized conference room, a training room and again a second level for the parts storage, and then this is the ground level of the service itself.

The overall elevation which we have some computerized renderings -- I'll just show

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you the two dimension. The main entrance portal, the height of the portal is thirty-four feet, the height of the building is at thirty feet, the service reception is at twenty-seven and the new car delivery is at twenty.

All the materials are pretty much dictated. It's a metal panel, clear glass, aluminum store front, a red band, just a signature stripe for Toyota. There is a separate brand called Scion which is part of Toyota that will have its own separate sign.

The Scion elevations are very similar, although towards the rear of the building we have a split face masonry and stucco above. The rendering that we did, there's one here which gives you an overall. It doesn't really show the topography here but gives you a good view of what the overall building will look like from someone taking off from Stewart. This illuminated luminous portal is again a typical prototype element for the entrance for all the Toyota buildings. This is the entrance to the service reception, and a main entrance to the building is under the portal.

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The back side of the building, again this is the service and you'll see doors in the back towards the rear.

We spun the rendering around just to show you on the west, basically looking at the ground sign and what that looks like as you would approach the building up the driveway. It sits on top of a hill. From the other view you only see a portion of the portal itself which is a close-up that looks like that which is a big curved shape again luminous, white plexi . It doesn't really illuminate much but the whole thing is luminous and then into a vestibule into the building. So very simple.

We kind of shoehorned it together into the site with no variances. Rather say the lot coverage which we provided is only fifteen percent. I know the Board is familiar it could be up to forty percent. The surface coverage, which could be eighty percent, we're only at fifty-six.

We'll work together with Greg and the landscape architects to come up with the appropriate landscape scheme.

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These buildings are pretty much
prototypical for the nation.

Any questions?

CHAIRMAN EWASUTYN: I'll turn to the
Board Members first.

MR. GALLI: On the one rendering you
had the sign at the end of the driveway. Is that
the only sign you're going to have?

MR. BARTELUCE: The only sign we'll
have on the street will be this one. That round
sign.

MR. GALLI: That's it?

MR. BARTELUCE: Yeah.

MR. CORDISCO: And further details
including the sign will be included. As Mr.
Profaci said, these are being presented on a
conceptual nature at this point.

MR. BARTELUCE: We'll be under the
signage square footage also.

MR. GALLI: The units on the roof?

MR. BARTELUCE: They'll all be
screened. The parapets are high enough, they're
back far enough you won't see them from the
roadway at all. In fact, we did a bunch of sight

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line studies so we could see the section which you actually see. The units are actually buried far enough back that you'll never see them from the grade, and certainly you'll never see them from the street.

MR. GALLI: That's all I had.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: When you say you won't see anything, it's from 17K you're talking about; right?

MR. BARTELUCE: Yeah.

MR. MENNERICH: Won't you see the top of the building?

MR. BARTELUCE: When I say you won't see anything, you won't see anything on the roof. You'll see the top band of the building. As you get -- as the grade goes up here you'll see more of it. As you're coming up the driveway you'll see the whole thing.

MR. MENNERICH: From 17K, though, will you be able to see the parked cars there?

MR. BARTELUCE: No.

MR. MENNERICH: Okay. Thanks.

CHAIRMAN EWASUTYN: Joe Profaci?

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MR. PROFACI: I don't have anything at this time.

CHAIRMAN EWASUTYN: Tom Fogarty?

MR. FOGARTY: In the work session I had one question regarding the fact that it lies partly in the airport overlay district, and those questions were answered.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I have a question about you were saying about coordinating with the auto park. I'm sure you looked at it. Do you have any ideas what you plan on?

MR. SHAW: I think maybe the simplest way -- that portion of the Auto Auction which is closest to us is a grass berm which rises to its top and then recedes back down into the wetlands, which you can't see obviously from 17K, with plantings on the top. It's not really truly a lot of plantings either. We can't do grass, it's just too steep. We're going to have to do some ground cover. But there is a thirty-five foot strip, okay, that we are going to have to put plantings in, and I can assure you there are going to be more plantings than what are on the

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Auto Auction portion that's closest to us. I don't know if that answers your question.

MR. WARD: One reason is like there's competition down the road that parks the cars on the grass and everything else and I'm concerned to have the landscaping there but not later having cars parked out there for 17K.

MR. SHAW: I don't know how to answer other than that's what a code enforcement officer is for.

MR. WARD: Well what I'm asking is -- we can ask for bushes or plants -- that there won't be cars parked on there and make it landscaped so it prevents you from putting cars there but it will look nice enough to serve the purpose.

MR. SHAW: I think we're going to do more than planting a few shrubs. Trust me, Karen will make sure that it's adequate.

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

MR. DONNELLY: And Greg will love it.

MR. MENNERICH: On the discussion on the berm, I think your situation here where you're located so much at a higher elevation

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compared to 17K makes it different than the Auto Auction where basically if you didn't have the berms it's a very gradual uphill. If the berm wasn't there you would see everything. So I think it is a different situation here. Hopefully between Karen and you people you'll be able to work out something that's suitable for this site.

MR. SHAW: Thank you. Behind those berms of the Auto Auction are thousands of cars. We don't have thousands of cars.

CHAIRMAN EWASUTYN: Pat Hines raised a question at the work session. He couldn't be here this evening. The three wells existing on the site, are any of them monitoring wells?

MR. SHAW: I'll have to double check that. My initial response was going to be no because they're immediately adjacent to the residence that was demolished, but I'd have to double check that. I'll confirm that with you.

MR. CORDISCO: If they are monitoring wells, then we'll take it one step further and find out if anyone is still monitoring them, whether or not there's perhaps an open DEC issue

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that's requiring for them to be continued to be monitored. Not that I expect there would be.

CHAIRMAN EWASUTYN: At this point I'll turn to Bryant Cocks, Planning Consultant.

MR. COCKS: Sure. Just some nuts and bolts. This is in the IB Zone, it is an allowable use.

It's going to have municipal water and sewer.

The lot conforms to all zoning requirements and it won't require any variances.

It's an Unlisted coordinated action under SEQRA. There are a bunch of involved and interested agencies that this is going to have to be forwarded to including the DOT for the highway entrance permit, FAA because of its proximity to the airport, the Orange County Planning Department for the 239 referral, the City of Newburgh for a sewage flow acceptance, and also the Orange Lake Fire District just for their approval for the firefighting access. So we're going to have to forward the plan to all those agencies.

We just talked extensively about

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landscaping ,so I'll pass by that.

The drive aisles are in conformance with the 280-A New York State Fire Code.

They discussed parking.

The design guidelines do ask for parking in these type of establishments to be screened if they are in front, which this is, and also the large parking lot to be in back. It is in back and it's going to be screened from 17K for the most part. That meets the intent of the design guidelines.

They are showing retaining walls on the site. There were a couple different kinds of retaining walls on there. Those are going to have to be detailed when the full submission comes in.

You mentioned signage. That's going to have to be reviewed.

Fencing is going to need to be shown around the stormwater detention areas, and that's going to need to be detailed.

Conceptually I think that's about it. You did mention the buffer. In one of those views when you're looking like towards the left

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side of the project looking up into the building, I think it would probably help the Planning Board to show some of the landscaping in that visual just to see how much of the building is going to be actually seen when you're driving by on Route 17K. I don't know if that's possible, if that's a computer model.

MR. CORDISCO: We could.

MR. COCKS: That's about it for me right now.

CHAIRMAN EWASUTYN: Karen Arent, Landscape Architect?

MS. ARENT: The landscaping on the Auto Auction, what the comments meant -- you don't have to replicate it exactly or you don't have to do it all, but it would be nice to see a little continuity, more with maybe the stonewall or some kind -- because the way your land is sloped now, you could put a stonewall in on your property and have -- the way you're sloping up and have the grade on top of that if you want. I mean that would be the continuity that was thought about when those comments were put together. It's not necessary but just to think about maybe bringing

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some of that element into this site. And of course you can't really do anything on that really steep slope.

You do have some vegetation there, so you might want to see if there's anything good that's worth to save.

MR. SHAW: We're going to locate that.

MS. ARENT: Even sapling trees will save you \$400 or \$500 a tree. The spruces are very nice. The really nice two oaks over on this side property line, I don't know if it is possible to save them. They do drop acorns so you don't want them near your new cars.

MR. SHAW: Which side, east or west?

MS. ARENT: On the west side.

MR. SHAW: That grading I can pull back.

MS. ARENT: I mean if you just locate them. If it's possible to save them or if they're in a good spot, they're in this area.

MR. SHAW: At the top or down below?

MS. ARENT: Down.

MR. SHAW: Down below.

MS. ARENT: Yeah. If you can they're

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really nice looking, at least from afar. I didn't go right up to them but they look -- they're old.

MR. SHAW: We'll locate them also.

MS. ARENT: If it's possible to save any other trees along the property lines, that would be great.

MR. SHAW: Yeah. I already pulled back the grading from the property lines, especially in the area where that drive comes in off of 17K there is room to do that and leave an area that's not going to be disturbed.

MS. ARENT: Any time you can save some of the existing plant materials, it makes the project fit in better with the whole environment. That would be great. That's it.

MR. SHAW: Thank you.

CHAIRMAN EWASUTYN: Mike Donnelly, do you have anything to add?

MR. DONNELLY: No. I think probably the appropriate thing to do, and Bryant mentioned it, if you're satisfied we'll grant conceptual approval. That gives you notice of intent to serve as lead agency. So that can be sent out.

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I don't know if you feel it's ready to be sent to the Orange County Planning Department or whether there should be more detail in the plans. That's really --

CHAIRMAN EWASUTYN: I'll leave it up to the Board. Is the Board satisfied with the plans to date?

MR. GALLI: Is Pat concerned about more engineering or --

MR. FOGARTY: Wasn't he concerned about the water line attaching to the building?

CHAIRMAN EWASUTYN: That's the loop system. That would be the detailed engineering work that would come into the next phase.

MR. SHAW: We have the water main around the building, we just didn't bring it into the building.

MR. FOGARTY: Minor problem.

CHAIRMAN EWASUTYN: Ken Mennerich, do you think these plans are fine enough to send to the Orange County Planning Department?

MR. MENNERICH: Yes.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: Yes.

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MR. FOGARTY: Yes.

CHAIRMAN EWASUTYN: John?

MR. WARD: Yes.

CHAIRMAN EWASUTYN: I'll move for a motion to grant conceptual approval to the Newburgh Toyota site plan, to declare our intent for lead agency and to refer this on to the Orange County Planning Department and all other agencies that Bryant Cocks, our Planning Consultant, will deliver.

So if you can speak to Bryant as far as how many copies you'll need, he'll manage that.

I'll move for a motion.

MR. FOGARTY: So moved.

MR. GALLI: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

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MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself. So
carried.

Thank you.

MR. CORDISCO: Thank you all very much.
Have a good holiday.

(Time noted: 7:48 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 22, 2009

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

----- X
In the Matter of

WOODLAWN HEIGHTS
(2003-47)

Extension of Conditional Final Approval

----- X

BOARD BUSINESS

Date: December 3, 2009
Time: 7:48 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
KAREN ARENT

----- X

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

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MR. PROFACI: We have two items of Board Business tonight. Discussion of the Woodlawn Heights subdivision, extension of conditional final approval which expired on August 31, 2009.

CHAIRMAN EWASUTYN: Mike Donnelly, do you want to discuss that with us?

MR. DONNELLY: Yes. This has somewhat of a troubled history. Let me go through it here. A long and involved one anyway. The original application was filed in August of 2003. Preliminary approval was granted on October 6, 2005. Conditional final subdivision approval was originally granted on December 14, 2006. In November of 2007, after that approval had expired, the applicant surrendered his conditional final approval, asked to be returned to preliminary approval status, and that was granted. The reason why the applicant needed that surrender at that time was it had not completed its drainage district application approval. They thereafter obtained their drainage district approval and you reissued final approval in -- let me see what that date was --

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February of 2008. That approval has now expired again. The applicant is asking for you to reissue the conditional final approval now for a second time.

You can extend the approval because the 360 days has run. If you're inclined to reissue the approval, I'll carry forth the same conditions as in the last reissuance. The only change that's occurred since then is the Town Board's resolution of last summer that would authorize the deferral of certain categories of financial security, landscaping and payment and fee of parklands. I don't know if the applicant wishes to avail itself of that. If they did we would need them to add map notes, sign the acknowledgement and certification that's required by that resolution, and I need to include that language within the resolution itself. So we need a sign-off letter from Bryant that they had added the appropriate map note.

Certainly you have the authority to grant the approval, and I suppose in these difficult times why would you want the applicant to start over if they really want to move

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WOODLAWN HEIGHTS

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forward. It probably makes sense. There haven't been any other changes that I'm aware of.

CHAIRMAN EWASUTYN: Discussion from Board Members. Frank Galli?

MR. GALLI: None.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: I'm fine with reissuing the approval.

MR. FOGARTY: None.

MR. WARD: None.

CHAIRMAN EWASUTYN: I wonder if we have a date set in there. Conditional final approval expires -- their dates are a little bit different than yours.

MR. DONNELLY: Okay. What did they have?

CHAIRMAN EWASUTYN: They had the conditional final which expires on August 31, 2009 and you had said February.

MR. DONNELLY: The resolution didn't -- I looked at the date of the resolution, not the date of its filing in the clerk's office. There

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may have been some delay. In any event, it's expired.

CHAIRMAN EWASUTYN: So we could grant an extension of the conditional final approval?

MR. DONNELLY: Not an extension but a new conditional final approval.

MR. MENNERICH: They already had the one extension. That went from February to August.

MR. DONNELLY: That was not an extension either. The same thing happened twice, their approval expired.

CHAIRMAN EWASUTYN: Otherwise we would have gone beyond the year's timeframe.

MR. DONNELLY: Normally when they come to you before the extension you suggest to them that they'd be better surrendering the conditional final and returning to preliminary that has no time limit. In this application you've already once, when they didn't come to you early enough, reissued conditional final, and I believe you can do it again. I don't want to see applicants all think that that's the course they should follow, just let their approvals expire

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and you're nice guys, you'll approve it again. Most applicants have come forward before their expiration date, pleaded their case as to why they couldn't complete the conditions and are grateful to hear that if they surrender that approval they can return to preliminary and go on about their business. That's what we heard in the letter we received from the Zazon application. Here in the past you have reissued the approval when there has not been any change in the neighborhood or the zoning law.

CHAIRMAN EWASUTYN: So in this case we would be granting them -- we would be reissuing --

MR. DONNELLY: Conditional final.

CHAIRMAN EWASUTYN: -- conditional final approval to the date of -- again this is discussion right now -- December 3, 2010.

MR. DONNELLY: That would be a new approval so you would grant it tonight, and depending upon when the resolution was entered in the office of the town clerk, it would have a duration of 180 days plus two extensions of 90 days each or a total life of 360 days from filing

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WOODLAWN HEIGHTS

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in the town clerk's office.

CHAIRMAN EWASUTYN: I think the easiest thing then is to grant conditional final approval for the Woodlawn Heights subdivision for a period of one year from the filing date of the resolution of the town clerk.

MR. DONNELLY: It's actually 360 days.

CHAIRMAN EWASUTYN: 360 days. Okay. Then I would move for a motion to grant conditional final approval for a period of 360 days from the filing of the final resolution in the town clerk's office for the Woodlawn Heights subdivision.

MR. DONNELLY: Should we assume the applicant wishes to defer payment of fees and include that language or stay away from it?

CHAIRMAN EWASUTYN: I think we would make that part of the language, there's that option available to them. So with the understanding that the applicant would have the necessary verbiage noted on the subdivision plans.

MR. DONNELLY: Right.

CHAIRMAN EWASUTYN: Any comments from

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the Board Members?

MR. GALLI: No.

MR. MENNERICH: No.

CHAIRMAN EWASUTYN: Then I'll move for
that.

MR. PROFACI: So moved.

MR. WARD: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself.

(Time noted: 7:55 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 22, 2009

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

----- X
In the Matter of

GARDNERTOWN COMMONS
(2004-19)

Schedule for Consultants' Work Session on 12/22/09

----- X

BOARD BUSINESS

Date: December 3, 2009
Time: 7:55 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
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MR. PROFACI: The second item of Board Business is Gardnertown Commons, to set it up for the consultants' work session of December 22, 2009.

CHAIRMAN EWASUTYN: Okay. I'd like to move for that motion with an understanding that Bryant Cocks will offer an invitation to Mark Taylor, Town Attorney; Mike Fogarty, Town Assessor; and Jim Osborn, Town Engineer, to try and schedule themselves to be present at this work session.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

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CHAIRMAN EWASUTYN: Myself. So
carried.

It's safe to say now that we will have
three items on our agenda for the December 17th
meeting. We have a public hearing on the
horizon.

What are the other two items, Bryant?

MR. COCKS: Berlin just got added.
That's it. It's written down right on my desk.

CHAIRMAN EWASUTYN: I'll move for a
motion that we close the Planning Board meeting
of December 3rd.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

(Time noted: 7:58 p.m.)

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

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DATED: December 22, 2009