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

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In the Matter of

MAVIS/MIXED USE  
(2015-03)

1413 Union Avenue  
Section 60; Block 3; Lot 40.2  
IB Zone

----- X

SITE PLAN & ARCHITECTURAL REVIEW

Date: July 16, 2015  
Time: 7:20 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: ROBERT OSTERHOUDT

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

1  
2 CHAIRMAN EWASUTYN: The third item  
3 on this evening's agenda is the Mavis/Mixed  
4 Use site plan. It's located on Union Avenue  
5 in an IB Zone. It's being represented by  
6 Bohler Engineering.

7 Michael, is it you or --

8 MR. MANES: Pardon?

9 CHAIRMAN EWASUTYN: Are you giving the  
10 presentation?

11 MR. MANES: Rob is.

12 CHAIRMAN EWASUTYN: Would you introduce  
13 yourself?

14 MR. OSTERHOUDT: Yes. Good evening.  
15 Rob Osterhoudt with Bohler Engineering, here  
16 representing the applicant with the proposed  
17 project, Mavis, and what we have recently  
18 disclosed as the Buffalo Wild Wings restaurant at  
19 the rear of the site, and some undisclosed tenant  
20 space for retail at 1413 Union Avenue.

21 What we are here for this evening with  
22 the Board is to walk through the revised  
23 submission that we submitted. That includes the  
24 phased approach that we discussed at the last  
25 Planning Board meeting that we attended.

1  
2 Essentially what we're doing is the same layout  
3 that the Board had previously seen. We've  
4 identified a phasing line on our plans to show  
5 that the Mavis Tire facility would be constructed  
6 as part of phase 1. What you see on this exhibit  
7 here, and hopefully it's visible to you from a  
8 distance, we've got a red dashed line around the  
9 limits of phase 1 here. So as part of phase 1  
10 we're proposing to construct the Mavis, the  
11 access onto Union Avenue, we're proposing to  
12 close off the two existing access points at  
13 either end of the site and consolidate those into  
14 a single access point in the middle of the site.

15 All of the demolition of the existing  
16 site, the building, pavement -- I should say the  
17 buildings because there's two buildings on the  
18 site, all of that, the impervious surface on the  
19 site today would be removed under phase 1. The  
20 plan would be to construct the Mavis facility,  
21 construct the access drive to get us out to the  
22 mall road here, and then everything else would be  
23 seeded and -- top soiled and seeded so that  
24 there's green space on the site. The site would  
25 be considerably more presentable than it is

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today.

As part of the phased development we're building the stonewall along the front of the Mavis parking here that we had previously discussed, along with the landscaping.

We submitted phased utility plans, the landscaping plans, the grading plans, all of that in that recent package.

Like I said, the layout is the same that you had previously seen. No substantial changes there.

We also submitted some information to the Board relative to signage. We had discussed signage in the past. We did not have the information pulled together for signage. Since the last meeting that we attended the applicant has worked with the Buffalo Wild Wings restaurant to determine what their signage package would involve. We submitted that information. We will be applying to the Zoning Board in the near future, so we would like to discuss that with the Board tonight to get a referral to the Zoning Board.

At the last Planning Board meeting we

1  
2 did ARB for the Mavis. We talked about Mavis  
3 being phase 1 here. We have elevations that we  
4 submitted to the Board for the Buffalo Wild  
5 Wings. Now that we have some more firmed up  
6 details on that, I want to just ask the Board if  
7 that would be something that would be considered  
8 this evening, ARB for the restaurant use? Not  
9 for the retail but for the restaurant use. And  
10 then discuss the next steps.

11 With that, I'll open it up to any  
12 questions you might have.

13 CHAIRMAN EWASUTYN: So let's talk about  
14 the phasing aspect of it first and if that meets  
15 the requirements of the building department and  
16 if Pat Hines agrees. We'll start with Jerry  
17 Canfield.

18 MR. CANFIELD: If the Board entertains  
19 the phasing concept with what was presented  
20 tonight, it's manageable for the building  
21 department. Our biggest need is to have a start  
22 and finish point. The applicant is willing and  
23 it appears they have a handle on what they are  
24 proposing to you and what the remainder of the  
25 site will look like prior to construction of the

1  
2 other buildings. Essentially we're talking about  
3 grading and seeding, which is pretty  
4 straightforward. I'm not too sure about only  
5 doing half of the front landscaping. I don't  
6 know. That's the Board's call. They have  
7 provided definitive phasing lines which are easy  
8 for us to follow. I guess pretty much at this  
9 point that's all I can comment on.

10 To answer your question in short, will  
11 it be manageable for the building department. My  
12 answer to that would be yes. However, I do have  
13 other concerns that perhaps can come up later on  
14 in the discussion, and reiterate some of Pat's  
15 comments as well with what are we doing here,  
16 phasing or not?

17 But to answer your question in short, I  
18 think I did.

19 CHAIRMAN EWASUTYN: Pat Hines?

20 MR. HINES: We're going to look for a  
21 little more detail on the final stabilization.  
22 The phase 1 -- to use an example, the phase 1  
23 grading plan I think shows grading across the  
24 whole site, although it's -- it stops on the  
25 phase lines.

1  
2 MR. OSTERHOUDT: Right. I can clarify  
3 that, too Pat, if you want right now before you  
4 move on to your next point.

5 MR. HINES: That's fine.

6 MR. OSTERHOUDT: Essentially what we've  
7 done is we've taken the grading plan for the  
8 master development, I'll call it, and we've  
9 incorporated the same phase line throughout the  
10 grading plan. So the limits of construction, if  
11 you will, for the roadway would be this line,  
12 however there's some fill material on the site.  
13 There would be grading outside of this red dashed  
14 line that you see here to tie that back into  
15 existing grades. We had some notes that we added  
16 onto the plan to identify that condition to the  
17 contractor to make sure that there were temporary  
18 grades established to tie back into existing on  
19 the edges of the phasing line.

20 MR. HINES: But in order to do that --  
21 so you're not showing a plan that shows a tie  
22 back to the existing?

23 MR. OSTERHOUDT: That's right. We're  
24 identifying it with labels that they have to do  
25 that. We're not identifying exactly how they do

1 that. That would be more of a methods and means  
2 type of approach from the contractor. We do have  
3 a notation on there that they have to, you know,  
4 provide that transition and provide positive  
5 drainage as well.  
6

7 MR. HINES: That's what I was going to  
8 say. You could end up with grading a river or a  
9 lake on this site.

10 MR. OSTERHOUDT: Yup.

11 MR. HINES: So we're going to have to  
12 take a look at that further.

13 The Board can't take action tonight on  
14 the project because the City of Newburgh flow  
15 acceptance letter has not been received. So  
16 their hands are going to be tied with that.

17 Similarly, details for what those  
18 disturbed areas are going to look like. We're  
19 going to look for a detail, how much topsoil,  
20 seeding specification on the plans. Should  
21 subsequent phases not come, we have to be sure  
22 phase 1 stands alone and can remain without the  
23 other phases.

24 I'm still a little concerned about  
25 tying in the grading. Behind the proposed



1  
2 Buffalo Wild Wings there's significant fill that  
3 doesn't look like it grades out until it's on the  
4 opposite side of there. So I don't know where  
5 that -- how that's going to tie in or function.

6 MR. OSTERHOUDT: If that's a concern,  
7 Pat, we can certainly adjust the grading plan for  
8 the phased approach and identify how those grades  
9 would tie in.

10 MR. HINES: Or make phase 1 grading of  
11 the entire site. I don't know how that works  
12 either.

13 MR. CANFIELD: That's what I was going  
14 to suggest. If we could include that.

15 MR. OSTERHOUDT: I'll talk with our  
16 client about that. We'll look through it and see  
17 what we come up with. That might be the way to  
18 do it. I just don't want to commit to it tonight  
19 without looking at it further.

20 MR. HINES: It begs the question why is  
21 it a phased plan. Is there a tenant issue with  
22 the other occupancies?

23 MR. OSTERHOUDT: That's exactly what it  
24 was. The tenants weren't locked down yet. We  
25 wanted to move forward with the project and not

1  
2 be, you know, stymied by the lack of commitment  
3 on the tenant's part. We wanted to at least move  
4 forward with at least the Mavis portion of the  
5 project.

6 MR. HINES: I thought you were firmed  
7 up with the restaurant.

8 MR. OSTERHOUDT: It is now.

9 MR. HINES: I provided the applicant's  
10 representative with the comments on the  
11 stormwater pollution prevention plan for the  
12 entire site.

13 That's another issue with just building  
14 phase 1. This wouldn't meet the intent of the  
15 DEC stormwater regulations until the entire  
16 stormwater pollution prevention plan was  
17 implemented. You need 25 percent of the water  
18 quality volume to be treated. There is no  
19 treatment under phase 1.

20 MR. OSTERHOUDT: Just the phase 1.  
21 Right. That was part of our phase 2 or a  
22 different portion of the master plan.

23 MR. HINES: One of the main comments I  
24 had is there was the creation of this swale  
25 between the Newburgh Mall property. It looks

1  
2 like it's going to potentially discharge to the  
3 Newburgh Mall. You have that as a comment which  
4 I know you're going to address in the future.  
5 That swale along the south side seems to be more  
6 defined. And the discharge point for the  
7 stormwater pond also seemed to look like they're  
8 going to want to discharge to the adjoining  
9 property rather than to the wetland, which I  
10 think is your intent. I know you're kind of  
11 constrained by your existing property lines but  
12 we do have to make sure that drainage doesn't  
13 come off the site.

14           Then I did receive a plan, and I know  
15 the Board also did, regarding the movement of the  
16 retail store. Can you discuss that? Is that  
17 still in the mix? It's potentially requiring a  
18 variance. I don't know if the Board wants to  
19 address that now.

20           CHAIRMAN EWASUTYN: I think it would  
21 make sense to talk about the other possibilities  
22 that you're considering, that way at a later  
23 point we'll be more familiar with it and  
24 comfortable.

25           MR. MANES: We're negotiating with a --

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MR. CANFIELD: Can we have your name?

MR. MANES: Michael Manes with Mavis  
Tire.

We're negotiating with a couple of  
people. One is a professional office use, like  
optometry or dentistry. The issue here with  
Buffalo Wild Wings is that they're not happy with  
the view corridor. It's a little claustrophobic  
in here. Initially we've come pretty far down  
the garden path to get site plan approval for  
this, and once we do that, lock up this tenant,  
or at least come closer than we currently are, go  
for a variance to see if we can push this  
northward, perhaps as far back as the tenant  
setback line.

We were wondering if the Board would  
support that?

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: That's phase 2. I mean I'd  
have to see how it would all work out on the  
plans. We're not looking at the phasing tonight.

MR. DONNELLY: Let me see if I can  
understand what you want to do. You want to get  
this site plan approved in two phases, or three,

1  
2 whatever, and then separately apply for an  
3 amended site plan that would show that building  
4 moved to another location, and with that  
5 application under review ask this Board to refer  
6 that to the Zoning Board for consideration of the  
7 setback variance?

8 MR. MANES: Yes. We have a time  
9 constraint. I have to get site plan approval  
10 shortly.

11 MR. DONNELLY: Okay.

12 CHAIRMAN EWASUTYN: Okay. Ken  
13 Mennerich, do you have a position one way or the  
14 other on the location of the building moving ten  
15 feet?

16 MR. MENNERICH: Not really. I think  
17 that's a ZBA decision.

18 CHAIRMAN EWASUTYN: Dave Dominick?

19 MR. DOMINICK: Michael, if visibility  
20 is an issue with Buffalo Wild Wings, why not flop  
21 the two buildings?

22 MR. MANES: We've explored that. They  
23 use considerably more parking and I think they  
24 wouldn't have enough -- a large enough parking  
25 field in here. It would sort of choke this entry

1 point. The other issue is we couldn't put  
2 anything back here. There would be no visibility  
3 to the rear of the site. So whatever GLA we had  
4 available would be worthless back there.  
5

6 CHAIRMAN EWASUTYN: John Ward?

7 MR. WARD: I had one question in  
8 reference to phase 1. With 300 you'd only  
9 landscape half of it you were saying?

10 MR. OSTERHOUDT: Yes.

11 MR. MANES: We're not doing this  
12 portion.

13 MR. OSTERHOUDT: Right. We're  
14 proposing to construct the access drive and the  
15 landscaping in front of the Mavis parking here.  
16 We did not include in that phasing approach the  
17 stonewall, the landscaping on the north side of  
18 the access.

19 MR. WARD: Here's my view of it. We've  
20 had other projects like this and they end up  
21 doing it later. I don't mean the wall. I  
22 believe you should do all of 300 landscaping  
23 because, God forbid, you don't get that site done  
24 in two years or whatever, at least the  
25 presentation of everything looks --

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MR. MANES: Good point. I tend to agree.

MR. OSTERHOUDT: That's a good point.

MR. WARD: If it was damaged you could fix it under the construction.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: First Rob, thank you for incorporating my steps to connect the properties of your neighbors there.

MR. OSTERHOUDT: You're welcome.

MR. DOMINICK: Going off what John is saying about grading and seeding, will that area of phase 2, let's call it, be maintained then, so you're going to be maintaining 20 plus thousand square feet of area every week, mow it, cut, or are we going to seed it and let it grow?

MR. MANES: We're going to cut it. I'm guessing that's what you want to hear.

MR. DOMINICK: That's what I want to hear.

MR. CANFIELD: We appreciate your honesty.

MR. DOMINICK: It took a little bit but that's what I want to hear.

1  
2 MR. GALLI: We have a couple other  
3 things that we want to hear.

4 CHAIRMAN EWASUTYN: Okay. Do you want  
5 to discuss ARB at this point for the restaurant  
6 building?

7 MR. OSTERHOUDT: That would be great.

8 MR. MANES: The design in terms of  
9 amassing the heights of the parapet, the  
10 materials, some of the details, the crown  
11 molding, the nature of the windows, the window  
12 openings are consistent among all three  
13 buildings.

14 The challenge was to, you know,  
15 maintain a certain consistency and let each  
16 tenant have it's own identity. So the moldings  
17 are the same as on Mavis as on the retail  
18 building. The vertical siding is consistent  
19 among the three properties. The EIFS colors, the  
20 brick, the pilasters, the horizontal band. I  
21 think this will be steel but on the other  
22 buildings it will be EIFS, an EIFS band. There's  
23 a base on this building, there's a base on Mavis,  
24 a base on the retail building. We have another  
25 one with all three.



1  
2 Did you bring that? It's a little  
3 small but you can see what we tried to do in  
4 terms of carrying the lines through, a similar  
5 massing, the pilasters, the horizontal bands  
6 running through.

7 MR. GALLI: The restaurant in the  
8 front, how high is that?

9 MR. MANES: This one here?

10 MR. OSTERHOUDT: These are consistent  
11 with all three buildings. The lower level is 22  
12 feet and change. On the restaurant, this is 34.

13 MR. MANES: Buffalo has the --

14 MR. OSTERHOUDT: We've got 22 across  
15 Mavis, 22 on the front of Buffalo, 34 at the  
16 highest, 22 on the retail building, and then with  
17 the arched front, that gets up about another 5  
18 feet to 27.

19 CHAIRMAN EWASUTYN: Comments, questions  
20 from the Board Members?

21 MR. MENNERICH: I would just consider  
22 architectural review for the restaurant.

23 CHAIRMAN EWASUTYN: The restaurant?

24 MR. MENNERICH: That's fine with me.

25 CHAIRMAN EWASUTYN: Dave?

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MR. DOMINICK: No.

CHAIRMAN EWASUTYN: John?

MR. WARD: The question I have is the one in Middletown has like an atrium extended out that you can sit out. It's enclosed but is it the same design?

MR. MANES: We haven't really gotten too far into the architectural with the tenant. I do have a covered eating area --

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

MR. MANES: -- on the south side. That would be this thing here.

MR. OSTERHOUDT: On the site plan that would be this area here.

MR. MANES: Facing the mall.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: If there are no questions or comments from the Board, I'll move for a motion to grant ARB approval for the proposed restaurant.

MR. MENNERICH: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich, a second by Frank Galli. I'll ask

1  
2 for a roll call vote starting with John Ward.

3 MR. WARD: Aye.

4 MR. DOMINICK: Aye.

5 MR. MENNERICH: Aye.

6 MR. GALLI: Aye.

7 CHAIRMAN EWASUTYN: Aye.

8 Okay. Jerry, you had some questions  
9 earlier in the evening you wanted to bring up.  
10 Now is a good time to do it.

11 MR. CANFIELD: Pat brought pretty much  
12 all of it up.

13 Back to the phasing as far as the site  
14 grading and all of that, we would need to see  
15 that.

16 I'll be honest with you John, at this  
17 point I'm a little confused as to what actually  
18 is the Board reviewing. You're looking at the  
19 whole site or still looking at the phasing? If  
20 we're looking at the phasing, I think early on we  
21 had the question as well as far as if you're  
22 looking at a phased plan, then how do you refer  
23 to the ZBA for the signage that they're looking  
24 for for the whole site?

25 CHAIRMAN EWASUTYN: Mike, do you have

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an answer?

MR. MANES: I do, yes. That's a good question. To clarify what we're doing -- we had initially presented a plan that showed development of the entire site as one phase. What we're trying to do at this point is to pursue site plan approval for the Mavis only so we can get that going. However, from a SEQRA perspective we would like the Board to consider SEQRA for the master plan, I'll call it, or the overall development so that we're looking at traffic, we're looking at utilities, we're looking at stormwater for the overall project. And obviously signage. We want to go to the Zoning Board, we want to get a variance once. We've been there once but we want to go back one more time for the signage and wrap that up. Our approach is to try and look at this as a master plan approach, address SEQRA from a master plan perspective, but only pursue site plan approval from the Planning Board for phase 1 at this point. Hopefully that clarifies.

MR. CANFIELD: A question to Mike. Do we need a new short form for phased?

1  
2 MR. DONNELLY: If you think there are  
3 environmental issues that are different from the  
4 phasing, it should at least be amended or  
5 corrected if not a new one.

6 CHAIRMAN EWASUTYN: Pat, what's your  
7 position?

8 MR. HINES: I believe the one that's  
9 submitted has it as a single phased project.  
10 That at a minimum should be updated.

11 MR. OSTERHOUDT: So that particular  
12 portion of the EAF, Pat, would be updated to  
13 identify the phasing. Is there any issue or  
14 concern from anyone relative to seeking a SEQRA  
15 determination for the master plan?

16 MR. HINES: That's the way you should  
17 do it.

18 MR. DONNELLY: I think that's a good  
19 idea. I think some of the traffic issues are  
20 unresolved.

21 MR. OSTERHOUDT: Right. Right.  
22 Understood.

23 MR. HINES: They just received the  
24 traffic report on Monday.

25 MR. OSTERHOUDT: I just wanted to

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clarify it.

MR. DONNELLY: I think that makes sense.

MR. HINES: As a suggestion, I'm looking at some of the phased grades here. It looks like there may be some ponding issues created. I'm wondering if you shouldn't take a look at grading the entire site based on that plan and then bring that to a stabilized grass/lawn condition.

MR. MANES: Based on our discussions tonight I'm thinking mass grading the entire site.

MR. OSTERHOUDT: For stormwater.

MR. MANES: Once we're open I don't think we want trucks rumbling by, and excavators. Just mass grade the whole site. Okay. I agree.

MR. HINES: I think that will work with your utilities and your whole phasing plan.

CHAIRMAN EWASUTYN: Jerry, are you comfortable with that?

MR. CANFIELD: Yes, provided we see an as-built when completed --

MR. MANES: Okay.

1  
2 MR. CANFIELD: -- to assure that  
3 elevations are where they are and when it comes  
4 pad time we don't run into further issues.

5 CHAIRMAN EWASUTYN: Okay. So they're  
6 going to grade the entire site, they're going to  
7 amend the EAF. What else do we have that's  
8 outstanding? Traffic?

9 MR. HINES: Traffic with DOT and Ken  
10 Wersted's office. I've provided the applicant  
11 with comments on the stormwater pollution  
12 prevention plan that need to be addressed. The  
13 City of Newburgh flow acceptance letter is a  
14 hurdle that you have to overcome. The Board  
15 can't act until that is received. I don't know  
16 what the status of that is.

17 MR. OSTERHOUDT: You'll have that very  
18 quickly. We submit that to you?

19 MR. HINES: That goes to Jim Osborne's  
20 office with a narrative report on the project  
21 based on the anticipated hydraulic loading,  
22 building square footage or the uses, which ever  
23 one proves out. Jim submits that to the City of  
24 Newburgh and that gets circulated. It can be  
25 time consuming if you don't pursue it with the

1  
2 City of Newburgh. Sometimes there's a disconnect  
3 between when it leaves the Town and goes to the  
4 City and when we get it back.

5 MR. OSTERHOUDT: Okay. But it's fine  
6 if we follow up with them?

7 MR. HINES: I would recommend it.

8 MR. OSTERHOUDT: Very good. Very good.

9 We do have with us this evening Paul  
10 Going from Atlantic Traffic Engineers. Paul  
11 prepared the traffic assessment for the project.  
12 We were prepared to have Paul give the Board a  
13 summary of the traffic investigation.

14 CHAIRMAN EWASUTYN: Why don't we wait  
15 to get a response from Ken Wersted, --

16 MR. OSTERHOUDT: Okay.

17 CHAIRMAN EWASUTYN: -- if you don't  
18 mind, and have them two put their heads together,  
19 and then we'll hear from our Traffic Consultant  
20 as far as the summary.

21 MR. OSTERHOUDT: Sounds good.

22 CHAIRMAN EWASUTYN: We're only hearing  
23 a partial side of it. We're not prepared for it.

24 MR. CANFIELD: John, one other  
25 question. Did we concede -- did you concede that



1  
2 you're going to landscape the whole front in  
3 phase 1?

4 CHAIRMAN EWASUTYN: Yes.

5 MR. OSTERHOUDT: Yes.

6 CHAIRMAN EWASUTYN: John Ward raised  
7 the question and they agreed. That's that.

8 MR. CANFIELD: Okay.

9 CHAIRMAN EWASUTYN: Anything else?

10 MR. OSTERHOUDT: The referral to the  
11 Zoning Board for signage.

12 CHAIRMAN EWASUTYN: Why don't you give  
13 a presentation of what you're looking for, Mike  
14 Donnelly will make note of that, and then we'll  
15 refer it on to the ZBA. I know you outlined that  
16 in your submission letter, but for the record.

17 MR. GALLI: John, I have a question on  
18 that. You're going back to the Zoning Board for  
19 signage and then you're going to go back to the  
20 Zoning Board again to move the building?

21 MR. OSTERHOUDT: We don't know how  
22 that's going to work out with the retail building  
23 at this point. That's something that's in  
24 negotiation with the tenant. We want to talk  
25 about it tonight in case it comes up. We didn't

1 want there to be a surprise or have anybody  
2 looking at us later saying how come this wasn't  
3 brought up if you knew about it. We don't know  
4 if it's going to pan out but we at least wanted  
5 to discuss it with the Board.  
6

7 As far as the signage goes, our  
8 submission included a summary. We'll kind of  
9 walk you through a quick summary on the signage  
10 that we're looking at.

11 Actually, I'm going to start with the  
12 site plan here and talk about the free-standing  
13 sign. We've got a free-standing sign out front.  
14 That sign is 48 -- a little under 49 square feet  
15 per side. It identifies the three facilities.  
16 This is the elevation view of the tenant sign or  
17 of the pylon sign. We're talking about a 15 foot  
18 height. The upper position on the sign would be  
19 for Buffalo Wild Wings. That's a little shy of 4  
20 feet and a little bit wider than 5. Mavis would  
21 be 2 foot 8 inches high and 4 feet wide, and the  
22 tenant sign matches the Mavis sign.

23 So we had looked at this and we thought  
24 about putting another free-standing sign at the  
25 back of the site, at the mall road, because of

1  
2 the access from the mall road. I know code only  
3 allows one free-standing sign. We talked that  
4 over with the client and decided to only pursue  
5 the single free-standing sign as part of the  
6 application even though we do have that access  
7 point back here that's an egress. We felt it  
8 would be asking for a bit much if we tried to  
9 include another free-standing sign. So the only  
10 free-standing sign is up by Route 300.

11 As far as the signage on the buildings  
12 is concerned, I'll flip to --

13 MR. DONNELLY: Is there any variance  
14 required for the free-standing sign?

15 MR. OSTERHOUDT: No. I believe we're  
16 compliant with the free-standing sign.

17 MR. GALLI: What's the overall height  
18 of it?

19 MR. OSTERHOUDT: 15 feet.

20 MR. GALLI: The total sign is 15 feet  
21 high?

22 MR. OSTERHOUDT: Right. 15 to the top  
23 of Buffalo Wild Wings.

24 As far as the building signage, we've  
25 broken it down by use. The Buffalo Wild Wings

1  
2 has a total of six signs, one, two, three, four,  
3 five and six, for a total of 283, almost, square  
4 feet. The Mavis building has the three signs.  
5 So we've got the same sign on each of three sides  
6 of the Mavis building. Those are at 70 square  
7 feet each for a total of 210 square feet.

8 Then on the retail there's two signs  
9 proposed on the retail space. We've got one on  
10 the south elevation and we've got one on the east  
11 elevation. That would total 180 square feet.

12 So overall the signage package includes  
13 almost 771 square feet of signage. Allowable  
14 signage for the site, because we have a very  
15 narrow yet deep site, we've got roughly 286  
16 lineal feet of frontage along 300 and then we've  
17 got the 50 feet of frontage along the mall road.  
18 That equates to roughly 168 square feet of  
19 allowable signage. It's fairly limited given the  
20 geometry of the site.

21 So the relief we're asking for from the  
22 Zoning Board is fairly substantial but it's  
23 similar to the application that was previously  
24 before the Board for this project -- site. Not  
25 for this project but for this project site. We

1  
2 understand we need a variance from the Zoning  
3 Board for that. We would respectfully request  
4 that the Board consider granting us a referral to  
5 the Zoning Board this evening so we could pursue  
6 that.

7 CHAIRMAN EWASUTYN: Mike, do you want  
8 to give us a presentation on that?

9 MR. DONNELLY: Sure. You have a  
10 letter, John, that you gave to me from the  
11 applicant dated July 13th. It outlines the sign  
12 variances that are required in terms of area.  
13 What I will do on behalf of the Board is attach  
14 this to my letter and simply put the total sought  
15 and the total allowed but the break down would be  
16 in the letter. With your direction I will send  
17 that letter to the Zoning Board.

18 You will still, of course as before,  
19 need to apply directly to the Zoning Board but  
20 they would have a letter from this Board.

21 We still have the issue of SEQRA, but  
22 they could, as they did before, handle it on an  
23 uncoordinated basis.

24 CHAIRMAN EWASUTYN: Is the Board in  
25 agreement?

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MR. GALLI: Are there any interior signs?

MR. OSTERHOUDT: Window signs?

MR. GALLI: Road signs.

MR. OSTERHOUDT: There will be some directional signage, yes.

That's exempt I believe, Jerry?

MR. CANFIELD: No. The signage ordinance does have square footages allowable for directional signs, but you should include them.

MR. OSTERHOUDT: Okay.

MR. CANFIELD: It's a good point, Frank. I'm sure the Zoning Board will pick up on that and question you on that.

MR. MANES: So that will come out of --

MR. CANFIELD: The total.

MR. MANES: It will be additional?

MR. WARD: Like one way, do not enter.

MR. HINES: Those don't count.

MR. WARD: I'm teasing.

MR. HINES: If they're a certain size then they don't count. If you read the ordinance you'll see. I think it's 2 square feet or directional signs don't count.

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MR. GALLI: That's all.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Nothing.

MR. DOMINICK: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: I'll move for a motion then that Mike Donnelly prepare a letter to the ZBA for the necessary signage variance, and that's based upon the submission letter received from Bohler Engineering. What's the date on that letter?

MR. DONNELLY: July 13th.

CHAIRMAN EWASUTYN: July 13, 2015.

MR. DOMINICK: So moved.

MR. WARD: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

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Okay, gentlemen.

MR. DONNELLY: John, do I have this letter in my packet or can I hang on to it?

CHAIRMAN EWASUTYN: You can hang on to it.

MR. OSTERHOUDT: So I guess before we wrap up, if I could just steal another couple minutes of your time and talk about next steps. It sounds like we need to address some comments and as far as the venue to do that.

Pat, does it make sense to maybe come in for the consultant workshop meeting to go through some of that stuff, discuss the grading? We can bring in the grading for the phasing plan, maybe go through that?

MR. HINES: We can do that. Ken Wersted may be available at that time to have traffic comments, if any.

CHAIRMAN EWASUTYN: What's the date on that now?

MR. HINES: It will be Tuesday.

MR. OSTERHOUDT: The 26th is it?

CHAIRMAN EWASUTYN: I seem to remember the 27th.



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MR. DONNELLY: The 28th of July.

MR. HINES: The 28th.

CHAIRMAN EWASUTYN: Okay. Mike, are you available?

MR. DONNELLY: I'm not but I'm sure they can do it without me.

CHAIRMAN EWASUTYN: Then we'll move for a motion to set this up for a consultant work session for the 28th of July.

MR. MENNERICH: So moved.

MR. GALLI: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

MR. HINES: That will be at 1:00 --

MR. OSTERHOUDT: 1:00.

MR. HINES: -- here.

MR. OSTERHOUDT: Very good. Thank you.

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I think that covers it.

MR. MANES: That's it.

MR. OSTERHOUDT: Thank you for your  
time.

(Time noted: 7:55 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.

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DATED: July 31, 2015