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

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In the Matter of

LANDS OF DOMINICK SCAGLIONE
(2006-52)

Route 9W and Atwood Drive
Section 43; Block 3; Lot 35.4
R-1/O Zone

----- X

PUBLIC HEARING
TWO-LOT SUBDIVISION

Date: March 29, 2007
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
EDWARD T. O'DONNELL, JR.

J. LEO GLYNN
ALSO PRESENT: NORMA A. JACOBSEN
MICHAEL H. DONNELLY, ESQ.
EDWIN GARLING
BRYANT COCKS
PATRICK HINES
KAREN ARENT
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: GERALD ZIMMERMAN

----- X

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

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CHAIRMAN EWASUTYN: Good evening, ladies and gentlemen. I would like to welcome you to the Town of Newburgh Planning Board meeting of the 29th of March.

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

MR. GALLI: Present.

MR. MENNERICH: Present.

MR. O'DONNELL: Present.

MR. GLYNN: Here.

CHAIRMAN EWASUTYN: Myself present.

The Town of Newburgh Planning Board and the Town residents are being represented tonight by a group of professionals who make recommendations to the Planning Board. I'll ask that they introduce themselves at this time.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

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

MR. GARLING: Ed Garling, Garling Associates, Consulting Planners.

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MR. COCKS: Bryant Cocks, Garling Associates.

MS. ARENT: Karen Arent, Landscape Architectural Consultant.

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

MS. JACOBSEN: Norma Jacobsen, Secretary to the Planning Board.

MS. CONERO: Michelle Conero, Court Stenographer.

CHAIRMAN EWASUTYN: At this time I would like to turn the meeting over to Leo Glynn.

MR. GLYNN: Good evening. The Board invites you to stand and join us as we salute the flag of our country.

(Pledge of Allegiance.)

MR. GLYNN: Thank you.

CHAIRMAN EWASUTYN: The first item of business we have this evening is the lands of Dominick Scaglione. It's a public hearing for a two-lot subdivision located on Route 9W and Atwood Drive. It's in an R-1 zone district and it's being represented by Gerald Zimmerman.

At this time I'll ask Mr. Mennerich to

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read the notice of hearing.

MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to Section 276 of the Town Law on the application of lands of Dominick Scaglione for a two-lot subdivision on premises Route 9W and Atwood Drive in the Town of Newburgh, designated on Town tax map as Section 43; Block 3; Lot 35.4, Zone R-1/0. Said hearing will be held on the 29th day of March 2007 at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7:00 p.m. at which time all interested persons will be given an opportunity to be heard. By order of the Planning Board of the Town of Newburgh. John P. Ewasutyn, Chairman, Planning Board Town of Newburgh. Dated February 27, 2007."

MS. JACOBSEN: Mr. Chairman, the applicant's representative sent ten registered letters and ten signed receipts were returned. The notice of hearing was published in The Sentinel on March 20, 2007, in The Mid-Hudson

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Times on March 21, 2007. The mailings and the publication are all in order. Thank you.

CHAIRMAN EWASUTYN: Thank you. Before I open up the meeting with Mr. Zimmerman giving his presentation, I'll give the floor to Mike Donnelly, Planning Board Attorney, to speak on behalf of the purpose of a public hearing.

MR. DONNELLY: Good evening. While all meetings of the Planning Board are open to the public, only at certain portions at some meetings does the public participate. This evening we have a public hearing on a subdivision that's about to be introduced and we want to hear from the public. The purpose of the hearing is for you, the members of the public, to bring to the attention of the Planning Board issues its consultants during the review of this project up until this time may not have thought of so that those considerations can be factored into the decision making.

After the presentation is made by the applicant's representative, the Chairman will call upon you to speak. Would you kindly come forward close enough that you can be heard. If

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you would tell us your name and address, and spell your name for our Stenographer so she can get it down correctly, we would appreciate that. We would ask you to direct your comments to the Members of the Planning Board, and if you have questions the Board will direct those to the applicant's representative or the appropriate consultant as the case may be.

CHAIRMAN EWASUTYN: Thank you.
Mr. Zimmerman.

MR. ZIMMERMAN: Good evening. My name is Gerald Zimmerman, Engineer for the applicant. The property, as the notice indicated, is located on Atwood Lane with its intersection with Route 9W. The property in its entirety is 3.7 acres and the subdivision proposes to subdivide that into two lots. Lot number 1 in the configuration shown will contain 1 acre and lot 2, which would be the balance of the property, would be 2.73 acres.

Both lots will derive their access off of Atwood Lane.

The development plan for the site shows the location of the proposed house for lot number

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1, the location of the proposed well, and the same is true of lot number 2, where the proposed house, well and septic systems are to be located. I have also indicated the location of the driveway which will serve each of the dwellings. Each lot will have -- although the driveways are separate to serve each of the lots, they're clustered together at the intersection with Atwood Lane. So the access point is limited to basically one location.

Basically that's the proposal.

CHAIRMAN EWASUTYN: At this time I'll open the meeting up to the public for any questions or comments.

Give your name and address.

MR. BARBERO: My name is Paul Barbero, that's B-A-R-B-E-R-O, resident of the Town of Newburgh, 597 South Plank Road. I'm here representing a group of people that own the property that abuts this property line due east and also own Atwood Drive.

Our question was that we've not been in any way notified or contacted. I'm a little bit surprised in that we do grant an easement for the

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property as it exists, that 3.7 acres. Our concerns are many but the one that I'm here to address is the maintenance, the development of Atwood Lane as it is owned by us. We have not been approached in any way as to what the proposed maintenance or alteration of what they're proposing to do with the road, the ongoing maintenance, our liability for it.

That's really the main reason that I'm here this evening is to discuss that.

CHAIRMAN EWASUTYN: Mr. Zimmerman, would you care to respond to that question?

MR. ZIMMERMAN: The plan in and of itself doesn't call for any improvement to be made to Atwood Lane. At the present time, as I'm sure you're aware, it's more or less a gravel -- dirt/gravel roadway and that the access to the property is essentially right at the beginning of Atwood Lane and the balance of Atwood Lane does not go out to any other roadway. The limit of access -- the limited use of this private road or private lane is primarily just to provide access at the beginning of the roadway without really any anticipation of these future property owners

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using this road at all. I mean there's nowhere
to go. I mean for the most part it dead ends.
MR. DONNELLY: May I ask a question?
Is there an existing private roadway easement and
maintenance agreement on record?
MR. BARBERO: There's no maintenance
agreement, there's just an easement. The road
does travel through and does go through to
Balmville Road. I mean that's another issue.
Again, I'm looking at two proposed lots
here. I'm assuming in today's atmosphere they're
probably three, four-bedroom homes. I'm not sure
how many people are planning to live there but at
some point we may have four, five cars per house
accessing onto Balmville Road. Again, it's a
concern that is real that I've discussed with my
three other partners that we wanted to come here
and address this evening. Just the maintenance
of the road is a concern to us because up until
now anyone that's been using Atwood Lane has
taken it upon themselves. The couple of houses
are concentrated near Balmville Road and the
small house in existence now has been accessing
off of 9W and they've been taking it upon

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2 themselves to take care of that maintenance on
3 the road. We're talking about snow removal and
4 things like that. So I have not felt the need to
5 address the liability issue as it were until now
6 because this seemingly could completely change
7 the complexion of that road usage.

8 MR. ZIMMERMAN: Let me comment on that.
9 Atwood Lane as it's shown provides access to this
10 lot and to this house. Beyond that point Atwood
11 Lane is not improved or used at all. So any
12 further access to these other properties is --
13 these people can't do that because they're going
14 on private property. Again, and I just want to
15 make it clear, Atwood Lane is intended only to
16 serve this at this location. They can't go
17 beyond that.

18 CHAIRMAN EWASUTYN: Frank, did you want
19 to say something?

20 MR. GALLI: I had a question on Atwood
21 Lane. You said it comes out on Balmville Road.
22 Whereabouts?

23 MR. BARBERO: I think it abuts the
24 existing Holberg property, and I'm not sure who
25 else owns that and I'm not sure I have a map of

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2 it. The map you're showing here does not go
3 through to it but it does go through to Balmville
4 Road, and there may be -- it may be that in
5 existence right now there may be a tree down as
6 there was back in the late '80s when I purchased
7 it. That tree could be rotted and there could be
8 access from -- some of the adult children living
9 in those proposed houses, they may decide they
10 want to access out from there since they are
11 granted an easement to use Atwood Lane. So it is
12 a concern even though right now that may not be
13 the case.

14 MR. ZIMMERMAN: It's not usable,
15 passable. There's a difference in grade. Why
16 these people would want to, or anybody would want
17 to improve that, no one uses it, there isn't any
18 need to use it. The access that takes place onto
19 Balmville Road by these other dwellings, you
20 know, they have perfect driveways, you know. No
21 one uses it.

22 CHAIRMAN EWASUTYN: Mike, would you
23 care to comment at this point?

24 MR. DONNELLY: Generally if this were a
25 brand new subdivision with multiple lots being

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laid out on a private roadway we would look to ensure that the developer record a private driveway -- private roadway easement and maintenance agreement which would share that maintenance among lot owners. This situation is a little unique in that apparently from what I'm hearing at present there are only two homes that utilize it, or two properties, this and another.

MR. BARBERO: There are four.

MR. DONNELLY: For whatever reason at the time of its creation no one looked to record a maintenance agreement. Certainly it would require the two present property owners, one of which we have no control over anyway, it isn't even before the Board if I understand the map correctly, to now share in the cost in maintaining a much longer and presently not used stretch of the roadway seems to perhaps shift the unfairness you're speaking of in the other direction, and that I think goes too far. Certainly I would encourage all the property owners, to the extent they want to use it, to cooperate among themselves and find a fair method of sharing the maintenance. To ask the existing

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two who are up close to 9W to share even proportionately in the entire length doesn't seem an appropriate function for the Planning Board at this time.

MR. BARBERO: My concern is basically not one of maintenance near so much as it is of liability.

MR. DONNELLY: Liability for the condition of the roadway?

MR. BARBERO: For anything. Anything that --

MR. DONNELLY: You own the road bed. Is that what I'm hearing?

MR. BARBERO: We own the road.

MR. DONNELLY: It's a somewhat unusual situation. Your predecessor in title created the situation which enabled others to use it without this, and clearly there's a motive for the two families or the three families that will use it to keep it in a safe and passable condition, but to require something beyond that doesn't seem appropriate.

CHAIRMAN EWASUTYN: The gentleman in the back.

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MR. LeCLAIRE: My name is Roger
LeClaire, I own 14 Atwood Lane. I also own 69
Balmville which I have two shares on Atwood Lane.
I am the maintenance person. I maintain that
road. I decided to stop maintaining it to
Balmville Road in the last four or five years
because of my neighbor, he sold the house and
somebody else owns it now, but there's a white
bilevel right on the corner and he paved it and
added a third car garage and so on. I have to go
down his driveway to go out, and so I've stopped
using that section. It is passable. I have
removed the tree that he said was down and
everything. It is passable. It needs to be
cleaned and graveled again but I have been
maintaining that.

I have the same concern as this other
gentleman. I've been maintaining it all the
time.

My other question is is the subdivision
proper for the size of the lots? I mean is he
allowed properly to have two houses on that.

MR. DONNELLY: It conforms with the
zoning regulations. Yes.

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MR. LeCLAIRE: It conforms with the code. All right.

My concern too was the roadway. I've been maintaining it, plowing it and now I've got two more people that are going to be sharing at least the entrance. Like you say, there needs to be a more formal agreement drawn up.

MR. DONNELLY: Jerry, is there a willingness on your client's part to voluntarily enter into a maintenance agreement since we're talking two driveways for the used section, meaning LeClaire and Theiss, on a fifty-fifty basis? I think it would serve both the purchasers of the lot as well as the existing user as well.

MR. ZIMMERMAN: The applicant is -- the owner is present. Whether, you know --

MR. SCAGLIONE: I'm Dominick Scaglione, owner of the property. Whatever agreement is going to be made for maintenance, this way we can arrange it that kind of if there's any problem. Right now everything is closed.

I'd like to mention we're paving a piece of the end -- that's the driveway. I don't

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know what that belongs to.

MR. DONNELLY: I'm suggesting only that you share maintenance of that section of the roadway that is currently used up to the LeClaire driveway on a fifty-fifty basis and record it in an agreement to that effect. It would require Mr. LeClaire's signature and yours. I think it would be appropriate and fair for you to do that.

MR. SCAGLIONE: We don't have any problem with that.

MR. ZIMMERMAN: I think he would be agreeable to do it. The future owners would need to use this access and some portion of this as well as the existing owners. I think he would be agreeable to that.

MR. DONNELLY: If the applicant is agreeable, and Mr. LeClaire, if you would be agreeable to signing that, we can make that a condition of the approval. I don't think going beyond and imposing a greater maintenance obligation than that is fair under the circumstances.

MR. HINES: Can they relinquish the ability to go to Balmville Road and use --

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MR. DONNELLY: I don't know anything about the state of title. They're saying the stretch that is used at present should be maintained by these people.

MR. LeCLAIRE: I would have to look in my file. I just know that I had a right-of-way for both of my properties, they both border that, to use that road but it never had any maintenance agreement in it or anything. Like I said, I've been maintaining it because I use that road to go out.

MR. DONNELLY: That's what I suggested earlier, the people who will use it have the motive to maintain it. I don't want to see an unfairness created when you become the sole caretaker. Beyond that I don't think there's anything before the Board which would warrant us imposing a further obligation.

MR. ZIMMERMAN: We would be agreeable, yes.

CHAIRMAN EWASUTYN: Additional comments and questions? The gentleman here.

MR. TIERNEY: My name is Mark Tierney, I represent my mother, Ann Tierney at 67

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2 Balmville Road. A hundred percent of her western
3 boundary is along the eastern boundary of the
4 proposed subdivision. I do appreciate Mr.
5 Donnelly's comment that this is an opportunity to
6 bring to you situations that you're unaware of.
7 I have five topics that I wanted to address.

8 Number one is Atwood Lane. As you see
9 on the map, Mr. LeClaire owns what is referred to
10 as 14 Atwood Lane. He also owns the large home
11 to the south of 14 Atwood Lane. I don't know
12 what address that is on Balmville Road. Probably
13 6 --

14 MR. LeCLAIRE: 69.

15 MR. TIERNEY: 69 Balmville Road. Mr.
16 LeClaire's home on 69 Balmville Road has a shared
17 driveway with my mother's property on 67
18 Balmville Road. Mr. LeClaire was wise enough to
19 purchase 14 Atwood some time ago and his tenants,
20 his delivery people and anyone who chooses to has
21 the ability to drive from 9W, down Atwood Lane,
22 through the LeClaire rental property, through
23 LeClaire's home property and down my mother's
24 driveway which is outrageous and we consider
25 trespassing . Now we will have two more homes

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2 doing the same thing. I would ask the Planning
3 Board that unless you have a different idea, the
4 only solution I can see is that the Planning
5 Board insist that LeClaire install a permanent
6 barricade between his residence driveway and his
7 rental driveway to prevent this unimpeded
8 traffic. That's point number one that I'd like
9 to consider. Do you want to take them one at a
10 time?

11 CHAIRMAN EWASUTYN: Since this sounds
12 like it's going to be lengthy, let's approach one
13 at a time.

14 MR. DONNELLY: I have not seen any
15 title reports so I can only go with what I've
16 heard here. I'm hearing that there is a recorded
17 right to use this roadway from 9W to Balmville
18 Road. You're asking the Planning Board to impose
19 a restriction on the use of that recorded right
20 in a section that is not even part of this
21 subdivision. I'm not saying there isn't a
22 disagreement and perhaps an unfairness among the
23 various land owners as to what might happen here,
24 and we have the other unique situation where the
25 road bed owner is not a property owner. I would

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encourage you all to see if there's some solution you can reach. The Planning Board's function is to deal with the current subdivision before it only. No one is disputing the right of this property owner to utilize Atwood Lane to access the parcel. Because what I have heard suggested only two people are actively using it, my suggestion was, and it has been agreed to, and it's a logical suggestion, is that those people agree to share in the maintenance of that roadway for that purpose. What the rest of you want to do and the others who have rights to that roadway choose to do with regard to its use is not a public Planning Board issue, it's a private issue as among you.

MR. TIERNEY: Well I took this opportunity to bring this matter forward because I don't really know any other avenue in which to address it. We will now have two more homes which will have this free access down and through our property which is trespassing. We need a permanent barricade.

Why don't I go on to my point number two. I would ask that there will be a solid

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fence, a solid six-foot fence installed along the eastern part of the property, along the western part of my mother's property to help privacy.

I have a question. Are there any deed restrictions on these homes? Is there any color restriction? Is there any style restriction? Is there any size restriction?

MR. DONNELLY: There is no prohibition for this subdivision on architectural treatment of the homes. I can't comment upon the topo or the plantings in the area as to whether or not some form of screening is required.

MR. TIERNEY: What I would be requesting is that the house siding and the roof color be earth tone colors, that the house style be in keeping with the neighborhood that's surrounded by four turn-of-the-century homes in top condition, the two LeClaire homes, my mother's home and the Curtis home. In that regard perhaps a bilevel or raised ranch would not be appropriate for this location. I would ask that perhaps a minimum square footage be imposed. I would suggest a minute of 2,500 square feet.

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I have a question about the tree-line disturbance. Will there be any tree-line disturbance between this subdivision and my mother's property? I would ask that there would not be. Has there been any consideration for that?

CHAIRMAN EWASUTYN: Mark, we'll direct your comments. You continue on with your questions.

MR. TIERNEY: Thank you. My final comment would be to point out an error in the map which would lead me to further concerns of the origin of the map. My mother's house, it indicates that it's serviced by municipal water and sewer. Everyone knows there's no municipal sewer in that neighborhood. You may need to look at the separation between the proposed well and her septic field which is to the south end of her home.

Thank you, John.

CHAIRMAN EWASUTYN: Jerry, we'll start with the last question first. The Board had discussed that during the work session, that there was an error in noting that there was sewer

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in the area. The Board is well aware of the fact that Balmville Road doesn't have sewer. You would have to make that correction on your map. Do you want to discuss the separation of wells and septic systems as it relates to the surrounding properties?

MR. ZIMMERMAN: We'll have to get the information as to where the septic system is, unless you know.

MR. TIERNEY: It's to the south -- off the south end of the house.

MR. ZIMMERMAN: Here someplace?

MR. TIERNEY: It comes right off here.

MR. LeCLAIRE: 14 Atwood is southwest.

MR. ZIMMERMAN: Well, I'll have to examine that to see if in fact this well needs to be relocated.

MR. LeCLAIRE: The other one might have to too because Atwood runs along that other border facing towards that. I don't know how far off the well is. I'm not sure.

MR. ZIMMERMAN: We showed the septic on your property.

MR. LeCLAIRE: Do you show the house?

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MR. ZIMMERMAN: The house and the septic location. We've examined that. We were under the impression from some information we got in the field that the houses were connected to sewer but apparently not. That being the case, we'll have to revise that, and revise the well location as well if necessary. I will check that.

CHAIRMAN EWASUTYN: Karen, the clearing limit lines, disturbance in that area.

MS. ARENT: They show a clearing limit line around, which is a reasonable clearing limit.

CHAIRMAN EWASUTYN: Can you speak up louder, please.

MS. ARENT: They show a clearing limit line around the house and the proposed leach fields. I'm not sure how thick the vegetation is there because I haven't visited the site but they are showing a limit line. We can request for the engineer to put on the drawing notes that the clearing limit line needs to be fenced with safety fencing before construction begins.

MR. ZIMMERMAN: Okay.

CHAIRMAN EWASUTYN: Concerns about the

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visual impact, Karen. Do you see concerns about the visual impact of the adjoining properties?

MS. ARENT: Unless it's a historic register house I don't know if we have the right to impose any screening requirements.

MR. DONNELLY: The code does not include it from residential to residential. It addresses commercial to residential. Given the large wetland area, and the location of this house up against the property line, and the fact that the other is also located close, if there's some realistic way that something can be done modestly in terms of clearing limits or the addition of some form of landscaping, and frankly it cuts both ways, it's worthy of consideration. I don't know what exists there to know whether or not anything needs to be done. I haven't been out there.

MS. ARENT: I would be happy to check in the field and see if there's something that we should do.

MR. TIERNEY: How about size and style?

CHAIRMAN EWASUTYN: We can't restrict. That's something that Mark had said earlier,

LANDS OF DOMINICK SCAGLIONE

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two-lot subdivisions and the restricting of the size or the type of home doesn't fall under ARB from the Planning Board. If it were ten homes or more we would have that opportunity to comment on it.

MR. TIERNEY: Fencing?

CHAIRMAN EWASUTYN: Karen will inspect that in the field and make a recommendation to the Planning Board.

MR. TIERNEY: Thank you, Mr. Chairman, for your consideration.

CHAIRMAN EWASUTYN: Additional comments from the Board?

MR. MOCKO: I'm William Mocko, M-O-C-K-O, I live at 9 Lester Road and that's between Lester and Atwood Lane. My property backs up to Atwood. The concern I have is when I received the letter it claims the property is on Atwood and 9W. I was just curious if any of that property along 9W, if you do own that, if that's part of it because along 9W it's turned into a dumping ground. Anybody that goes north on 9W, there's usually tractor trailer trucks, there's been a sofa dumped out there for the last at

LANDS OF DOMINICK SCAGLIONE

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least six months. It's the biggest eyesore along there. I was just concerned if it's going to be cleaned up and closed off, the access to 9W?

MR. ZIMMERMAN: The applicant doesn't own any of the property that directly abuts 9W. There are additional property owners.

MR. MOCKO: All right. The letter, the way I read it I thought your property was right to 9W. I figured now would be the time to do something about the mess along there.

MR. ZIMMERMAN: We were concerned about that too, actually.

MR. MOCKO: All right. Thank you very much.

CHAIRMAN EWASUTYN: Additional comments from the public?

(No response.)

CHAIRMAN EWASUTYN: There being no additional comments from the public, I'll turn to our consultants. Pat Hines, Drainage Consultant.

MR. HINES: We had previously addressed wells and septics on the site and were told that the labeling was as such. There is a significant concern with the well on lot 2 should the septic

LANDS OF DOMINICK SCAGLIONE

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for the Tierney residence be south of the house.
So that's going to have to be re-looked at.

We had comments on grading on lot 1.
There's grading required in order to have gravity
flow for the septic system. That has been shown
on the plans.

We previously commented on the access
to the site. We have a plan that didn't give fee
access ownership out to the private roadway.
This plan has been revised.

We do need to see revised plans showing
those septic separation distances complying with
the Public Health Law.

CHAIRMAN EWASUTYN: Bryant Cocks,
Planning Consultant.

MR. COCKS: The applicant has made all
the changes regarding lot layout and access
including he just said the common curb cuts off
Atwood for the two driveways. That was our last
comment.

We also received Planning Department
approval on February 23rd.

CHAIRMAN EWASUTYN: Karen Arent.

MS. ARENT: I will go out in the field

LANDS OF DOMINICK SCAGLIONE

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to see if there's any screening that's necessary as well as check the plans to make sure there's notes in reference to fencing before construction begins.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: No additional comment.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

MR. O'DONNELL: No comments.

CHAIRMAN EWASUTYN: Leo Glynn?

MR. GLYNN: It just seems Mr. Zimmerman is going to have to draw it with field notes put back on it before it comes back before the Board.

CHAIRMAN EWASUTYN: At this time -- Norma, I forget myself, our schedule is mailed out for the 5th or it isn't?

MS. JACOBSEN: It's mailed out for the 5th and the 19th. The next one coming back would be the first meeting in May which I believe would be -- I have to check the book to see what it is.

MR. DONNELLY: Sixty-two days, by the way, would be May 30th. We wouldn't need any waiver if you wanted to close the hearing if the meeting was in the month of May. The first

LANDS OF DOMINICK SCAGLIONE

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meeting in May should be May 3rd.

CHAIRMAN EWASUTYN: Is our agenda printed for the 3rd of May?

MS. JACOBSEN: No. The last one printed was April 19th.

CHAIRMAN EWASUTYN: I'll move for a motion that we continue the public hearing on this until the 3rd of May at which time we'll have an opportunity for Karen to visit the site to make recommendations to the Board and for Mr. Zimmerman to do his field studies.

MR. GALLI: So moved.

MR. GLYNN: Second.

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

MR. O'DONNELL: I have a point. Mr. Zimmerman, when you come back I was wondering just out of courtesy to your neighbors if you would be kind enough to share with them the size of the homes that you intend to build?

MR. SCAGLIONE: Yes.

MR. O'DONNELL: I think that's a legitimate concern to have. I'm sure you'll be

LANDS OF DOMINICK SCAGLIONE

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able to build a house appropriate to satisfy Mr. Tierney.

MR. SCAGLIONE: Today we can't. They request it more than 2,500 square feet today, minimum those homes. Today's market, that's what they buy.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by Leo Glynn. Any further discussion of the motion?

(No verbal response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. O'DONNELL: Aye.

MR. GLYNN: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

MR. ZIMMERMAN: I just wanted to ask one thing. During the field inspection by Karen Arent, if there's information that we need to include in the plan, would you let us know that?

MS. ARENT: Yes. Sure.

CHAIRMAN EWASUTYN: Why don't you try

LANDS OF DOMINICK SCAGLIONE

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to coordinate to have a representative from your office with Karen when she goes out into the field for the benefit of all parties.

MR. ZIMMERMAN: Okay. Thank you.

CHAIRMAN EWASUTYN: I thank you for your participation.

(Time noted: 7:35 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: April 12, 2007

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

----- X

In the Matter of

GOLF STORE - AMENDED ROYAL POOLS
(2002-37)

49 Route 17K
Section 100; Block 5; Lot 1
IB Zone

----- X

AMENDED SITE PLAN
ARCHITECTURAL REVIEW

Date: March 29, 2007
Time: 7:36 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
- EDWARD T. O'DONNELL, JR.
- J. LEO GLYNN
- ALSO PRESENT: NORMA A. JACOBSEN
- MICHAEL H. DONNELLY, ESQ.
- EDWIN GARLING
- BRYANT COCKS
- PATRICK HINES
- KAREN ARENT
- KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: BRENDAN FITZGERALD

----- X

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

GOLF STORE - AMENDED ROYAL POOLS

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CHAIRMAN EWASUTYN: The next item of business we have is the Golf Store - Amended Royal Pools. It's before us for an amended site plan and architectural review. It's located on 17K in an IB Zone and it's being represented by Brendan Fitzgerald.

Brendan, I think for the benefit of time we'll have Bryant Cocks review what was outstanding as far as planning issues; we'll have Karen review what was outstanding as far as ARB; and I believe at this time, once we hear from our consultants and what Mr. Donnelly will recommend for a resolution, we can move in the direction to take an action this evening.

MR. FITZGERALD: Okay.

CHAIRMAN EWASUTYN: I'll start with Bryant Cocks, Planning Consultant.

MR. COCKS: There were two outstanding letters that we needed, one was the determination from the Zoning Board and the other was from the City of Newburgh for sewer flow. We received both of those today. The ZBA made a determination that the shed is allowed to be there but there's no storage of chemicals I

GOLF STORE - AMENDED ROYAL POOLS

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believe. The City of Newburgh approved the sewer flows. Those were the two outstanding issues that were addressed. We just got those today.

The only other thing was just the sign calculation was wrong. You need to double up the pylon sign. It's still below the square footage allowed. That just needs to be changed on the plans.

Other than that, a surveyor's seal and signature which we already discussed.

MR. FITZGERALD: We could update the plans to correct the calculation for the signage and on the final plan we'll submit for your signature, it will be corrected on that plan.

CHAIRMAN EWASUTYN: Thank you, Bryant.
Karen Arent on the ARB.

MS. ARENT: The consultant submitted -- the consultant made all requested changes in reference to the landscape plan. They submitted a cost estimate for \$4,985 which I sent over to the Town Board for their consideration.

The ARB, we reviewed that at the work session previously. Everything complied with our request.

GOLF STORE - AMENDED ROYAL POOLS

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CHAIRMAN EWASUTYN: Okay. Final comments from Board Members. Frank Galli?

MR. GALLI: No additional comment.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

MR. O'DONNELL: No comment.

MR. GLYNN: I have nothing more. Thank you.

CHAIRMAN EWASUTYN: Mike, would you begin to discuss with us the conditions for an approval resolution.

MR. DONNELLY: Let me start with SEQRA. Was this Type II because it's small? There's no further SEQRA action. It's a Type II.

The resolution would be for amended site plan as well as ARB. The specific condition would be the posting of a landscape bond. We'll carry over the conditions of the original approval and incorporate the terms of the ZBA variance, a limitation on outdoor display and sales allowing display only within the fenced-in areas shown on the plan, and the standard ARB condition that requires construction consistent with the approved ARB plans of today's date.

GOLF STORE - AMENDED ROYAL POOLS

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CHAIRMAN EWASUTYN: Having heard the conditions of approval for the site plan and having heard comments from Karen Arent as far as the satisfaction for architectural review for the Golf Store - Amended Royal Pools, I'll move for a motion for approval.

MR. MENNERICH: So moved.

MR. GALLI: Second.

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

(No verbal response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. O'DONNELL: Aye.

MR. GLYNN: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

Thank you, Mr. Fitzgerald.

MR. FITZGERALD: Thank you.

(Time noted: 7:40 p.m.)

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CERTIFICATION

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: April 12, 2007

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

----- X

In the Matter of

SHOPS AT UNION SQUARE
(2007-5)

Route 300 & Orr Avenue
Section 95; Block 1; Lots 36 & 37.2
Section 96; Block 1; Lots 6, 7, 8, 9 & 11.1
IB Zone

----- X

CONCEPTUAL SITE PLAN

Date: March 29, 2007
Time: 7:40 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
- EDWARD T. O'DONNELL, JR.
- J. LEO GLYNN
- ALSO PRESENT: NORMA A. JACOBSEN
- MICHAEL H. DONNELLY, ESQ.
- EDWIN GARLING
- BRYANT COCKS
- PATRICK HINES
- KAREN ARENT
- KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: CHRIS VIEBOCK

----- X

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

SHOPS AT UNION SQUARE

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CHAIRMAN EWASUTYN: The next item of business this evening is the Shops at Union Square. It's a conceptual site plan located on Route 300 and Orr Avenue. It's in an IB Zone and it's being represented by Chris Viebock.

MR. WASNER: Yes. Chris Viebock is here from Langan. My name is Brian Wasner. I'm also from Langan Engineering. I'll actually be giving a short presentation on the project.

In the audience also we have representatives of the applicant, Amadeo Partners; we have the project traffic engineer, John Collins Engineering; and the project attorney from Jacobowitz & Gubits.

The site is on the northwest corner of Union Avenue and Orr Avenue. This is a rendered site plan, the site plan that the submission included. North is oriented to the right side of this board. The site is just south of the Lowe's shopping center and it's across the street from Home Depot. It is seven lots that comprise a total of 11.8 acres. It includes the Cosmo's lot down here on the corner.

As previously mentioned, it's in the

SHOPS AT UNION SQUARE

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2 Interchange Business Zone, the IB Zone. It's got
3 approximately 575 feet of frontage on Route 300
4 and approximately 1,200 feet of frontage on Orr
5 Avenue.
6 There is a stream that runs through the
7 site, crosses under 300. There are wetlands
8 associated with that stream that have been
9 delineated and submitted to the Army Corp of
10 Engineers for a jurisdictional determination.
11 The proposed project is to construct
12 five buildings in addition to maintaining the
13 existing restaurant and retail space down here on
14 the corner, the Cosmo's and the Sprint store.
15 The five buildings would total 70,678 square
16 feet. One of the buildings is identified as a
17 restaurant, the other buildings are identified as
18 retail A, B, C and D. They are all one-story
19 buildings except for retail D which is identified
20 as a two-story building.
21 Access would be provided from four
22 locations on this plan. One location would be
23 from Route 300. There are currently four access
24 points along Route 300. We're going to
25 consolidate those into one. There will be two

SHOPS AT UNION SQUARE

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access points from Orr Avenue. One would be at the location of the existing Cosmo's driveway, the other would be a driveway at the very rear of the site that would primarily be used for loading and truck traffic. There's also a connection proposed to the existing Lowe's shopping center that would provide contiguous access from the shopping center all the way through to this proposed shopping center.

The connectivity of the roadway through to the Lowe's center is very important to the retail tenants that are envisioned to occupy this site. The two retail tenants that are shown on the northerly portion of the site are larger tenants and they're more compatible with the shopping center of Michael's and Barnes & Noble and Lowe's whereas the smaller retail and restaurant pads are linked down with Cosmo's.

The natural divide is the stream through the site. There's almost two flavors, if you will, of the project in terms of splitting that up.

The project has approximately 430 parking spaces and they are focused around each

SHOPS AT UNION SQUARE

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2 individual retail tenant, laid out more or less
3 for what we anticipate the tenants will require
4 in terms of the type of use and the type of
5 parking that they will need.
6 There is a sidewalk proposed that will
7 connect 300 all the way into the Lowe's site.
8 The sidewalk also will connect each of the retail
9 at various points up through the site so that
10 customers can use their feet instead of their
11 cars to get around from place to place.
12 In terms of signage, we envision there
13 will be one pylon sign down here at the main
14 entrance from Route 300. There will be two
15 smaller identification signs at the smaller
16 entrance for people to use. These are small
17 identification signs on the order of three square
18 feet that are permitted by code.
19 In terms of grading and drainage,
20 there's a twenty-foot grade change down from
21 Lowe's down to the stream. We'll have to flatten
22 out that area in order to make it usable for
23 parking and pedestrians. That will require some
24 retaining walls at the lower end of the site
25 around the stream. These retaining walls will be

SHOPS AT UNION SQUARE

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2 on the order of three to fifteen feet depending
3 on what location we're talking about. There
4 would be two stream crossings, one here in the
5 middle to link up the two sides of the retail.
6 There would also be a stream crossing back here
7 for the rear driveway. There are culverts nearby
8 at 300. There are also several culverts along
9 here for the existing driveways on Orr Avenue.
10 So there's a precedent for it and we believe we
11 have a good feel for the water coming through
12 there.

13 We have preliminarily designed the
14 stormwater management system in accordance with
15 the New York State Regulations. We have some open
16 basins here as well as in the corner here. We
17 will have underground detention to manage the
18 quantity of water in addition to managing the
19 quality of the water being discharged.

20 We do anticipate that we'll have
21 approximately .09 acres of wetland disturbance.
22 They're primarily associated with the crossings
23 but also there will be a small disturbance along
24 the rear of the building to get to the loading
25 area of the building. We tried to maintain -- we

SHOPS AT UNION SQUARE

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2 have maintained actually in this plan the
3 majority of the wetland pocket here as well as
4 the majority of the forested area along Orr
5 Avenue.
6 In terms of sanitary and water
7 distribution, due to all the recent development
8 in the area between Lowe's and Home Depot and
9 everyone else, there's very good mapping
10 available for the water available in 300 as well
11 as the sanitary sewer. We were able to identify
12 them and believe we can connect to them without
13 much difficulty.
14 I think that is the basis of my
15 presentation. We realize this is a work in
16 progress. We attended the workshop earlier and
17 heard some of the comments. We have received the
18 review letters and believe we can address a lot
19 of the comments.
20 One of the things we wanted to make you
21 aware of is this front area has been the biggest
22 work in progress, if you can say that, on the
23 site. We're currently trying to figure out ways
24 to rework that. I think if we can come up with a
25 better solution here that will address a lot of

SHOPS AT UNION SQUARE

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2 the comments that the consultants raised earlier
3 and the Board Members raised earlier.
4 We would welcome the opportunity to
5 work with the Board Members -- the consultants,
6 excuse me, to see if we can come to an amicable
7 resolution of those issues.
8 CHAIRMAN EWASUTYN: At this point I'll
9 turn to our consultants for their comments.
10 Generally speaking the Board doesn't refer
11 projects for consultant meetings until we have
12 conceptual approval. I think as you heard during
13 our work session, we may not be at that point
14 this evening to grant conceptual approval.
15 I'll turn to our consultants for their
16 comments. I'll start with Ken Wersted, Traffic
17 Consultant.
18 MR. WERSTED: Per our review we asked
19 that a traffic study be prepared. We also
20 conferred with the connection of the site to the
21 Lowe's parcel.
22 The access of this internal road out to
23 Route 300, we questioned the need for full access
24 and asked that turn restrictions be looked at at
25 that location.

SHOPS AT UNION SQUARE

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Given the access to the Lowe's signal just to the north and also the Orr Avenue signal, we recommend that a signal likely isn't needed there because of that access to the north and the south.

We also questioned the traffic flow between retail C and D and the compactor locations, the need for two drive-through lanes for retail C and two bypass lanes around there.

We also noted that there's a number of signs that can be consolidated on site.

There's also a retaining wall proposed at the very back end of retail A, whether access should be provided at a minimum for pedestrians around that. That will probably be looked at by another department, perhaps the fire department and codes.

Our last comment had to do with the parking in this lower area. There's approximately 64, 65 spaces provided for retail C and approximately 88 I believe for the proposed restaurant leaving a remainder of 59 spaces for the Cosmo's, the existing retail and also retail D. With that it's showing a shortage of parking

SHOPS AT UNION SQUARE

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2 in that area when you add up the required for
3 those uses.
4 That was the extent of our comments.
5 CHAIRMAN EWASUTYN: Thank you. Karen
6 Arent, Landscape Architect.
7 MS. ARENT: Wherever it's possible to
8 preserve trees I think you should locate any
9 trees larger than twelve inches.
10 The parking is shown too close to Union
11 Avenue and Orr Avenue to provide screening.
12 Wherever you're showing new parking next to these
13 roads, it should be pulled back far enough to
14 provide ample screening.
15 The existing condition at the Cosmo's
16 restaurant, we're not going to request that to be
17 changed but look into the possibility of building
18 a free-standing stonewall between the trees to
19 see if that would be a solution to screen the
20 parking.
21 I was asking if the drive between the
22 proposed restaurant and the stream corridor, if
23 that could be reworked to take advantage of the
24 natural beauty of the corridor and orient the
25 restaurant a little bit towards that so that if

SHOPS AT UNION SQUARE

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2 there is any outdoor seating, maybe you would
3 want to consider outdoor seating, that could face
4 a beautiful, natural area.

5 I was also asking for you to look into
6 the fact that there seems to be more parking
7 proposed than is required and possibly eliminate
8 the extra parking spaces, especially in the area
9 -- the lower area that's isolated by the drawing.

10 The sidewalks in front of the building
11 should be at least six feet wide or wider. There
12 needs to be space for landscape amenities to help
13 soften the big box buildings. Some of that
14 parking should be reworked to provide ample
15 sidewalk space as well as landscaping of the
16 facade.

17 I was also questioning whether a bus
18 stop should be located somewhere within the
19 project site or along Union Avenue. We discussed
20 during work session you should consider with the
21 Department of Planning and speak with the transit
22 coordinator and coordinate any bus stop locations
23 with the transit coordinator.

24 The stormwater management basin,
25 especially since it's in direct public view from

SHOPS AT UNION SQUARE

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2 Route 300, should be designed to be aesthetically
3 pleasing or at least screened.

4 You should include a chart on the
5 landscape plan that lists the quantity of shade
6 trees required, which is one per every eight
7 spaces with the number of parking spaces that
8 you're proposing. These trees have to be
9 immediately within the parking areas. You can't
10 count the trees that are just located along the
11 access drives or any other areas. So parking lot
12 trees have to be in the parking lot in order to
13 be counted.

14 The steep slopes that lead to the
15 wetlands should be planted with shrubs.

16 Architectural street scape amenities
17 will be required.

18 Also, you need to develop a signage
19 plan that allocates proposed signage to each
20 building as well as your pylon signs and compare
21 that to what the Town allows.

22 CHAIRMAN EWASUTYN: Bryant Cocks,
23 Planner.

24 MR. COCKS: Our first comment was in
25 regard to the bulk table. The zone has to be

SHOPS AT UNION SQUARE

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2 listed as an IB Zone and looked at as a shopping
3 center and not an individual retail store. The
4 changes would end up being the minimum lot area
5 should be 5 acres, the maximum lot building
6 coverage should be 30 percent. If it's not, that
7 will have to be changed on the table.
8 The table also says there's one free-
9 standing sign. The other two free-standing
10 monument identification signs I guess you
11 indicated were just directional signs. I didn't
12 know which ones they were. You don't need a
13 variance for those. We do need a detailed
14 signage plan later in the process.
15 Adjacent property owners should be
16 shown on the plans.
17 You also need a location map and
18 surveyor's and engineer's seal and signature.
19 The parking was already discussed by
20 Ken and Karen including going to the Orange
21 County Planning Department to talk to them about
22 bus stops.
23 Ken already discussed access from Orr
24 Avenue and onto Route 300.
25 There should just be signage so that

SHOPS AT UNION SQUARE

1 52
2 customers don't try to go behind buildings A and
3 B up there since it doesn't connect in.
4 The ACLU determination is probably
5 going to take the longest out of all the
6 outstanding agency approvals. We're suggesting
7 you get that in as soon as possible.
8 I was asking the building either next
9 to Cosmo's, is that going to be attached to that
10 building?
11 MR. WASNER: Yes.
12 MR. COCKS: It's going to be actually
13 attached. I wasn't sure.
14 Karen also discussed the buffering from
15 Route 300 of the parking spaces. If that whole
16 area is going to be redesigned we'll review that
17 later.
18 You also provided sidewalks around the
19 whole site. It looks like pedestrian access was
20 pretty good.
21 I'll just ask which of the buildings in
22 back are to be removed? I would assume -- it
23 looks like that white spot but that's a different
24 lot.
25 MR. WASNER: Correct.

SHOPS AT UNION SQUARE

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MR. COCKS: There's two building up there.

MR. WASNER: They would both be removed.

MR. COCKS: My last comment was regarding the drive-through lanes next to the access to Orr Avenue out there. It just looks like it's going to be kind of tight in there.

There's two lanes for the pharmacy. Is that two?

MR. WASNER: Two drive-throughs and a pass-by.

MR. COCKS: We were questioning if there's a need for two drive-through lanes with the pharmacy and maybe if you could redesign it and have it in between those two buildings be an alley. I don't know which way the building is going to be configured. That's all going to be redesigned anyway.

That was it.

CHAIRMAN EWASUTYN: Thank you.
Pat Hines, Drainage Consultant.

MR. HINES: We had some comments on the parking as everyone else did.

The stream traversing the site is a DEC

SHOPS AT UNION SQUARE

1 54
2 class A stream because it's tributary to the City
3 of Newburgh water supply. DEC permits will be
4 required for any activities crossing it. I
5 believe they have a fifty-foot buffer requirement
6 on those class A streams. You need to take a
7 look at that. There's a wetland buffer zone.
8 The Town does not have a wetland buffer of its
9 own. We're looking for a detailed stormwater
10 management report to be submitted.
11 Water supply for the buildings needs to
12 be set up such that when the fire flow water is
13 turned off the potable water is also turned off.
14 I have standard details for that I can provide
15 you with.
16 Water service to the existing Cosmo's
17 and Sprint store should be shown on the plans.
18 Wetland delineation was discussed.
19 We're looking for a survey plan that
20 shows existing lot lines and those to be removed.
21 When I look at the plans it looks like the Cosmo
22 lot line is proposed to remain.
23 MR. WASNER: I believe that is the case
24 actually, yes. There will be a reciprocal access
25 agreement that will allow the shopping center to

SHOPS AT UNION SQUARE

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function as one but the property for Cosmo's will remain in separate ownership than the rest of the properties.

MR. HINES: We've done that. We need to make sure that that works. There's separations and such that need to be made.

MR. DONNELLY: It may create an issue, if those lot lines are changed, in terms of setback. We don't have an approach that treats the shopping center perimeter as the lot line for the purpose of setbacks. So if you maintain those you may have an issue with the building setbacks. We can talk more about it.

MR. WOLINSKI: We understand that. It's just a matter of how this municipality deals with that situation. Various municipalities deal with it differently. Some you just go to the ZBA.

MR. DONNELLY: You're correct.

CHAIRMAN EWASUTYN: For the record would you give your name.

MR. WOLINSKY: Larry Wolinsky, Project Attorney.

MR. HINES: We'll be looking for

SHOPS AT UNION SQUARE

1 56
2 designs of the retaining walls once they're more
3 refined.
4 Just for Ken Wersted's review, the
5 proposed four-way intersection at Lowe's, it's
6 coming up in grade and the retaining wall is
7 there. There is a bit of a sight distance issue
8 there when you're coming out of Lowe's onto
9 there. We need to take a look at that during
10 that review.
11 Bulk tables need to be revised as
12 Bryant had mentioned.
13 The Cosmo's lot remaining has a lot
14 surface coverage which will need to be addressed
15 also.
16 I wasn't here at work session but I'm
17 assuming you talked about traffic at 300 and Home
18 Depot which needs to be addressed.
19 That's all we have of substance. We
20 have more technical comments they have that we
21 can review.
22 MR. DONNELLY: Can I ask one question
23 on the lots? If I understand, there are seven
24 lots at present.
25 MR. WASNER: Correct.

SHOPS AT UNION SQUARE

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MR. DONNELLY: Cosmo's will remain its own. Are you going to consolidate the other six into one so that won't be a problem or is there further consideration?

MR. WASNER: I believe they'll be consolidated into one.

MR. O'DONNELL: Does that mean there's seven or eight?

MR. DONNELLY: It would go from seven lots to two.

CHAIRMAN EWASUTYN: Cosmo's and then the main one.

Comments from Board Members. Frank Galli?

MR. GALLI: I just had a concern about the parking on the other side of that road, the 37 parking spaces, the usefulness of it being so far away from everything and having to cross the road to use that. Maybe trying to reconfigure that someplace else by moving a building or something.

Also, the entranceway in the middle near the Home Depot entrance, I just had a concern and I brought the question up about

SHOPS AT UNION SQUARE

1 58
2 making a right-in/right-out only because of
3 crossing. The traffic there is pretty -- it's a
4 nightmare as it is now without that entrance
5 right there going into Home Depot and coming out
6 of Home Depot. You have one at the light if
7 they're coming from the south and coming from the
8 north. They should be able to make a left in
9 either one or make a right in or left in from the
10 south entrance, or they can make a left coming
11 in. If they pass it they can make a left. I
12 don't see a need to make a left into that middle
13 one. That was basically about it.
14 Then the landscaping in the front and
15 parking in the front of the Cosmo's.
16 CHAIRMAN EWASUTYN: Ken Mennerich?
17 MR. MENNERICH: Now that it's been
18 explained how the lots will be configured, I
19 guess there's going to be a concern about that
20 Cosmo lot. By adding 8,000 square feet more into
21 that lot I'd be concerned about the parking
22 because the parking for the existing seems to be
23 pretty intensely used there. With this large
24 building being added I think it's only going to
25 get worse. I would have a concern about that.

SHOPS AT UNION SQUARE

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CHAIRMAN EWASUTYN: Ed O'Donnell?

MR. O'DONNELL: Seeing that this is a conceptual site plan I would like to give you a little bit of my conceptual ideas on the site. First of all, I think with this particular site you have a rare opportunity to do something great for our Town. I mean it's a perfect site. There's a lot of wooded areas. If you focus on saving the trees and utilizing them, I mean this site could be wonderful.

Secondly, what we've had in the Town is we have had a high usage of stonewalls. I think you ought to focus on using those in your project.

Perhaps most importantly, when you get to pick the design of the buildings, I want the Greenwich, Connecticut design, all right. I don't want Brooklyn. I don't want Newburgh, New York. I want the Greenwich design. So keep that in your thought process as you go through this and you'll have a strong ali here.

CHAIRMAN EWASUTYN: Leo Glynn?

MR. GLYNN: I have nothing at this time. Thank you.

SHOPS AT UNION SQUARE

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CHAIRMAN EWASUTYN: Larry, just to take the opportunity, the Town has now come up with design guidelines. It's our understanding that they'll be adopting them within the next thirty or sixty days. So the Board will have the opportunity to reference them and work with them as a tool in the review process. I think you should begin looking at them. We all have a foundation for making a decision based upon these guidelines.

MR. WOLINSKY: We'll get a copy.

CHAIRMAN EWASUTYN: Thank you.

My only comment, since you had mentioned it, you may or may not want to disclose it now but you said your parking is to accommodate your proposed tenants. Are you at liberty to discuss who these tenants may be for these buildings?

MR. WASNER: I don't believe there are specific tenants. We just know the types of tenants that would want to come here.

CHAIRMAN EWASUTYN: Great. Thank you.

At this point if you would revise your plans and then resubmit, then we'll reschedule

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for the next available meeting.

MR. DONNELLY: John, is it too early to send this to Orange County Planning? Do you want to wait until the concept is revised?

CHAIRMAN EWASUTYN: What do you think, Ed?

MR. GARLING: I would wait because they're going to come up with a lot of small comments that it will then be changed. I would wait.

MR. WOLINSKY: Mr. Chairman, just so everybody is on the same page, what we intend to do next based on tonight's meeting and the feedback we received is that as was disclosed there's a rework in the design going on in that front portion and that will clean up I believe a lot of the comments on the design of that particular area.

The main issue that we really are going to have to focus on going forward, I'll say it collectively for everybody, is the access onto Union Avenue because that is extremely important for this project for a variety of reasons. So what I suggest we do, just so you know, that will

SHOPS AT UNION SQUARE

1 62
2 still be there when we resubmit. However, when
3 we resubmit I think we need to do a much better
4 job of explaining how that can work, why it works
5 well and why it's important. We'll share that
6 with you in our actual written submission and
7 then --
8 CHAIRMAN EWASUTYN: Larry, why don't
9 you take the time now. I think it would be
10 better to plant that seed now, have us think
11 about it from now until the next time you come
12 back, and we can apply that thought process to
13 the action before us. Why wait.
14 MR. WOLINSKY: I'll turn it over to
15 Phil then.
16 CHAIRMAN EWASUTYN: Phil, you have a
17 last name for the record.
18 MR. GREELY: Phillip Greely, John
19 Collins Engineers. We're in the process of
20 completing our traffic study, but just in general
21 what we looked at was some of the existing
22 situations at Home Depot in terms of access and
23 being able to shift some of the traffic movements
24 that occur in this section. We'll present this
25 to your consultant but just for discussion

SHOPS AT UNION SQUARE

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2 purposes what we looked at on an initial basis
3 was by having an access here and possibly
4 signaling it it would allow shifting some of
5 the turning movements. For example, people that
6 may have to go out to Old Little Britain Road to
7 make a left turn would be able to make a left
8 turn here. Of course it would require
9 coordinating the traffic signals but it gave us
10 the opportunity where the volumes here, the
11 turning volumes, would be less in terms of
12 turning numbers. The through traffic would be of
13 course pretty similar to the other two
14 intersections. At this new intersection opposite
15 Home Depot we would have lower turning volumes.
16 So from a coordination standpoint, Orr Avenue and
17 the Lowe's intersections would control the time
18 for the side roads. This gives us the
19 opportunity to take some of the left turns that
20 would have to be done either at Old Little
21 Britain Road, Orr Avenue or at Lowe's and do it
22 at an intermediate location. You'll have to see
23 the analysis to support that but that's where
24 this came from in terms of a possibility. It was
25 because Home Depot's access was already here, a

SHOPS AT UNION SQUARE

1 64
2 way of accommodating this site but also tried to
3 help improve that situation. That's the logic
4 and some of the thinking behind why we proceeded
5 with this plan.
6 CHAIRMAN EWASUTYN: Frank Galli?
7 MR. GALLI: DOT has to approve that
8 light?
9 MR. GREELY: Absolutely.
10 MR. GALLI: So if the light is approved
11 the plan is much better?
12 MR. GREELY: Yes.
13 MR. GALLI: So why don't you explain to
14 us with the right-out and right-in only and if
15 you get the light from DOT then we know it's a
16 better plan for us.
17 MR. GREELY: We'll show both analysis
18 as a right-in/right-out and full access and how
19 it would function. This input is helpful here.
20 There were preliminary conversations with DOT
21 just to see if they would even entertain it and
22 they said they would have to see the study first.
23 They are familiar with the Home Depot access and
24 they thought it at least warranted merit to
25 proceed to look at that.

SHOPS AT UNION SQUARE

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MR. GALLI: The worst case scenario, we know how DOT operates, so --

MR. GREELY: Any other questions, ask them at this time.

MR. MENNERICH: Nothing.

MR. O'DONNELL: Nothing.

CHAIRMAN EWASUTYN: Leo Glynn?

MR. GLYNN: No.

CHAIRMAN EWASUTYN: Ken Wersted, do you want to add anything at this point?

MR. WERSTED: Not at this time. I look forward to reviewing the traffic study and I'll provide more comments at that time.

MR. WOLINSKY: Thank you very much.

MR. GREELY: Thank you.

(Time noted: 8:10 p.m.)

CERTIFICATION

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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: April 12, 2007

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

----- X

In the Matter of

ORANGE COUNTY TRUST COMPANY

(2007-3)

Northeast corner of Noel Drive & North Plank Road

Section 76; Block 2; Lots 1, 2 & 19

B Zone

----- X

CONCEPTUAL SITE PLAN

Date: March 29, 2007

Time: 8:10 p.m.

Place: Town of Newburgh

Town Hall

1496 Route 300

Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman

FRANK S. GALLI

KENNETH MENNERICH

EDWARD T. O'DONNELL, JR.

J. LEO GLYNN

ALSO PRESENT: NORMA A. JACOBSEN

MICHAEL H. DONNELLY, ESQ.

EDWIN GARLING

BRYANT COCKS

PATRICK HINES

KAREN ARENT

KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: THOMAS DePUY

----- X

MICHELLE L. CONERO

10 Westview Drive

Walkkill, New York 12589

(845)895-3018

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CHAIRMAN EWASUTYN: The next item of business is the Orange County Trust Company. It's a conceptual site plan located on the northeast corner of Noel and North Plank Road, it's in a B Zone and it's being represented by Tom DePuy.

MR. DePUY: Orange County Trust is proposing a 2,500 square foot branch bank which will gain its access off of 32 with a joint access point with the existing building of North Plank Associates. It will have a drive-through ATM, two drive-up teller points. Additionally, we will be accessing onto Noel Drive, a secondary access at this point.

From the stormwater standpoint we're looking to sheet flow the water to the front of the property since the contouring acts that way, and we would be looking to treat it with a sedimentation forebay in this area and discharging down onto 32.

Additionally, the overall flow of traffic on the project would be circular, in this manner, in order to access the drive-throughs to the rear of the building.

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CHAIRMAN EWASUTYN: Okay. Thank you, Tom. Tom, we looked at the proposed site plan and we're looking to coordinate it also with the project across the street, the pharmacy, as far as the community character and possibly some changes to locating the building.

I'll begin discussing traffic with Ken Wersted.

MR. WERSTED: On the exit from the site to Noel Drive, we feel that one exit lane would provide enough access rather than two.

The site access to Noel Drive appears to be slightly different on a couple of the sheets. SP-1 and SP-3 show a drive slightly in different locations. You may have to just overlay them and --

MR. DePUY: We'll adjust them when we go further out.

MR. WERSTED: Thank you. It appears there might be a second or an extra bypass lane going around the drive-through area. Take a look at that.

MR. DePUY: Okay.

MR. WERSTED: There is a cross access

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proposed in the front of the site. We recommend that a cross access at the rear of the site also be provided.

MR. DePUY: In this area here?

MR. WERSTED: Correct. We've also previously commented on the next project on the agenda which is across the street from Noel Drive and this site, and we recommended that Noel Drive be relocated to create a better alignment opposite Gidney Avenue. We suggest that this applicant and that applicant work together to make that happen.

MR. DePUY: Okay.

MR. WERSTED: Given that the proposed site and the adjacent site to the south, which is North Plank Real Estate, has an access to Noel Drive which has access to Route 32 via signal, and to the south Helen Avenue I believe -- Helen Terrace.

MR. GLYNN: Helene Terrace.

MR. WERSTED: Helene Terrace. We suggest the common driveway in the center be revised to a right-in/right-out which would clean up the access on Route 32 and prevent a situation

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where vehicles may be stopped on Route 32 waiting to turn left into the site, either into the existing uses or the proposed bank, in favor of using either the signal or Helene Terrace. That was the extent of our comments.

CHAIRMAN EWASUTYN: Karen Arent.

MS. ARENT: The proposed space for screening both the parking and the adjacent residents is much too small. The four feet to grow spruces that start out around four feet wide is way too small. It's way too narrow. You have to figure out a way to provide more buffer space in the rear yard.

The buffer proposed on DOT property for the parking is not acceptable. You can't grow plants tall enough to screen parked cars and also provide sight visibility at the intersection.

The other concern is the grading that's proposed out in DOT property, that you're making a fairly steep slope even steeper. It might be even more difficult to see Route 32 from Noel Drive.

During work session we discussed the possibility of perhaps moving the building

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2 forward and just having green space. Looking at
3 that idea, that might enable you to get your
4 parking in the back as well as enough space in
5 the front and in the rear for the screening that
6 we are requesting. So we would suggest that you
7 look at that possibility.

8 MR. DePUY: What are you looking to
9 eliminate? This parking here?

10 MS. ARENT: Yeah. Perhaps move it to
11 share the two-way drive where you have the nine
12 spaces in the back. Somehow work it with that.
13 That might give you some more space. The problem
14 on the site seems to be the lack of space to put
15 everything. The stormwater management basin
16 between your parking spaces and your property
17 line eliminates the area that we need to screen
18 plantings.

19 We also suggested that perhaps you
20 consider hiring a landscape architect on this
21 project since we are trying to develop a
22 corridor, and now that there's design guidelines
23 you might consider something like that so that
24 you can help this project fit into the community,
25 help develop some more of the public spaces that

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we're looking to develop.

The architectural design of the building and street scape amenities including a stonewall and landscaping should be reviewed before a SEQRA determination with regard to community character. This is a very visible intersection in the Town of Newburgh so we should -- we're looking to take good care to make sure it's an amenity for the Town. That's it.

CHAIRMAN EWASUTYN: Bryant Cocks.

MR. COCKS: Our first comment is that the lot adjacent to the north on Noel Drive is in an R-3 Zone. Since this is a B Zone, that's going to be subject to the new buffering and screening regulations. You're probably going to lose about 25 feet that you're going to have to buffer up on top. I think that would be in conjunction with looking if you want to move the building up like Karen said. It's right on so it's not going to conform. You can get those right off the website now, too.

MR. DePUY: I think that basically would make the lot useless.

MR. COCKS: They adjusted them so that

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smaller lots like this --

MR. DePUY: I thought it was squeezed down smaller on the smaller lots.

MR. COCKS: You'll have to look at that then. If it won't fit I guess you have to go to the ZBA.

We already talked about the screening from the roads and the possible use of stonewalls.

Ken addressed the access drive --

CHAIRMAN EWASUTYN: Bryant, please speak up. You're beginning to swallow your words.

MR. COCKS: Ken discussed the access drive and how that was a good idea.

Also we would like to see the parking lots connected on top. There was a space where you have a trash pad and a generator in there and we wanted to see a connection with the two parking lots.

We were also discussing at the work session the possibility of installing sidewalks in this neighborhood. There's another project across the street and the Planning Board needs to

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discuss whether they want them around this neighborhood since it is connected to a residential area.

CHAIRMAN EWASUTYN: Pat Hines, Drainage Consultant.

MR. HINES: Our first comment was similar, coordinating the two plans with either side of Noel Drive.

DOT approval is required for this project's access.

A utility plan detailing water and sewer to the proposed structure should be provided.

Appropriate notes for Town water and sewer connections.

Mike Donnelly's office for review of the cross easement between this parcel and the adjoining one.

The demolition of the existing structure requires a permit from the building department. Notes to that effect should be added to the plan.

We'll be reviewing the stormwater report once received. Stormwater discharging

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2 from the site may have the same comment for the
3 adjoining parcel on the other side. There's an
4 existing drainage problem at Noel Drive and 32.
5 There's a ponding condition that results there.
6 This project and the adjoining project need to
7 get a handle on where the two 24-inch diameter
8 pipes go and how they discharge because they
9 pond. I know the direction they go but I don't
10 know what happens to them. There is a ponding
11 condition there during significant storm events
12 that both projects need to work together to
13 accomplish fixing.

14 We questioned the sheet flow across the
15 entire site to a curb cut. There could be issues
16 with freezing and thawing and possibly looking at
17 a closed pipe drainage system. Look at that once
18 you do your stormwater.

19 That's what we have on the sketch.

20 CHAIRMAN EWASUTYN: Mike Donnelly,
21 there's been some discussion now and we've gotten
22 an e-mail from Mark Taylor in reference to
23 improvements to this area. Would you bring us
24 along.

25 MR. DONNELLY: There is another project

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2 that's entered into a developer's agreement with
3 the Town to pay its fair share of the cost of
4 making certain improvements to the Gidney Avenue
5 and Gardnertown Road intersection. The Town
6 Board has asked the Planning Board that when
7 other projects come before it that also
8 contribute toward that intersection that's in
9 serious need of some upgrades, that we see if we
10 can calculate what the contribution is in terms
11 of percentage of the total and then look for some
12 cost sharing with those projects as well. Yours
13 appears to be one that probably contributes to
14 that intersection so we need you to work with our
15 traffic consultant to see if we can quantify what
16 that is.

17 MR. DePUY: Okay.

18 CHAIRMAN EWASUTYN: Thank you.

19 Comments from the Board Members. Frank
20 Galli?

21 MR. GALLI: No additional.

22 CHAIRMAN EWASUTYN: Ken Mennerich?

23 MR. MENNERICH: Nothing.

24 CHAIRMAN EWASUTYN: Ed O'Donnell?

25 MR. O'DONNELL: No, sir.

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MR. GLYNN: I have nothing.

MR. DePUY: The only thing is can I
maybe go over the buffer requirement with Garling
Associates directly?

CHAIRMAN EWASUTYN: Certainly.

MR. DePUY: Thank you.

(Time noted: 8:23 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: April 12, 2007

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

----- X

In the Matter of

PROPOSED PHARMACY & BANK DEVELOPMENT
(2006-57)
North Plank Road, Noel Drive and Stanley Place
Section 77; Block 2; Lot 5
B Zone

----- X

SITE PLAN

Date: March 29, 2007
Time: 8:24 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
- EDWARD T. O'DONNELL, JR.
- J. LEO GLYNN
- ALSO PRESENT: NORMA A. JACOBSEN
- MICHAEL H. DONNELLY, ESQ.
- EDWIN GARLING
- BRYANT COCKS
- PATRICK HINES
- KAREN ARENT
- KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: NEIL WILSON

----- X

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

PROPOSED PHARMACY & BANK DEVELOPMENT

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CHAIRMAN EWASUTYN: The next item of business we have is the proposed pharmacy and bank development. It's a site plan located on North Plank Road, Noel Drive and Stanley Place. It's in a B Zone and it's being represented by Neil Wilson.

MR. NEIL WILSON: Good evening. I'm Neil Wilson, I'm the attorney for the Sefflin Company. They are the applicant on this project. With me tonight I have Tom O'Brien who is the project engineer, Mark Wilson who is the project architect. Both of them are with BL Companies. We also have Phil Greely, our traffic consultant.

We last appeared before you in January and we had received preliminary comments from your consultants and from the Board. The primary direction that we came away from that particular meeting was we needed to get our architectural and our sign package in as part of the overall application. That is certainly what we have done.

We've also modified the site plan to include a phasing to allow for the Key Bank to continue in operation during construction as

PROPOSED PHARMACY & BANK DEVELOPMENT

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opposed to trying to relocate them into a project trailer.

What I'd like to do actually is to jump right into the discussion of the architectural since that is one of the principal additions to this particular package. I'd like to call on Mark Wilson to give the introduction.

MR. MARK WILSON: Certainly. Again my name is Mark Wilson from BL Companies. Basically this is a masonry building which is using Walgreen's flagship design. This is the design they like to use everywhere across the United States. Typically that only goes so far. Since we have an addition to this building, which is the Key Bank, we've extended that vocabulary of the use of a brick, which is this here, it's a utility size brick that's custom just for Walgreen's, and the use of premanufactured limestone. That premanufactured limestone creates a base and appears across for the Walgreen's signage. It's used again on the Key Bank side to articulate their signage, the base or the background portion here. So we have this colored brick which is the field of the

PROPOSED PHARMACY & BANK DEVELOPMENT

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background portion here and then the premanufactured limestone which is behind the signage. It's a very nice quality material. These are then accented by a rusticated base or a split-face concrete block which is used to wrap the building, give it a little more human scale if you will. Then we have different colored awnings, one to give the identity for the Walgreen's, they use their typical green, and then the Key Bank which is a red and that's their color.

CHAIRMAN EWASUTYN: Okay. As I said earlier to Larry Wolinsky, the attorney for the Union Square, the Town now has design guidelines. What we're looking to do is to develop our hamlets, and this would be considered a hamlet in the Town of Newburgh, and to find compatibility with the existing residential district and to come up with a design that is in harmony with the overall intersection. We discussed this project somewhat during our work session. I'll let our consultants and Board Members speak on behalf of what we have in front of us.

We'll start with Karen Arent.

PROPOSED PHARMACY & BANK DEVELOPMENT

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MS. ARENT: We're looking for the architecture to have a little more interest and to be a little more in scale with the neighboring community, and so we're looking for more detail and not -- for example, not having such a big long banner of a sign, to look at ways to kind of break that up and make it a little more visually appealing.

I would also -- should we discuss site planning at this time or just architecture?

CHAIRMAN EWASUTYN: I think we'll take advantage of the opportunity to discuss both. Sure.

MS. ARENT: The site should have some street trees out at the front to also help soften it up and give the street a nicer appearance. You should look into the architectural elements or ways to break up that long blank wall. Perhaps think about a metal trellis if there's no space or just -- we'll leave it up to the architect to figure out a way to make that more visually appealing.

MR. MARK WILSON: This wall here?

MS. ARENT: That particularly as well

PROPOSED PHARMACY & BANK DEVELOPMENT

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as the rest of the building which the Board Members will speak more about.

The signage is a big concern. The proposed 25-foot high illuminated box sign, that's overwhelming for this area. You have three road frontages that you're able to use in your calculation to determine signage yet you still exceed the amount that the Town allows. I ask you to look at that because for a project this size the signage is a big number and I think it's much larger in proportion than any of the other projects. We only have two businesses here and over 500 square feet of signage is quite a lot.

Thank you very much for the wall in front of the site. It's very nice. It needs to be further detailed. I would ask you to think about turning the corner so when you're sitting at the intersection across the way -- you really don't see it unless you do turn that corner, so make it nice and curved in that corner. That intersection is where people are really stopped and take a good look at the building, so we should focus on making that as visually appealing

PROPOSED PHARMACY & BANK DEVELOPMENT

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as possible.

I have a lot of specific planting comments which the applicant can understand easily.

I found the lighting plan very difficult to read. I couldn't even find like where the light poles are and how many foot candles are being proposed. That would need to be better drawn so that we can clearly read that.

I would also ask the architect to look at the lighting proposed and maybe make it more -- well, make it more in scale with the building and make it an amenity rather than this huge 25-foot tall poles. That's it.

CHAIRMAN EWASUTYN: Bryant Cocks.

MR. COCKS: Yes. Following Karen's comments on the signage, the sign calculations were wrong. You have to count both sides of the pylon sign, so that increases it to 574 square feet. This still would need to go to the ZBA for a variance. We recommend lowering it anyway.

With regard to parking, the table states it's one space per 150 square feet when it should actually be one space per 200 square feet.

PROPOSED PHARMACY & BANK DEVELOPMENT

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2 There's still 17 spaces required for the bank.
3 The total is 82 and 114 are required. We think
4 that a lot of the parking will be shared with the
5 two uses so we encourage the lesser parking.
6 It's still going to have to go to the ZBA,
7 though.

8 In the demolition plan were you guys
9 planning on using the same access for
10 construction vehicles as for Key Bank?

11 MR. O'BRIEN: They would enter further
12 back on Noel Drive. Because this here is all
13 open right now, this is basically one giant open
14 curb cut, so we're going to basically fence off
15 that area so the bank is going to operate almost
16 like it does today and then they can enter behind
17 it.

18 MR. COCKS: How many parking spaces are
19 going to be there?

20 MR. O'BRIEN: We're basically keeping
21 the existing parking. We're not going to touch
22 it.

23 MR. COCKS: Is it just construction
24 fencing that's being proposed?

25 MR. O'BRIEN: Yes. We're proposing

PROPOSED PHARMACY & BANK DEVELOPMENT

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construction safety fence but we can put up chain link if you'd like.

MR. COCKS: We were discussing it at the work session. The Board liked the more permanent style fence because there are going to be a lot of people walking by and using the site at the same time, not just construction people.

Karen just spoke in regards to the lighting plan. We wanted to look for lowering the height of the lights. Right now the overhead lights are at 25 feet. We're looking at making it more of a pedestrian scale, especially since it's next to a lot of residences.

Fifty feet south of the entrance on Route 32 there's a free standing sign. That would need another variance if there was going to be another sign on there because you're only allowed one.

I was asking if it was necessary for the bank drive-through to have two teller lanes and one bypass lane. It looks like it bottlenecks up. I was just wondering if there's a need to have all three of those lanes. I'm assuming it's an ATM and then two teller lanes.

PROPOSED PHARMACY & BANK DEVELOPMENT

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MR. O'BRIEN: Key Bank has -- this is what they have requested. We provided a bypass lane. I'm not sure of the exact configuration of what each lane is but we could find that out.

MR. MARK WILSON: The one closest actually to the building is the ATM.

MR. COCKS: We also discussed that the Planning Board needs to discuss the need for sidewalks around this site in conjunction with the Orange County Trust Company site.

You guys did actually adjust the buffering requirements for being next to an R-3 Zone, so that meets zoning now.

Karen is looking at the architectural.

Those were all the comments.

CHAIRMAN EWASUTYN: Ed, you were discussing with us during our work session that there's a proposed Walgreen's in the Town of Montgomery.

MR. GARLING: I think it was CVS.

CHAIRMAN EWASUTYN: We were talking about standards that you can change to accommodate the community.

MR. GARLING: Right. Most of these

PROPOSED PHARMACY & BANK DEVELOPMENT

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2 chain drug stores will modify the designs to
3 accommodate the community. In the case of, I
4 pointed out CVS because I was familiar with about
5 four or five different ones that had accommodated
6 the communities in different ways, in each case
7 according to what the community was looking for,
8 and I don't believe that's dramatically different
9 with any of the others if it's requested of them
10 to do that. I know the gentleman who is the
11 architect for The Market Place and a number of
12 other developments that have come before this
13 Board, Saul Silverman, gave a presentation to the
14 Municipal Planning Federation where he discussed
15 that very issue on different scores based on a
16 need for a site. So I think we -- you know, with
17 the design guidelines that will be coming up
18 we're in a good position to request something a
19 little more specifically detailed for what we're
20 looking for.

21 CHAIRMAN EWASUTYN: Okay. Pat Hines,
22 Drainage Consultant.

23 MR. HINES: The plans identify sewer
24 inverts to be determined in the future.

25 Apparently there are some paved-over

PROPOSED PHARMACY & BANK DEVELOPMENT

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manholes in Noel Drive. Those are going to have to be opened up. You have kind of a circuitous route for the sewer behind the building. Make sure that adequate grade exists there.

The location and size of the water service line should be shown.

The detail sheet contains cross blocks. The Town requires drain pipe and an appropriate chart showing how much restrain joint at each bend.

Detail for the water service/fire service connection should be provided consistent with the Town's requirements that potable water be shutoff when sprinklers are shutoff.

Standard parking space detail is needed.

DOT approval for excavation of -- your stormwater pond encroaches into the DOT easement it appears. That will also need to be part of your DOT approval.

That catch basin at Noel Drive which we just discussed with the last applicant is an issue that needs to be resolved.

MR. O'BRIEN: With that, as you know

PROPOSED PHARMACY & BANK DEVELOPMENT

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most of the site is paved or impervious and it all seems to go to that one catch basin. Actually, some of the construction of the site will alleviate that and put it into their sand filter in an on-site system which will work with the storm flows to kind of hold it back a little during those heavy flows. Also, we have this larger screened area so we're hoping that might help alleviate some of that problem.

MR. HINES: It's all going to the same place. It all needs a place to go. We need to find out where that outlet is. One of the two projects or both of you independently are going to have to survey that and show where it goes and what the capacity problem is there. Certainly with the two catch basin inverts there it should take the water from that watershed but it doesn't.

We have some technical comments on the stormwater management plan I know you have.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: Just on the signage, I think with the bank and the pharmacy a lot of it

PROPOSED PHARMACY & BANK DEVELOPMENT

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2 is repeat customers so they're not seeking you
3 out, they don't need to see a 25-foot sign. Bank
4 people, they know where they're going. The same
5 as pharmacy people. I think if you can design
6 your sign to make it look nice for that corridor.
7 Up the street there's an Ethan Allen building if
8 you want to take a look at that, it's a nice
9 building, to give you some ideas.

10 CHAIRMAN EWASUTYN: Ken Mennerich?

11 MR. MENNERICH: Certainly this is an
12 opportunity to improve that area to make a good
13 impression for that area of the Town. I would
14 like to see something a little more in a style
15 that would be more compatible with the community.

16 CHAIRMAN EWASUTYN: Ed O'Donnell?

17 MR. O'DONNELL: The same basic comments
18 as Ken and Frank. This is an opportunity in this
19 part of the Town of Newburgh where we can really
20 make an impression on what it looks like. I
21 think that the Ethan Allen store visually is very
22 attractive. The facility or the building that
23 Ken put together down near the intersection of
24 Gardnertown Road and Gidney Avenue is an
25 appropriate type structure for our Town. I think

PROPOSED PHARMACY & BANK DEVELOPMENT

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2 you've got to get a little bit more into that
3 style as opposed to that style. It's just a
4 little too cold. I mean that looks good next to
5 Shop Rite but it's not what I have in my mind if
6 you know what I'm saying.

7 MR. O'BRIEN: Understood.

8 MR. O'DONNELL: I really think we have
9 to look at this as some stonewalls. I mean a big
10 part of the community, stop light, people sit
11 there. You want them to be impressed with what
12 they're looking at. It's in your hands to do it.

13 CHAIRMAN EWASUTYN: Leo Glynn?

14 MR. GLYNN: We had some question in
15 some of our discussions about how you were going
16 to handle your labor force while they're working
17 on the site and I made the suggestion you get in
18 touch with the property owner where Shop Rite is
19 and possibly rent out some of their parking lot
20 space for your construction workers to park their
21 cars. You certainly can't put them on a highway.
22 You can't leave them on your space. I'm sure
23 they're all not going to use a thumb to get to
24 work. You might consider getting a hold of the
25 real estate people that own that next piece of

PROPOSED PHARMACY & BANK DEVELOPMENT

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property and make arrangements for fifteen or twenty parking spaces for a period of time.

That's all. Thank you.

CHAIRMAN EWASUTYN: Mike Donnelly, would you discuss with Mr. Wilson fair share.

MR. DONNELLY: Two issues if I could.

The first is that the Town Board has entered into an agreement with another developer under which that developer has agreed to pay its fair share contribution toward some defined and engineered improvements to the Gidney Avenue/ Gardnertown Road intersection and has asked us to identify those other projects to make contributions to that when they come before us, to ask those developers, once we've quantified that, to talk to the Town Board about entering into a similar agreement. I think on a fair share basis the contribution is not going to be that painful. Everyone in the community would like to see that accomplished.

Number two, there's variances. Parking is one and the other relates to your signage. We think that perhaps the variance should await being referred to the Zoning Board until the

PROPOSED PHARMACY & BANK DEVELOPMENT

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2 Planning Board concludes that your architectural
3 submission is more in keeping with the design
4 guidelines because I think, relevant to the
5 concern of the Zoning Board, when it looks at the
6 signs is the overall appearance, the
7 architecture. While there would be nothing
8 preventing us from sending you to the Zoning
9 Board for the parking variances now, I think it
10 makes sense to await submission of those until
11 the architecturals are a little closer to the
12 design guideline goals.

13 CHAIRMAN EWASUTYN: Ken Wersted,
14 Traffic Consultant.

15 MR. WERSTED: We looked at the truck
16 turning movements that were proposed and shown on
17 the plans.

18 We've got another additional comment
19 that as a truck exits the loading area it appears
20 that the rear axle may be going over the last
21 drive- through median.

22 In addition to that, this is a new one,
23 just a concern about the truck clearance issue
24 with the canopy extension on the ground.

25 MR. O'BRIEN: The canopy ends right

PROPOSED PHARMACY & BANK DEVELOPMENT

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there. I'll look at that.

MR. WERSTED: From the elevations it appears the canopy extends outside of that.

MR. MARK WILSON: It is extended further out. I believe that's at fourteen feet right now.

MR. WERSTED: Okay. In addition, we noted that the previous project across the street is before us and recommend cooperation between you two applicants to relocate Noel Drive.

The traffic summary that was provided, we're just asking for the supporting materials to that.

CHAIRMAN EWASUTYN: Okay. Thank you.

MR. NEIL WILSON: Thank you.

One last housekeeping type of item.

Are we in a position at this point to consult with your consultants sort of one on one with respect to the various architectural, signage?

CHAIRMAN EWASUTYN: I think at this point -- I don't know what the Board wants to do.

MR. GALLI: What do they want to do?

MS. JACOBSEN: Go to work session.

MR. GALLI: Do they feel it's

PROPOSED PHARMACY & BANK DEVELOPMENT

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necessary? Do the consultants feel it's necessary?

CHAIRMAN EWASUTYN: The question is do the consultants feel it's necessary at this time for a work session on this project or would they rather see the plans revised and then set up for a work session?

MS. ARENT: I would rather see the plans revised.

CHAIRMAN EWASUTYN: Bryant?

MR. GARLING: The next consultants' work session --

CHAIRMAN EWASUTYN: Bryant, what would you prefer?

MR. COCKS: Pretty much all our stuff is laid out in these. They can revise it. I pretty much have it all in here.

CHAIRMAN EWASUTYN: Pat?

MR. HINES: I'm waiting for some more information. Some field work needs to get done.

CHAIRMAN EWASUTYN: I think if you revise your plans architecturally.

MR. NEIL WILSON: Okay. Thank you.

(Time noted: 8:45 p.m.)

CERTIFICATION

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: April 12, 2007

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

----- X

In the Matter of

STEWART AVENUE SENIOR HOUSING
(1999-7)

Stewart Avenue
Section 98; Block 11; Lot 15
Section 97; Block 2; Lot 5.2
IB Zone

----- X

RESIDENTIAL SITE PLAN - SENIOR HOUSING
ARCHITECTURAL REVIEW

Date: March 29, 2007
Time: 8:46 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
EDWARD T. O'DONNELL, JR.
J. LEO GLYNN

ALSO PRESENT: NORMA A. JACOBSEN
MICHAEL H. DONNELLY, ESQ.
EDWIN GARLING
BRYANT COCKS
PATRICK HINES
KAREN ARENT
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: ANTHONY COPPOLA

----- X

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

STEWART AVENUE SENIOR HOUSING

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CHAIRMAN EWASUTYN: The next item of business we have is Stewart Avenue Senior Housing. It's a residential site plan. It's also before us tonight for architectural review. It's located on Stewart Avenue in an IB Zone and it's being represented by Anthony Coppola.

Mr. Coppola, we reviewed this during our work session and we're really looking to sort of take an action tonight to approve the site plan, to approve ARB. I'm going to refer to our consultants now for what may be outstanding. I will then turn to our Attorney, Mike Donnelly, to discuss with us the conditions and the resolution.

MR. COPPOLA: Sure.

CHAIRMAN EWASUTYN: So why don't we do that.

Bryant Cocks, you were waiting for outstanding items on this project.

MR. COCKS: Pretty much the only thing we're waiting for at this time was comments from the jurisdictional fire department. Apparently Winona Lake has a very large ladder truck. They were concerned about access coming into the site.

STEWART AVENUE SENIOR HOUSING

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2 They talked to Jerry Canfield and they indicated
3 to him there was enough room and so the plans
4 were fine with them. I don't have a letter at
5 this time but it was relaying it from Jerry.
6 We'll try to get something from him.

7 Other than that, there's a couple
8 interior building issues with the ambulance that
9 aren't part of the Planning Board approval
10 process.

11 MR. COPPOLA: We sent a letter back to
12 the ambulance corp. I think I copied you on
13 that. He's very hard to get because he's
14 volunteer. I called him and called him and then
15 I just sent a letter out to him. I think we
16 addressed most of his items.

17 MR. COCKS: At this time those are the
18 only things we're waiting for. I think all the
19 planning issues have been addressed.

20 CHAIRMAN EWASUTYN: Pat Hines, do you
21 want to add anything at this point?

22 MR. HINES: Our comments had been
23 addressed previously.

24 The roadway dedication, that needs to
25 be --

STEWART AVENUE SENIOR HOUSING

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MR. DONNELLY: Actually Mark Taylor.

MR. HINES: I do have a copy of the City of Newburgh's signed. I don't know if you got that today.

CHAIRMAN EWASUTYN: Not signed.

MR. HINES: I'll give that to Norma.

MS. JACOBSEN: We got a fax without the signature on it.

MR. COPPOLA: That was the one I sent first and then I got this one later.

MR. HINES: Otherwise our previous comments have been addressed. We were waiting for that resolution from the fire district was the only outstanding comment.

CHAIRMAN EWASUTYN: Comments from the Board Members in reference to the site plan. Frank Galli?

MR. GALLI: You might want to talk to Jerry Canfield as the State of New York adopted a new code for senior housing.

MR. COPPOLA: We did review -- Jerry gave it to Ken Canfield. Ken had two pages of comments in December. We added two fire hydrants, that was a major thing, and increased

STEWART AVENUE SENIOR HOUSING

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the width.

MR. GALLI: This is interior stuff they're adopting, the State of New York.

MR. COPPOLA: We'll talk to Jerry about that.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Ed O'Donnell?

MR. O'DONNELL: Nothing.

CHAIRMAN EWASUTYN: Leo Glynn?

MR. GLYNN: I just hope the beds are soft.

MS. ARENT: John, I had one minor comment. They didn't show cutoffs on the lights by the neighboring property owners. They should just show that.

MR. COPPOLA: The zero-foot candles there. The neighboring --

MS. ARENT: But if you show cutoffs, that source of light --

MR. COPPOLA: It's a directional fixture. It definitely is. It's not spreading lighting.

MS. ARENT: You don't need to show any

STEWART AVENUE SENIOR HOUSING

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cutoffs?

MR. COPPOLA: Well, we have the grid on the site plan, the site lighting.

MS. ARENT: Right. At the property line it's zero-foot candles but I was thinking to cut off the direction of light. If you put a cutoff in the back it would help that.

MR. COPPOLA: Okay. On the fixture itself you're saying?

MS. ARENT: Right.

CHAIRMAN EWASUTYN: Do you want to discuss the conditions of approval in the resolution for the site plan?

MR. DONNELLY: When you granted preliminary approval in February there were a number of conditions. Many of them were satisfied. I'll use this and mention those that remain. Let me begin with what Karen suggested. I assume we want a sign off by Karen that the lighting plan has been -- now has appropriate cutoffs to her satisfaction. That will take care of that issue. We talked about the fire department. Although we have an oral report, I think we want to make the approval subject to the

STEWART AVENUE SENIOR HOUSING

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receipt of the letter so we have it in the file.
Is that what Jerry was suggesting, or was he
satisfied it was okay where it was?

CHAIRMAN EWASUTYN: I think -- Frank,
what was your interpretation?

MR. GALLI: I think he was satisfied on
the answer that he got. He was having trouble
getting it in writing because of the timeframe
and volunteer and stuff.

MR. DONNELLY: That one is satisfied
then. We had said in the preliminary approval
and we will carry it again no building permit for
any structures shall be issued until all site
grading work has been completed to the
satisfaction of the code compliance supervisor.
The usual conditions saying that the
architectural and building plans must be
consistent with the ARB approval. This approval
is conditioned upon Orange County Department of
Health approval for the water main extension.
The Town Board approval for the senior citizen
housing facility had certain conditions in it and
we'll carry those forward. The developer's
agreement that you entered into already with the

STEWART AVENUE SENIOR HOUSING

106

1
2 Town in 2005. You need to furnish the
3 performance security and maintenance guarantees
4 that were required by virtue of that agreement.
5 You had agreed to petition the Town Board under
6 the Vehicle and Traffic Law for the Town to have
7 the right to enforce Vehicle and Traffic Law
8 violations within the private property. You'll
9 need to submit that. You had agreed and we need
10 to see the merger of the parcels into a single
11 one. So there should be a deed, it's really from
12 yourself to yourself but for the purpose of
13 merging into a single parcel because otherwise
14 you don't meet setback requirements. A landscape
15 security and inspection fee, a stormwater
16 improvement security and inspection fee, a water
17 main extension security and inspection fee, the
18 offer of dedication that was mentioned earlier.
19 We now carry a condition in all resolutions to
20 the effect that this site plan approval allows
21 construction only of that which is shown on the
22 plans. No amenities, or accessory structures, or
23 outdoor fixtures including but not limited to
24 walls, mechanical units, dumpsters, et cetera may
25 be constructed, placed or erected except as shown

STEWART AVENUE SENIOR HOUSING

1 107
2 on the approved site plan. Architectural
3 drawings shall carry a certification that what is
4 shown thereon is fully consistent with the
5 approved site plan. We don't want to see
6 fixtures showing up that weren't approved at a
7 later time. There will be a requirement of a
8 payment of a fee in lieu of parkland for the
9 units within the project. That's it.
10 CHAIRMAN EWASUTYN: Thank you.
11 Karen, I'd like to move for a
12 resolution to approve the site plan based upon
13 the conditions in the resolution that Mike
14 Donnelly prepared. I'd also like to move for a
15 motion for architectural approval. Are there any
16 comments or additions you would like to make for
17 ARB?
18 MS. ARENT: The only thing is to be
19 consistent with other projects is if they could
20 label the materials a little better.
21 MR. COPPOLA: On the drawings?
22 MS. ARENT: Yes.
23 MR. COPPOLA: They're on the black and
24 white versions, not the color.
25 MS. ARENT: Not all the materials are

STEWART AVENUE SENIOR HOUSING

1 108
2 labeled on the black and white. Like this swath
3 of single shingles isn't labeled. Just review
4 everything and label everything. That's it.
5 CHAIRMAN EWASUTYN: Okay, Mike?
6 MR. DONNELLY: I'll include that in the
7 sign off.
8 CHAIRMAN EWASUTYN: Okay. Thank you,
9 Mike.
10 I'll move for a motion to approve the
11 Stewart Avenue Senior Housing site plan with the
12 same motion to approve the architectural, the ARB
13 for the subject property subject to the
14 conditions of the resolution that Mike Donnelly
15 had mentioned early on this evening.
16 MR. GALLI: So moved.
17 MR. MENNERICH: Second.
18 CHAIRMAN EWASUTYN: I have a motion by
19 Frank Galli. I have a second by Ken Mennerich.
20 Any discussion of the motion?
21 (No verbal response.)
22 CHAIRMAN EWASUTYN: I'll move for a
23 roll call vote starting with Frank Galli.
24 MR. GALLI: Aye.
25 MR. MENNERICH: Aye.

STEWART AVENUE SENIOR HOUSING

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MR. O'DONNELL: Aye.

MR. GLYNN: Aye.

CHAIRMAN EWASUTYN: Myself yes. So
carried.

Congratulations. It's been a long
time. How many years?

MR. LIPSTEIN: A long time.

MS. JACOBSEN: '99.

MR. LIPSTEIN: I would like to thank
the Planning Board for the help. I'll try very
hard to make it an asset to the Town of Newburgh.
Particularly the consultants at the end that
helped bring the project together, thank you.

(Time noted: 8:55 p.m.)

CERTIFICATION

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: April 12, 2007

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

----- X

In the Matter of

LANDS OF SCATTURO

(2006-13)

Old Post Road

Section 8; Block 1; Lots 97 & 4.1

AR Zone

----- X

EIGHT-LOT SUBDIVISION
LOT LINE CHANGE

Date: March 29, 2007
Time: 8:55 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
- J. LEO GLYNN
- ALSO PRESENT: NORMA A. JACOBSEN
- MICHAEL H. DONNELLY, ESQ.
- EDWIN GARLING
- BRYANT COCKS
- PATRICK HINES
- KAREN ARENT
- KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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

LANDS OF SCATTURO

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CHAIRMAN EWASUTYN: The next item of business we have is the lands of Scatturo. It's an eight-lot subdivision and lot line change located on Old Post Road in an AR Zone. It's being represented by Charles Brown.

MR. BROWN: This is an eight-lot subdivision of an existing 28-acre parcel. It's been before the Board a couple times. The eight lots will be served by an 1,100 square foot private road built by the applicant.

The lots will be served by individual wells and septic.

The major changes since our last submission and review and appearance before the Planning Board were revisions to the stormwater management report and a redesign of the road, based upon the grades and K-factors, at the Planning Board's request.

CHAIRMAN EWASUTYN: Ken, you had an opportunity, at our last meeting it was suggested that you look at the road design. Are you prepared to comment on that at this time?

MR. WERSTED: Yes, I am. We looked at the road design and compared it to the Town of

LANDS OF SCATTURO

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Newburgh code for a private road. The section and profile meet or exceed the Town Code for a private road. The minimum K-value provided is 20. The Town Code does not provide for a minimum, however based on the American Association of State Highway and Transportation officials, a K-value of 20 is considered adequate.

We also looked at the guiderail that's proposed between station 0 plus 50 and 5 plus 20. The location appears reasonable however the proposed guiderail shown on the detail is a steel back wood rail system. That's not a DOT standard. We recommended that a DOT standard guiderail be provided or the necessary documentation be provided that the proposed guiderail has passed some NCHRP number 350 testing.

MR. BROWN: Tested rather than designed. We've used that design in other towns and I have the design that meets the criteria for a guardrail.

MR. WERSTED: If there's some standard it is applicable to, provide us with that

LANDS OF SCATTURO

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documentation.

MR. BROWN: Okay. It's a lot more aesthetic, the wood guiderail with the steel backing.

MR. WERSTED: Yup. In addition, the Town standards require that the intersection of Old Post Road be based on requirements of DOT's policies and standards for entrances to State highways. The radii for the intersection wasn't labeled but it appeared to be less than DOT standards.

MR. BROWN: Less than a 25-foot?

MR. WERSTED: Correct. That should be looked at by the highway superintendent.

CHAIRMAN EWASUTYN: Pat Hines, Drainage Consultant.

MR. HINES: Our first comment referred the plans to Ken because the K-values were much lower last time. I know Charlie was able to revise those.

We have comments on the stormwater. We're concerned about that first 150 foot of roadway discharging down the hill. I think it can be diverted into the stormwater pond even by

LANDS OF SCATTURO

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just a swale based on those grades --

MR. BROWN: We can do the swale.

MR. HINES: -- so that it doesn't get onto the Town roadway.

There's a proposed dry swale along the property line right there. Below where you were pointing. I don't know what the discharge is. Maybe some other practice could be used there with a level spreader.

MR. BROWN: I'll look at that.

MR. HINES: There's houses right there below that. I want to make sure you don't impact those houses.

MR. BROWN: We actually reduced the flow.

MR. HINES: I'm worried about point discharge, when you calculate the numbers when it comes out at the end of a pipe rather than spreading out.

There's an under drain system shown in the detention ponds. Dry detention ponds obviously aren't allowed, so that -- maybe it's supposed to be capped.

MR. BROWN: With a valve. Those will

LANDS OF SCATTURO

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be for draining the ponds.

MR. HINES: That wasn't shown on the details so that needs to be revised.

We couldn't find the discharge model for each of the three detention ponds in there. You showed elevations but there was nowhere where you plugged in the outlet structure to determine that.

MR. BROWN: The discharge head?

MR. HINES: The discharge of each of those.

MR. BROWN: I generated all those.

MR. HINES: That's all we have. It does need revision.

CHAIRMAN EWASUTYN: Thank you. Bryant Cocks.

MR. COCKS: The applicant added stone walls and landscaping as an entryway to the site as requested last time.

He also indicated that the existing barn is to remain on the lot for the future owners to decide. It does stay within the setback lines so it is allowable.

Snow storage easements were supposed to

LANDS OF SCATTURO

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be on there. They said they're on sheet 4. I couldn't see them. I don't know if they just weren't labeled there.

For final approval a surveyor's seal and signature will be needed.

All these are going to need to be filed with Mike Donnelly.

The only two other issues were involving K-values on the proposed road and Pat's comments on grading and the retaining walls. That was it.

CHAIRMAN EWASUTYN: Thank you. Karen Arent.

MS. ARENT: There's a couple of note revisions that need to be made. There are trees shown in Old Post Road right across from the entrance. There's one, two, three, four, five, six -- six of them.

Landscaping proposed in stormwater management areas should specify the botanical common names and sizes.

The landscaping seems very light. I think that the DEC guidelines are very heavy. We need something in between. You need to add more

LANDS OF SCATTURO

1 118
2 landscaping in accordance with DEC guidelines but
3 not to the extent that's recommended.
4 MR. BROWN: Understood.
5 MS. ARENT: White ash is specified
6 which suffers from ash die back. If you want to
7 specify just specify only a few of them but
8 specify more hardy trees that are native
9 indigenous.
10 You need to provide a landscape bond
11 estimate and include all the plantings in the
12 estimate, the street trees and your stormwater
13 management trees. That's it.
14 CHAIRMAN EWASUTYN: Mike Donnelly, is
15 there anything you would like to say at this
16 time?
17 MR. DONNELLY: No.
18 CHAIRMAN EWASUTYN: Frank Galli?
19 MR. GALLI: No additional.
20 CHAIRMAN EWASUTYN: Ken Mennerich?
21 MR. MENNERICH: Nothing at this point.
22 CHAIRMAN EWASUTYN: Ed O'Donnell?
23 MR. GLYNN: Absent.
24 CHAIRMAN EWASUTYN: Thank you, Leo.
25 Leo?

LANDS OF SCATTURO

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MR. GLYNN: Nothing further.

CHAIRMAN EWASUTYN: Pat, the revisions that have to be made at this time, you would like to see them before we take an action?

MR. HINES: Yeah. The ponds are okay in concept. I'm looking for a little more technical detail to make sure they work. I feel comfortable with a negative declaration if that's where you're heading. There are three detention ponds. These are pretty technical details I'm asking for.

CHAIRMAN EWASUTYN: If we move for that motion, we won't set it up for a public hearing until we hear from you everything has been designed to your satisfaction.

Having heard from our consultants and from Pat Hines, I'll move for a motion to declare a negative declaration for the lands of Scatturo. We would wait to get a sign off from Pat Hines before we schedule for the next available date for a public hearing.

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by

LANDS OF SCATTURO

1 120
2 Frank Galli. I have a second by Ken Mennerich.
3 Any discussion of the motion?
4 (No verbal response.)
5 CHAIRMAN EWASUTYN: I'll move for a
6 roll call vote starting with Frank Galli.
7 MR. GALLI: Aye.
8 MR. MENNERICH: Aye.
9 MR. GLYNN: Aye.
10 CHAIRMAN EWASUTYN: Myself. So
11 carried.
12 MR. BROWN: Thank you. We'll submit
13 that directly to Pat and carbon copy to the Town?
14 CHAIRMAN EWASUTYN: Please.
15 MR. BROWN: Thank you.
16
17 (Time noted: 9:05 p.m.)
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CERTIFICATION

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: April 12, 2007

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

----- X

In the Matter of

EASTERN SUNSHINE PROPERTIES - SELF-STORAGE UNITS
(2006-27)
Route 32 and Weyants Lane
Section 35; Block 3; Lot 21
B & IB Zone

----- X

SITE PLAN

Date: March 29, 2007
Time: 9:05 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
J. LEO GLYNN

ALSO PRESENT: NORMA A. JACOBSEN
MICHAEL H. DONNELLY, ESQ.
EDWIN GARLING
BRYANT COCKS
PATRICK HINES
KAREN ARENT
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: CRAIG MARTI

----- X

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

EASTERN SUNSHINE PROPERTIES

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CHAIRMAN EWASUTYN: The next item of business we have is Eastern Sunshine Properties, it's located on Route 32 and Weyants Lane, it's Zoned B and IB. It's a site plan being represented by Craig Marti.

MR. MARTI: Thank you, Mr. Chairman. Since our last appearance before the Board the most significant changes that we've made to the site plan with this submittal were raising the grade along the lower portion of the property to minimize the actual grade change from end of building to end of building which has changed the incremental step from what was proposed to be two feet to the maximum step now being one foot which eliminates the major concern of the grade change. We feel that that -- we've reviewed that with the building systems manufacturers. It's not in excess of their recommendation so we feel that that change basically would address that prior concern that was brought up by the engineering consultants.

The other changes that we made were primarily landscape oriented. We have maintained the hundred-foot setback with regard to the

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adjoining residential lots and we designed the visual barrier in consultation with the landscape architect and in response to prior comments to provide that buffer area, the visual buffer as well as the undisturbed area between the proposed development and the adjoining residential units. We've also clarified some details around the building.

In response to the prior comments, we met with the fire department, they had no problems. We did provide two points of connection for them with two hydrants located in the front portion of the building units. I asked them -- as far as their feedback to you, I suggested a letter, they suggested a phone call. I'm sure whatever conditions were to be placed on me I'll drive whichever resolution and get them in contact with you in either way to confirm their agreement with our proposal.

The New York State DOT was contacted directly by the applicant and it's my understanding that she was going to write a letter to the Board directly and have that faxed I believe yesterday.

EASTERN SUNSHINE PROPERTIES

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The drainage report, Pat had identified some inconsistencies between the computer models and the verbal descriptions. I've discussed that and reviewed the computer model and I'm confident that Pat and I can bring resolution to the technical differences between the model and the presentation in the report.

I would like to suggest or request that the Board proceed with considering the approval of the site plan.

While we're here we also submitted some photo simulations of the existing and the proposed improvements, so I would solicit any feedback with regard to the architectural review that the Board would like to give at this time as well.

CHAIRMAN EWASUTYN: I'm going to start with Pat Hines for outstanding drainage issues that may or may not exist.

MR. HINES: In reviewing the report we found a couple of inconsistencies which are what Craig said. The outlet control detail on the plans was three inches and in the model it was two inches or vice versa. Some minor

EASTERN SUNSHINE PROPERTIES

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coordination issues.

I had an opportunity to discuss this earlier today with Craig. I believe we resolved each of them, so I think with the sign off from my office action could be taken.

CHAIRMAN EWASUTYN: Bryant Cocks, are there any outstanding issues now as far as the new buffering laws as it relates to this site plan?

MR. COCKS: Craig, you just mentioned you're a hundred feet away from what? The house?

MR. MARTI: Right. Actually it's from the property line. The evolution of this project, the current -- Eastern Sunshine Properties owned the existing site as well as the residential area to the south along Berry Lane. The proposals along Berry Lane, which fell within the existing IB Zone, were rather unacceptable to this Board, unacceptable to the applicant and unacceptable to the neighbors, so we went through the process of rezoning that back portion along Berry Lane knowing that there would be a hundred-foot imposition of a setback line between the IB Zone and the residential zone. During the

EASTERN SUNSHINE PROPERTIES

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2 development of the setback buffer law that has
3 evolved over the last year or two, we developed
4 this plan in conjunction with the prior drafts of
5 that law, particularly in the front. The
6 screening requirements along the parking were
7 actually designed to conform with the more
8 restrictive version than was actually adopted.
9 We currently do have a hundred-foot setback from
10 the building to the property line and we have
11 seventy feet of undisturbed area between the
12 property line and the fence, and then we will
13 have a screening -- visual screening and an
14 evergreen buffer which we developed in
15 conjunction with prior landscape comments.

16 MR. COCKS: That was for the buffer.

17 CHAIRMAN EWASUTYN: It does meet it.

18 Okay.

19 Other outstanding planning comments
20 that you have at this point?

21 MR. COCKS: Site lighting details are
22 needed. If there were any retaining walls but I
23 think they were taken out.

24 MR. MARTI: The only retaining wall
25 that remains is a grade change between the back

EASTERN SUNSHINE PROPERTIES

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and front of the building. There's two feet difference between the front and back which the foundation will accommodate that.

MR. COCKS: All our planning issues have been addressed.

MR. MARTI: With regard to the light fixture, the light fixture was specified in a note. I'm not sure if there's a corresponding detail but that can be added to any plans for stamping purposes obviously.

CHAIRMAN EWASUTYN: Ken Wersted, anything outstanding on traffic?

MR. WERSTED: No.

CHAIRMAN EWASUTYN: Karen Arent, landscape architect.

MS. ARENT: I spoke with the consultant earlier today and he informed me that some of the notes are actually on the plans that I requested in my letter. So the notes he has on a separate sheet.

There needs to be minor changes in the way the plant material is specified, and that's clearly delineated in my comment letter.

As far as architectural review, Craig

EASTERN SUNSHINE PROPERTIES

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2 mentioned that the storage company that sells the
3 buildings is comfortable with the one-foot grade
4 change, so I don't think it's necessary to have
5 the line drawn that I thought was necessary
6 previously.

7 The one thing I think that we need to
8 see a little bit better on the images is the
9 sign. I really can't see the sign too good on
10 those images.

11 MR. MARTI: The sign was detailed in a
12 line version on one of the sheets. It basically
13 said sign by owner with a maximum size. It was
14 sheet 5.

15 MS. ARENT: I looked for that.

16 MR. MARTI: It also shows the plantings
17 of, I believe it was some sort of an individual
18 species on the end and some smaller species in
19 front which would be contained within a rock or
20 stonewall enclosure located at the corner of the
21 stonewall which is shown on sheet 2. There's a
22 location of the sign and then the photo
23 simulation. Basically it just showed -- in the
24 corner of the proposed improvements photo it
25 basically says it's self storage. It's located

EASTERN SUNSHINE PROPERTIES

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within the planting bed tucked in the corner of the stonewall.

MS. ARENT: I see the sign on the drawing. I would just request that maybe you consider putting some dimension lines in so we know how big it is, how tall off the ground it's going to be.

MR. MARTI: Well, the actual developer and the owner of the self-storage unit is a different entity than the applicant. I've specified the maximum sign which would conform with the zoning limits and the zoning requirements in square footage. Basically it would depend on any specific company logos as to whether it was a linear nature and shorter or longer or whether it would want to be more square or rectangular. I would like some flexibility as they develop that.

CHAIRMAN EWASUTYN: How do you suggest -- do you want to approve of the ARB except for the signage and when they come --

MS. ARENT: That might be --

CHAIRMAN EWASUTYN: When you finally come to a determination you'll have to come back.

EASTERN SUNSHINE PROPERTIES

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MR. MARTI: Can that be done as part of Karen's review during the building permit process or do we have to come back for the sign only for the Planning Board? I can do it either way.

CHAIRMAN EWASUTYN: Karen, what's your suggestion?

MS. ARENT: I think the Board -- it's up to the Board, if you want to look at the sign and have an opinion.

MR. GALLI: If it conforms within zoning. I would like to see it but I don't know if we have to hold another -- have a whole thing on it.

CHAIRMAN EWASUTYN: We'll take it under Board business I think.

MR. MARTI: That's fine.

CHAIRMAN EWASUTYN: Is that all right?

MR. DONNELLY: That might be a better way.

CHAIRMAN EWASUTYN: Mike, do you want to discuss -- number one, I think what we haven't discussed as a Board is does the Board want to have a public hearing on this. We never went through that part of the review. Frank Galli?

EASTERN SUNSHINE PROPERTIES

1 132
2 MR. GALLI: I would say no.
3 CHAIRMAN EWASUTYN: Ken Mennerich?
4 MR. MENNERICH: No.
5 CHAIRMAN EWASUTYN: Leo Glynn?
6 MR. GLYNN: It's been pretty heavy
7 industrial use of the property anyway. I don't
8 see where there's a big change.
9 CHAIRMAN EWASUTYN: Okay. I'll move
10 for a motion to waive the public hearing for
11 Eastern Sunshine Properties.
12 MR. MENNERICH: So moved.
13 MR. GALLI: Second.
14 CHAIRMAN EWASUTYN: I have a motion by
15 Ken Mennerich. I have a second by Frank Galli.
16 We had discussion so I'll move for a roll call
17 vote starting with Frank Galli.
18 MR. GALLI: Aye.
19 MR. MENNERICH: Aye.
20 MR. GLYNN: Aye.
21 CHAIRMAN EWASUTYN: And myself yes. So
22 carried.
23 Mike, would you give us the outline for
24 conditions.
25 MR. DONNELLY: My notes indicate, and

EASTERN SUNSHINE PROPERTIES

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maybe I'm incorrect, that you have not yet issued a declaration of significance. I may be wrong.

CHAIRMAN EWASUTYN: I know -- thank you -- we declared our intent for lead agency on December 21st.

I'll move for a motion from the Board to declare a negative declaration for Eastern Sunshine Properties.

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 verbal response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. GLYNN: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

Thank you, Mike. If you would give us conditions for approval.

MR. MARTI: Excuse me. Mike, did you

EASTERN SUNSHINE PROPERTIES

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receive the draft of the common driveway access agreement? I know it was prepared by the applicant's attorney. I just want to make sure.

MR. DONNELLY: It's going to be a condition of the resolution. I don't see it in this file but it's possible it didn't reach the file yet.

MR. MARTI: I'll see you get a copy.

MR. DONNELLY: That's the first condition, a requirement of a common driveway easement and maintenance agreement. The DOT sign off which we have received at least in concept.

CHAIRMAN EWASUTYN: Yes.

MR. DONNELLY: A condition that there be no outdoor storage at any time. The usual ARB condition requiring that it be built consistent with the approval. We need a sign-off letter from Bryant Cocks on the lighting details being provided. I'll include in the ARB portion of the approval that this ARB approval shall not constitute approval of the signs shown on the plan which signs shall require revised ARB approval. A landscape security and inspection fee. The requirement of a stormwater security

EASTERN SUNSHINE PROPERTIES

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and inspection fee.

MR. HINES: I need to sign off on the drainage, too.

MR. DONNELLY: And Pat's sign off on the drainage.

CHAIRMAN EWASUTYN: I'll move for a motion to approve the Eastern Sunshine Properties self-storage units subject to the conditions of the resolution that Mike Donnelly has discussed with this Board.

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 verbal response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. GLYNN: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

Conditions of approval for the ARB,

EASTERN SUNSHINE PROPERTIES

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Karen.

MS. ARENT: Just that the signage would be approved at another time.

CHAIRMAN EWASUTYN: Having heard the conditions of approval for ARB, that the signage will be approved at a later time during work session -- during Board business, I'll move for ARB approval for Eastern Sunshine Properties self- storage units.

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 verbal response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. GLYNN: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

(Time noted: 9:18 p.m.)

CERTIFICATION

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: April 12, 2007

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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)
North side of Cronk Road
Section 1; Block 1; Lots 63, 5.3 & 5.1
AR Zone

----- X

THIRTEEN-LOT SUBDIVISION
MULTI-FAMILY SITE PLAN

Date: March 29, 2007
Time: 9:19 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
J. LEO GLYNN
ALSO PRESENT: NORMA A. JACOBSEN
MICHAEL H. DONNELLY, ESQ.
EDWIN GARLING
BRYANT COCKS
PATRICK HINES
KAREN ARENT
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: CRAIG MARTI

----- X

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

LANDS OF HAMMOND

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CHAIRMAN EWASUTYN: The next item is the lands of Hammond. It's a thirteen-lot subdivision and multi-family site plan located on the north side of Cronk Road in an AR Zone and it's being represented by Craig Marti.

MR. MARTI: Thank you, Mr. Chairman. Since our last appearance before the Board we have made significant changes to the drainage patterns or the treatment of the water quality issues with regard to each individual lot as was suggested by the engineering consultant.

We have revised the road drainage system such that it will discharge to an area in the water quality feature in the back of lot 7.

There's a drainage easement which has been shown on the plans. It hasn't been delineated by metes and bounds, and I agree that that will have to be done as a portion of the final approval in conjunction with metes and bounds and dedication of the roadway as well.

LANDS OF HAMMOND

1 140
2 The street trees. There have been
3 changes made with regard to street trees and
4 the utilization of existing trees in
5 conjunction with new trees and the
6 preservation of existing trees. The
7 applicant is actually discussing and will try
8 to whenever feasible relocate trees which
9 need to be removed. Rather than just cutting
10 them down with regard to making room for
11 houses and septics, they're actually looking
12 to relocate them along the roadway area and
13 use those as part of their landscaping plan
14 as well. I had received comments from Karen
15 and we will work with her to incorporate
16 whatever notes that would guide that process
17 in conjunction with bringing in any new trees
18 that are necessary for that.
19 For one point of clarification, it's
20 been presented inconsistently with regard to
21 lot 15 which is not for development at this
22 time. We had provided preliminary perk tests
23 and deep test information which we did.
24 There are buildable areas within this portion
25 of the lot and it does have a fee simple

LANDS OF HAMMOND

141

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2 ownership out to Cronk Road. It's not an
3 easement area over another adjoining lot, it
4 is actually a portion of what will be lot 15.

5 MR. HINES: There is a reference to an
6 easement there, though.

7 MR. MARTI: There is. The easement is
8 in error. What we'll end up doing -- the
9 reference to the easement should have been a
10 reference to a dedication of a right-of-way
11 strip. The deed currently goes to the center
12 line of the road. In conjunction with the
13 dedication along this portion of the property
14 we'll dedicate this portion as well. The
15 easement was a very wrong way to present that
16 previously. I wanted to clarify that there is an
17 actual ownership out to Cronk Road there.

18 The consultants have also identified
19 other sign-offs from other involved agencies
20 which will need to be obtained prior to final
21 approval.

22 At this point in time I would like to
23 request the Board consider that we look towards a
24 public -- if necessary a public hearing during
25 which time we will work with the consultants to

LANDS OF HAMMOND

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2 address any other items which need to be
3 addressed prior to preliminary approval.
4 CHAIRMAN EWASUTYN: Pat Hines, Drainage
5 Consultant.
6 MR. HINES: Our first comment had to do
7 with the right-of-way we just discussed.
8 Roadway dedication parcels from Mark
9 Taylor's office.
10 DEC certification on the wetland
11 boundary.
12 MR. MARTI: It's been some time since
13 the initial boundary delineation. I talked to my
14 biologist about getting him back out there to
15 confirm there's been no significant changes. I
16 have walked the property and it's basically
17 pretty well defined along the bottom of the hill,
18 and then the buffer area extends quite a distance
19 up slope, so I'm really confident that any
20 changes from the current delineation to the
21 future are -- past delineation will be
22 insignificant.
23 MR. HINES: There is no impact to that?
24 MR. MARTI: Right. We don't anticipate
25 any permits other than if they -- the original

LANDS OF HAMMOND

143

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2 delineation had Army Corp of Engineer
3 jurisdiction to the south and then a DEC to the
4 north. The DEC and the Army Corp of Engineers
5 are in such a state of flux that I believe the
6 DEC will probably claim jurisdiction in which
7 case we may be within a buffer area to build a
8 new road where the existing road currently is.
9 So it may be a permit from the DEC which will be
10 necessary but I believe that the delineation
11 itself is good, and we can provide that
12 documentation for you.

13 MR. HINES: The stormwater management
14 has been revised to provide water quality and dry
15 swales on each of the individual lots.

16 The report identifies that they are
17 going to utilize the large wetland areas for
18 water quantity control, and we concur with that
19 analysis.

20 It does require an extended review from
21 the DEC prior to getting your general permit.
22 That is fine.

23 The easement that you had stated on lot
24 7 needs to be described for the discharge from
25 the Town road onto lot 7.

LANDS OF HAMMOND

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CHAIRMAN EWASUTYN: Thank you. Bryant Cocks, Planning Consultant.

MR. COCKS: The applicant previously met all of our comments. We're just awaiting approvals from the Planning Department, Town of Plattekill, the DEC and -- did you go to the Town Board for roadway?

MR. HINES: They got that. We just don't have a copy of that.

MR. COCKS: The applicant added street trees as requested.

MR. MARTI: We did get the approval for the roadway. The documentation, I've asked for it. I haven't seen copies but I'll chase that through the clerk's office.

CHAIRMAN EWASUTYN: Karen Arent, Landscape Architect.

MS. ARENT: Additional street trees should be shown. Provide one tree on each side of the road for every forty linear feet of road. It's fine to use the -- relocate the existing street trees or the existing vegetation but you need to put some kind of note on the drawing.

MR. MARTI: I'll work with you on that,

LANDS OF HAMMOND

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the exact verbiage for that.

MS. ARENT: I think this would still require a bond for those trees to make sure that they all live.

You need to put a note on the clearing and grading plan that requires the disturbance limit line to be staked in the field and safety fencing installed.

MR. MARTI: I know we showed a disturbance line on the plans.

MS. ARENT: Just put that note on there. That's it.

CHAIRMAN EWASUTYN: Okay. Comments from Board Members. Frank Galli?

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Leo Glynn?

MR. GLYNN: Nothing. Thank you.

CHAIRMAN EWASUTYN: Looking for advice from our consultants if they feel that at this point in time the Board could act on the SEQRA determination. Pat Hines?

MR. HINES: I'm okay with the negative

LANDS OF HAMMOND

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declaration.

MR. COCKS: Us too.

MS. ARENT: Yes.

CHAIRMAN EWASUTYN: Having heard from our consultants, I'll move to declare a negative declaration for the thirteen-lot subdivision and multi-family site plan for the lands of Hammond.

You're going to be revising the plans based upon the DEC and getting those loose details together.

MR. MARTI: Yes, we can do that. Hopefully I would be able to do that during whatever time lag would be necessary in the scheduling of a hearing. I understand the next couple of agendas are booking up or are posted.

CHAIRMAN EWASUTYN: Okay. We would set this up for -- just bear with me a second. Scatturo, we acted to set that up for a public hearing also on the 3rd.

MR. DONNELLY: To continue that.

CHAIRMAN EWASUTYN: Scaglione would continue. Same thing. I made the same mistake mentally. Scatturo we're setting for a public hearing on the 3rd. We'll set this up for a

LANDS OF HAMMOND

1 147
2 public hearing on the 3rd of May.
3 I'll move for a motion then to declare
4 a negative declaration for the thirteen-lot
5 subdivision for the lands of Hammond, and the
6 multi-family site plan, and to set it for the 3rd
7 of May for a public hearing.
8 MR. MENNERICH: So moved.
9 MR. GALLI: Second.
10 CHAIRMAN EWASUTYN: I have a motion by
11 Ken Mennerich. I have a second by Frank Galli.
12 Any discussion of the motion?
13 (No verbal response.)
14 CHAIRMAN EWASUTYN: I'll move for a
15 roll call vote starting with Frank Galli.
16 MR. GALLI: Aye.
17 MR. MENNERICH: Aye.
18 MR. GLYNN: Aye.
19 CHAIRMAN EWASUTYN: Aye myself. So
20 carried.
21 MR. MARTI: Thank you.
22
23 (Time noted: 9:25 p.m.)
24
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CERTIFICATION

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: April 12, 2007

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

----- X
In the Matter of

LANDS OF THOMAS V. CHIRIANI
(2007-4)
651 Rock Cut Road
Section 11; Block 1; Lot 4.31
AR Zone

----- X

CONCEPTUAL SKETCH PLAN
TWO-LOT SUBDIVISION

Date: March 29, 2007
Time: 9:25 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
- J. LEO GLYNN
- ALSO PRESENT: NORMA A. JACOBSEN
- MICHAEL H. DONNELLY, ESQ.
- EDWIN GARLING
- BRYANT COCKS
- PATRICK HINES
- KAREN ARENT
- KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: JAMES RAAB

----- X

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

LANDS OF THOMAS V. CHIRIANI

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CHAIRMAN EWASUTYN: The next item of business we have this evening is the lands of Thomas Chiriani. It's a conceptual sketch plan and a two-lot subdivision located on Rock Cut Road in an AR zone.

MR. RAAB: This is a two-lot subdivision located on the westerly side of Rock Cut Road. The common driveway we plan to have between these lots is directly across from East Rock Cut Road.

We've made all the changes to our plans already that the consultants asked for. It's a pretty straight forward two-lot subdivision with a common driveway.

CHAIRMAN EWASUTYN: Comments from consultants. Pat Hines.

MR. HINES: The plans need to be stamped by an engineer. They have a surveyor's stamp.

Common access driveway and maintenance agreements will be required.

Orange County Planning referral.
DPW approval for the driveway.
There's a typo on your septic flows.

LANDS OF THOMAS V. CHIRIANI

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That needs to be addressed.

Note 5 on your septic detail needs to be removed and septic notes need to be modified to require an as-built. It's mostly clean-up stuff.

MR. RAAB: They're all done. The revised plans I just gave to Bryant so he can get it to Orange County DPW and the Planning Department.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant.

MR. COCKS: The only question I had was the driveway to the existing house, does that just stop like that?

MR. RAAB: It stops. Well, if you look at the legend, it stops -- see how I've got it right here, right just past the barn? Right now it just stops past the barn.

MR. COCKS: That's what I thought.

MR. RAAB: It's going to continue.

MR. COCKS: That was our only real issue.

MR. RAAB: We added the sight distances.

LANDS OF THOMAS V. CHIRIANI

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MR. COCKS: Sight distances. That was about it.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: No.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

MR. GLYNN: I have nothing. Thank you.

CHAIRMAN EWASUTYN: I'll move for a motion from the Board to approve the conceptual sketch plan for the two-lot subdivision for the lands of Chiriani.

MR. MENNERICH: So moved.

MR. GALLI: Second.

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

(No verbal response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. GLYNN: Aye.

CHAIRMAN EWASUTYN: Myself. So

LANDS OF THOMAS V. CHIRIANI

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carried.

At this point we'll -- Mike, we can make a SEQRA determination without hearing from the County?

MR. DONNELLY: Yes. You couldn't act until they either reported or the time has run.

CHAIRMAN EWASUTYN: I'll move for a motion from the Board to declare a negative declaration for the two-lot subdivision for the lands of Chiriani.

Can I tentatively set it up for a public hearing later on?

MR. DONNELLY: Yes.

CHAIRMAN EWASUTYN: The 17th of May.

MR. DONNELLY: I'm sure we'll hear back from the County by then, or more than thirty days will pass.

CHAIRMAN EWASUTYN: I'll move for a motion to declare a negative declaration for the lands of Chiriani and to set it up for the 17th of May for a public hearing.

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by

LANDS OF THOMAS V. CHIRIANI

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Frank Galli. I have a second by Ken Mennerich.

Any discussion of the motion?

(No verbal response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. GLYNN: Aye.

CHAIRMAN EWASUTYN: Myself yes. So
carried.

(Time noted: 9:30 p.m.)

CERTIFICATION

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: April 12, 2007

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

----- X
In the Matter of

SECURE PROPERTIES MANAGEMENT
(2006-19)
Lakeside Road
Section 28; Block 1; Lot 18.2
R-1 Zone

----- X

SIX-LOT SUBDIVISION

Date: March 29, 2007
Time: 9:30 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
J. LEO GLYNN

ALSO PRESENT: NORMA A. JACOBSEN
MICHAEL H. DONNELLY, ESQ.
EDWIN GARLING
BRYANT COCKS
PATRICK HINES
KAREN ARENT
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: JAMES RAAB

----- X

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

SECURE PROPERTIES MANAGEMENT

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CHAIRMAN EWASUTYN: The next item of business we have is Secure Properties Management. It's a six-lot subdivision located on Lakeside Road in an R-1 Zone and it's also represented by Jim Raab.

MR. RAAB: It's been quite awhile since we've been before the Board. In the meantime we have basically done everything else that needs to be done with the exception of what Karen put on there -- put on her review sheet. We've done the wetlands delineation and located all that, got that done. Darren has done most of the -- I'd say probably seventy-five to eighty percent of the engineering for this project, if not all of it. It's still a six-lot subdivision, the smallest lot being lot 1 and 2 are 40,000 square feet. Lot 3 and 4 are 67 and 69,000 square feet respectively with lot 5 at 82,500 square feet and lot 6 being 97,000 square feet.

I believe we're at a point here now to move it a little bit forward. I believe most of the comments have been answered from the previous meeting and then some.

CHAIRMAN EWASUTYN: Okay. Thank you

SECURE PROPERTIES MANAGEMENT

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for demo'ing those buildings.

MR. RAAB: That was a condition to us coming back in. It's good to abide by whatever you say.

CHAIRMAN EWASUTYN: Thank you. Bryant Cocks, Planning Consultant.

MR. COCKS: He already addressed all our previous comments. We were just asking if there's any stonewalls removed they could be reconstructed for a gateway entrance. I'm pretty sure he was agreeing to that.

MR. RAAB: I don't see a problem with that.

CHAIRMAN EWASUTYN: You're adding a note as far as the Army Corp of Engineers?

MR. COCKS: Yes.

CHAIRMAN EWASUTYN: Pat Hines.

MR. HINES: Jim, I need you to explain who is going to own that pump station.

MR. RAAB: It's going to probably be what you had suggested. We've already brought it to John Quinn. He's already started the discussion with his attorney. I believe they'll be setting up whatever you said in your review.

SECURE PROPERTIES MANAGEMENT

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MR. HINES: Transportation improvement corporation.

MR. RAAB: I don't believe there's any other way to do it.

MR. HINES: I believe that that requires DEC approval of the sewer main extension also because of the multiple users.

Health Department approval for the water main will be required.

We reviewed the stormwater management report and found that to be acceptable.

We also identified the labeling of the Federal wetlands. That's all we have.

CHAIRMAN EWASUTYN: Karen Arent.

MS. ARENT: The buildings are really close to the property lines.

MR. RAAB: We'll see what we can do but that's a pre-existing condition.

MS. ARENT: Just because I did work on a project with zero lot lines in the Town of Warwick and one of the big considerations on that project was that they had to get an easement in order to paint the house and to take care of it. On these houses you have to go on somebody else's

SECURE PROPERTIES MANAGEMENT

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property just to paint it.

MR. RAAB: I'm not quite sure but if I recall correctly when we did survey I think there's enough room to paint the house, okay.

MS. ARENT: How about the big house?

MR. RAAB: I have to check about that, Karen. I think something happened here between when we first surveyed this. They put an addition on this. I'm not quite sure how it got that close to the property line.

MS. ARENT: I don't really know how to deal with that. I know on another project there was need to get an easement for maintenance. I'll leave that up to Mike.

MR. RAAB: We'll look into the easement. I don't see a problem with that.

MS. ARENT: The houses seem to be really unusually shaped.

MR. RAAB: He basically just squared them all off.

MS. ARENT: Can you show something more reasonable so people have an idea where their front should be located?

MR. RAAB: Well, we can do that. I

SECURE PROPERTIES MANAGEMENT

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2 mean we don't really have any idea what type of
3 architecture is going to go here. I will talk to
4 the applicant and put something together.
5 MS. ARENT: Show a house that's kind of
6 a reasonable shape so people have an idea of what
7 is the front just so it looks right.
8 Then street trees.
9 The areas of existing vegetation should
10 be shown, disturbance limit lines shown, fencing
11 around the stormwater management and planting in
12 accordance with DEC guidelines.
13 CHAIRMAN EWASUTYN: Comments from Board
14 Members. Frank Galli?
15 MR. GALLI: No additional.
16 CHAIRMAN EWASUTYN: Ken Mennerich?
17 MR. MENNERICH: No questions.
18 CHAIRMAN EWASUTYN: Leo Glynn?
19 MR. GLYNN: No.
20 CHAIRMAN EWASUTYN: Recommendations
21 from our consultants in as much as making a SEQRA
22 determination.
23 MR. HINES: The stormwater management
24 has been approved. There's outside agency
25 permits needed that they'll have to get after

SECURE PROPERTIES MANAGEMENT

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preliminary, water and sewer.

CHAIRMAN EWASUTYN: Bryant Cocks?

MR. COCKS: We're fine with it.

CHAIRMAN EWASUTYN: Karen Arent?

MS. ARENT: It's fine.

CHAIRMAN EWASUTYN: Having heard from our consultants, I'll move for a motion to declare a negative declaration for Secure Properties Management for a six-lot subdivision and to set it for the 17th of May for a public hearing.

MR. MENNERICH: So moved.

MR. GALLI: Second.

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

(No verbal response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. GLYNN: Aye.

CHAIRMAN EWASUTYN: And myself yes. So carried.

SECURE PROPERTIES MANAGEMENT

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MR. RAAB: That was a negative dec?

CHAIRMAN EWASUTYN: Negative dec and public hearing.

MR. RAAB: Thank you very much.

(Time noted: 9:38 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: April 12, 2007

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

----- X

In the Matter of

WAL-MART

Update for traffic study

----- X

BOARD BUSINESS

Date: March 29, 2007
Time: 9:38 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
J. LEO GLYNN

ALSO PRESENT: NORMA A. JACOBSEN
MICHAEL H. DONNELLY, ESQ.
EDWIN GARLING
BRYANT COCKS
PATRICK HINES
KAREN ARENT
KENNETH WERSTED

----- X

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

WAL-MART

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CHAIRMAN EWASUTYN: We'll shorten our discussion for the evening but I will bring Ken Wersted up to discuss with us the -- Mike, do you recall one of the conditions in the Finding Statement for Wal-Mart was I think a year after the certificate of occupancy was done that a --

MR. MENNERICH: Traffic study with a dollar figure.

CHAIRMAN EWASUTYN: \$10,000 for that purpose.

MR. WERSTED: Do you want us to do it?

MR. GALLI: Is that enough to redo the parking lot?

CHAIRMAN EWASUTYN: You don't like the parking lot?

MR. GALLI: That parking lot is a mess. The flow of traffic --

MR. MENNERICH: It's difficult to get around.

MR. GALLI: Tractor trailers are still in there.

MS. ARENT: That was the reason for the curvy design, to keep them out.

CHAIRMAN EWASUTYN: Would you discuss

WAL-MART

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with us, because I forget myself, the scope of this traffic report.

MR. WERSTED: The purpose is to basically document what the expanded facility, the as-built facility is generating and compare that to the traffic study that was previously submitted and being reviewed, and also to determine if the proposed mitigation is also operating as expected.

We're going to look at the site driveway coming in to the traffic signal next to the bank and then also the second access that goes out to, I believe it's Liner Drive.

MR. MENNERICH: Can you do that without the credit union finishing their thing there? They were modifying --

MR. WERSTED: So long as they don't have anything that's creating any disruption or unusual traffic going on. If they had to close down the access drive for some reason, that may affect, you know, traffic volumes.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: No.

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CHAIRMAN EWASUTYN: Ken Mennerich?
MR. MENNERICH: No.
CHAIRMAN EWASUTYN: Leo?
MR. GLYNN: No.
CHAIRMAN EWASUTYN: Then I'll move for
a motion to move forward with the traffic update
for the Wal-Mart site plan on Route 300.
MR. MENNERICH: So moved.
CHAIRMAN EWASUTYN: I have a motion by
Ken. Do I have a second?
MR. GALLI: Second.
CHAIRMAN EWASUTYN: Second by Frank
Galli. Any discussion of the motion?
(No verbal response.)
CHAIRMAN EWASUTYN: I'll move for a
roll call vote starting with Frank Galli.
MR. GALLI: Aye.
MR. MENNERICH: Aye.
MR. GLYNN: Aye.
CHAIRMAN EWASUTYN: Aye. So carried.

(Time noted: 9:42 p.m.)

CERTIFICATION

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: April 12, 2007

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

----- X

In the Matter of

NEWBURGH RETAIL DEVELOPERS

Update on traffic signalization

----- X

BOARD BUSINESS

Date: March 29, 2007
Time: 9:42 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
J. LEO GLYNN

ALSO PRESENT: NORMA A. JACOBSEN
MICHAEL H. DONNELLY, ESQ.
EDWIN GARLING
BRYANT COCKS
PATRICK HINES
KAREN ARENT
KENNETH WERSTED

----- X

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NEWBURGH RETAIL DEVELOPERS

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CHAIRMAN EWASUTYN: Do you want to discuss with us -- you had a conversation with Phil Greely in reference to traffic on the LRC Group project and the lighting.

MR. WERSTED: This is the development at the corner of Route 17K and Route 300, the Longhorns and the Chilli's, Starbucks.

MS. JACOBSEN: Newburgh Retail.

MR. WERSTED: Newburgh Retail. The DOT called me last week and asked what the Town's position was on the installation of a traffic signal at Route 300 and the site driveway that also shares access to the diner and the hotel. I told her that the Board was interested in having that signal, I think initially because of a pedestrian connection, having pedestrians from the adjacent hotels across the street go to the nearby restaurants. I also told her that with the turn lane that's out there and the access out to Route 17K, that in my opinion I was comfortable with DOT's initial thought which was waiting to see what would happen with the development as it was built out and holding off on the installation of the traffic signal until

NEWBURGH RETAIL DEVELOPERS

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the project was almost completely built out.
The applicant is pushing to get that traffic signal in as part of the start and not waiting until the end of that. DOT is looking to get the Board's opinion and see what the Town's position on that is so that they can either make -- basically render their final decision on how to proceed forward.
CHAIRMAN EWASUTYN: Frank Galli?
MR. GALLI: I think the traffic signal is going to be necessary if we want pedestrian traffic to cross there instead of playing suicide trying to get across the street. You see them walking to the diner and stuff. It is suicide.
MR. HINES: Making a left out of there isn't so fun either.
MR. WERSTED: Also part of our conversation was a general statement about how the Town seems to be coming to a crossroads in the sense that there's more pedestrian demands and that traffic signals with pedestrian crossings and also sidewalks are becoming more of a hot topic and more in the forefront of developments.

NEWBURGH RETAIL DEVELOPERS

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I spoke with Zibby Zachariah at the local DOT residency and she was of the opinion that there didn't seem to be a high demand and she didn't anticipate that there was going to be some big movement of sidewalks and crossings at the adjacent traffic signals. So although there may not be pedestrian signals and crosswalks, obviously a traffic signal would help pedestrians cross there in the sense that they would stop traffic on Route 300 and the pedestrians would then have to decide whether they're going to cross while traffic is still going and when there's a break in it or if they wait for the red light to change on 300 and then cross when the side roads cross.

MR. MENNERICH: The applicant was pushing to get it done sooner rather than later?

MR. WERSTED: Correct.

MR. MENNERICH: Might as well get it done sooner then.

CHAIRMAN EWASUTYN: Leo Glynn?

MR. GLYNN: I can't possibly believe anybody that has to go through four traffic lights in a quarter of a mile is going to be

NEWBURGH RETAIL DEVELOPERS

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2 happy sitting there waiting for somebody to walk
3 across the street in front of them when that
4 thing is carrying twenty some thousand cars a
5 day. I just do not see it.

6 CHAIRMAN EWASUTYN: I'm in favor of
7 moving forward because you can't turn left out of
8 there and people on the other side of the road
9 are never going to be able to cross that lane. I
10 would move to move in that direction.

11 MR. GARLING: I see this one as
12 something that's really needed because you've got
13 uses there and there's no other way for those
14 people to get out. When you look at the other
15 one they're talking about up by Lowe's and Home
16 Depot, there are other options to get out.

17 I think putting the traffic signal
18 there, regardless of coordination, you're still
19 going to have additional lights to stop at. You
20 can never coordinate that many lights. I just
21 never see it. I hear about coordination but I go
22 through traffic signals and I never see them
23 coordinated beyond two.

24 MR. MENNERICH: Sometimes it's not even
25 two.

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MR. HINES: Woodbury Commons, you get stopped at every one.

MR. DONNELLY: In New York City they work great if you lock into the right speed.

CHAIRMAN EWASUTYN: I'll move for a motion to close the meeting of March 29th and to honor Norma Jacobsen Day.

MR. MENNERICH: So moved.

MR. GALLI: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. GLYNN: Aye.

CHAIRMAN EWASUTYN: And myself. So carried.

(Time noted: 9:50 p.m.)

CERTIFICATION

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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