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

3 ----- X

In the Matter of

4
5 THE MARKET PLACE AT NEWBURGH
(2004-54)

6
Route 300
7 Section 60; Block 3; Lots 41.3,41.4,48,49.1,49.22 & 49.21
Section 71; Block 4; Lots 7,8,9,10,11,12,13 & 14
8 Section 71; Block 5; Lots 15 & 16
Section 97; Block 1; Lots 13.3 & 20.3

9 IB Zone

10 ----- X

11 FINDINGS STATEMENT

12 Date: April 19, 2007
Time: 7:00 p.m.
13 Place: Town of Newburgh
Town Hall
14 1496 Route 300
Newburgh, NY 12550

15 BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
16 FRANK S. GALLI
CLIFFORD C. BROWNE
17 KENNETH MENNERICH
EDWARD T. O'DONNELL, JR.
18 JOSEPH E. PROFACI

19 ALSO PRESENT: FRAN BAKKER
MICHAEL H. DONNELLY, ESQ.
20 BRYANT COCKS
PATRICK HINES
21 KAREN ARENT
KENNETH WERSTED

22 APPLICANT'S REPRESENTATIVE: ROBERT WILDER

23 ----- X

24 MICHELLE L. CONERO
10 Westview Drive
Walkkill, New York 12589
25 (845)895-3018

THE MARKET PLACE AT NEWBURGH

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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 19th of April. We'll call the meeting to order with a roll call vote starting with Frank Galli.

MR. GALLI: Present.

MR. BROWNE: Present.

MR. MENNERICH: Present.

MR. O'DONNELL: Here.

MR. PROFACI: Here.

CHAIRMAN EWASUTYN: And myself present.

The Planning Board has experts that provide input and advice to the Planning Board in reaching its various SEQRA determinations. I ask at this time that they introduce themselves.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

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

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

MS. ARENT: Karen Arent, Landscape Architectural Consultant.

THE MARKET PLACE AT NEWBURGH

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

CHAIRMAN EWASUTYN: At this point we'll
enter the formal agenda. The first item is the
-- excuse me. I'm going to ask for the pledge.
Frank Galli.

(Pledge of Allegiance.)

MR. GALLI: At this time please turn
off all recording devices, cell phones or
whatever else you have in your pocket.

CHAIRMAN EWASUTYN: The first item of
business we have this evening is The Market Place
at Newburgh. It's the Findings Statement. It's
located on Route 300, it's in an IB Zone and it's
being represented by Robert Wilder.

At this point I'll turn to our
Attorney, Mike Donnelly, to bring us forward as
to where we are in the proceeding.

MR. DONNELLY: We spent the better part
of the work session earlier discussing the
Findings and where it stands in the Board's
comments. If I can, just to save time let me try
to summarize what some of those discussions were.
Starting with the most general, I think that the

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Planning Board Members felt that it would be helpful if we prepared an index to the Findings so that in terms of it being a workable document, you could find the spot from the front page. I think that's something we can do. Word should provide us with the functionality to do that.

Next I think is the Board felt that we need to find a way to format the Findings such that the mitigation measures stand out as distinct from the discussion items, and I think again that's a matter of form than substance. We will try to do that either with bullets or numbering within the section headings itself.

In terms of substance, there was a feeling that some of the language, and we'll give you an example we specifically referred to, tends to be a little general and equivocal and not specific enough. I'm talking here on page 19 which is dealing with the issue of the required well testing protocol. Although there's a fair amount of specifics about what that testing protocol is, the sentence that introduces the protocol reads a draft protocol which could be adopted would likely include the following

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2 measures, and I think that that was an example
3 but there are other locations in the Findings
4 Statement where we need to make that a little
5 clearer, the well protocol shall include the
6 following. That's something that I think we have
7 discussed the need for us to kind of comb the
8 Findings and see if we can change the language
9 where it appears in that format to be a little
10 bit more specific and direct.

11 There was discussion in the Findings
12 about the need for traffic follow-up studies at
13 intervals as the project is built out to see if
14 there's tweaking or adjustment that's required.
15 That concept, I think everybody is in agreement,
16 is a good one. I think for everybody's sake it
17 would be helpful, and the Board wanted to see if
18 this was an issue, the Board discussed if Ken
19 Wersted on behalf of the Board would propose some
20 more specifics. In other words, that study
21 should be conducted first after X number of
22 square feet of space, then it should be done
23 every six months, every year, every quarter, I'm
24 not trying to dictate what those terms should be,
25 and shall include counts, turning movements,

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stacking, whatever are the appropriate things we want to have studied so that both the developer and the Town are not in a position later where we don't really know other than we said we would have some studies done. I think it's the Board's feeling that the better way to handle that would be to come up with an estimate of the amount of money that it would cost to do that study and have that study done by the Town consultant rather than by yours on an ongoing basis. We're going to try to redraft the language to accomplish that result.

Similarly, the ongoing noise monitoring needs to have the same type of specifics, where measurements should be taken, what time of the day, what is the limitation or threshold that we want to make sure isn't exceeded.

There was another discussion regarding an issue that we have all discussed before, and that is the rationale for the Planning Board leaning toward issuing a preliminary site plan approval as distinct from a final one until other agency approvals are obtained, and the Findings Statement probably fails to articulate that

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rationale or the specifics of that well enough.
We need, at the Board's direction, to take a
better crack at that.

We talked a little bit about the other
document that I had prepared for the developers
undertaking and I had some back and forth with
Larry Wolinsky from your team on that as well. I
think that we need to continue to discuss the
terms of that, but that can postdate the
Findings. We may need, however, to move some of
the more specific language of that undertaking
back into the Findings if the undertaking is not
going to be, you know, finalized at the same
time. So we can take a crack at some of those
things.

The Planning Board had a copy of the
Findings with a great deal of edits last Friday,
and all of those edits were red lined so that
they could see the changes that had been made.
Additional changes have been made since and the
Board Members were delivered today an updated
copy with some of those changes and for the first
time a copy of the developer's undertaking
document that had been prepared. I think that

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though we discussed as much or the Board Members discussed as much as they could about the specifics of those documents and those changes, that they need some more time to digest some of that material. With the direction that was outlined in the discussion I just gave to you regarding some revisions, we think, and I'll leave it to the Board to express it as they see fit, but I think the direction of the discussion is it's not quite ready and we need a little bit more time on the Board's side to digest it and on the consultants' team side to tighten up some of the language and provide some formatting changes that make it more easily readable and easier to follow.

I have said to the Board as we discussed at the consultants' meeting that there is a requirement under the SEQRA regulations of timeliness of issuance of the Findings Statement, and because the ball is in the Planning Board's court to complete that task, that this needs to be placed on an agenda that's consistent with the, although it cannot be met, thirty-day time limit in which to do this. I won't, you know,

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commit the Planning Board to this but the idea was to put this on a Board business item on a very short turnaround time rather than on a regular meeting agenda at some distant time that's reflective of the obligation of the Board to finish this task.

I think that outlines the general items that were discussed. If there's others I'm sure the consultants or Planning Board Members will bring them to your attention.

CHAIRMAN EWASUTYN: Do you have any comments, Mr. Wilder, your team, at this time?

MR. MARINO: I would ask --

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

MR. MARINO: Sure. Steve Marino, Tim Miller Associates. Regarding the form versus function -- form versus substance, certainly adjustments that need to be made to the Findings, the Board is obviously free to do that however they see fit.

Regarding some of the specifics, traffic monitoring, noise monitoring, et cetera, we would certainly ask that we have a chance to

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1 10
2 see what the Board is thinking in advance of --
3 certainly we're going to be saddled with it in
4 the end and we would like to know what --
5 MR. DONNELLY: My recommendation
6 certainly is to the Board that we continue to
7 communicate the changes that are made to the
8 document. I had given the same changes to the
9 document to the applicant and their consultants
10 as were given to the Board. So I think we might
11 not always see the full difficulty with the
12 language we propose. I have no problem with
13 getting it to you sufficiently in advance that
14 this time you can get a comment to us and we can
15 get it back to the Board within our traditional
16 deadline, which is the Friday before the meeting
17 rather than on the afternoon of the meeting.
18 CHAIRMAN EWASUTYN: Any other comments,
19 Mr. Marino?
20 MR. MARINO: No.
21 CHAIRMAN EWASUTYN: Comments from Board
22 Members at this time?
23 MR. GALLI: No additional. Mike
24 covered it all pretty good.
25 CHAIRMAN EWASUTYN: Any comments from

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our consultants at this time?

(No verbal response.)

CHAIRMAN EWASUTYN: I would ask the Board to give consideration as far as making this an agenda item, whether it be the meeting of the 3rd of May, which is our next meeting, or the meeting of the 17th of May, which would be the following meeting thereafter.

MR. GALLI: Can they have everything ready by the 3rd?

MR. DONNELLY: My thought is this: If we can make the changes we need to by next Wednesday and if you can get back to us by Friday morning, then we can deliver that package to you with those changes by Friday which would meet the timetable to have it on for the 3rd.

MR. MARINO: We can.

CHAIRMAN EWASUTYN: With the understanding Mr. Donnelly had said earlier, we would like to have them the Friday before the meeting so Board Members would have the opportunity to have four or five days to review them and to mark down their comments or changes.

MR. MARINO: Sure.

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MR. DONNELLY: Is that doable on this side? We need to talk about who does what later on. I think we can accomplish that. At this point I don't want to put it off for two weeks and lose the momentum. We put an awful lot of time in it and need to get it finished up.

MR. MARINO: One point then, Mr. Donnelly. Do we need to formally give the Board an extension basically for the thirty-day time table?

MR. DONNELLY: I would appreciate that. There's certainly no penalty imposed in the SEQRA regulations for failing to live up to it. The thirty days is up I guess yesterday. I don't remember what day it was filed. It's right around now. Yes, we would appreciate that.

MR. HINES: Actually, it was published in the EMB on April 4th.

MR. DONNELLY: So we still have time.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: On the time schedule for Planning Board Members to review the document, are we going to have enough time that we can review the document and get comments back

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prior to the meeting?

MR. DONNELLY: Certainly my hope is that we will make -- all of the changes will be red lined so they will stand out. If we had them to you next Friday, then you'd have the usual one week, six days prior to the meeting.

MR. MENNERICH: Okay. I guess what I can see is we come into the meeting on May 3rd or 4th, whatever it is, and if Planning Board Members do have comments and stuff, we're going to have to resolve them at the meeting then.

MR. DONNELLY: I think planning boards should operate in that open public arena rather than have -- if what you're suggesting is it wouldn't be impermissible for each of you to communicate back to the consultants your proposed changes so we can go through another iteration. I think given the sense of the public importance of this project, we're really better off doing that discussion and deliberating in the public forum.

MR. BROWNE: Just a point on that. I think there needs to be a consensus of the Board, not just individual comments.

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MR. DONNELLY: It would be too unmanageable.

CHAIRMAN EWASUTYN: So the first motion Mr. Marino, you wanted to grant the Planning Board --

MR. MARINO: Sure.

CHAIRMAN EWASUTYN: For the record.

MR. MARINO: We consent to --

MR. DONNELLY: Can we leave it open ended subject to your withdrawing that extension at such time that you feel it's no longer advantageous or appropriate to do so, otherwise we're not going to keep track of the calendar?

MR. MARINO: That would work. That's fine. Thank you.

CHAIRMAN EWASUTYN: I would move for a motion from the Board to set The Market Place at Newburgh for discussion of the Findings Statement as a Board business item for the agenda of the 3rd of May.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

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Would there be any discussion of the motion?

MR. O'DONNELL: Yes. I have a concern and that is -- I mean when you consider these documents and all the information that's in them, I mean in narrative form, and the fact that we're going to take it from a narrative and we're going to put in terms of who, when, where, et cetera, I have a concern that we can meet that, John. I don't know if we can do it by then, Mike. I mean this is a big deal.

MR. DONNELLY: Let's assume for the moment that you're not pleased with the product we produce, then you're going to tell us to go back to the drawing board. If you put it off until the other meeting, the 17th, whatever that date is, it makes my life easier, I'm not going to fight you.

MR. O'DONNELL: I mean I want to be fair to the developers here. I don't want them walking out of here with high hopes on May 3rd that this thing is going to be all done when the probability is that it might not be.

MR. DONNELLY: What I think is likely to determine whether it's done at the next

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meeting has more to do with your response to the efforts we make to cure the deficiencies you've noted than the amount of time it takes to work towards that.

MR. O'DONNELL: You sound like my wife but it makes sense.

MR. HINES: It will keep it moving, too. You can always Board business it again in two weeks.

MR. O'DONNELL: I don't have any problem. I just want to make sure these folks understand that this is not simple. I mean --

MR. MARINO: It's my understanding that the Findings in general have been found to be okay, there aren't a lot of holes in the Findings rather than there are some areas where additional summarizing and rewording certain things and making it a little more easy to read was generally the --

MR. DONNELLY: There doesn't seem to be huge missing issues.

MR. MARINO: That's what I'm getting at.

MR. O'DONNELL: Everything is addressed

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in here, it just has to have more meat to it. Like who does it, when. That's what we were looking for. We talked about that at the work session. Then we can go forward with this project. That's the way it ought to be. Let's try not to miss anything.

CHAIRMAN EWASUTYN: I have a motion on the table from Frank Galli, I have a second by Ken Mennerich and I have an open discussion. Any further discussion from Board Members?

(No verbal response.)

CHAIRMAN EWASUTYN: There being no further discussion, I'll move for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. O'DONNELL: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: And myself yes. So carried.

Thank you.

(Time noted: 7:18 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 30, 2007

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

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In the Matter of

DRISCOLL SUBDIVISION
(2005-46)
Route 300
Section 34; Block 1; Lots 45,46,32.1,32.2,52.1 & 53.5
Section 60; Block 2; Lot 4
R-3 Zone

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DRAFT ENVIRONMENTAL IMPACT STATEMENT

Date: April 19, 2007
Time: 7:19 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
KENNETH MENNERICH
EDWARD T. O'DONNELL, JR.
JOSEPH E. PROFACI

ALSO PRESENT: FRAN BAKKER
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: JANE DALY

----- X

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

DRISCOLL SUBDIVISION

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CHAIRMAN EWASUTYN: The following item of business this evening is the Driscoll Subdivision. It's the Draft Environmental Impact Statement. It's located on Route 300, it's in an R-3 Zone and it's being represented by -- I have Ross Winglovitz but for the record you are?

MS. DALY: Jane Daly.

CHAIRMAN EWASUTYN: Thank you, Ms. Daly. Would you bring us along as to where we are in the process, please?

MS. DALY: Certainly. We submitted to the Board in December our Draft Environmental Impact Statement which was reviewed by the Board and its consultants. We received comments which we addressed in March and resubmitted those comments. We're asking tonight for you to deem the D.E.I.S. complete and to set a public hearing if you believe it's appropriate.

CHAIRMAN EWASUTYN: Thank you.

I'll turn to our consultants now for their recommendations to the Planning Board, our experts. Pat Hines, our Drainage Consultant.

MR. HINES: We received responses to our previous comments identifying what we thought

DRISCOLL SUBDIVISION

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was additional information required in order to be responsive to the scope. We've reviewed the revisions that were provided to us, the red line markup for use, and compared those to the scope. We believe that all the information required by the scope is in the document and feel that the document is ready for public review which means then we will begin our technical review of the individual studies, declaring the document complete for review meaning that it's responsive to the scope, not that necessarily the individual studies and conclusions of those are adequate. We'll begin that review once the Board determines it to be complete.

We are recommending that Dr. Shuster be authorized also to continue to work with the Board, this is in that same stream corridor really as the previous project we discussed, to provide his comments on the Draft once it's deemed complete.

We just identified that we continue to question the wetland mitigation identifying preserving of non-jurisdictional wetlands as mitigation for wetland disturbance. That's

DRISCOLL SUBDIVISION

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2 something that will shake out during the Army
3 Corp and our review of the technical components
4 of the document.

5 So we take no exception to the Planning
6 Board accepting the D.E.I.S. and starting public
7 review.

8 CHAIRMAN EWASUTYN: Thank you. Any
9 comments from our Board Members as far as the
10 review from Pat Hines, our Drainage Consultant?

11 MR. GALLI: No.

12 MR. BROWNE: No.

13 MR. MENNERICH: No.

14 MR. O'DONNELL: Nothing.

15 MR. PROFACI: No.

16 CHAIRMAN EWASUTYN: Bryant Cocks, our
17 Planning Consultant.

18 MR. COCKS: Not to rehash a lot of what
19 Pat said about this but we went through and
20 looked over the revisions that they sent to us.
21 Everything that they sent to us was addressed
22 from our previous comments. We only had a couple
23 other clean-up things just on the cover sheet.
24 Norma Jacobsen retired so we have to change that
25 as the contact person. There were just a few

DRISCOLL SUBDIVISION

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2 other issues just regarding section 2.2.1,
3 pedestrian facilities. The applicant indicated
4 that if the Town Board does not accept our offer
5 of dedication for the sidewalks they were going
6 to take them out of the plan. I just wanted the
7 Planning Board to be aware of that just so
8 they're able to talk about the issue of having
9 sidewalks on site. We feel it is important for
10 the whole site. I just want to make the Planning
11 Board aware of that.

12 Just some no parking signs on the road.
13 Those are the only extra comments we
14 had.

15 We also feel that the D.E.I.S. is
16 complete.

17 CHAIRMAN EWASUTYN: Ms. Daly, would you
18 consider if the Town Board doesn't accept the
19 dedication of the sidewalks that you would make
20 that part of the HOA?

21 MS. DALY: Well we're aware the
22 Planning Board wants sidewalks there. We have
23 requested to be on the agenda for the Town Board
24 to discuss the issue with them. Pending their
25 decision we'll take the appropriate next step.

DRISCOLL SUBDIVISION

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CHAIRMAN EWASUTYN: Thank you.
Comments from the Planning Board
Members as far as the review from Bryant Cocks,
our Planning Consultant?
MR. GALLI: No additional.
MR. BROWNE: No.
MR. MENNERICH: No.
MR. O'DONNELL: Nothing.
MR. PROFACI: No.
CHAIRMAN EWASUTYN: Karen Arent,
Landscape Architect.
MS. ARENT: The document is complete
for public circulation in reference to my
comments.
When reviewing the D.E.I.S. I had the
same concerns as Bryant in reference to the
sidewalks since the houses are very close
together and there are destination points such as
the field and the nature walk, that so I think
that sidewalks are a very nice amenity for this
project.
There's an all sports court proposed,
and I think that when we were discussing --
during the last meeting I think we were more

DRISCOLL SUBDIVISION

1 25
2 discussing just an open field for sports. So
3 that's something that the Planning Board should
4 discuss when reviewing the E.I.S.
5 CHAIRMAN EWASUTYN: Can you speak up,
6 please.
7 MS. ARENT: Also we spoke possibly
8 about a gazebo in that area overlooking the river
9 as well as overlooking the field. So some of the
10 amenities we should further consider.
11 There's written into the document that
12 the stormwater management basins will not be
13 fenced but according to the Town Board they
14 really do want fencing of all manmade elements.
15 Perhaps the consultants would like to speak with
16 them at the same time they're asking about the
17 sidewalks.
18 Then I thought perhaps the open space
19 area should have some signage so people know that
20 they're open space because there's like a lot
21 that could look like somebody's yard if people
22 didn't know -- excuse me. Signage should be
23 placed so people know that's open space. They
24 should also place signs where the nature walks
25 begin, again so people know this is open space

DRISCOLL SUBDIVISION

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and it's usable.

They are proposing a beautiful amenity at the entrance of the site to -- at the entrance of the site from Route 300. There's a long stonewall on both sides. I was hoping to see that same amenity on the Gardnertown Road side. We also have to look at the fact that these -- one of these walls is in the Town right-of-way. Again you might want to ask the Town about permission to put the wall in the right-of-way, and if they are okay with that perhaps think about the Gardnertown Road area also. If they're not okay with that, try to figure out another way to do it so it's not in the Town right-of-way.

And then there's some minor comments in reference to some aesthetics.

That concludes my review.

CHAIRMAN EWASUTYN: Follow-up questions or comments from Board Members as far as Karen Arent, Landscape Architect's review?

MR. GALLI: The entrance to Gardnertown Road, do you want a stonewall setup also?

MS. ARENT: I think it would be really nice o have.

DRISCOLL SUBDIVISION

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MR. GALLI: That high?

MS. ARENT: There are roads defined with stonewalls on both sides of it so it's very characteristic of the site to have this type of entrance. In fact, they have a pedestrian pathway that's going into the neighboring property with walls on both sides. It's absolutely beautiful. So I think that it would be appropriate to have it at both entrances.

MR. BROWNE: Karen, do you feel at this point that as far as the D.E.I.S. it's ready?

MS. ARENT: Yes.

MR. BROWNE: Thank you.

MR. MENNERICH: Similarly Karen, the items, many of them that you've listed are site plan type things. Would you expect that the site plan would be modified in time for the public hearing to reflect your comments?

MS. ARENT: Yes.

MR. MENNERICH: Thank you.

MR. O'DONNELL: I don't have anything.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: No, thank you John.

CHAIRMAN EWASUTYN: Ken Wersted,

DRISCOLL SUBDIVISION

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Traffic Consultant.

MR. WERSTED: Previously we had issued comments on the D.E.I.S. relative to completeness, and also site plan. With the revised changes submitted all of our previous comments have been addressed and considered. The current document with those changes incorporated can be considered complete.

CHAIRMAN EWASUTYN: Okay. Comments from Board Members as far as Ken Wersted's review?

MR. GALLI: No additional.

MR. BROWNE: No.

MR. MENNERICH: No.

MR. O'DONNELL: No.

CHAIRMAN EWASUTYN: Joe?

MR. PROFACI: No thanks.

CHAIRMAN EWASUTYN: Any additional comments from Board Members. Frank Galli ?

MR. GALLI: No.

MR. BROWNE: Nothing.

MR. MENNERICH: No.

MR. O'DONNELL: I'm okay.

CHAIRMAN EWASUTYN: Just one or two

DRISCOLL SUBDIVISION

29

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2 comments. Page 1-12 talks about approvals. I
3 think you'll need the Town Board approval for
4 road names.

5 In the F.E.I.S. portion, if you could
6 identify or make mention where you believe the
7 82,925 yards of cubic soil will be moved. You
8 make reference to the fact that there will be
9 seven trucks per day removing it off site. I
10 would like to have an indication of where you
11 believe that may go.

12 You talk about this being in the
13 consolidated light district. Will there be
14 street lighting?

15 MS. DALY: Yes, there will be street
16 lighting.

17 CHAIRMAN EWASUTYN: If we could have
18 somewhere on the detail sheet what the proposed
19 lighting would look like.

20 Just an afterthought, these roads won't
21 be accepted until dedication from the Town until
22 they could be approved. Would you give any
23 consideration to at either end of the road
24 putting up -- I don't know if school buses will
25 pick up children on these roads while they're not

DRISCOLL SUBDIVISION

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dedicated to the Town.

MS. DALY: The school bus company has indicated they'll pick them up just at the two entrance areas until the Town accepts the road.

CHAIRMAN EWASUTYN: I thought if you would give any consideration to a temporary shelter on both ends that the children need to meet at and withstand the weather while they're waiting.

Okay. There being no further comments from our consultants, having heard the recommendations from our consultants and having heard comments from our Planning Board Members, I'll move for a motion to accept the D.E.I.S. for being complete and adequate for public review and to schedule it for the 7th of June for a public hearing.

MR. PROFACI: So moved.

MR. O'DONNELL: Second.

CHAIRMAN EWASUTYN: I have a motion by Joe Profaci. I have a second by Ed O'Donnell. Any discussion of the motion?

(No verbal response.)

CHAIRMAN EWASUTYN: There being no

DRISCOLL SUBDIVISION

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2 discussion, I'll move for a roll call vote
3 starting with Frank Galli.

4 MR. DONNELLY: Just one issue. In the
5 notice it will state that there will be -- two
6 things. It's a combination site plan/SEQRA
7 hearing and it will state that the written public
8 comment would be received until not later than
9 ten days following the close of the hearing.

10 CHAIRMAN EWASUTYN: Thank you.

11 MR. DONNELLY: We'll include those.

12 CHAIRMAN EWASUTYN: I have a motion by
13 Joe Profaci. I have a second by Ed O'Donnell. At
14 this point, there being no further discussion,
15 I'll move for a roll call vote starting with
16 Frank Galli.

17 MR. GALLI: Aye.

18 MR. BROWNE: Aye.

19 MR. MENNERICH: Aye.

20 MR. O'DONNELL: Aye.

21 MR. PROFACI: Aye.

22 CHAIRMAN EWASUTYN: Myself yes. So
23 carried.

24 Ms. Daly, would you coordinate with
25 Bryant Cocks, our Planning Consultant, as far as

DRISCOLL SUBDIVISION

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the notice in the EAB and anything necessary for the public hearing?

MS. DALY: Certainly. I have one other request and that is that we be authorized to meet with Karen to go over some of her design comments so we can adequately address those issues in the plans by the time of the public hearing.

CHAIRMAN EWASUTYN: I'll move for a motion for Ms. Daly to meet with Karen Arent, our Landscape Architect, to define the comments that Karen raised and are reflected in the revised site plan.

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 --

MR. COCKS: John, do you want to do that at the consultants' work session next week? We have a scheduled consultants' work session next Tuesday.

CHAIRMAN EWASUTYN: Do you have other

DRISCOLL SUBDIVISION

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items scheduled for that?

MR. COCKS: Just one other.

CHAIRMAN EWASUTYN: And the date of that meeting then is?

MR. COCKS: April 24th.

CHAIRMAN EWASUTYN: I'll move for a motion to set this up for a consultants' work session for the 24th of April.

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by Ken Mennerich. 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. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. O'DONNELL: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

Thank you, Ms. Daly.

DRISCOLL SUBDIVISION

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MS. DALY: Thank you very much.

CHAIRMAN EWASUTYN: Ken, you have a copy of a report that talked about definition of lifestyle centers, big box centers and power centers. In there they talk about vehicular traffic in some of these sites. At some future time can you give us an overall kind of traffic count on that Route 300 area taking into consideration some numbers? 84, the New York State Thruway, just the overall volume that kind of connects in this area. It would be interesting to know because somewhere in there they talk about 450,000 trips per day. I'm just wondering how many vehicles kind of cross our path.

MR. WERSTED: I can prepare an overview map and say this road has approximately this much per day and this road has this much per day and put things into perspective. Okay.

MR. MENNERICH: I notice the DOT has monitoring on Route 52 now that's just gone up recently. They may be collecting some new data from some of the roads. There's a lot of them in different places. This has gone up in the last

DRISCOLL SUBDIVISION

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couple weeks.

MR. WERSTED: They have an ongoing traffic monitoring plan, a traffic count data collection plan that occurs all throughout the State. Every segment of road usually gets counted once every three to four years. They'll come out and do a count maybe in that particular area and come out a few years later and do it again and just kind of move the program around to all the different roads. They produce a book that summarizes all this information. That information I'll use to prepare this map for the area roadways.

CHAIRMAN EWASUTYN: Thank you.

(Time noted: 7:34 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 30, 2007

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

----- X

In the Matter of

LANDS OF RAFIG MAJEED
(2006-59)
57 Lexington Drive
Section 26; Block 10; Lots 10.1 & 10.2
R-2 Zone

----- X

LOT LINE CHANGE

Date: April 19, 2007
Time: 7:35 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
KENNETH MENNERICH
EDWARD T. O'DONNELL, JR.
JOSEPH E. PROFACI

ALSO PRESENT: FRAN BAKKER
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT

APPLICANT'S REPRESENTATIVE: JAMES RAAB

----- X

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

LANDS OF RAFIG MAJEED

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CHAIRMAN EWASUTYN: The following item of business this evening is the lands of Majeed. It's a lot line change located on Lexington Drive. It's zoned R-2 and it's being represented by Jim Raab.

MR. RAAB: It's being represented by Taconic Design but I'm subbing for him tonight. Jonathan is taking his PE exam, the second part, so he needs all the rest he can get.

CHAIRMAN EWASUTYN: It's being represented by Jim Raab.

MR. RAAB: Thank you. This was a subdivision that was done back in 2005. They sent it back to the Department of Health because it's a lot line change, because it's in a major subdivision. They received Board of Health approval just two days ago. That's basically it. They changed the lot line to run along the stream.

CHAIRMAN EWASUTYN: I believe that was the outstanding item, we wanted to receive information. We did receive a letter from the Department of Health dated April 3, 2007.

For the record I'll read it. "Approval

LANDS OF RAFIG MAJEED

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2 of plan for lot line change for Majeed, Town of
3 Newburgh. Dear Mr. Majeed, plans entitled lot
4 line change for Majeed prepared by Taconic Design
5 Consultants, Inc. and dated November 14, 2006,
6 latest revision March 28, 2007 are approved.
7 This supercedes our previous approval dated
8 October 16, 2006. Our certificate of approval is
9 enclosed. The approved plans are being returned
10 to the engineer for transmittal to you." That's
11 signed Mr. Schaefer, assistant commissioner.

12 Do you want to add to that?

13 MR. HINES: No. That's the only
14 outstanding issue we had on this was Health
15 Department.

16 CHAIRMAN EWASUTYN: And Mike, before I
17 move for a motion -- I'll move for the motion
18 first and then we'll discuss the resolution for
19 approval.

20 I'll move for a motion to declare a
21 negative declaration for the lot line change for
22 the lands of Majeed.

23 MR. MENNERICH: So moved.

24 MR. O'DONNELL: Second.

25 CHAIRMAN EWASUTYN: I have a motion by

LANDS OF RAFIG MAJEED

1 40
2 Ken Mennerich. I have a second by Ed O'Donnell.
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. BROWNE: Aye.
9 MR. MENNERICH: Aye.
10 MR. O'DONNELL: Aye.
11 MR. PROFACI: Aye.
12 CHAIRMAN EWASUTYN: Myself yes. So
13 carried.
14 Mike, would you give us the conditions
15 of approval for the resolution for the lot line
16 change of Majeed.
17 MR. DONNELLY: Yes. The standard
18 condition of the map note that's probably on
19 there about utilities. The map must be filed
20 with the Orange County Real Property Tax Service.
21 We want you to copy the Planning Board on your
22 letter of transmittal of the deed that
23 accomplishes the conveyance as well as that map.
24 Pat, you had mentioned earlier that
25 there's a need to have an easement and

LANDS OF RAFIG MAJEED

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maintenance agreement for the drainage facilities.

MR. HINES: They're noted on the map so it's -- part of the parent subdivision prior to this subdivision required maintenance of the stormwater management facilities which are a part of one of the lots of this. I think when we approved it that was included in the previous resolution.

MR. DONNELLY: I'll carry over all prior conditions of the subdivision resolution.

CHAIRMAN EWASUTYN: Having heard the conditions for approval for the lot line change for the lands of Majeed, I'll move for that motion.

MR. PROFACI: So moved.

MR. O'DONNELL: Second.

CHAIRMAN EWASUTYN: I have a motion by Joe Profaci. I have a second by Ed O'Donnell. 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.

LANDS OF RAFIG MAJEED

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2 MR. BROWNE: Aye.
3 MR. MENNERICH: Aye.
4 MR. O'DONNELL: Aye.
5 MR. PROFACI: Aye.
6 CHAIRMAN EWASUTYN: Myself yes. So
7 carried.
8 MR. RAAB: Thank you very much.
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10 (Time noted: 7:38 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 30, 2007

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

----- X

In the Matter of

W.W. GRAINGER - BRANCH #555
(2006-60)
300 Corporate Boulevard
Section 95; Block 1; Lot 65
IB Zone

----- X

AMENDED SITE PLAN

Date: April 19, 2007
Time: 7:39 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
KENNETH MENNERICH
EDWARD T. O'DONNELL, JR.
JOSEPH E. PROFACI

ALSO PRESENT: FRAN BAKKER
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT

APPLICANT'S REPRESENTATIVE: SAUL SILVERMAN

----- X

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

W.W. GRAINGER - BRANCH #555

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CHAIRMAN EWASUTYN: The following item of business this evening is W.W. Grainger - Branch 555. It's an amended site plan, it's located on Corporate Boulevard in an IB Zone. It's represented by Saul Silverman.

Mr. Silverman, will you bring us along where we are in the process this evening.

MR. SILVERMAN: When we appeared on the 15th before the Board we had addressed all of the various items from the various consultants. One item that was left open was inadvertently the plan was not submitted -- because of its proximity to 17, had not been submitted to the Orange County Planning Commission. Bryant has been working on that, and we did get a copy of a fax today that came back that said they have no objections to it. I mean I can read it or if the Chairman has it --

CHAIRMAN EWASUTYN: Let's bring this then to a conclusion.

Pat Hines, do you have any outstanding comments?

MR. HINES: No. We have no outstanding comments.

W.W. GRAINGER - BRANCH #555

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CHAIRMAN EWASUTYN: Bryant Cocks.

MR. COCKS: The only thing we were waiting for was County approval.

CHAIRMAN EWASUTYN: Karen Arent.

MS. ARENT: I have just one minor comment that the Juniper is still not shown to be a minimum size. They are not to exceed a certain size.

MR. SILVERMAN: We'll take it as a stipulation. Eighteen inches high?

MS. ARENT: That would be perfect.

MS. ARENT: You say not to exceed eighteen inches but I don't want to see six inches high.

MR. SILVERMAN: We'll specify them as eighteen.

CHAIRMAN EWASUTYN: We approved the ARB on this. The only outstanding item is a motion to approve the site plan subject to conditions of the resolution that Mike Donnelly prepared for us.

Final comments from Board Members.
Frank Galli?

MR. GALLI: No additional.

W.W. GRAINGER - BRANCH #555

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MR. MENNERICH: No.

MR. O'DONNELL: Nothing.

MR. PROFACI: Nothing.

CHAIRMAN EWASUTYN: Okay. Mike, do you want to take a moment to go through your notes.

MR. DONNELLY: The only other item that I had on the list was a report from the fire company. Is that something that's been received?

MR. COCKS: We actually did get that. I believe they didn't have any comments. I'll check. No problems.

CHAIRMAN EWASUTYN: Okay. For the record, you received a report from --

MR. COCKS: It's from Jerry Canfield's office but it's the Orange Lake Fire District note on top. It just says Grainger no problems.

MR. DONNELLY: The resolution will carry the standard ARB condition from your March 15th vote. We asked that there be a narrative of the use and one was provided. The resolution will provide that this approval is for an industrial supply warehouse as described in the narrative only, and that is to limit the activities that can be carried out. I believe

W.W. GRAINGER - BRANCH #555

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this will need a landscape security and inspection fee.

MS. ARENT: Yes.

MR. DONNELLY: I don't think there's any storm water fee required.

MR. HINES: No.

MR. DONNELLY: We'll carry a condition that says that no outdoor fixtures and amenities other than as shown on the plan may be constructed.

CHAIRMAN EWASUTYN: Having heard the conditions of the approval for the W.W. Grainger site plan -- amended site plan, I'll move for the motion to approve it.

MR. O'DONNELL: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Ed O'Donnell. 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. BROWNE: Aye.

W.W. GRAINGER - BRANCH #555

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MR. MENNERICH: Aye.

MR. O'DONNELL: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

MR. SILVERMAN: Thank you.

CHAIRMAN EWASUTYN: What normally happens between now and when your resolution is drafted and when there's final site plans, please make sure that the necessary fees or bonds are in place so the site plans can be signed.

MR. SILVERMAN: I absolutely will.

(Time noted: 7:41 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 30, 2007

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

----- X

In the Matter of

HL RENTALS, L.L.C.
(1997-18)
33 South Plank Road
Section 72; Block 3; Lot 7.2
B Zone

----- X

SITE PLAN
ARCHITECTURAL REVIEW

Date: April 19, 2007
Time: 7:42 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
KENNETH MENNERICH
EDWARD T. O'DONNELL, JR.
JOSEPH E. PROFACI

ALSO PRESENT: FRAN BAKKER
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT

APPLICANT'S REPRESENTATIVE: KENNETH LYTLE

----- X

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

HL RENTALS, L.L.C.

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CHAIRMAN EWASUTYN: The following item of business this evening is HL Rentals, L.L.C. It's a site plan and architectural review. It's in a B Zone and it's being represented by Ken Lytle.

MR. LYTLE: Good evening. Since our last meeting there were comments that the consultants had provided to us. I believe we've addressed those comments. There were some landscape issues that we provided, actually landscaping to Karen, since the submission and met with her and made some additional changes. We agreed to make those changes for her.

There was also an issue regarding a retaining wall between the parking lot behind the existing building and the parking lot to the rear servicing the proposed new building. We've shifted that parking lot back and done additional regrading to avoid that retaining wall. In doing so we provided some additional grading over the existing sewer line. After a meeting with Jim Osborne he let us know we couldn't have more than seven feet of cover over the sewer main. I believe we provided in the packet to you a copy

1
2 of a profile we did along the existing sewer main
3 to show we do not exceed the seven feet, and
4 we're anticipating getting a letter of that from
5 Jim for you guys.

6 CHAIRMAN EWASUTYN: Pat Hines,
7 outstanding items as Drainage Consultant.

8 MR. HINES: We have not completed a
9 review of the drainage.

10 The plans need the grading for the
11 detention ponds to be shown. The latest plans
12 just show that area.

13 Also we're awaiting a letter from Jim
14 Osborne regarding the sewer crossing.

15 CHAIRMAN EWASUTYN: Bryant Cocks,
16 Planning Consultant.

17 MR. COCKS: The applicant scaled down
18 the sign that was in front of the building so it
19 didn't dominate the street scape.

20 We need a surveyor's seal and signature
21 for final approval.

22 A detail will be needed for the
23 lighting fixtures.

24 Other than that, he's addressed all of
25 our planning comments.

HL RENTALS, L.L.C.

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CHAIRMAN EWASUTYN: Pat, you were looking at me?

MR. HINES: No.

CHAIRMAN EWASUTYN: I'm going to turn to you at one point.

We haven't satisfied ARB; correct?

MS. ARENT: Correct.

CHAIRMAN EWASUTYN: Well, you can continue on your review. Karen.

MS. ARENT: I have a list of landscape items basically. Just you need to beef up the landscaping a little bit on the plan. I just listed it here specifically what plants they should add because they were a little shy on planting so I wrote a list of things. Like on the backside they had no plants. On the slope that they had between the two parking lots there were no plants. I wrote the list.

CHAIRMAN EWASUTYN: Okay.

MS. ARENT: Do you want me to go over them individually?

CHAIRMAN EWASUTYN: I think not.

MS. ARENT: I'm perfectly fine with the ARB if you want to go over that.

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CHAIRMAN EWASUTYN: We may go back. I did note one thing, Karen. On their list of plant material they showed Pinus Strobus as being five-gallon containers.

MS. ARENT: I missed that.

CHAIRMAN EWASUTYN: Twenty-four to thirty inches. I think that was a misprint.

MS. ARENT: Pinus Strobus should be at least five to six feet.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli ?

MR. GALLI: As far as this goes it's all right. He has a sign on that property new home for sale.

MR. LYTLE: Oh, possibly. I know he does have a home that is for sale. It's not obviously here. I think it's on --

MR. GALLI: It's deceiving because you see the sign and you think he's building a new home on that lot. I know the home he's selling is on Edgewood.

MR. LYTLE: I believe so.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: What was that plant you

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were talking about?

CHAIRMAN EWASUTYN: White pine. Pinus
Strobus.

MR. BROWNE: No questions.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Ed O'Donnell?

MR. O'DONNELL: What's the drainage?
What was that comment?

MR. HINES: I just received it the
other day so I haven't finished reviewing it.
The detention pond, although the area is shown
it's not graded out. If the Board wishes you can
approve it subject to the sign off from me but
any substantial change I will send it back to
you.

MR. O'DONNELL: I mean does that mean
that you two guys agree here and --

MR. LYTLE: I have no problem with
agreeing to that. That's not a problem.

MR. HINES: It's up to you guys.

MR. O'DONNELL: I won't agree unless
you agree. We're a simple world.

MR. HINES: You won't see it back for

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signing until we agree is what we're telling you.
MR. O'DONNELL: I got it.
CHAIRMAN EWASUTYN: Joe Profaci?
MR. PROFACI: I'm good.
CHAIRMAN EWASUTYN: Karen.
MS. ARENT: You have to also add
plantings in the stormwater management basin in
accordance with the DEC guidelines.
CHAIRMAN EWASUTYN: Let's start with
the ARB and then we'll make the considerations
for site plan approval.
MS. ARENT: Do you have the drawings
for ARB?
MR. LYTLE: Actually I did not bring
the drawings. If I remember correctly, I thought
we were ready to vote on the ARB. I did not
bring the drawings. If you have --
CHAIRMAN EWASUTYN: He's correct on
that.
MS. ARENT: I don't see it here.
CHAIRMAN EWASUTYN: We discussed the
height of the windows and all those areas.
MR. LYTLE: Karen, I modified --
MS. ARENT: I'm sorry, I don't have the

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drawing.

CHAIRMAN EWASUTYN: I think he's right, though. We did go through a whole ARB.

MS. ARENT: We went through everything.

MR. LYTLE: AJ Coppola was here and we went through the whole thing.

MR. HINES: The retaining walls were eliminated.

MR. COCKS: I have down that we gave ARB approval last time.

MR. DONNELLY: I don't have a vote for that night but we can say that renderings were approved -- the renderings that were submitted that night are the ones that are approved when you vote this evening.

MR. HINES: Bryant has the minutes here.

MR. DONNELLY: If both John and I missed it we're in trouble.

CHAIRMAN EWASUTYN: I have that we did declare a negative declaration on this.

MS. ARENT: You didn't do ARB because we were going to just double check everything against the site plan. I don't think you

1
2 approved that. We went through everything in
3 detail.

4 MR. LYTLE: That's correct.

5 CHAIRMAN EWASUTYN: Then the first
6 motion before us this evening is to declare a
7 negative declaration.

8 Pat, are you satisfied that we can act
9 on the negative declaration?

10 MR. HINES: There's adequate area on
11 the site, I just haven't run the model through
12 the site plan to coordinate it.

13 CHAIRMAN EWASUTYN: Would the Board be
14 satisfied with that?

15 MR. HINES: If it requires any changes
16 I'll send it back.

17 MR. GALLI: The site is not that large
18 so it can't be substantial.

19 MR. HINES: No. Between the sewer line
20 and the rear property line it will work I think.

21 MS. ARENT: I know we discussed how
22 they matched the small scale of the building in
23 the front and we really went over it thoroughly
24 with the street scape. They matched everything
25 nicely.

HL RENTALS, L.L.C.

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MR. HINES: It said you were going to wait.

CHAIRMAN EWASUTYN: We talked about the stone actually that was in the front of it and all.

I'll move for a motion to declare a negative declaration for the site plan for HL Rentals, L.L.C.

MR. PROFACI: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by Joe Profaci. 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. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. O'DONNELL: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

We'll take one motion at a time. We'll

HL RENTALS, L.L.C.

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2 take a motion to approve the ARB for HL Rentals,
3 L.L.C. based upon the Planning Board review of
4 the 1st of March.

5 MR. MENNERICH: So moved.

6 CHAIRMAN EWASUTYN: I have motion by
7 Ken Mennerich.

8 MR. O'DONNELL: Second.

9 CHAIRMAN EWASUTYN: I have a second by
10 Ed O'Donnell. Any discussion of the motion?

11 (No verbal response.)

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

14 MR. GALLI: Aye.

15 MR. BROWNE: Aye.

16 MR. MENNERICH: Aye.

17 MR. O'DONNELL: Aye.

18 MR. PROFACI: Aye.

19 CHAIRMAN EWASUTYN: Myself yes. So
20 carried.

21 Pat Hines, would you give Mike Donnelly
22 the wording for a resolution as far as your
23 review.

24 MR. DONNELLY: Subject to the sign-off
25 letter from Pat Hines indicating that the

HL RENTALS, L.L.C.

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drainage plan has been submitted and found satisfactory.

MR. HINES: That's fine.

MR. DONNELLY: Additionally, a letter from Jim Osborne signing off on the proposal to cross the sewer line.

MR. HINES: Regrade.

MR. DONNELLY: Regrade. Does this need City of Newburgh approval or it's an existing condition and doesn't need it?

MR. HINES: It does.

MR. DONNELLY: And it doesn't have it yet?

MR. LYTLE: No.

CHAIRMAN EWASUTYN: Then we actually can't act on it.

MR. DONNELLY: We can give it preliminary but we can't give it final.

MR. HINES: It will need it, it's an additional flow.

CHAIRMAN EWASUTYN: How did we miss that?

MR. DONNELLY: I had it in my notes.

CHAIRMAN EWASUTYN: I know we had him

HL RENTALS, L.L.C.

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not tapping into the City.

MR. HINES: That's the water.

MR. GALLI: That's the water.

CHAIRMAN EWASUTYN: So we missed that.

So then the motion, Mike, would be to
grant preliminary approval?

MR. DONNELLY: Preliminary.

MR. HINES: I think it has to do with
the '04 project number.

CHAIRMAN EWASUTYN: Which dates back to
'99.

MR. LYTLE: Nine years or something,
right.

CHAIRMAN EWASUTYN: We'll move for a
motion from the Board to grant preliminary
approval for the HL Rentals, L.L.C. site plan.

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.

HL RENTALS, L.L.C.

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MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. O'DONNELL: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself. So
carried.

MR. DONNELLY: Two items of
clarification, I'm sorry, if I could. This needs
a landscape bond or no?

MS. ARENT: Yes.

MR. DONNELLY: I think there's also a
lot line component to this, was there not?

MR. LYTLE: There was an existing lot
and upon this approval it was going to be
removed.

MR. DONNELLY: You're simply severing
lands?

MR. LYTLE: Yes. Combining lands.

MR. HINES: Consolidation.

MR. DONNELLY: Both owned by this
applicant?

MR. LYTLE: That's right.

MR. DONNELLY: I'll include that as a

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condition.

CHAIRMAN EWASUTYN: So there will be an inspection fee for landscaping and there will be an inspection fee for soil erosion control.

MR. HINES: Yes. The minimum \$1,000.

CHAIRMAN EWASUTYN: \$2,000.

MR. HINES: \$2,000.

CHAIRMAN EWASUTYN: We're granting them preliminary approval. You're going to be providing Jim Osborne with a letter he'll refer on to the City of Newburgh.

MR. HINES: We'll come back?

CHAIRMAN EWASUTYN: It will be an agenda item.

MR. HINES: In the meantime we can work out the drainage issue.

CHAIRMAN EWASUTYN: Okay. Should we put it under Board business or an agenda item?

MR. HINES: It could be a Board business item.

CHAIRMAN EWASUTYN: I'll move for a motion when we have the necessary sign off from the City of Newburgh permitting discharge into the sewer, that we make this an agenda item.

HL RENTALS, L.L.C.

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MR. MENNERICH: Board business.

CHAIRMAN EWASUTYN: Board business.

Thank you. A Board business item.

MR. GALLI: So moved.

MR. PROFACI: Second.

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

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. O'DONNELL: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

Remind this office when you do get the sign off from the City. Although we'll get a copy of it, if you would remind us we'll make it a Board business item on that agenda.

MR. LYTLE: Thank you.

(Time noted: 7:55 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 30, 2007

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

----- X

In the Matter of

BALMVILLE ESTATES
(2007-10)
Intersection of River Road & Susan Drive
Section 46; Block 1; Lot 14
R-1 Zone

----- X

CONCEPTUAL SKETCH PLAN
SIX-LOT SUBDIVISION

Date: April 19, 2007
Time: 7:55 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

- BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
- FRANK S. GALLI
- CLIFFORD C. BROWNE
- KENNETH MENNERICH
- EDWARD T. O'DONNELL, JR.
- JOSEPH E. PROFACI
- ALSO PRESENT: FRAN BAKKER
- MICHAEL H. DONNELLY, ESQ.
- BRYANT COCKS
- PATRICK HINES
- KAREN ARENT

APPLICANT'S REPRESENTATIVE: KENNETH LYTLE

----- X

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

BALMVILLE ESTATES

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CHAIRMAN EWASUTYN: The following item of business is Balmville Estates. It's a conceptual sketch plan for a six-lot subdivision located at the intersection of River Road and Susan Drive in an R-1 Zone. It's being represented by Ken Lytle also.

MR. LYTLE: Good evening. This is actually the remaining parcel from a previous subdivision done along River Road.

We're proposing dividing it into six lots, three would have access off of Susan Drive, three would have access off of River Road.

We have some comments from the consultants. Mr. Garling's office proposed possibly taking the three lots, the access, and combining them into a common driveway. That would require going to the Town Board for a waiver to have three driveways common. And also the same off of River Road. We have no problem doing that. It only acts as two points of disturbance.

The water lines, Pat made some comments regarding relocating those and shifting those. Pat asked some notes be added to the plan when

BALMVILLE ESTATES

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2 that water line would be installed along River
3 Road for a subdivision up to the north, that
4 actually the wells would be abandoned I guess at
5 that time and a water connection would be made.

6 We've shown actually clearing limits.
7 There was also some concern regarding
8 some of the homes along Susan Drive, so what
9 we've done is we've actually given it a
10 twenty-five foot landscape easement there. We
11 have no trees removed for that reason.

12 If you remember from the previous
13 subdivision, we've also given the Town a
14 thirty-foot drainage easement to solve any
15 problems with the existing drainage swale that
16 kind of runs down between and behind to the west
17 of Susan Drive.

18 We also checked it out during the storm
19 we just had and at that point there it did not
20 peak at all. We're about four to five inches
21 below the concrete head wall. Since that's been
22 dedicated, the Town cleaned up some things and
23 that's been solved and is working good.

24 Ed Garling's office also asked to take
25 lot number 6 and shift the house around to give

BALMVILLE ESTATES

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2 it more of a backyard. We have no problem with
3 doing those couple things.
4 If the Board has any comments.
5 CHAIRMAN EWASUTYN: I'll take comments
6 from our consultants now. Karen Arent, Landscape
7 Architect.
8 MS. ARENT: The only comment I have is
9 to outline and mark the drainage easement on the
10 existing tree location plan.
11 MR. LYTLE: On the landscape sheet
12 you'll see the hatches broke out.
13 MS. ARENT: I think you should label
14 it. It's not clear what it is.
15 MR. LYTLE: Okay.
16 MS. ARENT: That's the extent of my
17 comments.
18 CHAIRMAN EWASUTYN: Bryant Cocks,
19 Planning Consultant.
20 MR. COCKS: Our first comment is just
21 to renumber the lots to go 5 through 10 before
22 you file it.
23 During the Peak Summit review the
24 overall layout was provided and it showed four
25 lots instead of six. There are still two current

BALMVILLE ESTATES

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2 on the Susan Drive side. That's not changed but
3 the lots are a little smaller now.

4 He addressed the home locations.

5 The topo lines have to be shown for the
6 type of contours.

7 There's an issue and I've just asked if
8 the water lines have to be so far apart. If
9 they're closer you could save some more trees.

10 The tree line areas to be preserved
11 between lots should be shown.

12 Some screening along lot 5 to screen
13 the Davis lot for privacy.

14 Easements for common driveways and
15 drainage will be sent to Mike Donnelly.

16 There will be no variances required for
17 any of these lots. That was all.

18 CHAIRMAN EWASUTYN: Pat Hines, Drainage
19 Consultant.

20 MR. HINES: Our first comment has to do
21 with the overall lot layout. Four of the six
22 lots are flag lots and it looks like they could
23 be developed on a road coming in where the common
24 driveways are off of Susan Drive. A private road
25 in off of there could provide each of them with

BALMVILLE ESTATES

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2 access and realign the houses so that they are
3 not looking at each other's back yards. It's a
4 drastic change to what's proposed on the plans.
5 A suggestion for the Board and the applicant,
6 there's a fifty-foot strip here and if this was
7 developed into a private road with a cul-de-sac
8 each of these houses could then front on a
9 private road in the cul-de-sac leaving one access
10 off River Road and each of these coming off a
11 private road which may function better than
12 having four of the six lots being flag lots and
13 front to back yard issues and houses in each
14 other's back yards. I think the lot areas will
15 still work.

16 MR. O'DONNELL: So it's five of the six
17 lots?

18 MR. HINES: Five of the six lots come
19 in off a private road instead of having shared
20 driveways.

21 MR. LYTLE: In this area right in here.
22 Again that's why we have nothing behind here.
23 This is a pretty substantial hill if you look at
24 the contour lines on there. That's why we
25 actually did it. We've actually since spoke to

BALMVILLE ESTATES

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2 Todd of the highway department. He had no
3 problem doing individual driveways. He'd prefer
4 not to have a road there. If we need to get a
5 letter I will make sure we have that. Again, the
6 private road is a substantial amount of cost.
7 There's a lot of cutting and grading and clearing
8 of trees in that area that would have to be done
9 to provide that road.

10 MR. O'DONNELL: You don't need to do
11 that for the driveway?

12 MR. LYTLE: The driveway into lot 2 and
13 lot 3?

14 MR. O'DONNELL: Right. You miss the
15 hill.

16 MR. LYTLE: We're going along the base
17 of the hill to avoid that.

18 CHAIRMAN EWASUTYN: You should be
19 prepared when the time comes for a public hearing
20 that there may be concerns as far as the overall
21 impact on the surrounding properties and you may
22 start thinking about how you may want to offer
23 some kind of mitigation measures for the existing
24 residents there.

25 MR. LYTLE: Again, the ones along Susan

BALMVILLE ESTATES

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Drive, we provide the twenty-five foot buffer not to be disturbed to keep them as private.

MR. PROFACI: That's a different plan than this. There's two common driveways here.

MR. LYTLE: One here and one here.

CHAIRMAN EWASUTYN: Pat, any additional comments?

MR. HINES: The rest are technical comments regarding the water lines.

There is a proposal to use wells for the lots that are currently fronting on River Road. A private road would allow a water main to be brought in serving the five houses.

Coordination of the owners, there's some names that need to be adjusted on the sheets.

One of the lots is showing a fill system and I believe Orange County will not permit fill systems on new construction.

MR. LYTLE: Lot number 6. I believe there's a raised. It should be a shallow. Actually there's a raised detail on the plan.

MR. HINES: It's not going to work. Okay. The water lines for one of the lots

BALMVILLE ESTATES

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2 fronting on River Road is very close to the -- it
3 needs to be moved on the other side of the
4 driveway. It couldn't be constructed without
5 encroaching on the other side of the property.

6 The easement note on sheet 1 of 5 needs
7 to be clarified. It references an easement note
8 but --

9 MR. LYTLE: It says twenty-five foot
10 easement here.

11 MR. HINES: It needs to show what that
12 is for. It just references that easement.

13 Two of the septic are shallow
14 absorption. The details need to be added to the
15 plans. That's all our comments.

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

18 MR. GALLI: I was out that way the
19 other day. Just looking at the subdivision we
20 just approved and that neighborhood and they're
21 building two houses exactly the same, and I think
22 in an area like that I don't think we need cookie
23 cutter houses. They are up in construction right
24 now right next to this and they're exactly the
25 same. I think you're going to hear about it at

BALMVILLE ESTATES

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2 the public comment about these lots when they
3 started building about all the houses looking
4 exactly the same.

5 MR. LYTLE: Our goal for these houses
6 -- because of the homes they're building there
7 and the clearing that they have done there also,
8 we're planning on anticipating holding on to
9 these for that reason.

10 MR. GALLI: I think you're going to
11 hear about it.

12 MR. O'DONNELL: Does that mean you're
13 willing to put deed restrictions in?

14 MR. LYTLE: On these six lots, the
15 homes couldn't look exactly the same. I don't
16 see any problem with that.

17 CHAIRMAN EWASUTYN: Good point. I
18 drove by there myself and I was shocked to see
19 that.

20 MR. GALLI: They look out of place.

21 CHAIRMAN EWASUTYN: They really do.
22 Cliff Browne?

23 MR. BROWNE: He's here for a conceptual
24 on this. With Pat's comments I have a concern.
25 If we consider what Pat said about moving that

BALMVILLE ESTATES

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2 around, then obviously this concept is going to
3 be different. So with your comments, you're
4 basically saying no, you're not going to go in
5 that direction at all?

6 MR. LYTLE: We prefer to keep them as
7 common driveways. Actually, Garling made a
8 comment regarding bringing three driveways out so
9 you have one common point. The private road is a
10 substantial amount of cost, substantial amount of
11 regrading to get to the other lots on top of the
12 hill. I prefer to avoid that, yes. Again, less
13 disturbance of the trees in the area for that.

14 CHAIRMAN EWASUTYN: What's the
15 recommendation to the Board from our consultants?
16 That's what Cliff Browne would like to hear at
17 this point.

18 MR. HINES: I think it works better. I
19 don't think this is consistent with the
20 neighborhood.

21 MR. DONNELLY: What if you did it on
22 paper, Ken, and showed us the clearing it would
23 take just as an alternative so the Board could
24 evaluate it?

25 MR. HINES: There's a lot of ways to

BALMVILLE ESTATES

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skin a cat. It's a suggestion to the Board.

MR. BROWNE: To me if you say conceptual on this is okay, then obviously we can't go that way at all because it's too different.

CHAIRMAN EWASUTYN: Can I make a recommendation that we set this up for a consultants' meeting on the --

MR. GALLI: 24th.

CHAIRMAN EWASUTYN: -- 24th. You come in and discuss the alternate plan and get a report back from our consultants and we'll act on whether we grant this conceptual approval or not as an agenda item at our meeting on the 3rd.

MR. GALLI: That's fine.

MR. BROWNE: That works.

CHAIRMAN EWASUTYN: I'll move for a motion -- what's the date again?

MR. GALLI: April 24th.

CHAIRMAN EWASUTYN: I'll move for a motion to set this up for the Planning Board consultants' meeting for the 24th of April to discuss the alternate plan of a cul-de-sac providing access to lots 5 and 6.

BALMVILLE ESTATES

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MR. PROFACI: So moved.

MR. GALLI: Second.

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

MR. O'DONNELL: Yeah. I think that it's important, Kenny, to understand that my preference is clearly the cul-de-sac. I think it's more in line with the neighborhood. It gives those five lots a neighborhood. If it costs more, so that's the way life is at times. I think that we ought to be in tune with what the neighborhood demands. Just so you know that's how I think about it. The other thing -- I'm sorry.

CHAIRMAN EWASUTYN: No. I was looking for Ken Mennerich. Continue. I'm not stopping you.

MR. O'DONNELL: The buffer you put over here for these three lots, why don't we do it over here for these three?

MR. LYTLE: The three on Susan Drive?

MR. O'DONNELL: Yeah.

MR. LYTLE: Those ones there's -- we

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can give it a buffer. It's on the other side of the drainage easement. We can make that a buffer. That's not a problem.

MR. O'DONNELL: I would think so. I guess you assume it won't be used because of the drainage easement but who knows. People get creative, so make it a buffer.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I agree with the other comments that have been made about the cul-de-sac. I think it would make a much better design if it can physically be done.

CHAIRMAN EWASUTYN: Thanks. I know it's a not a problem that you have. We're going through this somewhat even with The Market Place or projects in general is that someone comes before us and they represent a project to be built a certain way. They're here during a public comment period and they hear all the controversy from the public, and concerns, and then what happens is they go ahead and sell the lots and the creator of those lots then really doesn't kind of comply with the spirit of how we close the public hearing. I think Frank

BALMVILLE ESTATES

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2 addresses it's a poor excuse to say someone
3 bought the lots. We saw what they did. I think
4 it's your responsibility, someone as active as
5 you are in the Town, to convey the flavor of that
6 approved subdivision to the new buyer because it
7 really reflects on your due diligence and not so
8 much on what they're doing. You were here
9 through the whole thing.

10 MR. LYTLE: Again, when we were here,
11 actually, they asked us about the houses and what
12 we were actually trying to do. Actually during
13 the public hearing it was discussed to having
14 houses similar in there, a couple homes in the
15 back along Stone Gate Drive, and we conveyed the
16 type of home they were looking to have in that
17 area. We had no involvement in the building or
18 planning. We can do something with some
19 restrictions Ed said and try to eliminate that.

20 MR. O'DONNELL: That's how you get to
21 influence what happens.

22 CHAIRMAN EWASUTYN: I don't know if
23 it's possible, it may not be, you have -- I'll
24 make it very simple. You have two trees shown at
25 the entryway where that new road is going in.

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MR. LYTLE: Okay.

CHAIRMAN EWASUTYN: I don't know if it would be at all possible to save them with the road construction.

MR. LYTLE: Along this?

CHAIRMAN EWASUTYN: Along Susan Drive.

MR. LYTLE: Oh.

CHAIRMAN EWASUTYN: They're two attractive trees. If you could possibly save them it would make for an interesting focal point pulling in.

MR. LYTLE: We'll look into doing that. Again, grading when you come off Susan Drive with the negative slope. We'll see what we can do to avoid damaging the roots.

CHAIRMAN EWASUTYN: We'll wait to hear back from our consultants.

MR. LYTLE: I guess the next thing would be go to the workshop meeting and come back for sketch.

CHAIRMAN EWASUTYN: What will happen is you'll go before a work session meeting, our consultants report back to us. Based upon what they recommend we'll move for approval of the

BALMVILLE ESTATES

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2 conceptual sketch plan based upon what they're
3 recommending to be the cul-de-sac at which point
4 we'll advise when you can move forward working
5 your plans.

6 MR. EWASUTYN: We were in discussion.
7 Ed O'Donnell said something, you said something
8 and I said something.

9 MR. LYTLE: One more question. If the
10 consultants decide that actually a private road
11 is doable and that's what they prefer and you
12 pursue that avenue, if that does not get accepted
13 and they don't think it's going to be the way to
14 go, can we have an okay to go on to the Town
15 Board to get the waiver to bring all three out
16 together before we come back? Does that make
17 sense?

18 MR. O'DONNELL: It sounds to me like
19 you're precluding that.

20 MR. LYTLE: No, no. I don't know which
21 way it may go. Instead of having to come back --

22 CHAIRMAN EWASUTYN: I think we'll make
23 that consideration after we hear back.

24 MR. O'DONNELL: We want to make sure
25 you act in good faith.

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CHAIRMAN EWASUTYN: I don't want to give you too much of a guarantee at this point.

I have a motion on the table from -- I believe it was --

MR. GALLI: The first one we voted on already for the conceptual. We just brought up the consultants' meeting.

CHAIRMAN EWASUTYN: That's the only motion?

MR. MENNERICH: We never voted on the work session part.

CHAIRMAN EWASUTYN: That was the consultants' meeting.

I'll move for a motion to set this up for a consultants' meeting.

MR. GALLI: We voted on that.

MR. MENNERICH: Somebody made the motion and seconded it but we never voted.

MR. GALLI: Joe Profaci made the motion and I seconded it.

CHAIRMAN EWASUTYN: I'll move for a roll call vote.

MR. GALLI: Aye.

MR. BROWNE: Aye.

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2 MR. MENNERICH: Aye.
3 MR. O'DONNELL: Aye.
4 MR. PROFACI: Aye.
5 CHAIRMAN EWASUTYN: Myself. So
6 carried. Thank you.
7 MS. ARENT: On those other lots there
8 were clearing limit lines shown. Could I write a
9 letter to Jerry Canfield asking that they replace
10 some of the vegetation they took out before a
11 certificate of occupancy is issued because they
12 violated what was shown on the site plan?
13 MR. O'DONNELL: For those two lots he
14 was talking about?
15 MR. HINES: Wait until you see the
16 stonewalls.
17 MS. ARENT: There's the stonewalls.
18 There's clearly a note they're to be preserved.
19 CHAIRMAN EWASUTYN: Mike, I would think
20 that would be in the spirit of the approval.
21 MR. O'DONNELL: Who is building the
22 houses?
23 MR. LYTTLE: Rachel Development and K&K
24 Properties. Those are the two people that
25 purchased them.

BALMVILLE ESTATES

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MR. GALLI: Monsey, New York?

MR. LYTLE: No. Not these.

MS. ARENT: Can you provide us with the address?

MR. LYTLE: That's not a problem at all. Once they went in and started clearing we knew of the tree clearing issue so we had sent a fax over to the developer letting them know the Town's concern right after that happened.

MS. ARENT: I called Ken and told them right away there's no construction fencing up and he said he'll take care of it.

MR. LYTLE: We actually sent a fax over to them regarding the construction, the clearing of the trees. We can get a copy of it to you if you need it.

MR. GALLI: At the public hearing you're going to hear about it.

MR. DONNELLY: We should at least let Jerry's office know about it.

(Time noted: 8:12 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 30, 2007

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

----- X

In the Matter of

VILLAGE GABLES
(2007-9)
1444 Route 300
Section 64; Block 2; Lot 1
B Zone

----- X

CONCEPTUAL SITE PLAN

Date: April 19, 2007
Time: 8:13 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
KENNETH MENNERICH
EDWARD T. O'DONNELL, JR.
JOSEPH E. PROFACI

ALSO PRESENT: FRAN BAKKER
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT

APPLICANT'S REPRESENTATIVE: CRAIG MARTI

----- X

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

VILLAGE GABLES

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CHAIRMAN EWASUTYN: The next item of business we have is Village Gables. It's a conceptual site plan located on Route 300 in a B Zone. It's being represented by Craig Marti.

MR. MARTI: Thank you, Mr. Chairman. The parcel we're here tonight to present to the Board is -- it's labeled Village Gables. It's a piece of property a little over two acres in size. It's located on Route 300 basically directly across the road from the Tots-N-U's Nursery School.

The proposal is to develop roughly 12,800 square feet of a mix of office and retail space. Our client, the applicant has no firm tenants lined up for the building at this point in time but they've given us a very preliminary sketch of the building, preliminary layout which will have gable ends. They have given us a basic footprint of the building from which we've developed the parking sizing and the drainage to accommodate 12,800 square feet of mixed use. We used the fifty/fifty combination of office and retail space recognizing that at this location we may go a little higher on the office space when

VILLAGE GABLES

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2 it's built out, however the parking is a little
3 heavier designed on the retail side to
4 accommodate that fifty/fifty maximum use of
5 retail space.

6 The drainage system has been submitted
7 in sketch form. We have not finalized the
8 drainage report yet however we've designed the
9 system to accommodate the parking as it's
10 presented with the impervious surfaces in
11 recognition of the adjoining residential uses.

12 In the rear of the property there's a
13 house located at this location. There's an old
14 paper street or an old right-of-way which runs
15 out to the end of Shady Lane.

16 The existing drainage patterns
17 basically flow to the back portion of the
18 property. We're going to maintain that direction
19 of flow, retain and mitigate the peak runoff
20 rates such that there's actually a reduction,
21 even at the hundred-year storm, of the amount of
22 water that runs off site. We recognize that the
23 neighbors are very sensitive to that issue. In
24 fact, about the fifth parcel that the water will
25 run across as it leaves this site is my house, so

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I really make sure that the negative impact there is recognized.

The preliminary contact with DOT has indicated that they would prefer to have our entrance way directly across from the southerly driveway of Tots-N-U's, and for clarity we can add that to future plan submissions so we can show in accordance with their recommendations as well as the logistics of seeing traffic and conflicting traffic across from the opposing driveways.

We have received comments from the Planning Board's consultants. Although numerous they're relatively minor as far as the impact on the plan.

As far as the entrance way and the stonewalls, I believe Karen indicated we could maybe build those into the hill and use them as part of the grading plan. We can look into that. I don't think that would have of an impact.

In laying out the trees in the locations of the entrance ways I had the benefit of the very preliminary sketch plan of the building so that they do conform with -- we put large plants between the windows rather than in

VILLAGE GABLES

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2 front of. That will be demonstrated in the
3 further submissions as far as any architectural
4 review is concerned. It is as the project name
5 would suggest, Village Gables. There are gables
6 proposed for the roof area.

7 I agree we will have to show somewhere
8 on the plan where we will show the infrastructure
9 and facilities to accommodate the air
10 conditioning units and mechanical units which
11 will have to be placed, and we will screen those
12 appropriately as we design the details for that
13 building.

14 I've reviewed the other comments. I
15 believe that we can incorporate those into future
16 plan submissions. If you would like to discuss
17 any details I would be glad to discuss them now.

18 CHAIRMAN EWASUTYN: Thank you. I'll
19 turn to Pat Hines, our Drainage Consultant.

20 MR. HINES: Existing structures require
21 a demolition permit.

22 DOT approval for access and utilities.

23 The note on plan 1 identifies an
24 outside user agreement. In your narrative you
25 state your need to obtain an outside user

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agreement for sewer.

MR. MARTI: Right. We will need to go to the Town Board and formalize those. I've had preliminary discussions with the town engineer. I understand that the plant hasn't been expanded and those capacity issues are being resolved as we speak, or have recently been resolved. I believe it's conceivable and likely we will obtain that. We would like to proceed along that basis and that assumption.

MR. HINES: The hydrant located behind the building and behind the dumpster will have to be relocated for access. It's got to come out.

MR. MARTI: We can get it on the outside of the dumpster so it's easier to get to.

MR. HINES: They may want it in front of the building.

MR. MARTI: I'll coordinate that.

MR. HINES: You can coordinate that with them.

MR. MARTI: If they don't want it in the back I would be glad to.

MR. HINES: Confirm the entire site is curbed. The grading doesn't show curbing.

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MR. MARTI: Yes. That has -- originally this site, they wanted to stop it here. Knowing that the -- the technician who actually had originally laid out the parking lot was in recognition and wanted to proceed to get the drainage to flow to the grassed areas.

CHAIRMAN EWASUTYN: We've been requiring curbing.

MR. MARTI: I understand that. I did have him look at the grading such that catch basins are low enough such that the grading can work from the edge of pavement toward the catch basins. In keeping, if it's the Board's desire we can curb the entire parking lot and --

CHAIRMAN EWASUTYN: We've been working in that direction.

MR. MARTI: -- comply with that request. That's not a problem.

MR. HINES: Ken's comments were sight distance on Route 300. The sight distance was 150 feet?

MR. MARTI: I believe that's a typo. You can actually see to the curve and the end of Union Avenue. I looked at that today when I

VILLAGE GABLES

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2 received your comment. I believe there's a typo
3 there.
4 MR. HINES: The intersection is
5 certainly further than that away.
6 MR. MARTI: Both ways actually is much
7 further.
8 MR. HINES: The tax map location would
9 have been helpful along those lines.
10 MR. MARTI: I think what I'll do with
11 that, in showing the surrounding properties I'll
12 try to obtain, I don't know how current it is, at
13 least show the tax maps. There is a New York
14 State GIS website which has aerial photographs.
15 It may not have the adjoining property and all
16 Lynn Warren has done but it will show the
17 residential properties in the back and the
18 location of those houses so we can demonstrate
19 that I've considered them.
20 MR. HINES: It is adjoining the Route
21 300 Realty project; correct?
22 MR. MARTI: Yes. That is a vacant lot
23 now.
24 MR. HINES: Parks and Rec., you'll have
25 to contact them for the historic building. I

VILLAGE GABLES

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2 don't believe they'll have any problems. Through
3 SEQRA we'll need to close that out.

4 The pipe, rims and inverts at the
5 access drive are too shallow.

6 MR. MARTI: We'll take a look at that.

7 MR. HINES: After you get your outside
8 user status flow acceptance letter from the City
9 of Newburgh.

10 The narrative says the parcel is vacant
11 but there are structures on it.

12 The landscape buffers are identified in
13 the narrative but should be specifically shown
14 along the residential properties.

15 MR. MARTI: Right. We wanted to leave
16 as much as possible in the wooded area but Karen
17 also mentioned that we should supplement that
18 with some dense plantings along the property.

19 MR. HINES: The buffer needs to be
20 shown.

21 That's all we had.

22 CHAIRMAN EWASUTYN: Bryant Cocks,
23 Planning Consultant.

24 MR. COCKS: Concerning the buffer, the
25 applicant provided about 115 feet from the back

VILLAGE GABLES

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2 of the property to the parking lot, and that's
3 way more than needed in the new buffer laws, so
4 as long as it's shown on the plan it's more than
5 adequate. There's also a big slope down there so
6 it's really going to be blocked. It's not going
7 to be an aesthetic issue.

8 A surveyor's seal and signature are
9 going to be needed.

10 The location map needs to be cleaned
11 up, and on a smaller scale so you can see the
12 surrounding neighborhood.

13 He addressed the parking calculations.
14 one space per 200 square feet and 64 spaces were
15 needed. He's showing 74 so it's not that far off
16 if you have mixed office and retail together, the
17 retail being 150. So it's about right. Just the
18 spaces for handicap spots need to be labeled as
19 such.

20 Directional arrows around the access
21 drive.

22 Signage detail will be needed for the
23 entrance sign to be included in ARB.

24 The use of stonewalls at the entrance
25 to the site, that it matches the community

VILLAGE GABLES

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character of the adjoining lots. That was all.

CHAIRMAN EWASUTYN: Okay. Karen Arent.

MR. HINES: Did we make provisions on Route 300 to interconnect?

MR. COCKS: They wouldn't do it.

MR. HINES: We tried.

MS. ARENT: The rear sidewalk should be located closer to the building. The walkway should be shown from the back doors to the sidewalk because all of those units will be required to have a means of egress.

The dumpster enclosure should be -- should match the materials that the building will be constructed with.

MR. MARTI: Yes.

MS. ARENT: The fence is fine in the front of it.

I thought maybe Ken should look at the plan, or maybe Pat would know, but it looks to me like a garbage truck would have difficulty circulating through the site going through those tightly curbed islands.

MR. MARTI: We can take a look and provide --

VILLAGE GABLES

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2 CHAIRMAN EWASUTYN: Why don't you do us
3 a favor and send this sheet to Ken Wersted, our
4 Traffic Consultant, cc us on the letter, --
5 MR. MARTI: That's fine.
6 CHAIRMAN EWASUTYN: -- and ask him to
7 address that.
8 MS. ARENT: Show some more Forsythias
9 along the property line because they're a little
10 bit far apart, the ones you're showing now.
11 MR. MARTI: This is which side, Karen?
12 The north side?
13 MS. ARENT: The south side.
14 MR. MARTI: We can do something.
15 MS. ARENT: I think that several more
16 shade trees should be shown around the parking
17 area.
18 If you could show planting at the base
19 of all the lights to hide that big base that they
20 usually have.
21 Could the lighting be more decorative
22 in a pedestrian scale?
23 MR. MARTI: We'll take a look at
24 alternate styles of street lights.
25 MS. ARENT: Plantings should be shown

VILLAGE GABLES

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2 on the west side of the building to provide a
3 more attractive entrance and also a more
4 attractive view from the road.
5 Just to continue the planting a little
6 bit around the building, not just stop it.
7 MR. MARTI: Especially the front.
8 MS. ARENT: You don't have to go around
9 the back but just enough to make it more
10 aesthetic.
11 MR. MARTI: At least the front corner.
12 I agree.
13 MS. ARENT: The same thing with the
14 back corner, too.
15 MR. MARTI: Yeah, from the parking lot.
16 Okay. I can do that.
17 MS. ARENT: Just finish it off. I
18 think that there should be some screening along
19 the parking lots in the rear of the site.
20 I'm not actually sure how low the houses are, but
21 these car lights -- if the houses are around
22 elevation 88 the car lights could be shining into
23 the houses -- the upper floors of the houses. I
24 don't know if they're two-story or one-story
25 houses.

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MR. MARTI: I can take a look and clarify that.

MS. ARENT: You would probably just need a hedge type of material to kind of block that off. To save money you could just put a thick Forsythia hedge if you wanted.

Tree protection and appropriate notes must be shown around all trees proposed to remain.

The landscape plan should include the notes and details on sheet C-7 or a large note that says see additional landscape information on C-7. Put that on your plans. The landscapers are going to get this plan and have no idea there's another whole sheet that goes with it.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: No additional.

MR. BROWNE: Has there been a traffic study done on this specific area in awhile?

CHAIRMAN EWASUTYN: I think most indications are this intersection of Route 300 and 52 from all the reports we get is operating at a level of service F, and everyone notes,

VILLAGE GABLES

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2 whether it be The Market Place or anyone who ties
3 into the traffic study, that they would be
4 willing to contribute their fair share amount to
5 the improvement but there really isn't any
6 mechanism in place. It is at a level of service
7 F.

8 MR. BROWNE: Is there anything we can
9 do/should do at this point? In the last year
10 we've added a couple three projects right here in
11 this very short space and it seems like it's
12 getting more congested.

13 CHAIRMAN EWASUTYN: I'll turn to Mike
14 Donnelly, Planning Board Attorney.

15 MR. DONNELLY: I think what we should
16 probably try to do is get everybody that puts a
17 new project in here to contribute their fair
18 share toward it. The real problem is getting the
19 DOT to make the improvement. The fair share is
20 only the new contribution, not the existing
21 deficiency. I hate to be cynical but at times
22 the only way to get it fixed with the DOT is to
23 put the straw on the camel's back. At the point
24 where it gets bad enough is the only way they fix
25 it.

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MR. GALLI: The problem is at that intersection there's no place to really improve. They would have to definitely take people's property right to the front door. Like Dairy Queen on that side and Joe's Pizza on the other side, they'd have to take his parking lot and then there would be no parking.

MR. DONNELLY: You're right. There are turning lights. I don't know where the improvements would be. You can't tell people that own land they can't use it. You could delay building until the improvements are made but that's only fair if there's a plan in place to do it on a fixed date.

MR. BROWNE: I kind of hate to just say yeah, okay without making some kind of a note someplace we considered this somehow. From a conceptual standpoint that's the only issue I have is traffic. It sounds like there's nothing we can do anyway.

MR. DONNELLY: You can ask Ken, maybe there's some minor improvements that can be made now.

MR. O'DONNELL: Didn't you ask Ken to

VILLAGE GABLES

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do an analysis of this total area?

CHAIRMAN EWASUTYN: The Market Place has done it.

MR. HINES: Stop & Shop mentioned it.

CHAIRMAN EWASUTYN: I think it's probably going to be part of the studies in play with the shops at Union Square, Driscolls, I'm sure the Newburgh Retail Developers did it. It always comes back the same.

MR. HINES: Actually Meadow Winds did it and it came back --

CHAIRMAN EWASUTYN: Driscoll mentioned level of service F, the Polo Club took it into consideration as a level of service F.

MR. HINES: It was failing through Meadow Winds fifteen years ago.

CHAIRMAN EWASUTYN: Even in Driscoll, part of their E.I.S. says they will contribute their fair share amount.

MR. BROWNE: Even though it comes to a level F.

MR. DONNELLY: We should at least try to calculate what trips would be generated by this use as a function of the total trips in the

VILLAGE GABLES

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intersection because I think that would be the methodology that's the fair share.

CHAIRMAN EWASUTYN: I would suggest in the letter that you're sending to Ken Wersted, our Traffic Consultant, to look at the internal circulation of the site, that you ask him to give consideration to the trips generated from this proposed project and to give us an analysis of that, and you could provide him with some information so we'll have that on record. We'll use that information and we'll make that determination later on.

MR. MARTI: You basically would allow us to keep it a conversation between our traffic staff and Ken as far as the trip generation but the intersection is clearly operating at a level of service F in its existing state.

CHAIRMAN EWASUTYN: Right.

MR. MARTI: So therefore it's a fair analogous to taking a bucket of water and throwing it on the Wallkill River in regard to a two-acre site in a region that serves the Route 300 and Route 52 intersection.

MR. BROWNE: The problem I have is I

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2 think in our charge if you will it clearly states
3 we're not to make things worse. Even if we're
4 throwing a bucket onto the river, we're making it
5 worse.

6 MR. DONNELLY: We should clarify how
7 much that water is.

8 MR. MARTI: We would be glad to
9 quantify the trip generation numbers.

10 MR. DONNELLY: We also need to know the
11 trips in the intersection so we know what yours
12 is as a percentage of the whole.

13 MR. MARTI: We can reference existing
14 studies so we're not having to do a big plan with
15 regard to the two-acre site when all of the
16 studies on large scale developments of hundreds
17 of lots and thousands of square feet of --
18 hundreds of thousands of square feet of retail
19 space have already arrived at a level of service
20 F and have gone on to develop their property in
21 accordance with their as-of-right plans and
22 performance with the Zoning of the Town of
23 Newburgh.

24 MR. BROWNE: Even though they have done
25 their thing, not this particular area but most

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2 other ones they brought to a better condition. I
3 mean I realize with this project you're not going
4 to do that.

5 MR. MARTI: The better conditions are
6 limited basically to their immediate access
7 points rather than a regional type of
8 improvement.

9 MR. BROWNE: I think we should have it
10 noted.

11 CHAIRMAN EWASUTYN: Ken Mennerich.

12 MR. MARTI: I'll be glad to discuss it.

13 CHAIRMAN EWASUTYN: Relax. Sometimes
14 you take it to the point that you're completing
15 the study as you talk. All we're asking you to
16 do is send the information on. Relax, okay. Let
17 us have the final say.

18 MR. MENNERICH: Your driveway you said
19 would be opposite the southern driveway?

20 MR. MARTI: Tots-N-Us has a couple
21 driveways. One is further north.

22 MR. MENNERICH: It would be the one
23 closer to the intersection basically of 52?

24 MR. MARTI: Yes.

25 MR. MENNERICH: How is somebody going

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2 to make a left-hand turn coming out of this
3 project? A lot of times the traffic is backed up
4 all the way passed Tots-N-Us. Are they going to
5 wait here?

6 MR. O'DONNELL: They're going to do the
7 same thing Lynn Warren's people do.

8 MR. MENNERICH: Lynn Warren is further.

9 MR. MARTI: It's the adjoining
10 property. When I leave to drive home -- I live
11 directly to the -- behind our existing property.
12 I can choose to go right and go one way or left
13 and go the other way. It's with two-lane traffic
14 and two-way traffic and unrestricted access to
15 Route 300. Again, it becomes a DOT issue as to
16 how the DOT would like to address the failing
17 properties.

18 MR. MENNERICH: Is there a possibility
19 that DOT could widen Route 300?

20 MR. GALLI: There's no property.

21 MR. MENNERICH: To the west or north I
22 mean from 52 so instead of -- so at least there
23 could be a left-hand turn lane to go down Old
24 South Plank Road is it?

25 MR. MARTI: Actually there's a

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left-hand turn lane there now.

MR. MENNERICH: It doesn't extend far enough to the west or north, whatever it is. I guess I would be interested in Ken's comments on the actual operation of the flow in and out of the site.

MR. GALLI: We had that problem when Lynn Warren put his site up. Same problem, backing all the way up the hill how they were going to make a left turn out. It wasn't working then. The intersection was messed up. I mean --

CHAIRMAN EWASUTYN: All right. Let's say that they want to give it a look although we probably do know the answer to it. At least for the record we want to give it consideration and have that information.

MR. MARTI: Sure.

CHAIRMAN EWASUTYN: Any other comments from Board Members?

MR. O'DONNELL: Yeah.

CHAIRMAN EWASUTYN: Go ahead. I'm asking you. I said any more comments from the Board Members.

MR. O'DONNELL: I want to make a

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2 comment about traffic. If you look at that
3 entire corridor, and we've done at least five new
4 businesses there, three of which were Lynn
5 Warren's, the carpet place and the other joint, I
6 mean to beat this thing to death about traffic is
7 crazy, I mean because it's not going to get any
8 better. What people do that live around here,
9 myself included, I don't go there at 4:00 to 5:00
10 in the afternoon. At 10:30 in the morning it's
11 fine. So I mean we can make these guys that come
12 in here as developers jump through hoops and it's
13 not going to change anything. It's only going to
14 get worse. We're going to add to it and it's
15 going to continue. It's not going to get better
16 and it's going to be just like New Jersey, White
17 Plains. It's what happens in this world.

18 CHAIRMAN EWASUTYN: Joe Profaci.
19 MR. PROFACI: I agree with Ed, the DOT
20 isn't going to do anything until they're good and
21 ready to do something about it. It is a time
22 period when it backs up there. It's usually
23 about an hour, hour and fifteen minutes or so
24 during the afternoon. So it's not a constant
25 issue. Like Ed says, there is really nothing

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2 much we can do. We can debate this but nothing
3 is going to come of it.
4 CHAIRMAN EWASUTYN: Okay. So we'll say
5 that we'll give it a look anyway under SEQRA and
6 provide information.
7 MR. O'DONNELL: Well, I wouldn't want
8 to unfairly have this developer spend an
9 inordinate amount of money and time on this when
10 we just put in other bigger structures up in that
11 area. That's my point.
12 CHAIRMAN EWASUTYN: Okay. So what
13 sense of direction do you want to take? Do you
14 not want him to come up with something as far as
15 trip generation from the site?
16 MR. O'DONNELL: To me it doesn't
17 matter. As far as I'm concerned I don't care.
18 CHAIRMAN EWASUTYN: I think we spent
19 fifteen minutes on it so we ought to come to a
20 decision on it as to what direction.
21 MR. BROWNE: I would like to see some
22 data, and if nothing more have that along with a
23 comment from a legal standpoint that says there's
24 nothing we can do about it, we looked at it, it's
25 fine. To me that says we did our job and from

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2 the legal standpoint that's that. That's all you
3 can do. Just so it's there.
4 CHAIRMAN EWASUTYN: I'll poll Board
5 Members. Frank Galli, would you like to see the
6 applicant do some traffic studies to provide
7 information as to the trips that would be
8 generated from the site and also do an
9 internal --
10 MR. GALLI: No.
11 CHAIRMAN EWASUTYN: -- circulation?
12 What about the internal circulation?
13 MR. GALLI: Internal circulation, yes.
14 MR. BROWNE: Yes to both.
15 CHAIRMAN EWASUTYN: Ken Mennerich?
16 MR. MENNERICH: Yes to both. I assume
17 that it would be reviewed by Ken Wersted.
18 CHAIRMAN EWASUTYN: Correct. Joe
19 Profaci?
20 MR. PROFACI: You forgot Ed.
21 CHAIRMAN EWASUTYN: Ed?
22 MR. O'DONNELL: First of all there's
23 two separate issues. I mean the one with the
24 internal traffic --
25 MR. MARTI: The internal traffic, I

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2 have no problem showing how that would work.

3 MR. O'DONNELL: And the other one I
4 don't think we should do. So the answer to that
5 is nay.

6 MR. PROFACI: Yes to the internal, and
7 if the information is easily obtainable from Ken
8 yes to the other just so that we can show that we
9 did our job as I think Cliff said but not -- I
10 don't want him to have to do a traffic study.

11 Numbers from Ken are fine. That's it.

12 CHAIRMAN EWASUTYN: Okay. I'll say yes
13 to both where we do want information as far as
14 the projected trip generations from the site. I
15 think in the earlier presentation -- I think your
16 goal here is to maximize the property, so I think
17 it's fair to say that you're not different than
18 any other developer that if you get retail in,
19 you get cars coming in and out of here, you want
20 it to happen. I think it's only fair, part of
21 you doing business, to come up with the maximum
22 projected trip generations. We don't expect you
23 to buy Joe's Pizza to mitigate it but you will
24 buy the Dairy Queen. It's easy for you to do.

25 MR. MARTI: Weren't these studies

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addressed already with Route 300 Realty and
Lynn's property?

CHAIRMAN EWASUTYN: They did some trip
generation studies also. I think it's going to
come to a point, and we don't know when, we have
to start getting someone to move on the DOT for
some improvements or find out what to do.

We have a motion to have the applicant
provide trip generations from the proposed
project and also to provide some information for
the interior circulation of the site. You'll
send a letter to Ken Wersted and cc us on that.

MR. MARTI: Yes.

CHAIRMAN EWASUTYN: At this point I'll
move for a motion to grant -- I'm going to move
for one motion and cover a few actions. One, to
grant conceptual site plan approval; two, to move
for intent for lead agency; three, to refer this
to the Orange County Planning Department; and
four, for the applicant to refer to SHPPO.

MR. PROFACI: So moved.

MR. O'DONNELL: Second.

CHAIRMAN EWASUTYN: I have a motion by
Joe Profaci. I have a second by Ed O'Donnell.

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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. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. O'DONNELL: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself yes. So
carried. Thank you.

MR. MARTI: Thank you.

(Time noted: 8:40 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 30, 2007

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

----- X

In the Matter of

LANDS OF KINTZER

Letter from James Raab dated 4/9/07

----- X

BOARD BUSINESS

Date: April 19, 2007
Time: 8:41 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
KENNETH MENNERICH
EDWARD T. O'DONNELL, JR.
JOSEPH E. PROFACI

ALSO PRESENT: FRAN BAKKER
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT

----- X

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

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2 CHAIRMAN EWASUTYN: We have one small
3 item of business. We received a letter from Jim
4 Raab dated the 9th of April. What had happened
5 is we had a motion to have a public hearing for
6 the lands of David Kintzer on the 21st of June
7 and to have a public hearing for Secure
8 Properties on the 17th of June. Jim Raab
9 represents both applicants. The Kintzers are
10 looking to close on their property before the
11 21st of June. Jim was asking that we change the
12 scheduling and have the Kintzer public hearing on
13 the 17th of May and to have the Secure Properties
14 public hearing on the 21st of June.

15 I'll move for that motion.

16 MR. PROFACI: So moved.

17 MR. O'DONNELL: Second.

18 CHAIRMAN EWASUTYN: I have a motion by
19 Joe Profaci. I have a second by Ed O'Donnell.
20 Any discussion of the motion?

21 MR. BROWNE: Just a quick one. Is
22 there any implication or anything else that can
23 come down as a result of doing this?

24 CHAIRMAN EWASUTYN: No. It's just a
25 matter of resetting the notices and all. That's

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all.

MR. BROWNE: Fine.

CHAIRMAN EWASUTYN: I have motion by
Joe Profaci. I have a second by Ed O'Donnell.

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. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. O'DONNELL: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself yes. So
carried.

I'll move for a motion to close the
Planning Board meeting of April 19, 2007.

MR. BROWNE: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by
Cliff Browne. I have a second by Ken Mennerich.

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

MR. GALLI: Aye.

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MR. BROWNE: Aye.
MR. MENNERICH: Aye.
MR. O'DONNELL: Aye.
MR. PROFACI: Aye.
CHAIRMAN EWASUTYN: Myself. So
carried.

(Time noted: 8:42 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 30, 2007

