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

----- X

In the Matter of

LANDS OF DOMINICK SCAGLIONE
(2006-52)

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

----- X

CONTINUED PUBLIC HEARING
TWO-LOT SUBDIVISION

Date: May 3, 2007
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

----- X

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

LANDS OF DOMINICK SCAGLIONE

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CHAIRMAN EWASUTYN: I would like to welcome everyone to the Town of Newburgh Planning Board meeting of the 3rd of May.

At this time 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: 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 with Garling Associates.

MS. ARENT: Karen Arent, Landscape Architectural Consultant.

LANDS OF DOMINICK SCAGLIONE

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

CHAIRMAN EWASUTYN: Okay. At this time I would like to turn the meeting over to Joe Profaci.

MR. PROFACI: Please join the Board in saluting the flag.

(Pledge of Allegiance.)

MR. PROFACI: Please turn off cellular phones and other electronic devices. Thank you.

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

MR. FOTI: Joe Foti from Zimmerman Engineering. Jerry couldn't make it tonight.

CHAIRMAN EWASUTYN: At our last meeting there was concern raised as far as the impact of the two-lot subdivision on adjoining properties. Our consultant went out into the field, I believe several Board Members went out there to do a site

LANDS OF DOMINICK SCAGLIONE

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2 inspection, and there were some other engineering
3 items that weren't stated properly on the
4 subdivision maps. We'll start with those
5 engineering items and the corrections.

6 MR. FOTI: Yes. Since the last time
7 you saw this plan you asked for a note to be
8 added -- excuse me, a line to be added to note
9 number 5 indicating as-built drawings will be
10 provided to the building inspector. We've added
11 that note.

12 The square footage of the new homes has
13 been added within the box for the house itself.

14 The approximate location of the septic
15 system on the Tierney property has also been
16 added to the plan.

17 Also, note number 6 has been added to
18 sheet number 1 regarding the private road
19 agreement.

20 The only issue that is still open here
21 has to do with the fence that was requested.

22 CHAIRMAN EWASUTYN: Pat Hines, do you
23 want to add to this please? He's our Drainage
24 Consultant.

25 MR. HINES: We reviewed the project

LANDS OF DOMINICK SCAGLIONE

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along with the applicant's representative and Karen Arent. We did locate or were directed by the owner of the adjoining property where the adjoining septic system is located. That's been depicted on the plans appropriately in that area.

Notes have been added to the plans identifying that lot as being served by an on-site septic system and the well location has been revised to meet the required setbacks. Our engineering and technical issues have been addressed.

CHAIRMAN EWASUTYN: Karen Arent and Pat Hines, I believe you both went out into the field and made a visual inspection of the property. Do you want to report to the Board?

MS. ARENT: If screening is desired between the two houses it would -- there's two things that have to be done, a six-foot high stockade fence or put in landscape plantings. That's a Board decision. I understand during work session you may not be in favor of asking the applicant to provide the screening.

CHAIRMAN EWASUTYN: Mike Donnelly, Planning Board Attorney, your recommendations to

LANDS OF DOMINICK SCAGLIONE

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the Board.

MR. DONNELLY: As I mentioned during the work session, your primary responsibility is the protection of the general safety, health and welfare of the community at large. Generally you don't get involved in individual property owners and their personal concerns. However, you do examine to see whether or not there's a larger issue there. I understand the report that we received is, number one, the Tierney lot has been fully cleared to its boundary line, and I think there was even a report that some degree of brush or branches or other material has been deposited, whether by the Tierneys or others I don't know, but deposited onto the Scaglione property. The opportunity therefore to provide screening on the Scaglione property, because it is at least lightly wooded, would require taking down some of that vegetation in order to plant something new. So the opportunity to provide screening is actually superior on the Tierney side, and of course could be done just as easily by the Tierneys as by the Scagliones. Moreover, there doesn't seem to be any public viewshed implicated

LANDS OF DOMINICK SCAGLIONE

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2 by what is proposed here. So it's really your
3 call as to whether or not it is needed. I think
4 there was also a feeling that given the location
5 of the houses, that somehow a fence running right
6 there at the property line in some fashion
7 unnaturally divides an existing residential
8 neighborhood with a barrier you wouldn't normally
9 expect to see, while if either of the property
10 owners would want one they could build their own.
11 It's for you to decide whether or not it's a
12 requirement that's necessary for the public
13 protection and welfare, et cetera. So I think
14 it's a call that you need to make but from the
15 report we have there's no overriding public
16 concern.

17 CHAIRMAN EWASUTYN: At this time we'll
18 open it up for discussion and consensus. Frank
19 Galli?

20 MR. GALLI: Being residential/
21 residential I don't think that we should be
22 involved in who's putting up the fence and what
23 we're screening and things like that. I think
24 that should be between the homeowners and leave
25 it at that. Let them decide whose property it's

LANDS OF DOMINICK SCAGLIONE

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going to be on, who is going to maintain it and
who is going to put it up.

CHAIRMAN EWASUTYN: Thank you. Cliff
Browne?

MR. BROWNE: I agree with what Frank is
saying. Our direction is primarily to enforce
code, to make sure the code is enforced, and
there is no code requiring fencing between
residential properties. I don't believe that the
Board should be involved in this matter.

CHAIRMAN EWASUTYN: Ken Mennerich,
Planning Board Member?

MR. MENNERICH: I also agree with what
Frank and Cliff have said so far.

CHAIRMAN EWASUTYN: Ed O'Donnell?

MR. O'DONNELL: I think it's up to the
property owners to decide whether or not they
want any screening.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: Yeah. As I said before,
that's exactly the way I feel.

CHAIRMAN EWASUTYN: At this time, this
is a continuation of a public hearing, if there's
anyone here from the public this evening that

LANDS OF DOMINICK SCAGLIONE

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would like to speak, please give your name and your address.

(No response.)

CHAIRMAN EWASUTYN: Having no one here from the public that would like to speak at this particular time, I'll move for a motion from the Board to close the public hearing for the two-lot subdivision for the lands of Dominick Scaglione.

MR. GALLI: So moved.

MR. O'DONNELL: Second.

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

(No verbal response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. O'DONNELL: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

At this time I'll turn to our Planning

LANDS OF DOMINICK SCAGLIONE

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Board Attorney, Mike Donnelly, to give us the conditions for approval in the resolution.

MR. DONNELLY: Yes. Firstly we'll require a foundation staking condition. Because of the location and the closeness of some of the foundations to property lines, we want to see foundation staking in the field before construction moves forward. I'll need to review a common driveway easement and maintenance agreement before the plat is signed. We want to see the clearing limit areas marked clearly in the field with protective fencing before the commencement of any site work.

Karen, do we need a landscape bond on this one?

MS. ARENT: No.

MR. DONNELLY: Is there any stormwater improvements that you'll require, Pat?

MR. HINES: No.

MR. DONNELLY: Parkland fees then would be required for the two lots. That would be all of the conditions.

CHAIRMAN EWASUTYN: Having heard the conditions for approval for the two-lot

LANDS OF DOMINICK SCAGLIONE

1 11
2 subdivision for the lands of Dominick Scaglione,
3 I'll move for a motion for approval.
4 MR. GALLI: So moved.
5 MR. PROFACI: Second.
6 CHAIRMAN EWASUTYN: I have a motion by
7 Frank Galli. I have a second by Joe Profaci.
8 Any discussion of the motion?
9 (No verbal response.)
10 CHAIRMAN EWASUTYN: There being no
11 discussion, I'll move for a roll call vote
12 starting with Frank Galli.
13 MR. GALLI: Aye.
14 MR. BROWNE: Aye.
15 MR. MENNERICH: Aye.
16 MR. O'DONNELL: Aye.
17 MR. PROFACI: Aye.
18 CHAIRMAN EWASUTYN: Myself yes. So
19 carried.
20 Thank you.
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22 (Time noted: 7:10 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: May 18, 2007

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

----- X

In the Matter of

LANDS OF HAMMOND
(2004-27)

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

----- X

PUBLIC HEARING
FIFTEEN-LOT SUBDIVISION - MULTI-FAMILY SITE PLAN

Date: May 3, 2007
Time: 7:10 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: DINA HAINES
FRANK BAKKER
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: CRAIG MARTI

----- X

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

LANDS OF HAMMOND

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

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

MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to Section 276 of the Town Law as well as pursuant to the Municipal Code of the Town of Newburgh, Chapter 185-57, Section K on the application of lands of Hammond for a thirteen-lot subdivision and multi-family site plan on premises Cronk Road in the Town of Newburgh, designated on Town tax map as section 1; block 1; lots 63.2, 5.1 and 5.32, AR Zone. Said hearing will be held on the 3rd day of May 2007 at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7:00 p.m. at which time all interested persons will be given an

LANDS OF HAMMOND

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2 opportunity to be heard. By order of the
3 Planning Board of the Town of Newburgh. John P.
4 Ewasutyn, Chairman, Planning Board Town of
5 Newburgh. Dated March 30, 2007."
6 CHAIRMAN EWASUTYN: Mr. Galli.
7 MR. GALLI: All the mailings are in
8 order. Thirty-two were sent out, twenty-six were
9 returned signed and six were no pick up.
10 CHAIRMAN EWASUTYN: Mr. Donnelly, for
11 the benefit of the public sitting here tonight
12 can you give us information about a public
13 hearing?
14 MR. DONNELLY: Yes. This application
15 has actually been pending before the Planning
16 Board for some period of time, but in the case of
17 all subdivisions and certain site plans the
18 Planning Board holds a public hearing before it
19 takes action on a project. The purpose of that
20 public hearing is to hear from you, the members
21 of the public, about any concerns you may have
22 that you wish to bring to the attention of the
23 Planning Board. The idea is that perhaps
24 Planning Board Members and the Consultants who
25 work for them may not have thought of all of the

LANDS OF HAMMOND

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2 issues that are pertinent, and therefore we give
3 the public a chance to be heard and to bring
4 those to the attention of the Board. After the
5 applicant gives his presentation the Chairman
6 will recognize those who wish to speak. We would
7 ask you if you could stand and come forward, the
8 microphone isn't on so that's not necessary, but
9 tell us your name, spell it if you would for our
10 Stenographer so that we get it correctly, and it
11 would be helpful if you told us where you live in
12 relation to the project so we had some idea of
13 your perspective. We would ask you direct your
14 comments to the Board, and if you have questions
15 the Chairman will direct either the applicant's
16 representative or one of the consultants to try
17 to answer that question if it's appropriate to do
18 so.

19 CHAIRMAN EWASUTYN: Thank you, Mr.
20 Donnelly.

21 At this time I'll turn the meeting over
22 to Craig Marti.

23 MR. MARTI: Thank you, Mr. Chairman.
24 The parcel which is to be subdivided and proposed
25 here tonight is approximately 74 acres in size

LANDS OF HAMMOND

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2 located on the north side of Cronk Road. The
3 proposal is to create thirteen new residential
4 lots, have a fourteenth lot on which the existing
5 multi-family residential use will continue and a
6 fifteenth lot of approximately 45 acres which is
7 mostly wetlands which is not for development at
8 this time but has access for future development
9 and ownership to Cronk Road at a separate
10 location.

11 The proposal is to serve the lots via a
12 new Town road with each lot being served by
13 individual wells and septic systems which have
14 been designed in accordance with the Town of
15 Newburgh, and Orange County, and State
16 regulations.

17 CHAIRMAN EWASUTYN: Thank you. At this
18 time we'll turn the meeting over to the public
19 for their comments and questions.

20 (No response.)

21 CHAIRMAN EWASUTYN: Okay. If there's
22 no one in the audience tonight who would like to
23 speak about the Hammond subdivision, I'll turn to
24 our consultants for their recommendations to the
25 Planning Board. Pat Hines, Drainage Consultant.

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MR. HINES: The project has a dead end cul-de-sac proposed. It has received a waiver from the Town Board for a maximum length of a cul-de-sac.

I note for the record it is a fifteen-lot subdivision in total.

MR. MARTI: Yes.

MR. HINES: It's labeled under Board business as thirteen. Just to clarify that.

The drainage on the project has been reviewed by our office on a couple of occasions and is now in an acceptable form.

Stormwater is going to be managed for quality issues on each of the individual lots.

Stormwater quantity issues are going to be addressed by the very large DEC wetland located on the western portion of this lot as well as many of the adjoining lots.

There will need to be an easement shown on lot 7 for that stormwater management to convey the stormwater to the wetlands.

After preliminary approval it will need to go to Orange County Health Department for review of the septic systems.

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It will also require architectural review for the multi-family lot by your Board sometime in the future after preliminary.

That's all we have. We believe it's ready for preliminary approval.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant.

MR. COCKS: Yes. We previously reviewed this project for issues regarding lot layouts and driveway locations. The applicant has made all the changes we requested.

We also forwarded the plans to the Orange County Planning Department and the Town of Plattekill since it's within -- it's actually adjacent to the Ulster County border. We're waiting for letters back from them.

They received the road length waiver from the Town Board.

We have no more issues.

CHAIRMAN EWASUTYN: Karen Arent, Landscape Architect.

MS. ARENT: All my comments are minor in nature and can be addressed as the plan progresses.

LANDS OF HAMMOND

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Basically the applicant would like to use existing trees for street trees and I just ask for a couple notes to be put on the drawing and that the trees be bonded just in case they don't live.

The duplexes need landscaping.

Just the staking and the fencing of the clearing limit line need to be noted on the drawing.

CHAIRMAN EWASUTYN: Okay. You may have to speak up as the night goes on. Thank you.

Comments from Board Members. Frank Galli?

MR. GALLI: No additional comment.

MR. BROWNE: I'm good.

MR. MENNERICH: No questions.

MR. O'DONNELL: I have nothing.

MR. PROFACI: No.

CHAIRMAN EWASUTYN: Is there anyone here that just walked in for the public hearing for the lands of Hammond that has any questions or comments?

Sir, would you give your name and address.

LANDS OF HAMMOND

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2 MR. GARRISON: I just came in. Bob
3 Garrison, I live directly across from John
4 Hammond. I have no problem with anything he's
5 done so far.
6 CHAIRMAN EWASUTYN: Thank you, Mr.
7 Garrison.
8 Okay. Having heard from our
9 consultants, having given the opportunity for the
10 public to speak, I'll move for a motion to close
11 the public hearing for the fifteen-lot
12 subdivision and multi-family site plan for the
13 lands of Hammond.
14 MR. MENNERICH: So moved.
15 MR. O'DONNELL: Second.
16 CHAIRMAN EWASUTYN: I have a motion by
17 Ken Mennerich. I have a second by Ed O'Donnell.
18 Any discussion of the motion?
19 (No verbal response.)
20 CHAIRMAN EWASUTYN: I'll move for a
21 roll call vote starting with Frank Galli.
22 MR. GALLI: Aye.
23 MR. BROWNE: Aye.
24 MR. MENNERICH: Aye.
25 MR. O'DONNELL: Aye.

LANDS OF HAMMOND

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MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

At this time I'd like to turn to the Planning Board Attorney, Mike Donnelly, to give us conditions for preliminary approval.

MR. DONNELLY: Yes. There were two other Town agency approvals that we'll recite within the resolution. That is the Town Board road length waiver as well as the Zoning Board variance. I think we will reserve, because I think it makes sense for both the Planning Board and the applicant, the required site plan and ARB approval for the multiple-family unit until the time of final approval. We'll need to mark the clearing limits in the field as a condition of final approval. Parkland fees. There probably are going to be some financial security requirements, a landscape bond and probably stormwater bonds but we'll handle all of those at the time of final.

MR. MARTI: Sure.

CHAIRMAN EWASUTYN: Having heard the conditions of approval for the preliminary for

LANDS OF HAMMOND

1 23
2 the Hammond fifteen-lot subdivision and multi-
3 family site plan, I'll move for that motion.
4 MR. PROFACI: So moved.
5 MR. O'DONNELL: Second.
6 CHAIRMAN EWASUTYN: I have a motion by
7 Joe Profaci. I have a second by Ed O'Donnell.
8 Any discussion of the motion?
9 (No verbal response.)
10 CHAIRMAN EWASUTYN: I'll move for a
11 roll call vote starting with Frank Galli.
12 MR. GALLI: Aye.
13 MR. BROWNE: Aye.
14 MR. MENNERICH: Aye.
15 MR. O'DONNELL: Aye.
16 MR. PROFACI: Aye.
17 CHAIRMAN EWASUTYN: Myself yes. So
18 carried.
19 Thank you.
20 MR. MARTI: Thank you.
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22 (Time noted: 7:20 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: May 18, 2007

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

----- X

In the Matter of

QUICK CHEK CORPORATION
(2006-33)

Route 9W & Albany Post Road
Section 25; Block 5; Lots 1 & 8
B & R-3 Zones

----- X

CONCEPTUAL SITE PLAN

Date: May 3, 2007
Time: 7:20 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JENNIFER PORTER

----- X

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

QUICK CHEK CORPORATION

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CHAIRMAN EWASUTYN: Our following item of business this evening is Quick Chek Corporation. It's a conceptual site plan located on Route 9W and Albany Post Road, zoned B and R-3. It's being represented by Howard Genslaw.

MS. PORTER: I'm actually appearing. I'm Jennifer Porter, I'm appearing on behalf of the applicant, Quick Chek Corporation. We also have Keith Cahill, our project engineer, from Bohler Engineering; Jeff Albanese here on behalf of Quick Chek Corporation as well as Chuck Oliveua on behalf of Atlantic Traffic for the engineering.

Basically we're here tonight in connection with our application for site plan approval seeking conceptual review and approval this evening for our project which proposes a Quick Chek convenience store with a gasoline filling station and car wash. All of the proposed uses are permitted as of right within the zoning district. No variances will be required in connection with this application.

We submitted a lengthy response to the

QUICK CHEK CORPORATION

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consultants' comments that were received at the last meeting which we attended which was in September of last year. We're back tonight to basically go over some of the plan revisions with you, to entertain any additional consultant comments and to ask that the Board grant conceptual approval tonight and that we continue to discuss additional site plan issues such as the SEQRA review process, and our referral to the Orange County Planning Department, and any other procedural issues which need to be addressed.

Right now I would like to turn it over to Keith Cahill to discuss the site plan with you and to go over some of the plan revisions.

MR. CAHILL: Thank you. Good evening. As Ms. Porter mentioned, on behalf of Quick Chek we're proposing a convenience store on the existing lot. The existing lot is known as section 25; block 5; lots 1 and 8 encompassing approximately 10.1 acres.

We were here back in September of '06 with a potential additional use on site. We've eliminated that. For clarity, if you have the application in front of you, it is solely for the

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Quick Chek convenience store with a fuel offering of sixteen fueling positions in the front of the store along with a car wash to the north of the site.

The site is situated along Route 9W with approximately 715 feet of frontage. We do now only have one access point proposed at the center of the location. It's conveniently located in line with the drive aisles that circulate around the building.

The building encompasses 7,260 square feet for the convenience store. It has sixteen interior seats and also has eight exterior seats along the sidewalk in front of the store.

In and around the facility we do have -- we have proposed sixty-four parking stalls as required by the ordinance. All the parking stalls are ten-by-twenty as well as providing the accessible stalls as well including three ADA stalls.

We had modified the car wash facility from the prior meeting, again referring back to September, in terms of allowing a bypass lane, an exit lane to get out of the line if you wanted to

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2 not wait in line. So they can exit the site
3 without waiting for the cue.

4 In terms of the access point, it is a
5 full movement driveway. At the time, and it's
6 noted by professionals, we have requested a
7 traffic signal with New York State DOT on 9W. We
8 have some comments from the State on that, and
9 our traffic engineer can go into those. However,
10 the driveway access point is, as I mentioned, a
11 full movement driveway with the ability of a left
12 turn -- designated left-turn exit out of the site
13 and a right-turn lane only at the site as well
14 with a fifteen-foot wide driveway and entrance
15 lane.

16 In addition, for the fueling operation
17 we have four underground storage tanks in the
18 front of the site. There's a designated striped
19 area for the tractor trailer that drops the fuel
20 for the tanks or loads the tanks so it would not
21 block any drive aisles.

22 I just want to point out the store
23 itself has a loading zone behind the store.
24 Again, a designated loading zone fifteen feet
25 wide so any vehicle or tractor trailer delivering

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to the store, there's a separate lane for them to do their deliveries so there would be no impediment on the circulation in and around the facility.

The facility focuses the fueling operation at the front of the site which is the most logical in terms of where the most cars are obviously visualizing the location and utilizing the service offered. The convenience store sits behind it.

We have moved the site away from the highway some from where it was before, it's set back further, and also we've pulled it further away from our property line complying with all the buffer requirements at the time from our prior application.

As mentioned, we aren't requesting any variances associated with this and we have the entire development within lot 1 which is in the B Zone. Lot 8 behind the facility, which is a separate lot but is in the residential zone, there is no proposed development in that zone.

The septic system has been designed and submitted to the County and is shown in the same

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general location. Your engineers noted some coordination issues that need to be addressed between the site plan and those design plans which we would comply with.

In terms of stormwater management, we made some minor modifications to that, however do comply with the DEC requirements for that. In addition we have added a basin separate for the road improvements.

The road improvements. We are widening along our frontage allowing for a right- turn in only lane as well as a left-turn in only lane so that any car waiting to make a left into the site wouldn't impede any traffic on 9W.

That is in general the basis of the site plan as it has been submitted to the Board.

CHAIRMAN EWASUTYN: Thank you. Keith, at this time you'd like to turn it over to whom on your staff?

MR. CAHILL: The traffic engineer just to go through briefly what has transpired with the traffic signal. At this time, as I mentioned, we've had communication with them, since they do have jurisdiction on 9W, to see if

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they would entertain the idea of a traffic signal.

MR. OLEVUA: Good evening. My name is Chuck Olevua, I work for Atlantic Traffic & Design Engineers out of Warren, New Jersey.

Just to pick up where Mr. Cahill left off, the proposed improvements to Albany Post Road include a left-turn bay with approximately 120 feet of storage which provides stacking for approximately six vehicles.

In addition, we're showing a dedicated right-turn channelized movement into the driveway coming northbound on Albany Post Road.

Pertaining to the signal specifically, we have completed a traffic signal warrant analysis for this location. Now, this analysis is based on eleven different signal warrants. Most of these are dependent on volumes at the intersection. Now, according to New York State Department of Transportation Manual on Uniform Traffic Control Devices, if a warrant is met a signal would be warranted at the location, however it does not need to be provided. That is based on engineering judgment at the location.

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2 In discussions with Glenn Buschea of the
3 Department of Transportation, we understand that
4 his recommendation at this point is should the
5 project go well and progress and is built and
6 occupied, he would rather that the intersection
7 be unsignalized as it is today rather than be
8 signalized. What he would like to do is do some
9 sample counts at the intersection to understand
10 if operationally there would be problems on site
11 or on the adjacent roadway network.

12 CHAIRMAN EWASUTYN: Thank you.
13 Additional comments from any of your staff?

14 MR. CAHILL: I think that's it.

15 CHAIRMAN EWASUTYN: Ms. Porter?

16 MS. PORTER: Not at this time.

17 CHAIRMAN EWASUTYN: One thing we're
18 never clear on is who in the Planning Department
19 you spoke of that said to you there was no
20 additional projects in the area? Chuck? MR.

21 OLIVEAU: I'm sorry?

22 CHAIRMAN EWASUTYN: Somewhere in the
23 review it was stated that you received comment
24 from the Planning Board Department that there
25 were no new projects in the area.

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MR. OLIVEAU: That's correct.

CHAIRMAN EWASUTYN: Can you tell us who you spoke with then?

MR. OLIVEAU: Unfortunately I don't know the name of the person that we spoke with at the time that we began to look into the feasibility of the project. I believe that we undertook a data collection effort approximately a year-and-a-half, two years ago at the intersections that were studied. I understand in reading the letter prepared by Mr. Wersted that there are a number of developments and at this time we would have no problem adding those into the traffic volumes we would expect in a build condition.

CHAIRMAN EWASUTYN: Thank you. Ken Wersted, Traffic Consultant.

MR. WERSTED: Thank you. I have a number of comments, and I'll just highlight the most significant of those. The first one has to do with the proposed widening on Route 9W. We're just noting that the existing shoulders out there vary between eight and ten feet and in the area of the widening those existing shoulders are

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2 being utilized to accommodate that widening. In
3 the southbound direction the shoulder is being
4 narrowed to approximately four to five feet and
5 in the northbound direction the shoulder is being
6 used completely to accommodate the right-turn
7 lane. Those will have to be reviewed by DOT and
8 approved by them given that those are the only
9 possible pedestrian and bicycle facilities in
10 that area.

11 The second has to do with the extension
12 of this widening to the intersection of Old Post
13 Road and Leslie Drive. Currently at that
14 intersection there isn't a significant volume
15 coming out of the side roads but there is a
16 traffic volume heading southbound turning left
17 onto Old Post Road. Those vehicles currently
18 would have to sit in the through lane and
19 vehicles passing them would be using the shoulder
20 to pass them. Providing that widening to
21 accommodate that southbound left-turn lane would
22 in a sense create the same effect that you're
23 doing at the site driveway by allowing vehicles
24 to sit in a center turn lane and allow through
25 vehicles to pass them safely.

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We concur with the trip generation that was developed for the site as is based on the current available IT data.

We have also noted that this type of land use is evolving from a standard gas station and convenience store which is typically, you know, anywhere from 1,000 to 3,000 square feet to a site that is double in size and also offering additional amenities such as car washes, counter service, you know, within the convenience store as well as on some sites drive-throughs.

We know that there's a number of Quick Cheks currently being developed in New York State and having a number of them already being built and operating in New Jersey. If there are any data for those uses and if there's any existing traffic count data for similar size sites, if you could provide that to substantiate the IT data.

As we had touched on earlier, there are a number of projects in this corridor area including four that I noted in my review letter. We would ask that those be included. In addition, it would probably be worth giving Mr. Cocks' office a call, Garling Associates, to

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find out if there are any other developments in there that should also be included.

We also had a comment on the distribution of traffic on Route 9W and that proposed for entering and exiting the site, and we feel that warrants another look at those traffic volumes.

The rest of our comments are relevant to the traffic signal but concurring with Mr. Bushea's recommendation of holding off on the signal at this time and waiting until the project is developed and doing an after study and looking at what those existing counts would be. We will concur with that.

The remaining of our comments relative to the signal warrants could be addressed with noting that conversation and the DOT's statement about looking at the traffic signal afterwards.

That concludes our comments.

CHAIRMAN EWASUTYN: Thank you. Karen Arent, Landscape Architect.

MS. ARENT: In the previous comments it was asked that a stonewall be placed on the drawing to help alleviate the sea of cars that

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2 are going to be visible from Route 9W. The
3 current drawing doesn't have the stonewall.

4 I also reviewed the project in terms of
5 the proposed guidelines. The guidelines
6 specifically try to soften the view of parked
7 cars from the public points of view by orienting
8 buildings in a different direction to
9 de-emphasize the automobiles as well as providing
10 various amenities on the site to hide the cars,
11 such as stonewalls. So again I think that it is
12 very important in the development of the
13 corridor. Also there are several other recently
14 approved projects where stonewalls were shown on
15 the site plan, so this would be in keeping with
16 all the other projects in the area. I ask again
17 that the stonewall be shown on the drawing.

18 We discussed in work session that since
19 it is a very visible site at the beginning of the
20 Town, that we should see some visual simulations
21 from two points of view, one as you're traveling
22 north on Route 9W looking down into the site,
23 that visual simulation will be helpful to
24 determine exactly where to place the stonewall to
25 get the best effect, and also another visual

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simulation should be shown when you're traveling south on Route 9W because that's where you really see the site, over that wetland area. So we ask that you show that simulation as well.

I also understand that those poles are going to stay in the wetlands. If they are I think we have to try to get those poles out of the wetlands.

Everything you're proposing should be shown on these simulations so we can clearly see what the site will look like. If you're proposing to put poles in the wetlands, show them on the simulations.

My other concern is the proposed pylon sign and all the signs at the entrance to the site. I understand that those exit and entrance signs are in conflict with the zoning regulations so they need to be taken off the drawing. The pylon sign should be also shown in a simulation. It's quite large and it's a lighted box which is out of -- it's not in character with the corridor that we're trying to create, so that's something we have to carefully look at.

I have other comments in reference to

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2 the architecture that I will skip. Basically
3 that should be addressed when you're showing the
4 visual image to try to see if there's any way to
5 show the architecture or do something with the
6 architecture to make it more visually appealing
7 from the corridor.

8 The stormwater management basin at the
9 north part of the site -- the northwest part of
10 the site, that's very visible so we want you to
11 be very careful and make sure that that's
12 landscaped and it looks very good from the road.

13 That's it.

14 CHAIRMAN EWASUTYN: Bryant Cocks,
15 Planning Consultant.

16 MR. COCKS: The applicant made all the
17 changes requested regarding lot layout. They
18 moved the building to the north about twenty
19 feet.

20 This also meets the new buffer and
21 zoning requirements as requested.

22 They also provided a seventy-foot
23 buffer on the top of the site which is next to
24 the residential side. They have more than enough
25 back there so this won't be seen by the adjacent

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residents.

They also addressed the new entrance since it's across from another strip mall.

They did mention site lighting. They adjusted it so that there's less light pollution going over to the adjacent residences while still providing for adequate lighting for safety for the gas station in front.

Traffic movements have been addressed by Ken Wersted.

We're going to have to look at the architectural really hard because we're trying to revitalize this area. We're going to be looking at that including screening any fire suppression on the roof or any cooling units.

That's basically it. Everything else was addressed by the applicant and in some part by the consultants. We have no further comments.

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

MR. HINES: The wetland areas in your narrative you re-submitted are apparently jurisdictional, Army Corp. jurisdictional. We'll be looking for that delineation. The notes should

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be changed on the plans identifying them as jurisdictional.

I did mention to Karen the note that identifies the former speaker bollards to remain in the wetland area. That's going to be an issue that needs to be addressed.

The sewer disposal system on the plans as you had mentioned needs coordination between the sewer disposal system designers and your site plan. Those issues need to be worked out.

We have standard notes in the Town requiring as-builts and certifications. Those need to be on the plans.

It would probably be helpful if we got a copy of the application that went to the Health Department for our files along with the engineering reports for the design.

We discussed at work session the jurisdictional fire department receiving a copy of the plans to comment on. Bryant Cocks from Garling's office is going to coordinate that, so they'll need an extra set of plans to submit to them.

You're showing two water taps. I don't

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believe it's the policy of the Town to allow individual parcels to have multiple water taps. I think the system is going to need to be one tap and then T'd in off the site so there's only one control point.

Also your sprinkler systems need to be designed, fire protection sprinklers, in such a manner that when the sprinkler systems are shut off the potable water to the facility is also shut off. That's a requirement of the Town Code as an indication the fire suppression systems are turned off.

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

The additional pond and the additional work that was done to meet the DEC requirements have been appropriately addressed in the report and the report is well coordinated with the plan sheets from Bohler, so that is acceptable.

That's all we have.

CHAIRMAN EWASUTYN: Okay. Before I turn to our Attorney, Mike Donnelly, I'll ask Board Members for their comments. Frank Galli?

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MR. GALLI: When you bring back the visuals just make sure you show the canopy pretty well on the top because that's going to be visible from 9W. We're concerned what it's going to look like when you're driving down the road from both directions.

CHAIRMAN EWASUTYN: Thank you. Cliff Browne?

MR. BROWNE: The visuals are going to be extremely important to us. The old speaker stands there, if that's part of the lot that's got to be addressed. I know it's going to be an issue but it's got to be addressed.

My assumption is the screen is going to come down. Is that correct?

MR. CAHILL: Yes. We're trying to get those items removed but it's an environmentally sensitive area. As long as we can get it out and they allow it we can remove it.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I have a question. I guess it's a planning or a legal issue. To get the buffer from the business portion of the project they're actually using the land in the

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residential portion. The two lots aren't going to be combined as one lot I don't think. Right? How do we --

MR. HINES: They are.

MR. MENNERICH: They will be?

MR. HINES: I was under the impression they were. As a function of the whole --

MR. DONNELLY: If you're using the land for the purposes of coverage I think they'll need to be.

Is that your proposal, to merge them?

MS. PORTER: Yes, it is.

MR. MENNERICH: So it would become -- the whole entire piece would become business?

MR. DONNELLY: No. It won't change the zoning. It would prohibit any use without further approval. In other words, they couldn't sell that lot off and then take it away, they would have to come back to you first and then they may have presented a problem with that buffering issue.

MR. MENNERICH: Okay.

MR. HINES: That portion of the property is very steep. I don't foresee any

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residential development occurring there because of the topography.

MR. MENNERICH: That's all.

CHAIRMAN EWASUTYN: Ed O'Donnell?

MR. O'DONNELL: I would like a little better understanding about this signalization that's going to occur possibly out in the future. Do we have and do we know what specs or parameters have to be achieved that are going to justify a signal?

MR. OLIVEAU: Yes. There's a traffic signal warrant analysis. This is really sanctioned by the New York Department of Transportation as part of the Manual on Uniform Traffic Control Devices. There are eleven different warrants. As most of these warrants go to the volumes, volumes on a twenty-four hour basis, volumes on a peak hour basis as well as pedestrian volumes, accident data, things of this nature. Now, according to the analysis that we've done that is in concert with the signal warrant analysis, what we've seen is that six of these eleven would be met for a signal. Now, as I stated previously, while warrants are met and a

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2 signal could possibly be put in, there is a
3 caveat in the way that the manual is written
4 which isn't really an industry standard that says
5 that it's up to the engineering judgment and the
6 sanctioning body, who would be the body under the
7 jurisdiction, that would happen to be the State
8 of New York because it's their roadway, that
9 would have the say in whether or not they feel a
10 traffic signal is warranted or should be put in
11 at this location. At this time in conversations
12 that we've had with Glenn Bushea we understand
13 that he would rather the site operate initially
14 under unsignalized control than to go directly
15 into signalized control, bringing the
16 intersection up to signalized standards, stop
17 bars, striping that would be required as part of
18 that. He would rather take a look at the
19 operations after the fact and then decide whether
20 or not it would be necessary to have a signal
21 there. It's warranted, it's not necessary.

22 MR. O'DONNELL: Time out. I got it.
23 Right now we've got six of the eleven warrants
24 satisfied --

25 MR. OLIVEAU: Correct.

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MR. O'DONNELL: -- which would justify a signal?

MR. OLIVEAU: That's correct.

MR. O'DONNELL: If we get nine does that justify it? When do they say yes? When all eleven are justified?

MR. DONNELLY: I think even then they could say I want to wait and see.

MR. O'DONNELL: So we don't have an agreement then?

MR. DONNELLY: No. I think what the DOT is saying is though this warrants it, we're not inclined to allow it to have a signal until we see just how bad it performs without one.

MR. OLIVEAU: Correct. It's warranted in accordance with the industry standard manual, however they do not feel it's necessary at this time or with it built.

MR. O'DONNELL: What do you think? You're an expert, aren't you? Do you think we should have it?

MR. OLIVEAU: I think to accommodate the traffic volumes that will be leaving the site, to have cueing at really a minimum on site,

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for the purpose of the circulation on site, this traffic signal would help the circulation off of the site.

MR. O'DONNELL: I'll take that as a yes.

So who is going to go out and fight for this signal? Who is going to do that? I'm not the experts like you guys but I think it ought to be there. Who is going to get us eleven out of eleven so we can wind up with the signal we need?

MR. HINES: You don't need all eleven. That's not the way it works. If you meet one of them you can --

MR. O'DONNELL: I mean I know eleven out of eleven ought to be a slam dunk.

MR. HINES: It seems that way.

MR. O'DONNELL: You would think six out of eleven is more than half.

CHAIRMAN EWASUTYN: Ken Wersted.

MR. WERSTED: If I can just interject. That's part of where the judgment comes in. The proposed signal here at this location will benefit the site as a whole, but DOT is also taking into consideration any public benefit from

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2 it. Because that is a minimal effect for the
3 public benefit versus for example a traffic
4 signal at Old Post Road and Leslie Drive, if the
5 site were proposed on that corner then they would
6 probably be more open to providing that signal
7 upfront than waiting until the project is
8 developed afterwards. So I think that's part of
9 the consideration that DOT is looking at and
10 something we're also considering in our
11 recommendation of support that the traffic signal
12 doesn't go in now and that it happens afterwards.

13 MR. O'DONNELL: In other words, we're
14 going to be a reactive proponent of this signal
15 waiting for some accidents and somebody to get
16 hurt or somebody to get killed and then we're
17 going to --

18 MR. OLIVEAU: That's the recommendation
19 of the Department of Transportation. Not in
20 those words but to wait.

21 MR. DONNELLY: In fairness, and I share
22 some of that cynicism, their view is we want to
23 maximize the ability of travelers on the State
24 highway from getting from point A to point B. A
25 traffic light here is, though warranted, of

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primary benefit to the users of this establishment to the slight detriment of the traveling public, and until it's bad enough, which I think is what they'll have to consider, they would prefer the public use of the State highway not to be disadvantaged unless and until it's absolutely necessary to do so.

MR. O'DONNELL: I got it. Anyway, I'll be dead and gone a long time before we ever see it. Hopefully it won't be because I get in an accident in that spot.

Now I've got another one.

MR. CAHILL: Can I add one thing to that? The other aspect of that is the biggest benefit is to the applicant to have the signal because it will minimize the cueing on site. Some of the design features that we've added is the dual lanes to exit and also aligning them in an area where we can have plenty of room to cue without impeding on-site circulation. If you'll notice, there's no direct impact or conflict with another point. The site has been pushed back and the drive aisles are long enough and wide enough to allow four or five cars to stack up without an

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issue. So unfortunately -- I mean we would like to see the signal there because our cars could get out and it would be more convenient for cars getting in and out.

MR. O'DONNELL: I'm sure it would be better for your business. I'm looking at the safety and well-being of our residents. I mean it's going to be a challenge for somebody to come out of that site and make a left-hand turn at 7:30 in the morning. That's going to be really a challenge. I just would expect you might fight a little harder to get this signal.

Secondly the speaker phone poles in what used to be a drive in. Have you've given up? You're going to leave them there? I mean please, you've got to fight for this one too.

MR. CAHILL: We have no problem removing them. As long as we're allowed to we're going to remove them.

MR. O'DONNELL: I can't give you the go ahead to do that but I can motivate you to fight to get it done. You come here for final approval and those poles are in the ground, it's no here. It's no. Just so you know.

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That's enough for me. It's to you, Joe.

MR. PROFACI: Thanks, Ed.

MR. DONNELLY: Was he clear?

MR. OLIVEAU: Clear.

MR. PROFACI: Given that you've acknowledged that the greatest benefit is to the applicant with respect to the traffic signal, has any study been done with respect to the synchronization of the various lights that are along 9W and what this light would do to traffic in general?

MR. OLIVEAU: There hasn't been a corridor study or progression analysis, which I think is what you're referring to. The Carter Avenue signal is the closest signalized intersection to the signal that we were to have at this location. There's certainly a certain type of coordination that we could propose between those two signals if we're able to fight for the signal, you know, with the Department of Transportation. At this point we haven't completed any such analysis given that the signal is still in a very conceptual phase.

MR. PROFACI: Would that be something

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that the DOT would want to take a look at?

MR. OLIVEAU: I think so. I think so.

In terms of the signal simply serving the applicant, if there was better coordination between the two signals you could say that the progression along Albany Post Road would be better with the signals coordinated thereby not creating as much delay for traffic that's on their way to work or coming home during evening or morning rush hours.

MR. PROFACI: If done properly they could alleviate problems along 9W in general, and the benefit may not be just for the applicant.

MR. OLIVEAU: In the operational analysis that we've completed what we've seen and what we would expect to happen with the signal in place is that gaps in traffic would be created for other unsignalized intersections in the area. Now, what we've seen and the inventory we took in the data collection effort is that these intersections -- people are attempting to make left turns onto Albany Post Road. There's minimal traffic volumes so the cueing is not significant but they are waiting a significant

QUICK CHEK CORPORATION

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2 amount of time. A signal at this location, while
3 primarily you could say that it would serve the
4 applicant's use, there would be other benefits
5 along the stretch of roadway.

6 MR. PROFACI: That's what we need to
7 see. I think that's what the DOT wants to see.

8 MR. OLIVEAU: Agreed.

9 MR. PROFACI: Thank you.

10 CHAIRMAN EWASUTYN: Mike Donnelly,
11 Planning Board Attorney.

12 MR. DONNELLY: I just wanted to respond
13 to the request at the beginning of the
14 presentation that their hope was to get
15 conceptual approval. You've certainly made a lot
16 of progress and I think you're very close. From
17 what I hear of the concerns of the consultants
18 and the Board and from our brief work session
19 discussion earlier, what is of concern of the
20 Board is the difference in elevation from the
21 roadway to the site and a little uncertainty in
22 imagining what that might mean, and that does
23 have an impact on the concept. For instance, the
24 canopy may be at a height that's lower than a
25 normal gas station canopy because you're six feet

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below the road. That may make visible the fire-fighting -- fire suppression system on the top.

In addition, since we had asked you to consider re-thinking the parking and the building and you've given us reasons why you don't think you can do that, the Board wants you to explore putting up a stonewall that would at least block not the building, and I know you want to have visibility, but the parked cars, the grills and what not. It's difficult to imagine how that works unless the Board sees a visual because of this elevation difference. I think what Karen was asking for is a visual at some appropriate location as the site opens up in a northbound direction and similarly in a southbound direction. Perhaps those locations can be discussed directly with Karen to provide that so the Board can see and make sure the concept in fact works with the appropriate stonewall type buffer in the front.

CHAIRMAN EWASUTYN: Keith, I think at this point we'll summarize it because we will be asking for this additional information before we move forward with conceptual approval.

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In keeping with the community character and also in looking to develop this corridor which is new and is a major travel point in the Town of Newburgh, we have been requesting design features that we're discussing now as far as stonewalls that would be three feet in height, about approximately two feet in width and the necessary landscaping to find a balance between the visual that you're looking for as far as pulling people in and also setting a tone for the character of the Town of Newburgh.

At this point, Ms. Porter, I think you would be readdressing based upon what was discussed this evening.

MS. PORTER: Okay. If I may very quickly, with respect to the proposed design guidelines, I had previously spoken with the town clerk's office at the beginning of March and at that time they indicated that there was no draft local law which was available for us to see, however it has been cited again in some of the consultants' comments. Today I called the town clerk's office again to request it. They did not have a copy of it. They referred me to the

QUICK CHEK CORPORATION

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2 supervisor's office. They also did not have a
3 copy of it. To this date we don't have a copy of
4 the design guidelines. To the extent that we can
5 comply with them, you know, we would be happy to,
6 you know, provided that it suits the needs of
7 both the applicant as well as the Town, however
8 we don't have a copy of that law. If there's any
9 way that we can get a copy of the proposed law to
10 see it --

11 MR. DONNELLY: You're correct that it
12 doesn't exist in local law form. It hasn't been
13 adopted. I don't see any reason why an applicant
14 shouldn't be given an opportunity to look at it
15 because if it does come into existence it may
16 happen before you're at the finish line, in which
17 case it would apply.

18 MS. PORTER: Right.

19 MR. DONNELLY: John, do you want me to
20 check --

21 CHAIRMAN EWASUTYN: Check with --

22 MR. DONNELLY: We'll send you one.
23 Some of the principles are consistent with things
24 the Board has been doing anyway. It's not filled
25 with a great deal of surprises but it's helpful

QUICK CHEK CORPORATION

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from a design point of view because it sets forth preferred and discouraged practices on kind of offsetting pages in certain context which I think is very good for someone who is trying to design a project. I'll find out what we can do.

CHAIRMAN EWASUTYN: Let's try and summarize. You'll get a copy of the correspondence that you sent to the Department of Health in reference to the septic system to Pat Hines. You'll also make a copy available to the Planning Board. As a matter of record, any correspondence that you have with any interested agency or involved agency, the Planning Board is always cc'd on that. You'll supply plans to Bryant Cocks, our Planning Consultant, and he'll coordinate with the fire commissioner of the jurisdiction in that area. Okay?

MR. CAHILL: Yes.

CHAIRMAN EWASUTYN: Ms. Porter, just for a matter of record, the fax comments that come from our consultants on Wednesday are faxed automatically to the representative that was mentioned in the application. If you would like to change that and make yourself the point

QUICK CHEK CORPORATION

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2 distributing person, then I suggest you send a
3 letter to all of our consultants acknowledging
4 that point so we don't have confusion on Thursday
5 as to who received and why they didn't receive.

6 MS. PORTER: Okay.

7 CHAIRMAN EWASUTYN: Thank you. I
8 appreciate your time.

9 UNIDENTIFIED SPEAKER: Is there any
10 public comments?

11 CHAIRMAN EWASUTYN: It's not open to
12 public comment at this time.

13 Mike, would you explain --

14 MR. DONNELLY: Yes. All meetings of
15 the Planning Board are open to the public for you
16 to see, hear and observe. At various times in
17 applications, and not in all applications but in
18 many applications, public hearings are held.
19 When a public hearing is held, that is the
20 opportunity for the public to address the
21 application.

22 UNIDENTIFIED SPEAKER: So there will be
23 a public hearing on this project?

24 MR. DONNELLY: It's not mandatory on
25 this. I cannot say whether the Planning Board

QUICK CHEK CORPORATION

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will require it.

UNIDENTIFIED SPEAKER: Point of order.

There was another gentleman in the audience who

made a comment --

MR. PROFACI: That was a public

hearing.

MR. DONNELLY: We did have some public

hearings.

UNIDENTIFIED SPEAKER: I didn't know

the difference. Thank you.

(Time noted: 8:02 p.m.)

CERTIFICATION

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

DATED: May 18, 2007

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

----- X

In the Matter of

CENTRAL VALLEY
(2007-14)

Stony Brook Lane
Section 97; Block 1; Lot 55
B Zone

----- X

CONCEPTUAL SITE PLAN

Date: May 3, 2007
Time: 8:02 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: DINA HAINES
- FRANK BAKKER
- MICHAEL H. DONNELLY, ESQ.
- BRYANT COCKS
- PATRICK HINES
- KAREN ARENT
- KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: LOUIS POWELL

----- X

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

CENTRAL VALLEY

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CHAIRMAN EWASUTYN: The next item of business we have is Central Valley. It's a conceptual site plan located on Stony Brook Lane, it's in a B Zone and it's being represented by Lou Powell.

MR. POWELL: Good evening. Central Valley Real Estate is proposing to construct an office building on a .92 acre parcel which is at the end of Stony Brook Lane in the Kahn business park. I think it's the only remaining lot.

The building itself is 4,744 square feet so that there's four units via slab on grade. Each unit will be slightly under 1,200 square foot.

We've provided for twenty-five parking spaces and we're required to have twenty-four. Right at the end of the driveway would be -- right off the end. We provided parking handicap spaces on the left and parking opposite the building on the right and parking to the rear.

I have received the consultants -- two of the consultants' memos.

Apparently the recent buffer zone would require us to move the building or re-lay this

CENTRAL VALLEY

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2 out. I have looked at it and basically if we
3 slide the building forward seven feet, eliminate
4 the six spaces which border the residential area
5 and add three on the one side and a couple in the
6 front, we will comply with adding that buffer
7 zone to buffer the building from the residential.

8 This is conceptual. I just wanted to
9 get the Board's opinion on the way that the
10 building sets and the layout.

11 We do have a rendering for the front
12 elevation of what the building would look like.

13 CHAIRMAN EWASUTYN: We'll take that at
14 a later time.

15 MR. POWELL: Okay.

16 CHAIRMAN EWASUTYN: I'll turn to Pat
17 Hines.

18 You will have to submit to us a revised
19 site plan in order --

20 MR. POWELL: That's correct.

21 CHAIRMAN EWASUTYN: -- for us to act on
22 the conceptual approval.

23 Let's talk about some of the technical
24 items that were discussed during the reviews.
25 Pat.

CENTRAL VALLEY

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MR. HINES: I think the most important item, and it will probably change when you lay it out, there's an eleven-foot grade difference between the front of the buildings and the rear. I notice that you said it was going to be slab on grade. It looks like it needs a basement to function or the grading needs to change drastically.

MR. POWELL: Well, they're not going to build -- they're not going to put a basement.

MR. HINES: How are you going to make up the eleven-foot elevation difference?

MR. POWELL: The footing and wall and probably fill in, backfill in.

MR. HINES: All right. We're going to need to take a look at that.

Also the jurisdictional fire department will need to review that as far as access because there will be no access out the rear because of that grade difference. That may be something you need to address when you re-orient the building.

We had some other minor comments regarding the water line, sewer line and drainage that I know you received.

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We'll await the resubmission.

CHAIRMAN EWASUTYN: Once we get a conceptual approval we'll circulate that to the jurisdictional fire department because it seems like that would be an early concern.

MR. HINES: There may be a need for fire escapes or something out the back. There's an eleven-foot grade difference and there will only be one exit out the front.

CHAIRMAN EWASUTYN: Bryant Cocks.

MR. COCKS: My first comment was regarding the new buffering laws. He said that's going to be revised and come back, so that's been addressed.

My second comment was regarding the steep slopes in the back. We're going to have to see how it's redesigned before we can really make any comments on that.

We want to know who the drainage easement -- what parties are going to be involved.

We would like to see where the entry signs are going to be constructed. That's also going to be involved in architectural review.

CENTRAL VALLEY

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That's basically it. We pretty much have to wait until it comes back.

CHAIRMAN EWASUTYN: Karen Arent.

MS. ARENT: The existing vegetation should be delineated and preserved wherever possible.

The slope treatment is going to be important, especially since the slope leads directly to the Quassaic Creek. You should show some native shrubs and small trees to provide a barrier between disturbed soils and existing trees to remain, if any do exist. You should use indigenous native seed mixtures along with other stabilization methods recommended by your office.

Towards the center of the building the sidewalk curves like -- it's an unusual configuration and it's only a two-foot wide piece of sidewalk around the planting area. I would ask you to reconsider that. Maybe pull that forward and maybe make that like a bench spot or something and eliminate the little round plant.

We're going to be very concerned with the eleven-foot grade change, what that's going to look like. Make sure that's addressed

CENTRAL VALLEY

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2 architecturally as well as with other site plans.
3 We're going to want to see what that looks like.

4 The proposed dumpster enclosures, we
5 would like to see that.

6 The landscaping that you'll be
7 proposing should be consistent with the
8 landscaping throughout the project. It's pretty
9 nicely landscaped so if you can maintain a
10 consistent plan, that would be what we're looking
11 for.

12 MR. POWELL: We'll have a landscape
13 architect do a plan. This was just our --

14 MS. ARENT: Ask them to look at some of
15 the species they used in the rest of the facility
16 so we carry a similar theme throughout.

17 CHAIRMAN EWASUTYN: Frank Galli, any
18 comments?

19 MR. GALLI: No additional comments
20 until we see the new plan.

21 CHAIRMAN EWASUTYN: Cliff Browne?

22 MR. BROWNE: No.

23 CHAIRMAN EWASUTYN: Ken Mennerich?

24 MR. MENNERICH: In a couple locations
25 you say existing houses. Could you change it to

CENTRAL VALLEY

1 70
2 existing building or something?
3 MR. POWELL: Yeah.
4 MR. MENNERICH: Thank you.
5 CHAIRMAN EWASUTYN: Ed O'Donnell?
6 MR. O'DONNELL: Nothing.
7 CHAIRMAN EWASUTYN: Joe Profaci?
8 MR. PROFACI: No.
9 CHAIRMAN EWASUTYN: If you'd give the
10 rendering that you did bring to Dina and Dina
11 will circulate them tomorrow.
12 MR. POWELL: Fine.
13 CHAIRMAN EWASUTYN: If you'll revise
14 your plans and resubmit.
15 MR. POWELL: Thank you.
16 CHAIRMAN EWASUTYN: Dina, keep one for
17 the file and then circulate them to everyone
18 else, the consultants.
19
20 (Time noted: 8:08 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: May 18, 2007

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

----- X

In the Matter of

TRINITY SQUARE
(2006-53)

South Plank Road
Section 60; Block 22; Lot 4.1
B Zone

----- X

SITE PLAN

Date: May 3, 2007
Time: 8:09 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: DINA HAINES
FRANK BAKKER
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: JAMES RAAB

----- X

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

TRINITY SQUARE

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CHAIRMAN EWASUTYN: The following item of business this evening is Trinity Square. It's a site plan located on South Plank Road in a B Zone. It's being represented by Jim Raab.

MR. RAAB: As you know from our narrative letter, we've addressed a numerous amount of comments from the previous time we were here before the Planning Board, most of them being Karen's, and some of Ken's and some of Ed's and Bryant's.

Most of all we've increased the amount of landscaping we've put along the back here.

We widened the driveway as per Ken's recommendation.

Of course the wall which was my idea. That wall was my idea. The rest of it is all Darren but the wall is my idea.

At any rate, I think we've got this to a point where we can move to the next level with this.

We are not prepared for architecturals as yet but they should be ready by Monday, which means whenever we can get back on an agenda. January or whenever. At any rate --

TRINITY SQUARE

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CHAIRMAN EWASUTYN: We received comments from the jurisdictional fire department as far as the turning radius on the site. Have you had a chance to look at that?

MR. WERSTED: Yeah. The sheets that I received did include the cover sheet showing the diagram of trucks traveling through there. In work session I looked at that. It will have to travel into the opposing lane. I imagine that truck is going to be sitting there for deliveries of paper goods and office supplies and so forth, it's not going to be a consistent vehicle on site. I don't think that's going to be an issue in terms of entering and exiting the site.

They also mentioned sight distance. I went out there and looked at the sight distances and I also reviewed the 540 feet I believe and the 1,300 feet in the other direction. Those are going to be adequate for the posted speed limit and also above the posted speed limit. I think in that respect the site is adequate.

CHAIRMAN EWASUTYN: Thank you.
Pat Hines, you studied the stormwater management report for the property.

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MR. HINES: The stormwater management has been revised since our previous comments. The water quality controls are going to be performed by two buried sand filters that will be contained in concrete vaults, which is an appropriate water quality method.

Water quality control is not an issue as it borders the creek which is a fourth order stream.

The fire department was just issued.

We are awaiting a full confirmation letter from the City of Newburgh. I don't believe we received that yet.

DOT approval for the modifications to the stormwater as well as the access modifications are required. That could be a condition of approval.

Otherwise our previous comments have been addressed.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant.

MR. COCKS: Our first comment was regarding the letter from the Orange Lake Fire District. That was already addressed.

TRINITY SQUARE

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We sent the plans to Orange County Planning Department. We have a letter back from them.

Jim Osborne sent a request for a sewer flow application to the City of Newburgh April 2nd, so that might be a couple weeks.

The DEC also sent us back a letter regarding our lead agency. They have no objections to it. They just had a couple concerns over the site labeling and signage, basically just because it's adjacent to the Thruway. They gave us some standards for lighting along the Thruway. These mainly address sites that are trying to pull people off the Thruway. This is on a local highway with a local sign that's not going to be distracted or seen from the Thruway, so this is excluded. There are no issues there.

We just wanted to see a better location map. That one is kind of --

MR. RAAB: Yes.

MR. COCKS: I figured that would be an easy one.

MR. RAAB: It's pretty bad.

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MR. COCKS: Just the entrance sign is going to have to be reviewed in conjunction with the architectural submission.

All our other comments were addressed.

CHAIRMAN EWASUTYN: Karen Arent, Landscape Architect.

MS. ARENT: The consultants made all the requested changes. The stonewall addition is very nice. It really helps to buffer the sea of parking that's so close to the property line.

What's going to be important when developing architecture is to make sure that the architect stays within the footprint you're showing on the plan because I know with previous projects that are tight like this there were parts of the architecture such as columns that extended onto the drive lanes. We want to make sure that the -- that's the one bad thing about having the architecture go way after the site plan is just to make sure that --

MR. RAAB: We can work together with Anthony. It's just there was a couple different things they wanted to try out and it got shot down for a number of reasons. Like I said,

TRINITY SQUARE

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2 they'll be ready by Monday but they weren't ready
3 for us to bring tonight.
4 MS. ARENT: So they'll make sure that's
5 going to fit in the footprint?
6 MR. RAAB: You like the wall?
7 MS. ARENT: Yes. It's very nice.
8 MR. RAAB: I'm getting a t-shirt made,
9 I love stonewalls.
10 MS. ARENT: Much better than the grills
11 of all the cars that are parked there when
12 they're busy.
13 CHAIRMAN EWASUTYN: Comments from Board
14 Members. Frank Galli?
15 MR. GALLI: No additional.
16 CHAIRMAN EWASUTYN: Cliff Browne?
17 MR. BROWNE: Nothing.
18 MR. MENNERICH: No questions.
19 CHAIRMAN EWASUTYN: Ed O'Donnell?
20 MR. O'DONNELL: Nothing.
21 MR. PROFACI: Nothing.
22 CHAIRMAN EWASUTYN: You will be showing
23 a six-foot high chain-link fence on this property
24 the way it was suggested by --
25 MR. RAAB: Six-foot high chain-link

TRINITY SQUARE

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fence where?

CHAIRMAN EWASUTYN: I think in a letter we received from Scalzo from the Thruway Authority. Did you get a copy of that?

MR. RAAB: I don't think so. I have no problem with that. You mean along the Thruway side?

CHAIRMAN EWASUTYN: Yeah. The way I interpret it is along this portion of the property.

MR. RAAB: Not a problem.

CHAIRMAN EWASUTYN: I'll give you a copy of the letter --

MR. RAAB: That's not a problem.

CHAIRMAN EWASUTYN: -- only to be in compliance with what we received from them.

MR. RAAB: Fine. That makes sense.

CHAIRMAN EWASUTYN: If you don't mind, I'll give you this copy to take with you and if you could fax it back tomorrow to the Planning Board.

MR. RAAB: Can I just bring it back when I talk with Dina tomorrow?

CHAIRMAN EWASUTYN: Right. Exactly.

TRINITY SQUARE

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MR. RAAB: Okay.

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CHAIRMAN EWASUTYN: I think that's the whole document (handing). I think that was my only comment on that.

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Just one thing. Can you go through -- I have a note but I don't know where I picked it up from. The trash enclosure, what the material is going to be like on that? How are you proposing that?

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MR. RAAB: I don't think it's anything out of the ordinary.

13

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CHAIRMAN EWASUTYN: I just had a note. I don't know what I was referencing.

15

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MR. RAAB: It's on sheet 5 of 6.

17

CHAIRMAN EWASUTYN: The material being?

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MR. RAAB: It would be wood. CHAIRMAN EWASUTYN: Do you think that will be structurally sound in a few years time?

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MR. RAAB: You want it to be vinyl? CHAIRMAN EWASUTYN: I mean I think just to make sure that we have something that will be structurally sound.

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MR. RAAB: That's fine. Do you want us to take Karen's recommendation on that?

TRINITY SQUARE

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CHAIRMAN EWASUTYN: Why don't you come up with what you think will work and we'll go from there.

MR. RAAB: Sure.

CHAIRMAN EWASUTYN: Having heard comments from our consultants as far as the site plan, I'll move for a motion to declare a negative declaration for the Trinity Square site plan.

MR. PROFACI: So moved.

MR. MENNERICH: Second.

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

MR. MENNERICH: Aye.

MR. O'DONNELL: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

TRINITY SQUARE

82

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2 As Mike Donnelly had said earlier in
3 the evening, there are times that public hearings
4 are required by State law and not subdivisions.
5 As far as site plans, they're discretionary and
6 up to the majority vote of the Planning Board
7 Members. I'll poll the Board Members now to see
8 if they want to have a public hearing for the
9 Trinity Square site plan starting with Frank
10 Galli.

11 MR. GALLI: No. I think it's a Zone B.
12 Mostly business all around. I don't think a
13 public hearing will be necessary.

14 CHAIRMAN EWASUTYN: Cliff Browne?

15 MR. BROWNE: Same.

16 CHAIRMAN EWASUTYN: Ken Mennerich?

17 MR. MENNERICH: Same.

18 MR. O'DONNELL: Same.

19 MR. PROFACI: No.

20 CHAIRMAN EWASUTYN: Having polled the
21 Board Members for the need for a public hearing,
22 the full vote of the Planning Board including
23 myself was not to have a public hearing for the
24 Trinity Square site plan.

25 I'll turn to Mike Donnelly, Planning

TRINITY SQUARE

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Board Attorney, to give us conditions in the resolution for final site plan approval for Trinity Square.

MR. DONNELLY: Do we have everything we need?

CHAIRMAN EWASUTYN: Do we have the letter from the City?

MR. HINES: No, we don't have the City letter.

CHAIRMAN EWASUTYN: I have okay City. I thought we got an okay from the City.

MR. RAAB: We didn't get a copy of it, John.

MR. COCKS: Jim Osborne sent it out April 2nd.

CHAIRMAN EWASUTYN: Then we would have to wait on that.

MR. RAAB: We have to wait until we get the letter?

CHAIRMAN EWASUTYN: Yes.

MR. RAAB: It can't be a condition?

MR. DONNELLY: I could give you preliminary but it isn't worth anything. You would have to come back for final, so you might

TRINITY SQUARE

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as well just wait.

CHAIRMAN EWASUTYN: Do you need preliminary approval at this point?

MR. RAAB: No.

MR. DONNELLY: I don't think it does you any good.

MR. RAAB: Other than telling my client I got preliminary approval.

MR. DONNELLY: Tell them we congratulated you on the stonewall.

MR. RAAB: All I ask is that we could be placed on the nearest agenda to the summer equinox. Thank you very much.

(Time noted: 8:18 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: May 18, 2007

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

----- X

In the Matter of

SUNNYSIDE DEVELOPMENT, L.L.C.
(2005-17)

North of intersection 17 & Fletcher Drive
Section 93; Block 1; Lot 60.2
Section 94; Block 1; Lots 9 & 1.2
R-1 Zones

----- X

SIXTEEN-LOT SUBDIVISION

Date: May 3, 2007
Time: 8:18 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: DINA HAINES
FRANK BAKKER
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: ANDREW FETHERSTON

----- X

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

SUNNYSIDE DEVELOPMENT

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CHAIRMAN EWASUTYN: The next item of business we have is Sunnyside Development. It's a sixteen-lot subdivision located north of the intersection of Route 17K and Fletcher Drive. It's in an R-1 Zone and it's being represented by Andrew Fetherston.

MR. FETHERSTON: Mr. Chairman, Members of the Planning Board, Andrew Fetherston from Maser Consulting. I'm representing Sunnyside Development on this approximately 31-acre piece of property proposing a sixteen-lot residential subdivision in the R-1 District. The property has approximately 11 1/2 acres of wetlands on it where we are proposing a disturbance only for roadway crossing under a tenth of an acre.

The roadway itself is approximately 1,650 feet long. It's going to enter off of Fletcher Drive where a forty-foot wide strip of property was left. All of the right-of-ways on these roads, June, Denny and Lloyd, they're all forty-foot wide right-of-ways, however when we enter into the site we're bringing it up to today's standards which is a fifty-foot right-of-way within the site.

SUNNYSIDE DEVELOPMENT

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The site is going to be served by municipal sewer. There is sewer out on Route 17K. We're proposing to bring in sewer from that distance across a number of properties, a couple of which we'll need to gain easements for that utility. We're bringing the sewer down Fletcher Drive all by gravity to about this point which is about the high point of the site, then there's a couple of homes in this location and down at the bottom here that will have to have ejector pumps in the homes to force the sewage to the gravity system.

We're proposing to loop the water mains. Water terminates at the end of Lloyd Road. We're going to bring it completely through the new road, connect it back up in Fletcher Drive.

We have proposed three stormwater basins, one here, one here and one here, which we will be seeking to be dedicated to the Town through a drainage district.

There are a number of parcels -- a number of the existing parcels that have utilized my client's property over the years for

SUNNYSIDE DEVELOPMENT

89

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2 driveways, sheds, swimming pools, and one even
3 has a house that goes onto my client's property.
4 So that being the case, what we've decided to do
5 is -- there's a number of these cross-hatched
6 areas. What we've decided to do is we tried to
7 show that that area is going to be dedicated to
8 that person's lot, whoever took that property
9 over the past years. One of them -- well, I'll
10 not mention that. Let me see.

11 The roadway we're proposing to do -- we
12 have a pretty flat site here. We're proposing to
13 do drainage swales throughout the entire site,
14 the roadway section for drainage swales, however
15 because of the narrow width of our entry point
16 here being only forty feet -- it was set up for a
17 forty-foot wide right-of-way, we can't fit the
18 Town standard of the swales, the shoulders and
19 then the roadway pavement. What we could fit was
20 the curbed roadway with a thirty-foot wide
21 pavement. So we're proposing one section of the
22 roadway to be curbed for that reason because it
23 just fits in that narrow corridor.

24 I think that's it, Mr. Chairman.

25 CHAIRMAN EWASUTYN: Thank you. I'll

SUNNYSIDE DEVELOPMENT

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turn to Pat Hines, our Drainage Consultant.

MR. HINES: Our first comment is regarding the need to obtain the ability to extend the sewer main across private properties, and that's going to be a hurdle the applicant has to address in the future.

There's a small area in the corner of Fletcher Drive on the east side of Fletcher. What's that? Down below that.

MR. FETHERSTON: This square? It's one of the lots. It's one of the old lots from back in the '30s.

MR. HINES: What's going to happen with that? Connect it to something? Give it to a neighbor like you're very graciously doing?

MR. FETHERSTON: That may be something we'll do. I'll speak to my --

MR. HINES: What that thing is and where it's going to end up.

MR. FETHERSTON: Will do.

MR. HINES: I'll just mention the Army Corp. new permits will require creek construction notification for that crossing you have there.

Health Department for water main,

SUNNYSIDE DEVELOPMENT

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DEC for sewer main extensions will be required after preliminary.

Just to comment, the multiple individual force mains, you need to check with Jim Osborne whether that's going to be allowed or one force main maintained by the Town would be the appropriate way to address that.

MR. FETHERSTON: I'll meet with Jim.

MR. HINES: Okay. I think it's cleaner when someone else is maintaining it.

MR. FETHERSTON: Okay.

MR. HINES: That needs to be addressed.

The highway department or highway superintendent's concurrence within the first two hundred feet should be curbed.

We have some technical comments on the stormwater management that I'm sure can be addressed. There's three detention ponds on the site, two of which function together and one of which is independent.

We believe that the project is ready for a negative declaration and a public hearing heading towards that.

CHAIRMAN EWASUTYN: Thank you. Any

SUNNYSIDE DEVELOPMENT

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questions from our Drainage Consultant's
comments? Frank Galli?

MR. GALLI: No.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: No.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No.

MR. O'DONNELL: Nothing.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: Nothing.

CHAIRMAN EWASUTYN: Thank you.

Bryant Cocks, Planning Consultant.

MR. COCKS: We reviewed the site on
several occasions. The first was about
forty-four lots.

MR. FETHERSTON: Forty-seven to
thirty-eight to sixteen with the zone change.

MR. COCKS: It dropped considerably
which is going to lessen any impacts on the
environment or the community. The lot layout
works a lot better, too. The sizes of the lots
fit more with the neighborhood, and this also
prevents traffic from going in Fletcher Drive and
out the other side there. We agree with dropping

SUNNYSIDE DEVELOPMENT

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the lot count.

We'll need to send the easement to Mike Donnelly before final.

We're going to need a survey plat with a stamp and seal on it.

Adjacent zoning districts should be shown on the large scale map along with the location map.

It was sent to the County Planning Department November 6th of last year.

They have addressed all our previous comments and we feel like this can be given a negative declaration.

CHAIRMAN EWASUTYN: Thank you. Karen Arent, Landscape Architect.

MS. ARENT: Notes should be put on the grading plan that requires the clearing limit line to be staked and fenced before construction begins.

If this project will proceed in two stages the clearing limit line should be noted to be installed in two separate stages. For example, if the road will be put in as part of one stage, then the clearing limit should be

SUNNYSIDE DEVELOPMENT

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going around the road and then the other clearing limits when the houses are being built.

The stormwater management area should be landscaped in accordance with DEC regulations as well as to be aesthetically pleasing from the public points of view.

Make sure you put the fencing around --

MR. FETHERSTON: Yes.

MS. ARENT: -- the basins.

A landscape bond will be required for this project.

CHAIRMAN EWASUTYN: Thank you.

Ken Wersted, I believe you had looked at this project.

MR. WERSTED: We looked at the project. Originally it was for forty-seven units and it's been narrowed down and reduced.

We originally reviewed a number of the driveway locations and roadway intersections. Many of those have been eliminated with the smaller lot counts. We don't have any additional comments at this time.

CHAIRMAN EWASUTYN: Thank you.

Any further comments from our Board

SUNNYSIDE DEVELOPMENT

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Members. Frank Galli?

MR. GALLI: No. I think we've done enough on it.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: I'm good.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Ed O'Donnell?

MR. O'DONNELL: Just a question. We have to do architectural review on this eventually; right?

CHAIRMAN EWASUTYN: That works one or two ways. We do it or it's sometimes done by Jerry Canfield, the department building.

MR. O'DONNELL: Are these sixteen lots all going to be developed by the same builder?

MR. FETHERSTON: At this time I believe so, yes.

CHAIRMAN EWASUTYN: In which case we would have to.

MR. O'DONNELL: I mean I think we have to do that. I wouldn't like to see every house the same. I'm sure the builder probably wouldn't want to do that either.

SUNNYSIDE DEVELOPMENT

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MR. FETHERSTON: Architectural review will be done by the Planning Board. At what time would you like to --

CHAIRMAN EWASUTYN: We can review that by the time you come back from the County when we're addressing final approval.

MR. FETHERSTON: Okay.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: I have nothing. Thank you.

CHAIRMAN EWASUTYN: Having heard from our consultants and their recommendations, I'll move at this time that we declare a negative declaration for the sixteen-lot subdivision for Sunnyside Development and to set the 21st of June for a public hearing.

MR. MENNERICH: So moved.

MR. O'DONNELL: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich. 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.

SUNNYSIDE DEVELOPMENT

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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.

Bryant Cocks, I'll trust that tomorrow
or the early part of next week you'll coordinate
with the assessor's office for the mailing list
and necessary publications.

MR. COCKS: Yup.

CHAIRMAN EWASUTYN: Andrew, if you'll
work with him --

MR. FETHERSTON: Sure.

CHAIRMAN EWASUTYN: -- as far as the
public hearing. A few days before the actual
public hearing itself if you could deliver to the
Planning Board office the receipt of mailing, ask
for Dina and make sure we have that prior to the
meeting.

MR. FETHERSTON: Sure. Okay.

CHAIRMAN EWASUTYN: Thank you.

MR. FETHERSTON: Thank you.

SUNNYSIDE DEVELOPMENT

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(Time noted: 8:28 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: May 18, 2007

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

----- X

In the Matter of

LANDS OF FRATTO
(2007-12)

885 Orchard Drive
Section 1; Block 1; Lot 51.1
AR Zone

----- X

CONCEPTUAL SKETCH PLAN
TWO-LOT SUBDIVISION

Date: May 3, 2007
Time: 8:28 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: DINA HAINES
FRANK BAKKER
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: HOWARD WEEDEN

----- X

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

LANDS OF FRATTO

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CHAIRMAN EWASUTYN: The next item of business is the lands of Fratto. It's a conceptual sketch plan for a two-lot subdivision located on Orchard Drive in an AR Zone. It's being represented by Howard Weeden.

MR. WEEDEN: Thank you, Mr. Chairman. This is a 5-acre lot on the easterly side of Orchard Drive in the Town of Newburgh. It has an existing dwelling, septic and well on the property right now.

Mr. Fratto would like to cut out the smaller lot in the front which we have shown with a house, septic and well and a driveway out onto Orchard Drive.

We've done our soils testing and we've shown everything on the map with the construction details on sheet 2.

CHAIRMAN EWASUTYN: Thank you. I'll turn to our consultants for their comments.

Pat Hines.

MR. HINES: The sight distance for the proposed driveway needs to be depicted on the plans.

The proposed well on the new lot needs

LANDS OF FRATTO

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2 to be fifteen feet off the property line. It's
3 shown closer than that right now.
4 The septic system is at ten feet or
5 less, so we need that dimension shown with notes
6 requiring a survey of that prior to installation.
7 A similar comment with the septic tank
8 and leachfield, the ten foot and twenty foot
9 requirements. You're showing those minimum
10 requirements. Those should be appropriately
11 labeled and referenced in that note.
12 The location of the wells on the
13 adjoining properties, specifically the Needum lot
14 to the north I believe, the wells and septics.
15 MR. WEEDEN: We're going to show all of
16 the adjoining septics and wells on all the
17 properties.
18 MR. HINES: A driveway culvert needs to
19 be shown for the driveway on lot 1. Notes
20 require that a permit for that driveway must be
21 received from the highway superintendent.
22 It will require referral to the County
23 Planning Board as well as the Town of Plattekill
24 since they're both adjoining municipalities.
25 You're showing a shallow trench

LANDS OF FRATTO

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2 absorption system when the deeps and perks
3 identify soils adequate for a conventional
4 system.

5 MR. WEEDEN: I'll check with Paul
6 Miele, I have to see him tomorrow morning, and
7 find out why he designed that for a shallow.

8 MR. HINES: It appears the soils are
9 adequate for a conventional system which would
10 then require you to do that.

11 That's all we have.

12 CHAIRMAN EWASUTYN: Bryant Cocks,
13 Planning Consultant.

14 MR. COCKS: Our first comment was just
15 looking to utilize a common curb cut on Orchard
16 Drive. If you could look into that.

17 MR. WEEDEN: I'll check that out with
18 my client. I believe we could probably do a
19 common entrance onto both properties.

20 MR. COCKS: Even if the dual driveways
21 run along the property line. There doesn't have
22 to be any kind of agreement, just --

23 MR. WEEDEN: Right. I'll make that
24 revision as a matter of fact. They should both
25 be coming in at the same spot.

LANDS OF FRATTO

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MR. COCKS: Pat mentioned sight distances.

Also, did you ask him if he ever thought about putting just a couple trees to kind of screen the backyard?

MR. WEEDEN: There is an overhead telephone line going through the property right now and this is all cleared in about a twenty-foot width. We would like to have this parcel right here remain undisturbed as like a green belt area between the two properties. This is thickly wooded right here and the other side is a lawn. That's what we were trying to do with an area to remain undisturbed, to provide a green belt area between the two houses.

MR. HINES: Any easements or covenants for that need to go to Mike Donnelly for review. I have that as a comment also.

MR. COCKS: Pat mentioned that this has to be forwarded to the Orange County Planning Department and the Town of Plattekill. If you want to send me a couple sets of plans I can send those out for you.

MR. WEEDEN: I'll make sure I get those

LANDS OF FRATTO

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out tomorrow.

MR. COCKS: That was it.

CHAIRMAN EWASUTYN: Comments from Board
Members. Frank Galli?

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: No.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No.

MR. O'DONNELL: No.

MR. PROFACI: No.

CHAIRMAN EWASUTYN: I'll move for a
motion from the Board to grant conceptual sketch
plan approval for the lands of Fratto on Orchard
Drive.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

LANDS OF FRATTO

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2 MR. O'DONNELL: Aye.
3 MR. PROFACI: Aye.
4 CHAIRMAN EWASUTYN: Myself. So
5 carried.
6 If you would get those plans and we'll
7 circulate to the Orange County Planning
8 Department, also the Town of Plattekill.
9 MR. WEEDEN: I certainly will.
10 CHAIRMAN EWASUTYN: Revise your plans
11 and resubmit.
12 MR. WEEDEN: I certainly will. Thank
13 you very much.
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15 (Time noted: 8:32 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: May 18, 2007

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

----- X

In the Matter of

LANDS OF MO PROPERTIES, L.L.C.
(2006-32)

Route 9W & Devito Drive
Section 20; Block 2; Lot 30.2
B & R-3 Zone

----- X

CONCEPTUAL SKETCH PLAN
THREE-LOT SUBDIVISION

Date: May 3, 2007
Time: 8:33 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: DINA HAINES
FRANK BAKKER
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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

LANDS OF MO PROPERTIES, L.L.C.

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CHAIRMAN EWASUTYN: The next item is the lands of MO Properties. It's a conceptual sketch plan for a three-lot subdivision located on Route 9W and Devito Drive. The zone is B and R-3. It's being represented by Charles Brown.

MR. BROWN: Thank you. This is an existing nine acre plus parcel in a split zone. The front portion on 9W is in a B Zone, the rear is in the R-3.

It has three existing uses on it. The front is a commercial and then there's two residences up in the back.

The proposal is to cut it into three lots such that each building will be on an individual lot, each use leaving four acres for the commercial building, a half acre for one of the single-family residences and the balance of four-and-a-half acres for the other residence.

The only improvements would be connecting the two residences to the Town water service at Devito Drive and abandoning the wells.

We were here before the Board and referred to the Zoning Board for a variance which was granted on December 28th.

LANDS OF MO PROPERTIES, L.L.C.

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We have conveyed this map to a record surveyor who is now reviewing it and is prepared to stamp it for the next submission.

CHAIRMAN EWASUTYN: Okay. Pat Hines, Drainage Consultant. I know you had several comments on this.

MR. HINES: I was in the area up on Devito Drive for the Lenor Homes project and I notice there's a tree company operating on the site, another business.

MR. BROWN: He doesn't have a building or a service there but he does store equipment there.

MR. HINES: He has a gate and a couple trucks stored there and some piles of what looks like the trees he cut down. I'm assuming that should be shown on the plans if it's a use on the site.

We're looking for the status of the variance that was just mentioned. I'm not sure if we have a copy of that. I don't have one.

MR. COCKS: I don't have one.

MR. HINES: It doesn't appear anyone has that.

LANDS OF MO PROPERTIES, L.L.C.

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CHAIRMAN EWASUTYN: Can you present us with a copy of that?

MR. BROWN: Did we get that yet?

MR. HINES: There's a storage trailer --

MR. BROWN: We will transmit that.

MR. HINES: There's a storage trailer unidentified on lot 1. Those typically are not allowed as uses in the Town. That's an overseas container or something like that.

UNIDENTIFIED SPEAKER: Truck body.

MR. HINES: The code enforcement officer I don't believe allows those to be used in the Town.

The standard note requiring as-built certifications of the new septic system from the one lot that's receiving a new septic system needs to be shown.

The easement for lot 2 looks like it encroaches on the house.

MR. BROWN: We'll fix that.

MR. HINES: Metes and bounds for that should be shown.

The separation distance between lot 2

LANDS OF MO PROPERTIES, L.L.C.

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and the water line for 2 and 3, they need to show a ten-foot separation there or the eighteen-inch -- I think the septic lateral or line from the tank to the lateral is crossing the water line that's proposed. You need to show a detail of that separation.

MR. BROWN: Okay.

MR. HINES: The survey depicts the stream behind the use of the front lot on 9W. I believe that stream has been piped.

MR. BROWN: Actually, both are depicted on the plans right now.

MR. HINES: Show which one --

MR. BROWN: We'll confirm the location and take off the stream.

MR. HINES: That's all we have.

CHAIRMAN EWASUTYN: Bryant Cocks.

MR. COCKS: The applicant previously addressed regarding lot layout and driveway location.

He mentioned he needed a stamp and seal.

A copy of the variances we need.

Ed just brought this up to me. He said

LANDS OF MO PROPERTIES, L.L.C.

1 112
2 there was at one point some kind of proposal
3 there, talk of connecting, I guess it would be
4 Devito to Cherry through this lot. I personally
5 never heard of it but he said just to let
6 everyone know that at one time there was talk of
7 doing that, in which case it would just connect
8 the two developments and open up some road
9 frontage to the residual parcel. I was just told
10 to bring this up and that possibility.
11 MR. BROWN: That would have no effect
12 on this proposal right here, though; right?
13 CHAIRMAN EWASUTYN: Thank you, Bryant.
14 Comments from Board Members. Frank
15 Galli?
16 MR. GALLI: Pat, what lot was that, all
17 that truck stuff on?
18 MR. HINES: It comes off -- it's on the
19 lot that fronts on 9W but it comes off of the
20 side road. I don't know -- it's not Devito, it's
21 the other one.
22 MR. GALLI: The business lot?
23 MR. BROWN: The commercial lot, right.
24 MR. HINES: Yes. It's got a fence and
25 a gate and there was two or three large trucks

LANDS OF MO PROPERTIES, L.L.C.

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there when I went by.

CHAIRMAN EWASUTYN: Mike, how would that comply with -- I mean we have a few activities going on here.

MR. DONNELLY: Well, the first step is to get it on the map and see. The zoning district here is?

MR. HINES: B.

MR. BROWN: We're not talking about the trailer.

MR. GALLI: We're talking about the business that's being run there.

MR. DONNELLY: It seems like there's business activity going on. We have to see if it complies.

MR. BROWN: It's a tree service. All his work is done elsewhere. He doesn't have -- there's no office there or anything else.

MR. DONNELLY: It may not be a permitted home office. We'll have to see. You have to show what it is and include it as part of the proposal.

MR. BROWN: Okay.

MR. HINES: If we're going to approve

LANDS OF MO PROPERTIES, L.L.C.

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this we have to approve what activities are there. It may be allowed but we have to approve what's going on there.

MR. BROWN: Okay.

MR. GALLI: If we approve the plan as it is conceptually and that business stays there, doesn't it have to have ARB and all that kind of stuff?

MR. DONNELLY: I don't know how long its existed. It could be it predates zoning and it's nonconforming, then it may need a variance.

MR. HINES: It's fairly new.

MR. O'BRIEN: The fence and the gate were there way before. Michael O'Brien, the owner. When I rented from Genovese and Glenn, the Devito family, that gate was there and Steve from Red Rock used to park his equipment there. That's pre-existing.

MR. HINES: We need to show it.

MR. DONNELLY: I think it should be shown. We should have a narrative that describes it so we can take stock of it and decide how to handle it.

MR. GALLI: That's all.

LANDS OF MO PROPERTIES, L.L.C.

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CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: It sounds like with this situation we really shouldn't be doing the conceptual. Is that correct? That's what I'm hearing.

CHAIRMAN EWASUTYN: I would be in agreement with that. I would poll the Board Members.

MR. GALLI: I agree with Cliff.

CHAIRMAN EWASUTYN: Do the Board Members want to have conceptual approval now or wait until we have revised plans that show the total activities on the site?

MR. GALLI: Revised plans.

MR. BROWNE: Revised plans.

MR. MENNERICH: Revised.

MR. O'DONNELL: Revised.

MR. PROFACI: I agree.

CHAIRMAN EWASUTYN: Conceptual approval won't be an action the Board will be taking this evening until we receive revised plans.

Additional comments from Board Members.
Cliff Browne?

MR. BROWNE: No.

LANDS OF MO PROPERTIES, L.L.C.

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CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No.

CHAIRMAN EWASUTYN: Ed O'Donnell?

MR. O'DONNELL: Charles, can you just kind of briefly describe to me what we're doing here? What are we going to achieve when we get done?

MR. BROWN: The purpose of this application?

MR. O'DONNELL: Yeah. I'm a little confused. Is that business going to stay?

MR. BROWN: The business is going to stay.

MR. O'DONNELL: Okay.

MR. BROWN: The zoning line runs right through the middle lot. That's the heavy dashed line. We're creating the business lot by itself, four acres, and there's two existing residences on the back parcel so we're putting each one of those on a lot.

MR. O'DONNELL: So they're existing structures now?

MR. BROWN: Correct. We would have just went for a two-lot subdivision to split the

LANDS OF MO PROPERTIES, L.L.C.

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business from the residential right along the zoning line but then we would have needed a variance for the two residences on the balance of the parcel. We figured we might as well separate them out now.

MR. O'DONNELL: We're going to wind up with three lots?

MR. BROWN: Three lots each with a building on it.

MR. O'DONNELL: Two residences, one business and one -- this other thing we're not sure about yet; right?

MR. BROWN: Right.

MR. O'DONNELL: All right. Okay.

CHAIRMAN EWASUTYN: Thank you. Joe Profaci?

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

MR. BROWN: Thank you.

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

CERTIFICATION

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

DATED: May 18, 2007

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

----- X

In the Matter of

LANDS OF CONNOLLY
(2007-11)

Connolly Way off Lattintown Road
Section 7; Block 1; Lot 64
AR Zone

----- X

CONCEPTUAL SKETCH PLAN
TWO-LOT SUBDIVISION

Date: May 3, 2007
Time: 8:45 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: DINA HAINES
FRANK BAKKER
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: KENNETH LYTLE

----- X

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

LANDS OF CONNOLLY

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CHAIRMAN EWASUTYN: The next item of business we have is the lands of Connolly. It's a conceptual sketch plan for a two-lot subdivision located on Connolly Way off of Lattintown Road. It's in an AR Zone and it's being represented by Ken Lytle.

MR. LYTLE: Good evening. What we're proposing is an existing lot with an existing residence on it. We're proposing to divide one lot off that cutting that into two parcels with an existing private road, Connolly Way. There are other houses that have been built over the years on the parcels that were divided up over three-and-a-half years ago approximately.

The one lot actually being proposed has an individual septic, individual well.

Again, it's an existing private road off of Lattintown Road.

We received comments from the consultants. Pat had a couple comments regarding deep test and perk test results on the design chart. We had done the additional 24 inch he requested. We just need to locate those on the septic plan. That's why we installed it as an

LANDS OF CONNOLLY

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2 in-ground system, based on the good perks.
3 He also made a comment concerning the
4 modeling on deep test 1 and 2 which is an area
5 we're not using for that reason.
6 That's about it. If the Board has any
7 questions.
8 CHAIRMAN EWASUTYN: Pat, I think you
9 raised an interesting point about the survey and
10 topo.
11 MR. HINES: The topography on the map
12 is from the original subdivision prior to the
13 construction of the roads and houses. That needs
14 to be updated so we're looking at what's really
15 in the field today. You can tell by where the
16 driveways are shown that there has been extensive
17 grading of the site.
18 MR. LYTLE: That grading, we have that.
19 The as-built has been done.
20 MR. HINES: We'll need copies of that.
21 The septic system. There's a couple
22 comments on the septic system designs. We're
23 suggesting that we review the deep and perk tests
24 when they're redone. There's modeling identified
25 in the soils. It's fairly shallow.

LANDS OF CONNOLLY

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MR. LYTTLE: The two in the back.

MR. HINES: That's all we have.

CHAIRMAN EWASUTYN: Bryant Cocks.

MR. COCKS: I was just asking for the lots to be renumbered. I think when you identify them they're going to ask you to re-identify them anyway.

This is the last lot that's going to be built on the cul-de-sac.

It's in accordance with all zoning and setback regulations. It fits with the character of the houses. We have no problems with this.

CHAIRMAN EWASUTYN: Pat, at this point we're asking him to revise the plans with all the information data before we get back on it?

MR. HINES: Yes.

CHAIRMAN EWASUTYN: Would that hold true for conceptual approval?

MR. HINES: Yes.

CHAIRMAN EWASUTYN: All right. Then I would ask that you revise your maps based upon the comments from the Planning Board and their consultants and then we'll act on it next time around.

LANDS OF CONNOLLY

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MR. LYTLE: Thanks.

(Time noted: 8:47 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: May 18, 2007

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

----- X

In the Matter of

FLEETWOOD MANOR SECTION II
(2007-15)

Fleetwood Road at Beechwood Road intersection
Section 87; Block 2; Lot 1.2
R-1 Zone

----- X

CONCEPTUAL SKETCH PLAN
NINE-LOT SUBDIVISION

Date: May 3, 2007
Time: 8:47 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: DINA HAINES
FRANK BAKKER
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: DAWN KALISKY

----- X

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

FLEETWOOD MANOR - SECTION II

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CHAIRMAN EWASUTYN: The last item of business on the agenda this evening is Fleetwood Manor Section II. It's a conceptual sketch plan for a nine-lot subdivision located at the Fleetwood Road and Beechwood Road intersection. It's in an R-1 zone and it's being represented by Dawn Kalisky.

MS. KALISKY: Thank you and good evening. As Chairman Ewasutyn said, this is a proposed nine-lot subdivision. We're going to call it Fleetwood Manor Section II. It's in the R-1 Zoning District. It's on the east side of Fleetwood Drive. The Town of Newburgh/Town of Montgomery municipal boundary actually bisects the Fleetwood Manor subdivision. It was done in two sections. Back in 1959 the Fleetwood Manor Section II map was filed. We do have a copy of that. It's filed map number 1796. It did indicate the lot layout for the Newburgh parcel as well, this 2.7 acre piece. However, it was signed by the Planning Board chair of the Town of Montgomery, so when the map was filed the Newburgh lots were omitted. This section was not actually divided into tax lots. What we would

FLEETWOOD MANOR - SECTION II

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2 like to do -- we don't meet the current zone for
3 lot area, lot width, setbacks or anything else.
4 What we would like to do is basically request the
5 Planning Board refer us to the Zoning Board of
6 Appeals to see how they would feel about actually
7 giving us area variances, the variances in
8 accordance with today's code, and basically
9 return Fleetwood Manor Section II to what it was
10 intended to be in 1959.

11 MR. HINES: Good luck.

12 MS. KALISKY: Thank you. I didn't say
13 it would be easy. Actually, I know you think I'm
14 crazy doing this. You'll see it's not a big copy
15 but here's Fleetwood Manor Section II bounded in
16 red, okay. Fleetwood Drive, there's Crestwood
17 Court is the cul-de-sac up off of here.
18 Fleetwood Drive currently extends to just beyond
19 the Town of Montgomery piece and basically dead
20 ends there. I don't even think it's a
21 cul-de-sac, it just kind of ends the pavement.
22 I'm representing Kolby Right
23 Acquisitions who in fact purchased the Montgomery
24 piece as well. This is all owned by the same
25 owner who unfortunately had a family emergency or

FLEETWOOD MANOR - SECTION II

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would have been here this evening.

As I said, the Fleetwood Manor Section I lot sizes range between 7,000 and 8,000 square feet. Fleetwood Manor Section II, the Montgomery parcels as I said were actually subdivided and filed in 1959. What happened to the Newburgh piece we're not quite sure. We have that layout. Actually, we've indicated on what we submitted what the filed maps showed for the Newburgh lots. We did extend -- actually proposed a cul-de-sac so the lot area got a little smaller here but we can't just dead end. We would propose these lots for -- they're in the consolidated water district. We would petition, if in fact we can get that far with the ZBA, petition and have the sewer service connected as well.

CHAIRMAN EWASUTYN: Mike, at this point the action before us is to refer this to the ZBA for the bulk requirements for the lot area, for lot width, lot depth and lot setback?

MR. DONNELLY: That's the request.

CHAIRMAN EWASUTYN: I'll move for a motion from the Board to refer this to the ZBA for a variance for the bulk requirements for lot

FLEETWOOD MANOR - SECTION II

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area, lot width, lot depth and lot setbacks.

MR. DONNELLY: Is the setback on all four sides, side, front, rear --

MR. HINES: Yes.

MS. KALISKY: I think we would have to.

MR. DONNELLY: I thought maybe you left one out.

MS. KALISKY: No.

CHAIRMAN EWASUTYN: I have a motion on the table.

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.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. O'DONNELL: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself yes. So

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carried.

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

CERTIFICATION

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

DATED: May 18, 2007

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

----- X

In the Matter of

THE MARKET PLACE AT NEWBURGH
(2004-54)

Route 300

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

Section 71; Block 5; Lots 15 & 16

Section 97; Block 1; Lots 13.3 & 20.3

IB Zone

----- X

BOARD BUSINESS - FINDINGS STATEMENT

Date: May 3, 2007

Time: 8:57 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: DINA HAINES

FRANK BAKKER

MICHAEL H. DONNELLY, ESQ.

BRYANT COCKS

PATRICK HINES

KAREN ARENT

KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: ROBERT WILDER

----- X

MICHELLE L. CONERO

10 Westview Drive

Wallkill, New York 12589

THE MARKET PLACE AT NEWBURGH

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CHAIRMAN EWASUTYN: We have one item of Board business this evening and that's The Market Place at Newburgh. It's the Findings Statement. It's located on Route 300 in an IB Zone. It's being represented by Robert Wilder.

At this point I'll turn to Tim Miller to bring us along with the process. Mr. Miller.

MR. MILLER: Good evening, Mr. Chairman, Members of the Board. We have been working with the Planning Board and its advisors on developing a Findings Statement that would be consistent with the record that we've developed over the last several years on The Market Place at Newburgh. We've had a lot of discussions about the form and content and the Findings and in particular the various mitigation measures that the applicant has either committed to or the Board is requiring of the applicant. We believe that we reached a point of consensus with all parties. Certainly we've reviewed the contents of the Findings and we believe it is consistent with the record. We reviewed the obligations of the applicant and we're prepared to honor those obligations.

THE MARKET PLACE AT NEWBURGH

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Tonight we would request that the Planning Board consider adopting the Findings so that we can move forward with site plan review and the various other matters that are connected with the site plan review as well as the various other reviews that are required from outside agencies such as the DOT, Health Department and so forth.

CHAIRMAN EWASUTYN: At this point I'll turn the meeting over to Planning Board Attorney, Mike Donnelly.

MR. DONNELLY: As you would recall, we were here last month, I believe the date was the 19th of April. We had before us then a draft of the Findings. You met both in work session as well as at the regular meeting and you had a listing of items that I think the Board in general felt needed to be addressed. In particular you wanted a stronger statement within the Findings of the requirement that there be no construction of any kind before all agency approvals are obtained. You requested that we index the Findings in a way that would make access to it by Board Members, by the public, by

THE MARKET PLACE AT NEWBURGH

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2 those in the building department or other
3 agencies, that would make that task easier. You
4 wanted certain of the language of mitigation
5 requirements tightened up, made more specific,
6 particularly in the traffic and the well
7 remediation areas. You wanted greater specifics
8 on noise monitoring. You felt that the traffic
9 follow-up studies should be conducted by the
10 Town's consultants rather than by the applicant's
11 consultants, and instead of those studies being
12 done by the applicant's consultants that a
13 payment of money would be made and held in an
14 escrow account in order for the Town to carry out
15 those.

16 As we began to go through those
17 revisions among the consultant team we tried to
18 make even more specific exactly what would be
19 studied, when, what the thresholds would be, what
20 the intervals would be, what the study could lead
21 to specifically in terms of requirements, and in
22 a host of areas we made a number of changes. You
23 have been given various iterations of that as we
24 go along, probably more than has been helpful.
25 You received a most recent I think last -- well,

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2 we got one Friday but you had another one on
3 Tuesday, and I brought with me to the meeting two
4 pages that had yet further revisions. I don't
5 think it's helpful for me to go through every
6 change we made since April 19th because you spent
7 the better part of an hour or two that night
8 working on it. I believe we've addressed them.
9 If we haven't, I think you've had a chance to see
10 them and you can tell us where we went wrong.

11 Cliff made a suggestion earlier that
12 the language on page 4 of the Findings Statement
13 where it had said these Findings are intended to
14 be applicable to the project plans, we wanted a
15 more direct statement and I have changed it to
16 these Findings are applicable to both the project
17 plan and alternatives. I think the intent is the
18 same.

19 We have studied in the E.I.S. and have
20 covered in these Findings not just the proposed
21 project but the alternatives and why some of
22 those have been rejected and some parts of them
23 have been incorporated.

24 We stand ready to make any further
25 changes you require, and if there's more

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specifics that need to be addressed by the other consultants, I'll happily yield the floor.

CHAIRMAN EWASUTYN: Cliff Browne, do you have any additional comments to the Findings Statement which is the draft presented to us on May 2, 2007?

MR. BROWNE: Actually, I just got back from a road trip and I just had an hour to look at it. I haven't had a chance to study it through yet. My initial look at it, I'm very pleased with the re-formatting. I think it's much easier to find the different comments, where they are and how they tie back to parts of the F.E.I.S. and so on for references.

CHAIRMAN EWASUTYN: Frank Galli, Planning Board Member?

MR. GALLI: I think all of the issues have been addressed and put back into it that we had discussed at our last meeting with them. I haven't seen anything out of the ordinary yet.

CHAIRMAN EWASUTYN: Ken Mennerich, Planning Board Member?

MR. MENNERICH: A couple items I just want to check on. On page 16, the third

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2 paragraph, the last sentence says, "Despite the
3 State listing one of these species." I think
4 that's supposed to be none.
5 MR. HINES: That's correct.
6 MR. MENNERICH: It's just a typo but
7 spell check didn't catch it.
8 MR. DONNELLY: What paragraph?
9 MR. MENNERICH: The third paragraph,
10 middle of the page.
11 MR. MILLER: Last sentence.
12 MR. DONNELLY: I got it.
13 MR. MENNERICH: And on page 24, the
14 last sentence in the last paragraph, "A plan will
15 be implemented" and so on, so forth. Is this
16 plan that they're referring to the traffic
17 management plan? I think that's what -- you
18 know, what it was intended to be.
19 MR. GALLI: Turn to the traffic
20 section.
21 MR. DONNELLY: This is the final
22 paragraph on that page? It starts with "The
23 increased traffic volumes?"
24 MR. MENNERICH: Yes.
25 MR. HINES: The last sentence.

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MR. DONNELLY: Yes. I think we should refer to it because we referred to it elsewhere as a traffic management plan.

MR. MENNERICH: Later on it's referred to in that manner.

On page 25, this is basically a question, under number 2 the last part of that paragraph talks about if they don't have the intersection -- the entryway off of Route 52 and Meadow Avenue that the buildout -- without that round about that the buildout would be 700,000 square feet of retail space. I thought it was the Board's desire that should that road access not be built that there would be -- the project would be returned to the Planning Board because there was discussion about how much of the square footage was going to be big box stores versus the, you know, community center type stores.

MR. DONNELLY: I think that was the discussion and I think it should read if the site access road cannot be built concurrent with the round about, I think it was supposed to be not more than 700,000 square feet I think may be built and a site plan amendment must be filed at

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the end of that sentence.

MR. MENNERICH: Okay.

MR. DONNELLY: I think that's what we talked about here at the Planning Board.

MR. MENNERICH: The Findings Statement, as I read it there's no provision in it any longer for a contribution towards the replacement of the dam on Winona Lake.

MR. DONNELLY: Was that ever in the Findings? I thought that was a private issue that was being discussed with neighbors.

UNIDENTIFIED SPEAKER: Are you talking to us?

MR. DONNELLY: No. I'm looking to the consultants to see -- I don't think we ever had that, did we?

MR. MENNERICH: I know we didn't have it in the Findings.

UNIDENTIFIED SPEAKER: I don't know how you could.

MR. DONNELLY: I'm aware that there was discussion of that. I don't even at this point remember to what extent it was in the E.I.S.

UNIDENTIFIED SPEAKER: That was an

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under-the-table discussion.

MR. DONNELLY: I think it was always a discussion -- I think there's an echo in here -- I think privately with certain of the members of the neighborhood. It was not something that the Planning Board had required and it was, I think, a private offer in a neighborly fashion to see if certain issues could be worked out. It's not something I think we took any jurisdiction over or insisted upon, so I think it's not in the Findings.

MR. MENNERICH: Thanks.

CHAIRMAN EWASUTYN: Ed O'Donnell?

MR. O'DONNELL: When I reflect back on Meadow Hill School and the public meetings that we had and the input that we got from mostly the residents around Winona Lake, I'm kind of comfortable that their concerns, our concerns have been identified. I would expect as we go through this process that the identification will turn out to be satisfactory of the concerns. Time will tell us that.

I happen to think that there's some very serious issues here that still need to be

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2 resolved. I'm very concerned about blasting.
3 The traffic is always an issue in every project
4 that we have in the Town but my concerns I guess
5 really focus on the people that live very close
6 to this project. I'm really concerned about
7 wells, and blasting, and foundations and that
8 kind of stuff. I think that -- I mean our
9 developer here has to guarantee financially that
10 if anything goes wrong he has to make it right.
11 That's my feelings on it.

12 MR. DONNELLY: Page 19, 20 and 21, I
13 just want to point out what we tried to do so
14 that if it needs to be changed we can talk about
15 it. First of all, all blasting requires that
16 contractors be bonded and pre-site investigations
17 and what not. So the code covers that. Given
18 the concern about wells and surrounding property
19 owners, we are requiring in the Findings that a
20 well testing and monitoring protocol throughout
21 the construction phase be carried out. There are
22 eight or ten bulleted requirements. Just the
23 flavor of them, they have to identify the wells
24 that belong to residents that might be affected,
25 there has to be notification, there has to be

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2 pre-construction studies of the wells with the
3 inclusion of data loggers, the contractor -- the
4 blasting contractor shall specify maximum feet,
5 velocity. They have to either obtain or drill a
6 well in advance of construction that is in the
7 general area of the project so that any well that
8 is damaged can be immediately connected. There
9 has to be an on-call well driller and there has
10 to be the payment to a hydrogeologist retained by
11 the Town who will examine any complaint that a
12 well has been damaged in either its flow or its
13 quality, and that hydrogeologist will make the
14 determination and the bonding and financial
15 security requirements that need to be placed to
16 cover that. I'm certainly willing to consider
17 anything else you want to put in there but we
18 spent quite a bit of time trying to have
19 something to cover that issue. I don't know what
20 further safeguards could be added. I'm certainly
21 willing to listen.

22 MR. HINES: They're going to bond the
23 cost of the worst case scenario that a water main
24 has to be put in.

25 MR. GALLI: Mike, is it true that if

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the pre-blasting that's going -- if it affects the wells and the homeowner did not allow the applicant to do a pre-test, if the well is damaged --

MR. DONNELLY: The Findings say two things. One is if any well is damaged as a result of the developer's activities the developer has to make good.

MR. GALLI: That's in the Findings Statement?

MR. DONNELLY: That's number one. Number two is to make that more workable we have specifically said that any well owner who opts into this program and allows the pre-construction access, the well loggers, the monitoring equipment, then they can be specifically tied into this automatically, the Town's hydrogeologist, the fund, the hook up well, all of those things right away. If they don't participate they can still recover but they'll have to prove all those things themselves because there has to be some arbiter and the arbiter is going to be the Town retained hydrogeologist. We can't make those determinations on that kind of

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2 swiftness, the twenty-four hour hook up, all of
3 those things, unless those wells are set up. So
4 those that choose for whatever reason not to
5 participate in that automatic protection plan are
6 still entitled to be made whole by the developer
7 but they're going to have to offer the proof in
8 some way. Our hope certainly is everyone will
9 participate because it will cost them nothing.

10 MR. GALLI: I think it needs to be put
11 in writing in plain language and sent out to the
12 residents that might be affected.

13 MR. DONNELLY: Notification of the
14 owners identified in the remediation offered
15 under the protocol. I think we should draft a
16 letter when the time comes, notify them of all of
17 the steps, what will be required of them, what
18 the safeguards are, who the hydrogeologist is,
19 contact phone number so that those who
20 participate can be fully protected through the
21 automatic procedures. I don't think there's any
22 way in fairness that we can say that anybody that
23 calls Town Hall and says my well isn't working
24 should be entitled to be immediately connected
25 unless they can prove it. For those who allow us

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2 to monitor and test their wells, they'll be able
3 to do that automatically. I think we tried to
4 cover both potential types of neighbors. We hope
5 they opt in.
6 CHAIRMAN EWASUTYN: Ed O'Donnell, any
7 additional?
8 MR. O'DONNELL: I want to thank Frank.
9 That was my next point. Thank you.
10 MR. GALLI: Any time.
11 CHAIRMAN EWASUTYN: Joe Profaci?
12 MR. PROFACI: Given the couple of minor
13 changes that Ken talked about, I'm satisfied with
14 the completeness of the document.
15 CHAIRMAN EWASUTYN: Thank you.
16 I'll turn to our consultants for their
17 additional comments, if any, at this point. Pat
18 Hines, Drainage Consultant.
19 MR. HINES: We have no new comments. I
20 believe all the previous concerns have been
21 identified in the Findings Statement that you
22 have before you. We're willing to answer any
23 questions you guys have.
24 CHAIRMAN EWASUTYN: Any questions?
25 MR. BROWNE: Just a comment.

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CHAIRMAN EWASUTYN: Okay. Let me finish.

Bryant Cocks, Planning Consultant.

MR. COCKS: All of our comments have been addressed in the Findings Statement.

We just have to redo the index in the front a little bit just to add in a couple spots.

Other than that, we have nothing further.

CHAIRMAN EWASUTYN: Karen Arent, Landscape Architect.

MS. ARENT: Everything has been addressed in the Findings Statement, all previous comments.

CHAIRMAN EWASUTYN: Okay. Ken Wersted, Traffic Consultant.

MR. WERSTED: Our previous comments have been addressed.

The only outstanding one that we had prior to -- in the last couple days was the one relative to the after study and monitoring and coming to an agreement on the language as to not allowing the Town to have unbridled ability to chase the developer for additional improvements and also to hold the developer responsible for

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2 the performance of the project in case it were to
3 outperform the conditions that were cited in the
4 D.E.I.S. I think with Mike Donnelly's last two
5 supplemental pages, that language has been
6 settled on and added to one of the bullets
7 relative to traffic monitoring.

8 MR. DONNELLY: That's page 27 that was
9 handed out tonight, the last of the changes.

10 CHAIRMAN EWASUTYN: Thank you.
11 Cliff Browne, I think you had a comment
12 to make.

13 MR. BROWNE: I just wanted to maybe for
14 record purposes, all these Findings will be noted
15 on the maps or somehow on those map documents
16 translated into the map notes or actual drawings
17 or whatever it might be.

18 MR. DONNELLY: There's a provision
19 toward the end of the Findings in the paragraph
20 called implementation that requires that all the
21 mitigation measures that are recited within the
22 Findings must be added either as map notes where
23 convenient or as narrative attachments to the
24 site plan submission so that the documents that
25 would be worked from in the field, in the trailer

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carry this because this is not a document that anybody can use handily out there. So the answer is yes, we're going to endeavor to do that and note it in the resolution and in those plans.

MR. HINES: As we move toward the site plan review phase we use this as a guide to make sure that each of these items is addressed on the actual plans.

MR. BROWNE: Okay.

CHAIRMAN EWASUTYN: Having heard the comments from our consultants, having had received input from our Planning Board Members, at this time I'll turn to our Attorney, Mike Donnelly, for the action before us this evening.

MR. DONNELLY: One quick comment. You may have seen within the document there were several blank lines for dates and various locations. I've been collecting those. They are simply dates when --

MR. HINES: Letters were written.

MR. DONNELLY: -- when the E.I.S., the F.E.I.S. and one or two dates regarding the Army Corp. I have the dates, they're just not in here. With those inclusions I believe the

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Findings are ready for your consideration.

The action would be to issue a notice of acceptance of the Findings Statement and to direct that it be published in the environmental notice bulletin and distributed to the involved agencies and made available to the public.

Although it is not a requirement of the recently enacted changes in State law, I would suggest to you that you may wish to ask the applicant to make the Findings available on a website that the Town could link to. Either that or CDs, they have accommodated us in the past, to assist with the public examination of the document.

So Tim, the Board would ask would you be able to put the Findings on your website, --

MR. MILLER: Sure.

MR. DONNELLY: -- and supply us with the link so we can put it on ours?

MR. MILLER: Yup.

MR. DONNELLY: If it's also convenient, if you could send -- I'll make up a number -- five because we can always copy more, copies of the Findings on a CD to the Town Hall for the

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availability of the public, I think that would be a big assistance.

MR. MILLER: You have them. I just need to get them from you electronically in order to do that.

MR. DONNELLY: That's true.

MR. MILLER: I'm happy to do so.

MR. DONNELLY: I just have to make sure I give you the right one.

MR. MILLER: That would be a good thing.

CHAIRMAN EWASUTYN: Having heard from our Attorney Mike Donnelly as far as the procedure, I move at this point that we accept the Findings Statement as complete and do the notice of acceptance.

MR. MENNERICH: So moved.

MR. GALLI: Second.

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

(No verbal response.)

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

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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. Yes. Thank you.

MR. DONNELLY: I have one other request of the applicant and I've raised it with Larry Wolinsky on the telephone this afternoon. Under the SEQRA regulations as you know we had a thirty-day time period from the issuance of the F.E.I.S. to issue these Findings and to take action on the project itself. I've always found it a very difficult timetable for any planning board, particularly one that meets only twice a month, to meet. We had said to you in all our discussions it would be much more helpful and efficient if we could complete the Findings first and to use that as the template or ruler to then compare it with the site plan itself. Technically we need that additional time. My suggestion to Larry was that would you -- it was a request, that you extend our time to act on the

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2 site plan on an open-ended basis reserving a
3 right if you feel that appropriate progress or
4 fair progress isn't being made to insist upon
5 performance within a period of, and I'd just like
6 it to be more than thirty days because it may
7 fall within a time that doesn't meet one of our
8 meetings. I would suggest something like
9 forty-five days. If that's something that's
10 agreeable to you, it would certainly make things
11 a lot easier for everyone.

12 Our next task is to obviously start
13 looking at the site plan and for you, if you
14 haven't made all the changes that are required,
15 to incorporate all this into that plan and get it
16 to the Board so we can move forward in a timely
17 fashion to take action on the site plan.

18 MR. MILLER: We're aware of the request
19 and we have made substantial progress on the site
20 plan. The site plan review is not starting.
21 We've been undergoing the site plan review as
22 we've been working on the Final E.I.S. Somewhere
23 in the last sixty days we submitted a full set of
24 site plan drawings to the Planning Board and your
25 team and --

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CHAIRMAN EWASUTYN: I don't think I have a copy of those. I don't believe I do.

MR. MILLER: Does the Planning Board have those?

CHAIRMAN EWASUTYN: I don't have a copy.

MR. DONNELLY: I don't remember when I last got one. I know there was a big stack somewhere that I think may be --

MR. WILDER: We believe we did. If we didn't we'll get the correct copies. I think all the consultant have them. Is that true?

MR. HINES: Mm'hm'.

MR. COCKS: I would have to check the latest revision date. I know we have a couple sets. We've gotten them in recently.

MR. MILLER: March 2nd is the last set that we submitted.

In any event, we are in agreement to extend this with the proviso that you've set forth, and we would request that we be carried on your Board's agendas for the next period of time as we move through the site plan so we may continue to, you know, resolve whatever open

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2 issues there are. We don't have any open
3 comments right now from anybody on the site plan.
4 We would request that we be carried on your
5 agenda. We do have to work with the DOT, we do
6 have to work with the Health Department, we do
7 have to work with outside agencies. We will not
8 be able to make substantial progress with them
9 without a decision from your Board on the site
10 plan. May we be carried forward on your agenda
11 for the site plan review, John?

12 CHAIRMAN EWASUTYN: The next available
13 agenda is in July.

14 MR. DONNELLY: Remember, the time
15 period is on us to complete this but --

16 CHAIRMAN EWASUTYN: The next
17 available --

18 MR. DONNELLY: I don't think that -- I
19 think what needs to happen is for the consultants
20 to report back on completeness. I think the
21 Board isn't going to do anything until the
22 consultants say the Findings are incorporated in
23 the site plan drawings. Keeping it on a short
24 leash agenda at the Board level isn't going to
25 help. I think you need to get the consultants to

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make the report to the Planning Board. If you want to keep it on the July agenda in the hopes it's getting done, I think that's the most effective thing to do.

MR. MILLER: We would simply request if we resolve the Board's -- I'm sorry, the consultants' comments in a sooner timeframe, that we be considered for placement on the agenda as an active matter that has been in front of the Board for quite some time.

CHAIRMAN EWASUTYN: July is the earliest date we have available for the new agenda.

MR. MILLER: Well, are we considered a new agenda?

CHAIRMAN EWASUTYN: I mean as far as the agendas are out until that timeframe. The agendas are out, they're circulated.

MR. MILLER: Okay. Well, we would --

CHAIRMAN EWASUTYN: I think what the Board is looking to see also is, as Cliff Browne said, we're looking to see the revised site plans that list all of the notes that were quoted in the Findings Statement. We haven't received

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those yet.

What has been circulated, assuming we did receive something in March but we don't have it now, I think it would be more appropriate to provide to the Planning Board when you have the site plans that contain all those notes.

MR. WILDER: Bob Wilder with Wilder, Balter. We believe that the submission of March 2nd does contain all the requirements because many of the comments of the Findings were really language changes. It really didn't change any of the site plan. It didn't change the parking layout or the road layout or the drainage. It was really for -- the last month we've been really dealing with language changes, making sure that the correct detail was in the Findings Statement so that if things happen, whatever those things were, that there was a protocol, a defined protocol and then what we were responsible for and what the Planning Board was. So from our perspective we will not be submitting any new site plan changes except the ones we submitted in March because as we were modifying the Findings Statement we were making those

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changes all along.

MR. DONNELLY: Bob, we've made changes in the Findings since March 2nd, and one of the Findings is that map notes consistent with or incorporating all of the Findings or narrative be there. There's got to be at least one more revision to the site plan.

MR. WILDER: I'm assuming, and this may be wrong, we have a Findings Statement that's how many pages?

MR. DONNELLY: Forty something.

MR. WILDER: A large number of pages. My belief is that the way we're going to handle this, subject to the Board agreeing with it, is that the site plan would say that -- it would just incorporate it by reference.

MR. GALLI: It has to be on the map.

MR. DONNELLY: I think, Bob, the point I was trying to make, and we had discussed at least among the consultants was the forty-page Findings Statement is not something that works in a construction trailer. People in that construction trailer are going to work from a set of plans and we're going to need to take the

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2 Findings and transfer them to those plans as map
3 notes to the extent that that can be
4 accomplished, or where it cannot to a narrative.
5 Like the well protocol. You're not going to
6 rewrite the whole well protocol but we want the
7 site plan itself to include those documents so
8 that the subcontractors and the site inspector
9 and everybody that's in the trailer has that. I
10 don't think it's an impossible task but it's got
11 to be on the plan.

12 MR. WILDER: That's no different -- let
13 me give you an example. When a site contractor,
14 which is the largest contract out here, sees the
15 plans he also gets a spec book. The spec book
16 may be anywhere from twenty to fifty, sixty
17 pages, it depends. It can be even longer.
18 There's no place on the site plan that all those
19 specs are typed out but it refers to on the site
20 plan a spec book dated, and it's a separate
21 booklet that would be the scoping -- not scoping
22 from the perspective of SEQRA but a scope. So it
23 would be better in my opinion if the Findings --
24 we could put some notes on but it would be better
25 I think in much the same way you have a scope for

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2 a site contractor, it's not literally written out
3 all over the plans, that you incorporate it and
4 have a booklet just like that. They have a set
5 of plans -- you go to a construction trailer,
6 there's a set of plans and there's booklets that
7 they have. Those booklets in this case would be
8 the Findings Statement along with the site work
9 scope as it exists.

10 MR. DONNELLY: I'll defer then to those
11 who know better than my assessment of what
12 happens in a trailer. Still I would think that
13 perhaps then by at least by subject matter and
14 bulleted lists, that the mitigation measures that
15 are recited in narrative text in the Findings
16 Statement be pulled out and made part of those
17 specs under the appropriate headings. I mean I'm
18 flexible as to how to accomplish the result.

19 MR. WILDER: We're willing to try and
20 show them to you. It doesn't mean it's right.
21 In thirty years I've never seen it. I'm not
22 saying we can't do it, we can't try to do it.
23 It's something I have never seen.

24 MR. DONNELLY: It may be too unwieldy
25 and your idea of putting it within the contract

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2 specs may work. The first thing we have to do is
3 pull out all of those individual mitigation
4 measures out of this narrative text document, the
5 appropriate subject, to put either in the specs
6 or map notes. We'll find a way to accomplish it
7 but we need to have something rather than a
8 forty- page book in the construction trailer that
9 calls those things to the mind of someone who
10 needs to perform according to them in the field.

11 MR. WILDER: Okay. I accept what
12 you're saying for discussion purposes. I accept
13 it but I'm just saying from a site plan point of
14 view, when McGoey, Hauser, which is going to play
15 the lead role now in the site plan review,
16 despite the fact that there may be a certain
17 amount of these notes summarizing the important
18 elements of the Findings, the drawings, the
19 details on the drawings, the lights, the curbs,
20 the pavement details, the grading details, the
21 guardrails, the plantings, on and on and on,
22 those are already on the drawings. I'm not
23 saying we're not going to add some words but we
24 don't envision --

25 MR. HINES: But there are things in

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2 here that are not on the drawings. There were
3 concepts in this Findings Statement that quite
4 frankly didn't exist on March 2nd. I can tell
5 you there's going to be changes to the plans
6 based on this document.

7 MR. WILDER: Okay. But what we need to
8 do is we will now try to do the best we can based
9 on what we're hearing.

10 MR. HINES: We will begin the site plan
11 review process making sure that the site plans
12 conform to the D.E.I.S., the F.E.I.S., the
13 requirements of the Town, the specifications such
14 as you said, the map notes that are required, the
15 restraining joint calculations. There's a
16 multitude of things we're going to review. I can
17 tell you there's going to be another round of
18 site plans based on the technical review.

19 MR. WILDER: We're just asking that we
20 start that process so you can help us. We
21 understand what the Board is asking us and what
22 the attorney is asking us. We're going to do the
23 best we can but it's only -- we're going to do
24 the best we can but ultimately it's your
25 decision. It's going to be your call whether we

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2 have enough notes or we don't. We're asking the
3 sooner you can start to give us some feedback the
4 easier it's going to be.

5 MR. HINES: Absolutely. Realizing you
6 guys are under time constraints and we've been
7 working more towards getting this hurdle
8 accomplished than going through the individual
9 site plans, we will work with your consultants as
10 we have to to make it smooth.

11 MR. WILDER: Thank you.

12 MR. O'DONNELL: We have two months.
13 You can't get on the agenda until July because
14 there's no openings. So in two months I would
15 think between our consultants and you smart guys
16 you can come to some kind of conclusions and we
17 can move forward. Two months is a long time.

18 MR. WILDER: Trust me, I know two
19 months.

20 MR. O'DONNELL: Do you have another
21 point to make?

22 MR. WILDER: I'm finished. I'm sitting
23 down.

24 MR. O'DONNELL: Just so much can be
25 done.

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MR. MILLER: Mr. Chairman, if I may.

CHAIRMAN EWASUTYN: I would like to --
before I give you the floor, I had Frank
Galli who --

MR. GALLI: I just had one comment. I
think our attorney made it pretty clear on what
he's looking for and what we need on the plans.
You say you have a set of plans from March 3rd.
If you'd like to turn them in and they're not the
right ones, you're only going to end up coming
back again. You can either do it right the first
time, bring it in, they can go over it, get us
back the comments that we need or you can keep
coming back and hoping they're right. I think
everything was explained to you pretty clear of
what we're looking for and that's what we need.
Let's try to do it right the first time and keep
moving.

CHAIRMAN EWASUTYN: I had a comment
from Cliff Browne.

MR. BROWNE: No.

CHAIRMAN EWASUTYN: Okay. Tim Miller.

MR. MILLER: Mr. Chairman, I want to
thank the Board and your consultants. The SEQRA

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2 process has identified a lot of issues from the
3 Town and from the community. We've had a lot of
4 problems that have been put in front of us and I
5 think it's -- for me it's been really a
6 delightful experience working with the Town in
7 solving those problems. I don't want to lose
8 sight of the fact that the Planning Board is
9 volunteers for the most part. There might be a
10 minor stipend. You're one of the most
11 professional boards I've worked with and I'm very
12 grateful for the opportunity, as well as your
13 team. They have really been very terrific and
14 cooperative and they've paid attention to what
15 has come up from the community and all the
16 comments that have occurred during this process.
17 I just want to extend my heartfelt thanks. Thank
18 you.

19 MR. O'DONNELL: You still have to wait
20 until July.

21 CHAIRMAN EWASUTYN: Any additional
22 comments from anyone this evening?

23 (No verbal response.)

24 CHAIRMAN EWASUTYN: There being no
25 additional comments this evening, I'll move for a

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motion to close the meeting of the 3rd of May
2007.

MR. GALLI: So moved.

CHAIRMAN EWASUTYN: I have a motion by
Frank Galli.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: Second by Ken
Mennerich. 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.

(Time noted: 9:28 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: May 18, 2007

