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

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In the Matter of

ZAZON  
(2004-29)

Request for a Six-Month Extension of  
Conditional Final Approval  
from June 15, 2016 to December 15, 2017

- - - - - X

BOARD BUSINESS

Date: June 1, 2017  
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  
STEPHANIE DELUCA  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
PATRICK HINES  
KAREN ARENT  
GERALD CANFIELD  
KENNETH WERSTED

- - - - - X

MICHELLE L. CONERO  
10 Westview Drive  
Wallkill, New York 12589  
(845)541-4163

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ZAZON

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CHAIRMAN EWASUTYN: Good evening,  
ladies and gentlemen. We'd like to welcome  
you to the Town of Newburgh Planning Board  
meeting of the 1st of June. This evening we  
have eight items on the agenda, we also have  
one Board Business which we'll manage as the  
first item this evening, and then we'll go on  
to The Ridge, which is a public hearing, and  
then to the other items.

At this time we'll call the  
meeting to order with a roll call vote.

MR. GALLI: Present.

MS. DeLUCA: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. BROWNE: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

MR. DONNELLY: Michael Donnelly,  
Planning Board Attorney.

MS. CONERO: Michelle Conero,  
Stenographer.

MR. CANFIELD: Jerry Canfield, Code  
Compliance Supervisor.

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ZAZON

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

MS. ARENT: Karen Arent, Landscape  
Architectural Consultant.

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

CHAIRMAN EWASUTYN: Okay. At this  
point I'd like to turn the meeting over to Frank  
Galli.

MR. GALLI: Everybody stand for the  
Pledge, please.

(Pledge of Allegiance.)

MR. GALLI: Turn off your cell phones  
or put them on vibrate.

CHAIRMAN EWASUTYN: The first item of  
Board Business, and the only item of Board  
Business we have this evening, is Zazon. They're  
requesting a six-month extension.

Mr. Mennerich, will you please read  
that?

MR. MENNERICH: The letter is to Mr.  
John Ewasutyn, Chairman, Town of Newburgh  
Planning Board, 308 Gardnertown Road, Newburgh  
New York 12550 regarding lands of Zazon,

reference number 2004-29. "Dear Mr. Ewasutyn, please let this letter serve as our request for a six-month extension of conditional final approval of the above-referenced project as the applicant is currently in the process of satisfying the remaining conditions of final approval. As you will recall, this project was previously granted conditional final approval. In a letter dated August 19, 2013 the Board granted two 90-day extensions from September 19, 2013 to March 19, 2014. At the August 21, 2014 the Planning Board granted an additional 180-day extension to March 19, 2015. In March 2015 we received an extension to September 19, 2015. In September we requested an additional 6-month extension to March 19, 2016. At the March 3, 2016 Planning Board meeting the Board granted a 6-month extension to September 20, 2016. At the September Planning Board meeting the Board granted an extension to December 15, 2016, at which time the Board granted an extension to June 15, 2017. Thank you for your attention to this matter. Should you have any questions or require anything

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ZAZON 5

further, please do not hesitate to contact  
this office. Very truly yours, Pietrzak &  
Pfau."

CHAIRMAN EWASUTYN: So then I'd move  
for a motion to grant the 6-month extension for  
the lands of Zazon as read by Mr. Mennerich.

MR. GALLI: So moved.

MR. DOMINICK: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 7:05 p.m.)

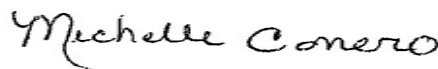
## C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary Public  
for and within the State of New York, do hereby  
certify:

That hereinbefore set forth is a  
true record of the proceedings.

I further certify that I am not  
related to any of the parties to this proceeding by  
blood or by marriage and that I am in no way  
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 14th day of June 2017.



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MICHELLE CONERO

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

- - - - - X

In the Matter of

THE RIDGE (f/k/a THE LOOP)  
(2017-01)

Route 300 & Route 52  
IB & R-3 Zones

- - - - - X

PUBLIC HEARING

Date: June 1, 2017  
Time: 7:05 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
CLIFFORD C. BROWNE  
STEPHANIE DELUCA  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
PATRICK HINES  
KAREN ARENT  
GERALD CANFIELD  
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: THOMAS GAFFNEY, MARK  
GRATZ, ARTHUR SECKLER, STEVEN LOPEZ

- - - - - X

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CHAIRMAN EWASUTYN: The first item of business this evening is The Ridge. It's a public hearing. It's located on Route 300 and Route 52, it's in an IB and R-3 Zone. Mark Gratz will be presenting the project.

At this time 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 Town of Newburgh, Orange County, New York will hold a public hearing pursuant to Section 276 of the Town Law and Chapter 83 of the Town of Newburgh Code on the application of The Ridge (f/k/a The Loop, Marketplace), project number 2017-01. The project is for the sixth amended site plan for the proposed retail shopping center. The current proposal is for a reduced square footage of 530,000 square feet retail. The project site contains 127.6 acres plus or minus of property located within the interchange business, IB, Zoning District opposite and east of the Newburgh Mall on Route 300. The shopping center is proposed to be 530,000 square feet floor area.



Previous project approvals contained up to 850,000 square feet of floor area. Access is proposed to Route 300 north of I-84 exit 7, Route 52 at Meadow Hill Road, with improvements including a new traffic circle. An emergency access drive is proposed from Brookside Avenue. The project is proposed to be serviced by municipal water and sewer. The project is located on multiple tax maps including Section 60, Block 3, Lots 41.3, 41.4, 48, 49.1 and 49.22; Section 71, Block 4, Lots 8, 9, 10, 11, 12, 13 and 14; Section 71, Block 5, Lots 9, 15 and 16; and Section 97, Block 1, Lots 13.3 and 20.3. The public hearing will be held on the 1st day of June 2017 at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7 p.m. at which time all interested persons will be given an opportunity to be heard. By order of the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman, Planning Board Town of Newburgh. Dated 8 May 2017."

CHAIRMAN EWASUTYN: Thank you, Mr. Mennerich.

At this time I'd like to have Mike

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Donnelly, the Planning Board Attorney, speak to the audience on the purpose and meaning of a public hearing.

MR. DONNELLY: There are two public hearings on tonight's agenda. The purpose of the hearing is to ensure that before the Planning Board takes action, it hears from the members of the public, usually those that live in the vicinity of the project, to bring to the Planning Board's attention issues or concerns that the Planning Board may not be aware of, although they've had advice from their consultant team. In the case of first project that's on the agenda, it's a matter that has been before the Planning Board for many, many years now. The applicant will begin by giving a description or a presentation of what is proposed. When that is completed the Chairman will ask those who wish to speak to please raise your hand. When you are recognized I would ask you to step forward if you could so we can hear you, give us your name, spell it for our Stenographer, tell us where you live in relation to the project so we can better understand the perspective you bring to bear.

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THE RIDGE 11

Direct your comments to the Members of Planning Board. If there's a question that can be easily answered, the Chairman will ask either a member of the applicant's development team or one of the Town's consultants to answer that question.

CHAIRMAN EWASUTYN: Thank you, Mr. Donnelly.

MR. GODFREY: Good evening. Tom Godfrey with Waterstone Retail Involvement. With me tonight is Mark Gratz from DTS; Phil Grealy with Maser; and Steve Lopez from Tim Miller Associates.

I'd like to just give a brief overview of the project, walk through some of the details that have changed slightly. Our goal with site plan amendment number 6 has been to keep the project consistent with prior permits and approvals. I'll walk through the entire project and show you what's changed and how things have been tweaked a little bit. Like I said, our goal was to try to keep things consistent with prior approvals, and in doing that what we've done is the layout of the project itself, including the BJ's building which is here, is in the exact same

spot as prior approvals, as is the Shop Rite building and parking on this end over here. What we've done in reducing the project size is we've eliminated some of the development that was in between these two buildings. We have those areas currently shown with no development. So these areas are exactly in the same location as before. They haven't moved.

We have tweaked the grading up and down a little bit. Our goal there was to reduce the amount of drilling and blasting that was on the site. So we have done that. We've tried to balance the site so that there's not a lot of material coming on and off the site. We've tweaked the grades slightly so that this has gone down a little bit, this has gone down and this has gone up a little bit.

In terms of infrastructure and improvements and utilities, basically everything remains the same. The project size is reduced, so water, sewer, drainage, traffic, everything in that regard has been reduced.

In terms of traffic, the traffic mitigation remains the same. They're still doing

1 a new fully signalized intersection here with the  
2 mall. We'll be doing the traffic improvements  
3 out here with a new roundabout, and we'll be  
4 making an emergency access connection from the  
5 project out this way to Brookside Ave. We will  
6 be down there shortening Brookside Ave,  
7 demolishing three of the houses that exist down  
8 there and shortening that cul-de-sac and repaving  
9 that and cleaning that up. That will be an  
10 emergency access only. It will be gated on both  
11 ends.  
12

13 Our detention basins, stormwater basins  
14 are both already installed here and here. Those  
15 were installed previously. Those had been sized  
16 for the larger development that was previously  
17 approved.

18 As the site has already been cleared,  
19 we are showing the existing treeline up here, the  
20 areas that were previously cleared with respect  
21 to prior limits of work.

22 We have tweaked some of the sound  
23 barrier retaining wall, pulled it in closer to  
24 the back of Shop Rite, closer to the potential  
25 source of any sound. We have also continued a

double row of trees on the other side, the residential side of that sound barrier wall. That buffer up here on Hilltop Avenue has been maintained. There is a larger buffer, a vegetative buffer up here today. It looks like, from what has been cleared already, there will be very few additional trees coming down. I believe probably 90, 95 percent of the clearing has been already completed in the prior site work that was done on the site.

In addition to that, in terms of conditions and mitigation, we are continuing and have in the permits and approvals about 51, 52 conditions from prior site plan approvals. All of those are still within the site plan approvals, the prior ones. We've already started to work on some of those. The residents up on Hilltop had received notices in the past six months about the well monitoring program to be one of the conditions. We've reinstituted that program. The residents up there have received notices already and have been dealing with the well management company there who put in place a number of the bonds and other mitigation and

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agreements that we were required to do.

CHAIRMAN EWASUTYN: Thank you.

Mark, do you have anything to add?

MR. GRATZ: No. I think that's a pretty good sum.

CHAIRMAN EWASUTYN: Steve Lopez, do you have anything to add?

MR. LOPEZ: Yes. I'm the landscape architect on the project. All the green stuff is me.

CHAIRMAN EWASUTYN: Okay. At this point, as Mike Donnelly had said, we'll open the meeting to the public. If you'd raise your hand and give your name and address. What we'd like to do is to have everyone have an opportunity to speak. If there's another question that you have, then please allow others to speak first and we'll hear from you a second time.

Ma'am.

MS. FERRI: Hi. My name is Maria Ferri, I'm on 1 Hilltop Avenue. I did get the well monitoring thing.

I just have a question about the taxes and if that's going to be impacting me. I'm not

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THE RIDGE

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sure if I'm on that tax map, where it's going to  
be fluctuating my taxes.

CHAIRMAN EWASUTYN: Fluctuating your  
property taxes?

MS. FERRI: Correct.

MR. DONNELLY: I don't know what  
relationship there would be between this project  
and your taxes.

MS. FERRI: So there shouldn't?

MR. DONNELLY: There certainly  
shouldn't be, no.

MS. FERRI: Good. Would I be able to --  
would you be able to tell me how far away the  
building would be from my house? Would you be  
able to give me a property map so I could see how  
close it's going to be? I'm trying to understand  
from that picture, but --

MR. GODFREY: Where are you on Hilltop?

MS. FERRI: I'm number 1. I'm on the  
end.

MR. GODFREY: This end?

MS. FERRI: I'm the first house on this  
side.

MR. GRATZ: So Hilltop is ending



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THE RIDGE

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basically right about here.

MR. HINES: Ma'am, it may be easier if you can step up so you can see your house. I don't know if you'll see from there.

MR. GRATZ: Here is Hilltop Avenue. It basically ends at the treeline. The closest corner of the building is right around here. This map should be 100 scale map. So you're about 300 feet away.

MS. FERRI: Then you said there's going to be sound barriers?

MR. GRATZ: There's going to be a ten-foot high screened fence that serves as both a sound barrier and physical screening, visual screening, behind that fence. In other words, between the fence and your home there will be a double row of trees, evergreen trees, year-around screening. I think they're White Pines.

MR. LOPEZ: It's a mixture of a couple different kinds.

MS. FERRI: You said 300 feet?

MR. GRATZ: At least 300 feet to the corner.

MR. BROWNE: Could I ask you to speak

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up so the whole audience could benefit from the conversation?

MR. GRATZ: We're saying it's about 300 feet or more. 300 feet would be the minimum distance between the closest corner of the future Shop Rite and your residence.

MR. LOPEZ: I'll just mention one other thing to you. This building is set considerably lower. It's down into the ground. It's going to be a pretty good size --

MR. HINES: About 30 feet cut.

MR. LOPEZ: -- excavation plus the fence. So with that combined with the trees, you're probably going to be looking over -- I can't say exactly but looking over a lot of building.

MS. FERRI: Okay. Because it's going to be lower, is the blasting going to be taking place a lot right there?

MR. LOPEZ: Down below.

MS. FERRI: When will that start?

MR. GRATZ: It's all based on approvals from the Board. Obviously we can't get going until we have site plan approval. It will be

1  
2           sometime before we actually hit the ground  
3           running.

4                       MS. FERRI:   Thank you.   That was it.

5                       CHAIRMAN EWASUTYN:   The gentleman.

6                       MR. LARAIA:   Gregory Laraia, 11  
7           Charlile Circle.   My concern is on the map here  
8           these two catch basins for the drainage.   I live  
9           right here.   Currently this one is doing what  
10          it's supposed to do.   This one is filled with  
11          water, and it's been filled with water since  
12          inception.   I just found out recently that it's  
13          not supposed to have any water in it, it's  
14          supposed to dissipate.   So it's been two years  
15          filled with water.   The amount of bugs and  
16          mosquitoes that are present now, it's pretty much  
17          unbearable.   I just wanted to know what we can do  
18          or what is planned.   If this is supposed to be  
19          operating at a dissipation rate, it's not  
20          working, whatever is going on there now.

21                       MR. GRATZ:   Sure.   The timing is very  
22           interesting and apropos.   We received a notice to  
23           go out and inspect the stormwater facilities that  
24           were installed by the Town Engineer, Jim Osborne.  
25           We actually just conducted that inspection this

1  
2 past Tuesday. We found that we have a resident  
3 beaver living in that. So typically --

4 MR. LARAIA: He is not blocking any of  
5 the drainage at all. He's on the back part.

6 MR. GRATZ: We believe he blocked the  
7 downstream end. There's an outlet control  
8 structure here. Being that this is an inactive  
9 site, he's taken up residence. Obviously we'll  
10 be looking to relocate the beaver, find him a  
11 nice new home.

12 MR. LARAIA: That's the whole problem?

13 MR. GRATZ: With the construction and  
14 all the activity going on on the site, we expect  
15 that will take care of hopefully that problem.

16 The basin is designed so you only have,  
17 at any one time, six inches of standing water  
18 over the long haul. It will fill up during  
19 periods of high rain. It's intended to drain  
20 down within twenty-four hours. Obviously it's  
21 not doing that because of the clogged outlet  
22 structure.

23 MR. LARAIA: Even six inches. We get  
24 notices not to have any standing water on our  
25 properties, old tires or anything. Is there

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anything -- I don't know what they can do to prevent -- I don't know -- mosquito infestation.

MR. GODFREY: The intent is that last six inches will drain down. That ties into --

Pat, I don't know if you want to talk on the Town's behalf. It has to do with water quality and trying to let some of the natural pollutants that collect to settle out and keep them from migrating off the site. So it's just part of the standard engineering practice how the basins work.

MR. LARAIA: Okay.

CHAIRMAN EWASUTYN: Ma'am.

MS. BOWEN: My name is Terri Bowen, I live at 14 Brookside Avenue. This is my mom, she lives at 18 Brookside Avenue.

We were wondering, you had said three houses were going to be knocked down. Do you know which -- I know there's two at the end of the road. You said three.

MR. GODFREY: Yes. It's not shown here. This is actually an extension down to Brookside. It's number 20 and 22 Brookside, which are the last two houses -- the last two on

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the end, and one behind number 20 which is  
actually out behind it on South Plank.

MS. BOWEN: Oh, okay.

MR. GODFREY: Two houses on Brookside,  
one on South Plank.

MS. BOWEN: Got it.

MR. GODFREY: So it's the house  
directly behind number 20.

MS. BOWEN: Okay.

MR. GODFREY: I can show you.

MR. GRATZ: This is the existing  
Brookside.

MR. GODFREY: Here's the existing  
Brookside Avenue. This shows you the houses that  
will be demolished. This house, which is 22,  
number 20.

MS. BOWEN: When will that happen?

MR. GODFREY: That will happen as part  
of the construction of the project.

MS. BOWEN: So there's no date in place  
for that yet?

MR. GODFREY: No. Once we have the  
permits and approvals we'll be working out all  
our pre-construction meetings and move towards

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construction.

MS. BOWEN: Will we be notified of that?

MR. GODFREY: We can notify you of any work on the street, yeah.

MS. BOWEN: How will the circle be now at the end of the road, Brookside?

MR. GODFREY: The plan is to -- this is actually showing the removal. This section of Brookside, we'll be removing this section and we'll be reconstructing the circle in this area right here. So it will be shortened by about 300 or 400 feet.

MS. BOWEN: Right in front of 18 Brookside?

MR. GODFREY: It would be right here in this area.

MS. FLYNN: My property is right next door to those houses you're taking down.

CHAIRMAN EWASUTYN: Ma'am, ma'am. If you would like to speak, at least be kind enough to give your name and your address.

MS. FLYNN: Okay. Linda Flynn, 18 Brookside Avenue.

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CHAIRMAN EWASUTYN: Thank you.

MS. BOWEN: What is an emergency access road exactly?

MR. GODFREY: What we'll do is -- it's approximately 16 feet wide. It will be gated at the end. There will be a gate right at the end of the new cul-de-sac circle so it can only be accessed by emergency vehicles, and it will also be gated at the other end here.

MR. GALLI: Maybe code compliance can speak, or Pat can speak on what it does so people don't think there is constant traffic every time there's a fire and ambulance call. Maybe you can tell the public what it really does.

MR. CANFIELD: The purpose of the emergency access is to just facilitate emergency vehicles only in the event that they can not access the site from the other two entrances and exits. It is not designed -- this one will not be designed for through traffic. As Mark stated, there will be gates on each end which the fire department will have the ability to unlock the gate and go in should they need to. It's the developer's responsibility to maintain it in a



passable condition at all times. It is not to be used for construction equipment in and out. It's only for emergency access. That's it.

MS. BOWEN: That was my question. And one more. Will there be a sound barrier or anything on Brookside? A fence or anything that goes along there?

MR. GODFREY: I think in prior plans they had it. If this road was ever constructed they would put some fencing down here, if this became a through road.

MS. BOWEN: If it became --

MR. GODFREY: Yes.

MS. BOWEN: Okay. That's it. Thank you.

MR. GALLI: John, can I speak on that for one minute? Just for clarification, if it ever became a through road it wouldn't go out to Brookside, it would go out to 52 and the Brookside entrance would be cut off. Just so the residents understand.

MR. HINES: The new cul-de-sac remains. The through road would be passed that.

MR. GALLI: To 52.

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CHAIRMAN EWASUTYN: The gentleman with  
his hand up.

MR. RAFFERTY: My name is John  
Rafferty, I live on Hilltop Avenue. Can someone  
explain to me as far as sanitation, road widths  
and hours of delivery with vehicles? Is anything  
set up for that?

MR. GODFREY: Typically in shopping  
centers each tenant, as well as project wide.

We don't have a plan in place for  
rodents and other insects and things like that.  
Obviously the Board of Health does regular  
inspections of supermarkets and restaurants.  
There will be a program put in place by each  
tenant, especially restaurants and supermarkets  
and things like that. There will also be a  
project-wide program in place.

MR. RAFFERTY: As far as when it's  
being constructed, the rodents that are going to  
go in every direction toward homes --

MR. GODFREY: We could obviously look  
at doing some type of program during construction  
as well.

MR. RAFFERTY: Okay. And deliveries?

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MR. GODFREY: Deliveries are unchanged from prior permits and approvals. We have truck routes established. The main roads coming in, coming to service the back of the --

MR. RAFFERTY: I'm more concerned with the hours.

MR. GODFREY: The hours. I'm not sure.

MR. RAFFERTY: I live right behind there. Am I going to hear trucks at night?

MR. GODFREY: I'm not sure what the local restrictions are in terms of hours and deliveries.

MR. RAFFERTY: And garbage. Garbage trucks.

MR. GODFREY: Obviously the dumpsters and everything will be screened with separate enclosures.

MR. RAFFERTY: The row of trees isn't going to do anything in the winter.

MR. LOPEZ: They're evergreens.

MR. RAFFERTY: Excuse me?

MR. RAFFERTY: They're evergreens.

MR. HINES: More importantly, there's a ten-foot high sound attenuating fence that's

1  
2 especially designed between the supermarket and  
3 the trees. So there's first a ten-foot fence,  
4 then on the residential side is that double row  
5 of trees proposed.

6 MR. RAFFERTY: Okay. So there's going  
7 to be a fence line between my property and --

8 MR. HINES: Ten feet. I'm not sure  
9 where exactly your property is.

10 MR. RAFFERTY: I'm right behind it.

11 MR. HINES: The entire area that is  
12 part of the mitigation for impacts associated  
13 with noise has that sound attenuating fence  
14 designed into the plan. It was required by the  
15 Planning Board during earlier phases. It's been  
16 modified a little bit as this plan has developed  
17 with the revised grading and revised layout.

18 MR. RAFFERTY: Thank you.

19 CHAIRMAN EWASUTYN: Any other comments  
20 from the public?

21 MR. MASTEN: I've got one. I'm Dave  
22 Masten, I'm a resident of the Town. They say  
23 they've got holding ponds, okay. I've seen in  
24 the Town where supposedly they've got holding  
25 ponds but they're not doing their job. Is that

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going to be ample for the runoff for that size piece of property?

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: The project has been reviewed by my office, the design plans that --

MR. MASTER: Right across the street, Pat, there's a big swamp. That Newburgh Mall is built on a swamp. It's sinking every day.

MR. HINES: That's not the case here. I'm aware of that. These ponds are designed in compliance with the Town's stormwater requirements and the DEC's requirements. They've been in place for several years now and are functioning with the exception of the issue that was just discussed. They are designed in accordance with standard engineering --

MR. MASTEN: And then what happens when they lost the two dams over here? They were concerned about runoff. Now all that water is going to come down. Is it going to go down the stream or is it going to go into the holding ponds?

MR. HINES: It goes into the holding ponds and then discharges into those streams at a

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controlled rate. That's all been analyzed.  
There's a drainage report --

MR. MASTEN: Yeah.

MR. HINES: -- a couple inches thick.

CHAIRMAN EWASUTYN: Further questions  
or comments from the public? This gentleman.

MR. TUCKER: John Tucker, Hilltop  
Avenue. I was here from the beginning, talked to  
the developer when he came up, met with all of us  
up there on the hill to put all the facts out  
there. You've got a ten-foot high fence thirty  
foot below Hilltop Avenue. Think of a megaphone.  
You sit here with a megaphone, you talk in it a  
little bit, all the sound comes out the other  
end. You're above the sound. It's going to be  
blasting up at you. You know, sounds good, a  
ten-foot high fence. The buffer is good when  
you're on the ground level with that building,  
not when you're above it.

The other gentleman says that the water  
has been there since inception. The beaver  
wasn't there during the inception. I don't buy  
that. If there's a problem, let's look into it  
and get it fixed, all right.

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I wasn't really against the first project, but, you know, you see what's happened over the years. They're on the sixth level now with this. Let's do it right the first time, okay. That's all I ask. Just get it done right. I hate to see all these other projects we've had problems with. The Town has had problems with runoff up in Meadow Hill when they built developments. Other places get built, traffic is horrible. That's all I can ask is do it right the first time. Thank you.

CHAIRMAN EWASUTYN: Any additional comments?

(No response.)

CHAIRMAN EWASUTYN: Marie, you had your hand up.

MR. FERRI: Could I get a copy of that or maybe take a picture of it?

CHAIRMAN EWASUTYN: If you want to take a picture now, sure.

MR. HINES: The plans are all posted on the Town's website as well.

MS. FERRI: This is?

MR. HINES: Yeah.

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MR. FERRI: Okay.

MR. HINES: Several iterations of them.

If you go on the Town's website under the meetings, the plans are available. These aren't new plans. This week's is not posted but if you go back a couple of meetings you'll be able to get those plans.

MR. FERRI: Thank you.

CHAIRMAN EWASUTYN: Ma'am.

MS. RAFFERTY: Theresa Rafferty, Hilltop Avenue. Those lovely trees that are going to be on whatever you call it, how big are they going to be? Are they going to be like me or are they going to be -- is it going to take 25 years for them to actually act as a sound barrier?

CHAIRMAN EWASUTYN: Steve Lopez?

MR. LOPEZ: A lot of people think trees actually act as a sound barrier. They're really more for screening. The wall itself is a sound barrier. The trees, though, are important. Let me just get the size. They're 8s to 10s and 6s to 8s staggered. 8 to 10 is the height of the conduit up here, plus, and 6s to 8s are in this



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range.

CHAIRMAN EWASUTYN: Karen, do you want to speak to the success rate when you start planting trees in excess of a certain amount of height, the likelihood of them surviving?

It's difficult to take something -- Karen is a landscape architect. Taking something that's 20 feet in height, plant it and expect it to establish itself. Karen will speak on that.

MS. ARENT: So it's good to have a mixture of 6 to 8 and 8 to 10 because when trees are dug -- they lose a lot of their roots when they're dug to be transported to a new planting site. The first thing the trees does when it's in it's new home is to start growing roots. The bigger the tree is the more roots it has to grow before it starts -- the canopy starts growing. In time they've actually found that smaller trees in five years outperform the bigger trees because they don't -- they start growing much earlier than the larger trees. So it will be interesting to watch if the 6s to 8s grow taller than the 8s to 10s. I'd be interested to watch that myself actually.

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MS. RAFFERTY: I have another question. Could you please tell me how deep the buffer is again? If you would repeat how much the buffer is.

MR. LOPEZ: Are you speaking to the existing buffer that will remain?

MS. RAFFERTY: Right. The property from the fence line.

MR. LOPEZ: In this area we have almost 400 feet.

MS. RAFFERTY: 400?

MR. LOPEZ: Correct. That's to the existing cleared limit line. That line really isn't going to change here.

MS. RAFFERTY: Can we change it?

MR. LOPEZ: This is what it's cleared to now. If you look on Google Maps which is where we got this treeline from. This is the existing treeline where the site is currently cleared. This entire line around the site, this treeline, that's the existing treeline from a previous clearing. It's less here on site, but off site combined with on site it's pretty extensive here. Probably 300 feet. So it

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varies.

MS. RAFFERTY: And is it my understanding that very few more trees will be taken down?

MR. LOPEZ: That's correct. That's correct. We figure we're pretty close to where we need to be with regard to removals.

MS. RAFFERTY: Thank you.

MR. HINES: There's a definitive no cut zone in that area as well as part of the original approval. I think it's 35 feet. And then there's --

MR. LOPEZ: We've added quite a bit.

MR. HINES: Through the modification. The thin strip there was the 35 foot property line and then there's a 100 foot buffer associated with the zoning where they're not allowed to construct anything, and that's been incorporated into these plans as well. When I say constructed, there's no buildings or parking lots allowed in that area.

MS. RAFFERTY: Thank you.

MR. LOPEZ: Sure.

CHAIRMAN EWASUTYN: Ma'am.

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MS. WILLIAMS: My name is Pat Williams, I live in Meadow Hill. I was just -- I remember in the beginning they were talking about the route. On the map if somebody could point out, where is 52 and Meadow Hill Road? Is there an exit or entrance there?

MR. GODFREY: So what you're talking about is the second entrance here. Right here there's a roundabout being proposed there.

MS. WILLIAMS: So that's down by Algonquin Park and the firehouse and everything?

MR. GODFREY: Yes. Correct.

MS. WILLIAMS: How will you fit the roundabout?

MR. GODFREY: You can see here. The property line shows on this purple line here. The majority of the roundabout is almost built into our property.

MS. WILLIAMS: Because you can't disturb the park.

MR. GODFREY: That's correct. The park is in this corner here.

MS. WILLIAMS: That sounds like a nightmare. Thank you.

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CHAIRMAN EWASUTYN: Any additional or further questions before we turn to our consultants?

(No response.)

CHAIRMAN EWASUTYN: Ken Wersted, you looked at the traffic conditions.

MR. WERSTED: We went through several iterations of review on the traffic side of things, obviously dating back to the analysis that came about in 2004, 2005. Obviously the project was much bigger then. There were iterations of going from 850,000 square feet down to 775. There was iterations of building out in steps or phases. The applicant is back to build 530,000 square feet.

Other than the access out to Route 52 near I-84, the plan outside of the site in terms of traffic improvements are all pretty consistent with what was proposed previously. Because they have reduced the square footage, they're looking to not construct the access out to Route 52 near 84 and just use the two access points.

The other improvements out on Route 300 and also 52/Powder Mill Road was all provided

1                   THE RIDGE                   38  
2                   previously. Those are consistent.

3                   The applicant has a highway work permit  
4                   from DOT for several years. Obviously they  
5                   haven't constructed any improvements out there  
6                   because they haven't needed them. I think that  
7                   continues to be an open permit for them that they  
8                   need to continue working with DOT. I think they  
9                   indicated that they'll provide all the plans and  
10                  the analysis to them so that DOT can be current  
11                  on what's being proposed now.

12                 They did note that because the project  
13                 has gotten smaller, that the analysis of the off-  
14                 site intersections will be less, however they  
15                 still plan to include the mitigation that was  
16                 proposed previously with this project.

17                 We had a few comments about how some of  
18                 the intersections, namely the Route 300, Newburgh  
19                 Mall and The Ridge driveway will operate. There  
20                 will be some conditions of level of service Cs  
21                 and Ds but during the p.m. peak hour it should  
22                 operate at level of service C with about 34  
23                 seconds. On a Saturday -- obviously Saturday  
24                 traffic is a bit busier so it will operate of  
25                 level of service D. DOT will have to review

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those results and weigh in on their findings.

Other than that, that was pretty much the extent of our major comments. I know the Board has worked pretty extensively with the applicant in terms of getting the third access point to become an emergency access. When they first came back to the Board they were looking at just constructing it down to the culvert so they can maintain their drainage basin, but the Board pushed to have that continue all the way out to Route 52 to serve as an emergency access, which they've incorporated that into the plans.

Then the other comments we had on the site plan relative to some of the interior circulation have all been addressed.

That was the extent.

CHAIRMAN EWASUTYN: Karen Arent,  
Landscape Architect?

MS. ARENT: I reviewed the screening and worked with the applicant's landscape architect to make sure the plants that are specified are going to be hardy and grow nicely.

I also reviewed some screening along the Route 84 access point. The applicant added

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some trees. There's a wall there that they're going to make sure is a nice earth tone color.

The other thing that I looked at was the seed mixtures that they're specifying for the open spaces and trying to keep those nice and neat and tidy while also allowing wildlife to habitat.

The fronts of the buildings, they put a note on the drawing that all of the fronts of the building -- the plantings will be designed by a landscape architect.

The screening of the mechanical units will be -- there's a note on the drawing for screening of the mechanical units on the rooftops. That's about it.

CHAIRMAN EWASUTYN: Pat Hines, Drainage Consultant?

MR. HINES: This project is consistent with the previous five renditions of it that the Board has reviewed.

The stormwater management does comply with the Town and the DEC requirements. That being said, it complies with the DEC requirements at the time the project went through the



environmental impact statement analysis. Those facilities have been constructed and are functioning.

For the purposes of SEQRA, the State Environmental Quality Review Act, the Board is continuing to review the project as a 700,000 square foot ultimate build out. Today is the 530 but there is the potential build out. They would have to come back for another review before the Board. The environmental review was originally performed for some 850,000 square feet. This project and the other additions of it continue to be smaller than that, so the Board has looked at the worst case and is now reviewing this 530,000. The concept plan was presented several months ago for 700,000 square foot of mixed retail just to preserve their previous approvals at the 700,000, which I think was the fifth amended site plan that had approximately that square footage.

The emergency access drive we discussed. It has been developed in conjunction with the Board.

The completion of Brookside Avenue was not originally proposed. The Board felt strongly

1                   that that neighborhood should be constructed,  
2                   built out, the houses removed, the cul-de-sac  
3                   constructed so that it looks complete and is not  
4                   in the state that it has been for awhile. So  
5                   that's a requirement of the first phase of this  
6                   approval.  
7

8                   Otherwise the applicants have been  
9                   responsive to our comments on the sixth amended  
10                  site plan and we don't have any outstanding  
11                  technical comments.

12                 CHAIRMAN EWASUTYN: Jerry Canfield,  
13                  Code Compliance?

14                 MR. CANFIELD: I have nothing  
15                  additional.

16                 CHAIRMAN EWASUTYN: Having heard from  
17                  our consultants, if there are any follow-up  
18                  questions you may want to ask, I'd say let's do  
19                  that now if you'd like to do so.

20                 (No response.)

21                 CHAIRMAN EWASUTYN: Because the  
22                  consultants work for the public, they take your  
23                  concerns and they also take the requirements  
24                  based upon the Department of Transportation --

25                 MS. RAFFERTY: I have a question --- -

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CHAIRMAN EWASUTYN: -- the DEC, the  
Army Corp of Engineers. So there are several  
involved agencies that are what we call  
coordinated review that look at this project.  
That all falls under SEQRA.

Ma'am, your question?

MS. RAFFERTY: Yes, please. Once  
blasting begins what happens if our wells are  
affected? Could somebody clarify for us how we  
would still be able to flush our toilets?

MR. HINES: Early on in this project,  
even in the previous phases that had  
substantially more material to be removed, this  
project has been designed to reduce the amount of  
earthwork on the site. That's the purpose of the  
blasting protocols and procedures that have been  
developed and adopted by the Board. Initially  
the monitoring which was undertaken for several  
-- I would say almost a year initially by the  
previous developer and is now being reinstituted  
to develop that baseline to determine what, if  
anything, happens.

I'll defer to the attorney but blasting  
has strict liability. If they impact something,

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they are required to address it. There are insurance requirements and permit requirements through the Town, posting of bonds I believe and insurance for that. So there are those assurances.

MR. DONNELLY: I think the mitigation plan goes further. It would require a connection to the municipal system if it's a demonstrated loss of water as a result of the blasting. It's all set forth in the environmental impact statement. I don't have the exact particulars at my fingertips but it is covered.

MS. RAFFERTY: Okay. Thank you.

MR. HINES: I would encourage anyone that's not in that blasting -- I think maybe you're a newer resident, you said you received a letter. If you can get involved in that program, it certainly gives you the baseline if you're new or --

MS. FERRI: I am. I already sent it back to their attorney.

MR. HINES: It gives the baseline data. If something does occur you have the baseline data saying that's what it was and here's what it

1 is now. That's why the Board was very strongly  
2 for that. It's been in place for years that we  
3 have baseline data. That data was been submitted  
4 to my office for many months several years ago  
5 and they are doing it again now. So we have  
6 several years of data for those wells for those  
7 that participated. Some declined access.  
8

9 MS. BOWEN: Thank you. I have another  
10 question.

11 CHAIRMAN EWASUTYN: Terry.

12 MS. BOWEN: How close is the emergency  
13 access road to Brookside?

14 MR. HINES: It's going to emanate from  
15 the new cul-de-sac. It begins at the newly  
16 constructed cul-de-sac. There will be a gate  
17 there.

18 MS. BOWEN: Right. How does it run,  
19 though, behind the houses?

20 MR. HINES: It parallels Route 84.

21 MS. BOWEN: So you don't really know  
22 exactly how many feet that is?

23 MR. HINES: We do. It's probably  
24 three-quarters of a mile.

25 MR. CANFIELD: Perhaps Mark can show

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you on the map.

MR. GRATZ: This is Brookside, once again running basically in this direction, I'll say east/west. Here's the access road. So at it's closest point, again it's maybe -- obviously it emanates right from the circle, heads straight out for about 200 feet and then turns to parallel 84, and obviously from that point getting further and further away.

MS. BOWEN: Okay.

MR. GRATZ: The existing buffer, whatever vegetation that's out there now, will remain.

MR. HINES: There's a large culvert across the stream in that area. A portion of what is now the emergency access drive is being constructed in support of their sanitary sewer connection which is on the opposite side of Quassaick Creek from the project. Having to have I think it's some 2,000 feet of that road constructed, the Board, working with the applicant, has developed an additional, I think it's 1,400 to 1,700 foot of that access road to Brookside Avenue to make that connection. Again,

1  
2 it's only used if there's some catastrophic  
3 failure or issue where the jurisdictional  
4 emergency services can't use the other two access  
5 points.

6 MS. BOWEN: Thank you.

7 MR. GRATZ: The only other thing I'd  
8 like to add to that is in the design of that  
9 third access, being that it wasn't going to be a  
10 high type access road as originally planned where  
11 we would have been taking in the general public,  
12 we basically tried to design that route so we  
13 have a little more flexibility in it's alignment.  
14 The idea is to try to preserve any vegetation  
15 that's out there. We don't have to design it  
16 quite to the same stringent standard as if it was  
17 a full access road.

18 MS. BOWEN: Thank you.

19 MR. LARAIA: Going back to Mr. Beaver  
20 in the pond back there. If something happens  
21 here and things get postponed as far as the build  
22 out and everything, what is going -- what can we  
23 put in place in the meantime to rectify the  
24 situation in that pond?

25 MR. HINES: The Town of Newburgh, we're

1                   on that. They got the letter, as all the other  
2                   commercial properties in the Town that have  
3                   stormwater facility maintenance agreements with  
4                   the Town. Any development in the last, I would  
5                   say eight years or so have to file with the Town  
6                   an agreement to maintain the stormwater  
7                   management systems that are designed into the  
8                   plans. The letter they got that triggered the  
9                   inspection was a result of the Town, being a  
10                  regulated community through the DEC, we have a  
11                  permit for stormwater. That letter was sent out  
12                  which initiated that inspection.

14                         During construction there's an  
15                   agreement in place with the Town to provide for  
16                   stormwater and erosion and sediment control  
17                   inspections during construction. My office works  
18                   with the Town for the Town and has a checks and  
19                   balances and keeps track of those stormwater and  
20                   erosion control issues during construction.  
21                   After construction that agreement will still --  
22                   the stormwater facilities maintenance agreement  
23                   will require submission of an annual report.

24                         MR. LARAIA: So after construction?

25                         MR. HINES: Post-construction.



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MR. GODFREY: If construction is held up for another year or two, it could sit there for --

MR. HINES: No, because now that that's been identified as an issue, they have a requirement to maintain that system.

MR. LARAIA: Okay. I got it.

MR. HINES: So at least annually, if it sits idle the way it does now, there's a requirement that they perform those inspections. Once construction starts, because there's greater than 5 acres disturbance, there's a twice a week requirement that those be inspected. Those reports are submitted to my office which I then review and submit to the Town for the entire duration of the construction. So there will be significant inspections during construction.

MR. LARAIA: Great. Thank you.

MR. RICH: I have a question. I'm John Rich from Fern Avenue. You said that the project has been downsized a couple of times.

MR. HINES: Yes.

MR. RICH: If it's been downsized why is it still close to the residential area and not

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THE RIDGE

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moved away from it?

MR. HINES: It has substantially been moved away from a good portion of the residential area. The green area, if someone could indicate towards Hilltop and Fern.

MR. RICH: Right there is 50 feet. To the left of his finger right there. Right at the corner of that building. Right there. That's where Hilltop is.

MR. HINES: It's not 50 feet. It's a minimum of 100 feet to the property line.

MR. RICH: It was that on the first project, too.

MR. HINES: At that point it is, yes.

MR. RICH: So it hasn't been moved away. What I'm saying is if you downsized it, why can't it be just moved away from the residential areas a bit more?

MR. HINES: It has substantially been moved from the residential areas. That one area there, because of the site grading, has not changed. It has a little. Actually, the grading was changed slightly there.

CHAIRMAN EWASUTYN: At this point I'll

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turn the meeting over -- Pat Williams, do you  
have one other question?

MS. WILLIAMS: Yes. I was wondering  
who makes the environmental statements? Who is  
the person who does the study?

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

MR. DONNELLY: It is generally prepared  
by the applicant's consultants but it is approved  
and the final version issued by the Planning  
Board.

MS. WILLIAMS: So the person who is  
doing the building does the environmental impact?

MR. DONNELLY: No. They do the  
paperwork and their consultants prepare the  
report, then the Planning Board reviews it,  
changes it as it sees fit and issues it as the  
Town's report.

MS. WILLIAMS: So they have a person  
who is like college educated in the environment  
that does these studies?

MR. DONNELLY: More than one.

MR. HINES: A lot.

MR. DONNELLY: One of them is even a

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doctor.

MS. WILLIAMS: I can't understand how none of this affects the environment.

MR. DONNELLY: Nobody said that this won't affect the environment. It's impossible to do development that won't affect the environment. What the Planning Board does is mitigate to the maximum extent practicable those impacts that will definitely come from the project. You can't tear down all those trees and move all that land and build those buildings without impacting the environment. It's not possible. That's not the goal. If New York said you can't build anything that impacts the environment, we'd never build anything again.

UNIDENTIFIED SPEAKER: There's nothing wrong with that. Did I say that out loud?

MS. WILLIAMS: Thank you.

CHAIRMAN EWASUTYN: At this point I'll turn to Board Members. John Ward?

MR. WARD: Well, I'd like to say thank you to the public. We listened to everything you said. The Board itself, we worked hard to protect the neighborhood with the walls and

1 everything else. But at the same time, the  
2 project itself has taken it's turn, good and bad,  
3 and they've done everything to make it work. I  
4 want to say thank you. That's it.

5 CHAIRMAN EWASUTYN: Dave Dominick?

6 MR. DOMINICK: I echo John's  
7 sentiments. Thanks for coming out. We  
8 appreciate you taking your time and expressing  
9 your concerns.

10 With that; Tom, thanks for taking the  
11 emergency access road into consideration that we  
12 pushed for. It is very vital. Also doing the  
13 correct naming on that.

14 Also we heard in our workshop session  
15 that there's a potential for office buildings,  
16 maybe future hotels, medical facilities. Do you  
17 want to comment on that?

18 MR. GODFREY: Yeah. Right now, as you  
19 know, we've just got a 530,000 square foot  
20 development planned here. The project has been  
21 approved for larger developments. There's  
22 discussion about a lot of things in terms of what  
23 other people would like to see here. We have  
24 nothing proposed here other than this retail at  
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THE RIDGE

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the current moment. Some of those things aren't even allowed or zoned depending on what they are. People have thrown a number of ideas at us in terms of what they'd like to see as part of this project, and those discussions are ongoing.

MR. DOMINICK: That's it, John.

CHAIRMAN EWASUTYN: Thank you. Cliff Browne?

MR. BROWNE: Just to clarify a little bit on what was just discussed, what we are working on right now is just this project, what we're looking at here, not anything that may happen in the future. We can't address it at this point. So even though there may be some things out there that you're hearing about, that's not on the table that we're talking about now. We're talking about the project that was presented that we discussed this evening.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Nothing further.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: I just want to say thank you for your thoroughness and gearing so it looks good. So thank you.

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CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: I just have a response to the question that was brought up about the roundabout. I'm sure you all have drove through 52 and Meadow Avenue there. It's a nightmare intersection near Frank's Pizza and Algonquin Park, trying to make a left if you're coming up 52. Anybody that's seen roundabouts, north of Poughkeepsie on Route 55, they do a lot of traffic calming, they're very good, they're easy to get around and it will vastly improve that intersection from what it is now.

That's all I have to say about that.

CHAIRMAN EWASUTYN: Terri, in the last go around the Planning Board strongly advised Tom Godfrey to be a good neighbor and act on those buildings that have been sitting idle for so long and being used for a variety of uses that really weren't permitted. So we argued that point on your behalf with you not being here. It was one of the final comments that needed to be corrected and will be corrected at the very beginning of construction.

All right. If there are no further

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THE RIDGE

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comments, I'll move for a motion from the Board to close the public hearing on The Ridge f/k/a The Loop.

MR. WARD: So moved.

MR. GALLI: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

At this point I'll turn to Mike Donnelly to advise the Board as to where we are in the process and what needs to occur next.

MR. DONNELLY: As you know, this project was subject to an environmental impact statement at each iteration of the changes. The plans you issued under the State Environmental Quality Review Act, at either rate what I call a



1 consistency determination or an amendment to your  
2 findings, it's the conclusion and recommendation  
3 of your consultants that no further supplemental  
4 environmental study needs to be done, that the  
5 existing environmental impact statement covers  
6 these impacts. That's pretty logical because  
7 they're less than what was originally envisioned.  
8 However, a findings statement, which is the  
9 detailed recitation of specific mitigation  
10 measures and conclusions, does need to be amended  
11 to comport with the downsizing.  
12

13 In addition, before you act you will  
14 need to have a resolution of approval that lays  
15 out your conditions. Both of those documents  
16 exist in draft form. The applicant's team  
17 actually took our old resolution and the old  
18 findings statement and took a crack at them and  
19 got them to me. Pat Hines only recently got a  
20 copy of the amended findings statement. He'll  
21 need to look at that.

22 Frankly, I must say the meeting came up  
23 on me more quickly than I thought and I didn't  
24 really get a chance to study the resolution the  
25 way we should have -- the way I should have.

1  
2 Therefore what I'm asking is that if you pass  
3 this to your next agenda for Pat to complete and  
4 edit the findings statement and for me to have a  
5 resolution ready for you to act upon. I don't  
6 think there are any issues that need to be  
7 addressed further by you other than a review and  
8 vote upon that findings statement -- that amended  
9 findings statement and the resolution.

10 CHAIRMAN EWASUTYN: Pat, our next  
11 agenda?

12 MR. HINES: There's a June 15th agenda.  
13 After that there's a July 6th.

14 CHAIRMAN EWASUTYN: And what date would  
15 you advise the Board to schedule it for?

16 MR. HINES: I can work with either of  
17 those.

18 CHAIRMAN EWASUTYN: Would the Board be  
19 comfortable with the 15th of June?

20 MR. GALLI: As long as Pat is, I am.

21 CHAIRMAN EWASUTYN: Then we'll  
22 reschedule this meeting -- we'll set The Ridge/  
23 The Loop for the meeting of the 15th of June to  
24 complete the SEQRA determination, Michael?

25 MR. DONNELLY: Yes. The amended

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THE RIDGE

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findings statement and the resolution of  
approval.

CHAIRMAN EWASUTYN: I'll move for a  
motion from the Board to set the 15th for the  
next meeting.

MR. MENNERICH: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: Motion by Ken  
Mennerich. Second by John Ward. I'll ask for a  
roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Thank you.

(Time noted: 7:46 p.m.)

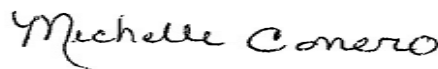
## C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary Public  
for and within the State of New York, do hereby  
certify:

That hereinbefore set forth is a  
true record of the proceedings.

I further certify that I am not  
related to any of the parties to this proceeding by  
blood or by marriage and that I am in no way  
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 14th day of June 2017.



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MICHELLE CONERO

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STATE OF NEW YORK : COUNTY OF ORANGE  
TOWN OF NEWBURGH PLANNING BOARD  
----- X  
In the Matter of

HURLBURT TWO-LOT SUBDIVISION  
(2017-09)  
  
Pressler Road  
Section 4; Block 2; Lot 41.22  
RR Zone  
----- X

PUBLIC HEARING

Date: June 1, 2017  
Time: 7:48 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
CLIFFORD C. BROWNE  
STEPHANIE DELUCA  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

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

1  
2 CHAIRMAN EWASUTYN: The next item of  
3 business this evening is the Hurlburt two-lot  
4 subdivision. It's a public hearing located on  
5 Pressler Road in an RR Zone. It's being  
6 represented by Charles Brown, Talcott  
7 Engineering.

8 Mr. Mennerich will read the notice of  
9 hearing.

10 MR. MENNERICH: "Notice of hearing,  
11 Town of Newburgh Planning Board. Please take  
12 notice that the Planning Board of the Town of  
13 Newburgh, Orange County, New York will hold a  
14 public hearing pursuant to Section 276 of the  
15 Town Law on the application of Hurlburt  
16 Subdivision, project 2016-09. The project is a  
17 proposed two-lot single-family residential  
18 subdivision. The site is an existing 40 plus or  
19 minus acre parcel of property located in the RR  
20 Zone. A single-family residential structure is  
21 under construction on the parcel at this time.  
22 The intent of the project is to subdivide off the  
23 residential structure under construction onto a  
24 2.25 plus or minus acre parcel of property,  
25 leaving a balance parcel of 37.9 plus or minus

1                    acres. The premises is located on Pressler Road  
2                    in the Town of Newburgh, designated on Town tax  
3                    maps as Section 4, Block 2, Lot 41.22. The  
4                    public hearing will be held on the 1st day of  
5                    June 2017 at the Town Hall Meeting Room, 1496  
6                    Route 300, Newburgh, New York at 7 p.m. at which  
7                    time all interested persons will be given an  
8                    opportunity to be heard. By order of the Town of  
9                    Newburgh Planning Board. John P. Ewasutyn,  
10                   Chairman, Planning Board Town of Newburgh. Dated  
11                   8 May 2017."

12  
13                   CHAIRMAN EWASUTYN: Thank you, Mr.  
14                   Mennerich.

15                   MR. BROWN: This is an existing 40 acre  
16                   parcel in the RR, residential zone, which is a 2-  
17                   acre minimum lot size.

18                   My client recently completed  
19                   construction of a single-family residence. His  
20                   intent is to subdivide off his residence on a  
21                   2.25 acre lot from the balance -- leaving a  
22                   balance of roughly 38 acres.

23                   Both houses, the proposed house and  
24                   existing house, are serviced by on-site wells and  
25                   septic systems and have driveways to Pressler Road.

1                   The parcel is at the north end of Town.  
2  
3           There's a little, tiny piece here actually in  
4           Plattekill. As part of this process this project  
5           gets referred to both Plattekill and Orange  
6           County Planning. It's my understanding neither  
7           one have responded.

8                   We're here tonight to hopefully get  
9           final approval on this project.

10                  CHAIRMAN EWASUTYN: Is there anyone  
11           here this evening who has any questions or  
12           comments for Mr. Brown, please raise your hand.

13                  MR. FURY: Craig Fury, Town of  
14           Newburgh. I believe my home is right behind  
15           where you're going to build. I'm trying to get  
16           an idea exactly where -- I believe -- first of  
17           all, there's going to be one more, a total of two  
18           houses; is that correct?

19                  MR. BROWN: At this point, yes. My  
20           client actually has no intention of developing  
21           the large parcel at this time. He's going to be  
22           using it for recreational for himself. His house  
23           is up, it's right across from Gidney Creek Way.

24                  MR. FURY: Is it the ranch that's  
25           setback with the pine trees in front of it?



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MR. BROWN: I don't think it's a ranch.

MR. HINES: It's under construction  
right now.

MR. BROWN: He's pretty close to being  
done, if not done.

MR. FURY: I thought it was a ranch.  
There is a new home there and I'm wondering, is  
the second home going behind that or is it going  
down the face of the --

MR. BROWN: The existing frontage here  
was wide enough for a lot in that zone. There's  
also a 50-foot access strip to Pressler further  
north on the other side.

MR. FURY: That's across -- is it okay  
if I walk up to the map real quick?

MR. BROWN: Sure.

MR. FURY: Where is East Road?

MR. BROWN: East Road is further down  
here.

MR. FURY: So this is going towards --

MR. BROWN: Plattekill.

MR. FURY: East Road is at the end?

MR. BROWN: East Road is up here.

MR. FURY: So East Road is here. You

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have one house that's been there for a long time,  
you've got two houses that were built in the last  
five years, and you have one that's being  
completed now?

MR. BROWN: Right.

MR. FURY: The one that you're  
proposing, it's going to be back here?

MR. BROWN: That's this right here.  
Again, he's got a 50-foot access here.

MR. FURY: So it's going to be behind  
the house that --

MR. BROWN: Correct.

MR. FURY: How long has this house been  
here?

MR. BROWN: I do not know.

MR. FURY: It's not the newest?

MR. BROWN: No. This is the newest  
right here. Right across from Gidney Creek Way.

MR. FURY: And this piece here is going  
to be --

MR. BROWN: That's 38 acres.

MR. FURY: This is 38 acres.

MR. BROWN: It's the balance of the  
parent parcel.

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MR. FURY: And this is the 2 acre plot  
you're talking about?

MR. BROWN: Yes.

MR. FURY: Thank you.

MR. BROWN: No problem.

CHAIRMAN EWASUTYN: Further questions  
or comments from the public?

(No response.)

CHAIRMAN EWASUTYN: I'll turn the  
meeting now to Pat Hines.

MR. HINES: We reviewed the project.  
It complies with the zoning bulk tables.

We submitted the project to County  
Planning as well as the Town of Plattekill as  
part of the circulation. We did not hear back  
from either of those. That time has lapsed for  
the County. I don't know if there's a time for  
Plattekill. It was several months -- at least  
several weeks ago that we submitted it.

The project is served by an on-site  
well and septic. It was issued a permit by the  
building department for the building permit for  
the house.

There is a proposed house, well and

1                   septic on the balance large parcel which I  
2  
3                   believe the applicant's representative states  
4                   there's no intent to construct at this time. It  
5                   is a legitimate building lot. It has been proved  
6                   out with the well and septic.

7                   We don't have any outstanding comments.  
8                   There are no securities required. The project  
9                   accesses the existing Town road. We don't have  
10                  anything else.

11                  CHAIRMAN EWASUTYN: Comments from Board  
12                  Members. John Ward?

13                  MR. WARD: No comment.

14                  MR. DOMINICK: No comment.

15                  MR. BROWNE: No.

16                  MS. DeLUCA: Nothing.

17                  MR. GALLI: No additional.

18                  CHAIRMAN EWASUTYN: Any further  
19                  questions or comments from the public?

20                  MR. FURY: It's very wet back there.  
21                  Is there any -- is it just a standard leach field  
22                  or is there some kind of pump system required?

23                  MR. HINES: These are standard  
24                  conventional.

25                  MR. BROWN: The septic for the existing

1 house is actually in front of the house. That's  
2 an in-the-ground septic. The one shown for the  
3 proposed residence and the balance parcel is a  
4 shallow absorption. The wet area is way down the  
5 hill at the bottom of the parcel. As far as  
6 affecting these septic and wells, there's no  
7 affect.

8  
9 MR. FURY: Where is the septic for the  
10 one that's not being built yet? Is it going to  
11 be in front of the house or behind it?

12 MR. BROWN: It's off to the side here.  
13 This is the septic, this is the house.

14 MR. FURY: Thank you.

15 MR. HINES: As the applicant's  
16 representative said, the one is a standard  
17 system, the other is a shallow absorption trench,  
18 but those are considered conventional systems  
19 based on the Public Health Law. They're  
20 allowable without further approval.

21 CHAIRMAN EWASUTYN: Any further  
22 questions or comments?

23 (No response.)

24 CHAIRMAN EWASUTYN: Then I'll move for  
25 a motion to close the public hearing on the

Hurlburt Two-Lot Subdivision on Pressler Road.

MR. DOMINICK: I'll make the motion.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: Motion by Dave Dominick. Second by Ken Mennerich. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. Motion carried.

At this point we'll ask Mike Donnelly, the Planning Board Attorney, to give us the conditions in the resolution for final approval.

MR. DONNELLY: You issued a negative declaration under SEQRA in May. The notices were sent to both the County Planning Department and the Town of Plattekill. The requirement for the Town of Plattekill is ten days before the hearing. It was sent more than ten days in advance.

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2                   There are only two conditions to be  
3 attached to the resolution. One is the highway  
4 superintendent's sign off on the driveway  
5 location and the other is payment of a parkland  
6 fee for the new lot created in the amount of  
7 \$2,000.

8                   CHAIRMAN EWASUTYN: Okay. Then I'll  
9 move for a motion for the approval of the two-lot  
10 subdivision of Hurlburt subject to the conditions  
11 presented by the Planning Board Attorney, Mike  
12 Donnelly.

13                   MR. WARD: So moved.

14                   MR. GALLI: Second.

15                   CHAIRMAN EWASUTYN: I have a motion by  
16 John Ward. I have a second by Frank Galli. Can  
17 we please have a roll call vote starting with  
18 Frank Galli.

19                   MR. GALLI: Aye.

20                   MS. DeLUCA: Aye.

21                   MR. MENNERICH: Aye.

22                   MR. BROWNE: Aye.

23                   MR. DOMINICK: Aye.

24                   MR. WARD: Aye.

25                   CHAIRMAN EWASUTYN: Aye. Thank you.

MR. BROWN: Thank you.

(Time noted: 8:03 p.m.)

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

I, MICHELLE CONERO, a Notary Public  
for and within the State of New York, do hereby  
certify:

That hereinbefore set forth is a  
true record of the proceedings.

I further certify that I am not  
related to any of the parties to this proceeding by  
blood or by marriage and that I am in no way  
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 14th day of June 2017.

*Michelle Conero*

---

MICHELLE CONERO



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

- - - - - X  
In the Matter of

FABRIZIO TWO-LOT SUBDIVISION  
(2017-05)

Gardnertown Road  
Section 51; Block 9; Lot 9  
R-1 Zone

- - - - - X

TWO-LOT SUBDIVISION

Date: June 1, 2017  
Time: 8:04 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  
STEPHANIE DELUCA  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

- - - - - X

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

1  
2 CHAIRMAN EWASUTYN: The third item  
3 of business this evening is the Fabrizio two-lot  
4 subdivision. It's located on Gardnertown  
5 Road in an R-1 Zone. It's also being  
6 represented by Charles Brown of Talcott  
7 Engineering.

8 MR. BROWN: Thank you, John. We were  
9 here several weeks ago with this. We had the  
10 public hearing at that time. The public hearing  
11 was closed. We've been back to the Town Board  
12 where we did get approval for the outside user  
13 status. They did vote to accept the new sewer  
14 force main there. I think we've got this one all  
15 wrapped up.

16 CHAIRMAN EWASUTYN: Do we have it all  
17 wrapped up? Michael, do you have a question?

18 MR. DONNELLY: Fabrizio. I'm sorry, I  
19 have to get my notes.

20 CHAIRMAN EWASUTYN: The agreement has  
21 been signed? Are you working on the agreement?

22 MR. DONNELLY: The common driveway  
23 easement and maintenance agreement, is that what  
24 you mean?

25 MR. BROWN: There's two agreements that

1                   were forwarded to you, Mike. One was for the  
2                   common driveway and the other was for the  
3                   utilities, the common driveway.

4                   MR. DONNELLY: I have both of those and  
5                   I will sign off on them. I recommend we keep a  
6                   condition in the resolution just as a sign off  
7                   for tracking purposes.

8                   MR. BROWN: That's fine.

9                   MR. DONNELLY: In terms of the  
10                  resolutions that are needed --

11                  MR. HINES: Mike, this has the outside  
12                  user agreement.

13                  MR. DONNELLY: The first condition will  
14                  tie in to the granted variance by the Zoning  
15                  Board of Appeals. Second, they would need a  
16                  common driveway easement and maintenance  
17                  agreement and the shared utility sewer line  
18                  easement. I do have copies of both. They are  
19                  satisfactory. I will send sign-off letters. We  
20                  need approval of the driveway utilization by the  
21                  Town of Newburgh highway superintendent. We need  
22                  the approval of the Town of Newburgh Town Board  
23                  to enter into an out-of-district user agreement,  
24                  and that will have to be in place before the  
25

1  
2 map can be signed. We note that the City of  
3 Newburgh has issued it's sewer acceptance  
4 letter in both the case of the  
5 out-of-district user agreement and the sewer  
6 flow acceptance letter. Our resolution will  
7 carry any of the conditions that were imposed  
8 by the Town Board or the City Council in  
9 their approvals.

10 MR. BROWN: Okay. I did forward today  
11 what Andy Zarutskie sent me regarding the  
12 approval vote. I forwarded that to Pat and John.  
13 I do have a copy of that here tonight.

14 CHAIRMAN EWASUTYN: Why don't you give  
15 that to Michael.

16 MR. HINES: They just need to be signed  
17 by the applicant. That's the condition.

18 MR. BROWN: This is just approving  
19 that they approved them. It's a copy of my  
20 letter.

21 MR. DONNELLY: Is this one I can keep?

22 MR. BROWN: Yes.

23 MR. DONNELLY: Thank you.

24 Finally, there's a new lot being  
25 created so there will be a parkland fee in the

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amount of \$2,000.

CHAIRMAN EWASUTYN: Any questions or  
comments from Board Members?

MR. WARD: I have a question. Charlie,  
in reference to the trees --

MR. BROWN: Based upon the public  
hearing where we got some comments from this  
property owner here regarding being able to see  
the house, we've added four trees, Blue Spruce,  
six foot high. That's on these maps which I will  
be forwarding to Pat for final sign off with the  
rest of the paperwork. Again, that's in response  
to her comments.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Any further  
questions or comments from the Board?

(No response.)

CHAIRMAN EWASUTYN: Then I'll move for  
a motion to grant approval to the Fabrizio two-  
lot subdivision on Gardnertown Road.

MR. GALLI: So moved.

MR. DOMINICK: Second.

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

1                   FABRIZION TWO-LOT SUBDIVISION                   78

2                   Dominick. Roll call vote starting with Dave

3                   Dominick.

4                   MR. DOMINICK: Aye.

5                   MR. BROWNE: Aye.

6                   MR. WARD: Aye.

7                   MR. MENNERICH: Aye.

8                   MS. DeLUCA: Aye.

9                   MR. GALLI: Aye.

10                  CHAIRMAN EWASUTYN: Aye.

11

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

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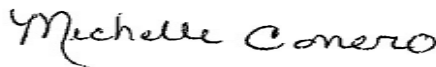
## C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary Public  
for and within the State of New York, do hereby  
certify:

That hereinbefore set forth is a  
true record of the proceedings.

I further certify that I am not  
related to any of the parties to this proceeding by  
blood or by marriage and that I am in no way  
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 14th day of June 2017.



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MICHELLE CONERO

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

- - - - - X  
In the Matter of

U.S. CRANE & RIGGING  
(2016-14)

18 Route 17K  
Section 97; Block 1; Lot 21.2  
IB Zone

- - - - - X

SITE PLAN/SPECIAL USE

Date: June 1, 2017  
Time: 8:10 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
CLIFFORD C. BROWNE  
STEPHANIE DELUCA  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: LARRY WOLINSKY

- - - - - X

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



CHAIRMAN EWASUTYN: The next item of business is U.S. Crane & Rigging. It's a site plan/special use located on Route 17K in an IB Zone. It's being represented by Andrew Fetherston of Maser Consulting, Engineering, and Larry Wolinsky is the attorney.

MR. WOLINSKY: Good evening, Members of the Board. Very quickly, several of you were not here at the last meeting, so just to go over some of the changes that were done in summary fashion.

The building has been moved back, sound walls have been placed on the plans, more robust plantings are on the plans and additional sound insulation panels have been placed within the building facing -- on the side facing 17K.

In addition, we were asked at the last meeting by, I believe, Mr. Ward whether we would consider increasing the thickness of the walls from three inches to four inches. We were able to do that.

MR. WARD: Thank you.

MR. WOLINSKY: We'll make that commitment.

With that said, I have Phil Grealy; Art

1                   Seckler, our architect; Alan Zuckerman, the  
2                   project manager; and Andrew Fetherston, our  
3                   engineer. I think I would like to probably turn  
4                   it over to Phil to give you an update on where we  
5                   stand with the comments we had received on the  
6                   noise study.  
7

8                   MR. GREALY: Good evening. Philip  
9                   Grealy, Maser Consulting. I wasn't able to  
10                  attend the last meeting.

11                  We had prepared the noise evaluation  
12                  and your consultant had reviewed it and provided  
13                  several comments. We responded to those. In  
14                  terms of some of the details and information that  
15                  was in the report, it's pretty straightforward.

16                  In addition, one of the recommendations  
17                  from your consultant was to conduct a post-  
18                  opening -- post-construction monitoring just to  
19                  make sure that the mitigation measures that we  
20                  identified were adequate, and functioned  
21                  properly, and kept in conformance with the Town  
22                  Code. Over the last week we had contacted one  
23                  another and talked through an outline of a  
24                  monitoring program, the protocol basically of  
25                  where the measurements would be taken, which

1 included the original two receptor locations that  
2 we had in our study and an additional receptor on  
3 the west side of Stewart Avenue in the  
4 residential area there, as well as one on the  
5 site itself just to monitor the sound levels  
6 right at the source. So that is spelled out in  
7 the document that we went through. I think it  
8 was transmitted from Tim to Ken Wersted. He was  
9 kind of coordinating things with Tim from CHANGE,  
10 your consultant. It's spelled out in pretty much  
11 detail in terms of the conditions that we would  
12 have to evaluate. At the same time, we would be  
13 monitoring traffic volumes, meteorological  
14 conditions in terms of wind speeds and other  
15 factors that come into play. So that has been  
16 spelled out. Tim is in agreement with that. I  
17 think he's relayed that to Ken.

18 I'd be happy to answer any questions  
19 relative to that.

20 CHAIRMAN EWASUTYN: Ken Wersted?

21 MR. WERSTED: Phil's assessment is  
22 accurate. Tim McAuley and I had worked back and  
23 forth to develop an agreeable scope. It included  
24 the additional monitoring points that Phil had  
25

1 mentioned. It also talked about taking  
2 measurements over the course of two days, not  
3 just a narrow window, monitoring traffic at the  
4 same time, and then also looking at the typical  
5 operations of the site after it's open and up and  
6 running, taking measurements during that time  
7 so they aren't measuring it on a holiday or when  
8 there isn't any activity or lull on the site,  
9 then making sure that the noise consultant agrees  
10 with all of those findings and then preparing a  
11 report to summarize those findings and comparing  
12 them to the Town Code, with the noise ordinance  
13 which we had talked about a bit at the last  
14 meeting. They had also proposed to take a  
15 measurement across the street which is in a  
16 residential -- otherwise residential area, to  
17 include that. So if Tim and Phil are in  
18 agreement, I think we're set on our end as a  
19 coordinator of that topic.  
20

21 CHAIRMAN EWASUTYN: Questions from  
22 Board Members on this topic?

23 MS. DeLUCA: No.

24 MR. GALLI: No.

25 CHAIRMAN EWASUTYN: John Ward?

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MR. WARD: No.

MR. GREALY: Thank you.

MR. FETHERSTON: Your preference, Mr. Chairman. Does anybody want to hear -- some of your Board Members weren't present.

CHAIRMAN EWASUTYN: I think what we'll do is we'll go through the -- we have to do an ARB approval. Let's go through the renderings on that so we can act on that.

MR. SECKLER: Mr. Chairman, Members of the Board, good evening. Arthur Seckler, Lothrop Associates, the architect for the project.

What we have are two different perspectives of the proposed building. This particular perspective is looking northeast from Stewart Avenue. What you see in the front here is the 5,000 square feet, one story administrative office wing portion of the building. Beyond it is the taller pre-engineered fabrication building. The floor elevation of that building in this particular perspective is about eleven foot lower than the grade we're showing.

It will be a combination of colors. It

will be the composite panels, four inches thick. They will run horizontally on the building. There are two different color schemes here. It's a dark blue and a neutral color, and then there will be some red accents. The theme of the client is American, red, white and blue, hence the design.

The aluminum storefront or curtain wall on the office will have red aluminum frames and then blazing.

There will be a solid span panel above the roof that would complete the exterior wall of the office addition.

The other rendering is looking northwest. If you're in the site looking at the east end of the building where you have the three large overhead doors to enter the fabrication building, the driveway coming up here in the foreground to the office area, again the same horizontal panels. We have randomly placed the lighter color panels. The window pattern is also somewhat random with red frames that would pick up the red band around the fascia of the building as well as the storefront or curtain wall on the

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office addition.

It will be a shallow pitched roof,  
pitching the ridge down the center, running east/  
west and pitching north/south.

At this point I'll entertain any  
questions the Board would have on the proposed  
exterior structure.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I want to say thank you for  
going with the four-inch panels. I like the red  
accent. It breaks it up. Thank you.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: I agree, I like the new  
look compared to the previous all blue.

Just one thing. I know I touched on  
this at the last meeting. What do I see when I  
look at the 17K entrance? I think you mentioned,  
Andrew, just a strip of grass in front. We're  
still going to have that guard shack and busted  
fence and the arm gate and things of that nature?

CHAIRMAN EWASUTYN: It has to be moved.

MR. FETHERSTON: There's a considerable  
amount of grass that's going to be added. The  
pavement is wide, very wide. Ken commented on

1                   U.S. CRANE & RIGGING                   88  
2                   how wide it was and could we neck it down, remove  
3                   some of that. We've achieved that coming back  
4                   in.

5                                 We didn't come to the Board with a  
6                   sign. A lot of times we'll come to the Board  
7                   with a site plan and a sign. We don't have that  
8                   from the client yet. That may be done at a  
9                   future date. There's two existing sign areas and  
10                  landscaping that's going to remain.

11                                The sidewalks are going to be added.

12                                The guide rail that now goes almost  
13                  right out to the right-of-way is going to be cut  
14                  quite a bit back to facilitate turn motions a  
15                  little better. I worked that out with Ken as  
16                  well. I met Zibby Zachariah from New York State  
17                  DOT out there as well. We walked the whole  
18                  frontage of the site. I think you're going to  
19                  see something a lot greener. The guard shack and  
20                  gates are going to stay? Yes. My opinion is  
21                  it's a really unsafe condition in that they're  
22                  using the one side for in and out. If you pull  
23                  in with a tractor trailer and I'm pulling out,  
24                  there's an issue there. We're going to open up  
25                  both sides. Right now they are using manual gates



1 but there are the housings for electronic gates.  
2 The client is going to prefer that I think. We  
3 haven't added that to the plan yet either. We  
4 don't have that detail yet. I think you're going  
5 to see something a lot greener than what's there  
6 today.

7  
8 MR. DOMINICK: Thank you.

9 CHAIRMAN EWASUTYN: Cliff Browne?

10 MR. BROWNE: So far what I'm seeing  
11 looks good. Thank you.

12 CHAIRMAN EWASUTYN: Ken Mennerich?

13 MR. MENNERICH: Nothing further.

14 MS. DeLUCA: It's hard to believe that  
15 steel fabrication is going to be going on. The  
16 building looks great.

17 MR. GALLI: Nothing.

18 MR. WARD: With the guard gate, if  
19 you're going to leave it could you possibly dress  
20 it up?

21 MR. FETHERSTON: Yeah. I'll talk to  
22 the architect about that.

23 MR. WARD: Very good.

24 CHAIRMAN EWASUTYN: I'll move for a  
25 motion to grant ARB approval for U.S. Crane &

Rigging on Route 17K.

MR. MENNERICH: So moved.

CHAIRMAN EWASUTYN: Motion by Ken  
Mennerich.

MR. DOMINICK: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. Motion  
carried.

At this point we're discussing, I  
believe, the amended negative declaration,  
Michael?

MR. DONNELLY: Yes.

CHAIRMAN EWASUTYN: The other thing we  
have to grant also is the waiver based upon the  
design guidelines.

MR. HINES: I believe so, because of

1 the couple of parking spaces that are on the  
2 frontage along Stewart Avenue. The waiver would  
3 be appropriate I believe because it's only an  
4 emergency access drive and there's been  
5 significant landscaping provided along that area.  
6 They probably could close it off but it was  
7 preferred by the jurisdictional fire department,  
8 and I think the Board, to provide that emergency  
9 access.  
10

11 CHAIRMAN EWASUTYN: Can we make that  
12 part of the conditions of approval?

13 MR. HINES: Yes. I did have one  
14 question. The funding for the after study, I  
15 heard that -- is there going to be an escrow to  
16 pay -- there's going to be some review fees and  
17 correspondence and such to follow up on that in  
18 the future.

19 CHAIRMAN EWASUTYN: Larry, you'll  
20 establish a dollar amount?

21 MR. WOLINSKY: Sure.

22 CHAIRMAN EWASUTYN: Between Phil Grealy  
23 and Tim we'll establish a dollar amount.

24 MR. WOLINSKY: Just let us know what it  
25 is and we'll post it.

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MR. HINES: Just procedurally that should happen.

Also for the ARB, I didn't hear screening of the mechanicals. That's something important, and probably more important on the office portion of the project than the --

MR. SECKLER: We do plan on carrying the exterior wall, the curtain wall up high enough so it would act as a screening for any rooftop equipment that would be on the one-story addition. There will be no rooftop equipment on the pre-engineered building.

MR. HINES: It is a requirement that they be screened. Just be aware of that as you're finishing that design we don't see those.

The applicant's attorney has taken the previous negative declaration that I authored, modified it for the current project, basically removing any reference to the former LHI Zoning Overlay which is no longer part of this project as the crane use has been -- crane storage and the LHI type uses have been removed from the project. I've added into that the original interested and involved agencies. With the

1 removal of the LHI, the project is no longer a  
2 Type 1 action, however we did do a coordinated  
3 review and circulated to the various other  
4 agencies, so that extra step was performed.  
5

6 We would recommend that the Board amend  
7 their previous negative declaration if that's the  
8 right term. I'll defer to Mike on that.

9 MR. DONNELLY: Sure.

10 MR. HINES: We are in concurrence with  
11 the revised negative dec. I did send copies via  
12 e-mail to the Board Members earlier today.

13 CHAIRMAN EWASUTYN: Mike Donnelly,  
14 verbiage on what Pat just presented?

15 MR. DONNELLY: It is called an amended  
16 negative declaration. We will reflect in our  
17 resolution, although it was initially Type 1,  
18 with the withdrawal of the zone change  
19 application it is now Unlisted.

20 CHAIRMAN EWASUTYN: I think before we  
21 approve the site plan, I'll move for a motion to  
22 approve the amended negative declaration for U.S.  
23 Crane & Rigging.

24 MR. MENNERICH: So moved.

25 CHAIRMAN EWASUTYN: I have a motion by

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Ken Mennerich.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: A second by Dave Dominick. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

At this time we'll turn the meeting over to Mike Donnelly to discuss with us the final resolution for the site plan and special use for U.S. Crane & Rigging.

MR. DONNELLY: I will include in the findings section the determination you just made that waives the no parking in the front yard design guidelines on the grounds there is some landscaping provided and because the emergency access is needed at that location.

In terms of conditions, did we get a flow acceptance letter from the City of Newburgh?

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MR. HINES: Yes, we did. That was one of the things holding it up last time. It was dated 5 April. We just recently received it but it was dated April.

MR. DONNELLY: DOT approval, at least a highway work permit is needed here?

MR. HINES: Correct.

MR. DONNELLY: We'll have a standard condition that says if they change any part of the configuration that changes the site plan, you'll need to come back here for amended approval. We'll require a sign-off letter from Pat's office that the four-inch thick soundproofing panels that are now shown on the plans.

MR. HINES: That's going to be a building permit issue.

MR. DONNELLY: I'll tie it into the building permit then.

We'll state that no approval of signs because no signs are shown on the plans. The requirement of performance of the post-opening noise monitoring evaluation according to the protocol set forth in the proposal of Maser dated

1 May 31, 2017, and before the plans are signed an  
2 escrow will have to be posted to cover the Town's  
3 cost to review the results of that study in an  
4 amount to be set forth by the Town. A standard  
5 Architectural Review Board approval condition.  
6 We will tie into the narrative that's been  
7 provided specifying what uses are carried out and  
8 make that a condition of the outside limit of  
9 what may be done at the site without an amended  
10 approval. A landscape security and inspection  
11 fee. I assume that would be in the amount of  
12 \$2,000.  
13

14 MR. HINES: Yes.

15 MR. DONNELLY: A stormwater improvement  
16 security and inspection fee as well as a  
17 stormwater control facility maintenance  
18 agreement. Our standard condition that says that  
19 the site plan approval allows construction only  
20 of what is shown on the plans. No other  
21 facilities may be constructed on the site without  
22 amended approval. A requirement that the  
23 utilities or the compressors or anything on the  
24 roof of the office portion of the building be  
25 adequately screened. We usually say to the



satisfaction of Karen Arent. We'll leave her as the sign-off person, John?

CHAIRMAN EWASUTYN: Please.

Any additional questions or comments?  
Pat Hines?

MR. HINES: No.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. CANFIELD: No.

CHAIRMAN EWASUTYN: Then I'll move for a motion to grant final site plan approval for U.S. Crane & Rigging subject to the conditions that were presented in the resolution by the Planning Board Attorney, Mike Donnelly.

MR. DOMINICK: I'll make that motion.

MR. WARD: Second.

CHAIRMAN EWASUTYN: Motion by Dave Dominick. Second by John Ward. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

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CHAIRMAN EWASUTYN: Aye. Motion  
carried.

MR. WOLINSKY: Thank you very much.

(Time noted: 8:31 p.m.)

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

I, MICHELLE CONERO, a Notary Public  
for and within the State of New York, do hereby  
certify:

That hereinbefore set forth is a  
true record of the proceedings.

I further certify that I am not  
related to any of the parties to this proceeding by  
blood or by marriage and that I am in no way  
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 14th day of June 2017.

  
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MICHELLE CONERO

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

- - - - - X

In the Matter of

TERRIZZI SUBDIVISION  
(2017-07)

Terrizzi Drive  
Section 4; Block 2; Lot 5.4  
RR Zone

- - - - - X

FOUR-LOT SUBDIVISION

Date: June 1, 2017  
Time: 8:32 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  
STEPHANIE DELUCA  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: CHRISTOPHER TERRIZZI

- - - - - X

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

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TERRIZZI SUBDIVISION 100

CHAIRMAN EWASUTYN: The fifth item of business this evening is the Terrizzi Subdivision. It's a four-lot subdivision located on Terrizzi Drive in an RR Zone. It's being represented by Chris Terrizzi.

MR. TERRIZZI: Good afternoon, everyone. Just to refresh you on the project, it's a four-lot subdivision off the existing Terrizzi Drive cul-de-sac at the intersection of Route 32 and Mill Street.

One of the lots will be transferred to the Town. The other three will house single-family residences with in-ground septic and wells.

Since our last appearance before the Board we've increased our driveway width from twelve feet to sixteen feet. We've also obtained Town Board approval for three lots on a common driveway. The lots have been surveyed.

That's about it.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: Our first comment just notes that the Town Board did approve the three lots on a common driveway on 8 May.

1                   The comments were received regarding  
2                   fire access. As the applicant's representative  
3                   stated, the driveways have been widened to  
4                   sixteen feet and a gravel pull off area has been  
5                   added on proposed lot 4. We've discussed that at  
6                   work session and feel a detail of the  
7                   construction of that gravel pull off, the depth  
8                   or if there's any geotextile fabric, or how ever  
9                   that's going to be constructed be added to the  
10                  plans.  
11

12                 During the circulation for lead agency,  
13                 because this project is located in the critical  
14                 environmental area, the DEC did weigh in on  
15                 issues associated with the installation of the  
16                 culvert in what is Army Corp regulated wetlands.  
17                 That minor fill and the installation of that  
18                 culvert does not exceed the requirements that  
19                 would require an Army Corp permit. We did  
20                 receive that from the DEC as a check.

21                 A stormwater SPDES permit will be  
22                 required as the project disturbs greater than 1  
23                 acre, less than 5 residential. There's a  
24                 streamlined methodology for obtaining that permit  
25                 now.

1  
2 A common driveway access and  
3 maintenance agreement is required for the shared  
4 driveway.

5 Along with that, during work session we  
6 discussed the potential issue that the 4 plus or  
7 minus acre parcel of property going to the Town  
8 and whether or not that would be subject to the  
9 existing private driveway agreement and issues  
10 associated with that. Certainly the Town does  
11 not want to participate in that private driveway  
12 agreement.

13 MR. TERRIZZI: Right.

14 MR. DONNELLY: The place to start is to  
15 see the existing one, and if it's a problem see  
16 if there's a way to modify it.

17 MR. TERRIZZI: Okay.

18 MR. HINES: We would recommend a  
19 negative declaration for the project based on the  
20 modifications and the information received from  
21 the outside agencies.

22 The project requires a public hearing.

23 CHAIRMAN EWASUTYN: Jerry, do you have  
24 anything to add?

25 MR. CANFIELD: Nothing.

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TERRIZZI SUBDIVISION

103

CHAIRMAN EWASUTYN: Any comments or questions from the Board?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a motion to declare a negative declaration for the Terrizzi four-lot subdivision and to schedule July 6th for a public hearing.

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: Motion by Frank Galli. Second by Ken Mennerich. Roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. Motion carried.

Thank you.

MR. TERRIZZI: Thank you.

(Time noted: 8:35 p.m.)

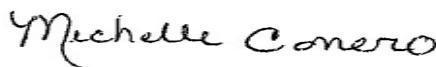
## C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary Public  
for and within the State of New York, do hereby  
certify:

That hereinbefore set forth is a  
true record of the proceedings.

I further certify that I am not  
related to any of the parties to this proceeding by  
blood or by marriage and that I am in no way  
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 14th day of June 2017.



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MICHELLE CONERO



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

- - - - - X  
In the Matter of

NAJORK & ROSETON RIDGE LOT LINE CHANGE  
(2017-16)

215 Oak Street & River Road  
Section 9; Block 1; Lots 43 & 35  
R-1 Zone

- - - - - X

LOT LINE CHANGE

Date: June 1, 2017  
Time: 8:36 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  
STEPHANIE DELUCA  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: ERIC NAJORK  
PETER BORBAS

- - - - - X

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

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CHAIRMAN EWASUTYN: The sixth item of business is the Najork and Roseton Ridge lot line change. It's on Oak Street and River Road in an R-1 Zone. I don't know who is representing it this evening.

MR. NAJORK: How are you. Eric Najork. Thanks for your time.

Basically my wife and I own two pieces of property in the Town of Newburgh. One piece is on our primary residence, the second is a portion of the Buckeye Terminal that we bought from them back in 2015. The piece of property is west of River Road and Oak Street in the Town of Newburgh.

We want to make our primary residency about 10 acres bigger and reduce the size of the other lot.

This is Peter Borbas who is the engineer.

MR. BORBAS: I'm not an engineer. I'm a land surveyor. Good evening, ladies and gentlemen. Peter Borbas. I was here previously with the lot line change and consolidation of the lots for Buckeye Partners after they had

1 purchased the property from Hess. Part of that  
2 property that Buckeye Partners had purchased from  
3 Hess along River Road was a vacant parcel of like  
4 63 acres. So vacant, wooded, opposite tanks that  
5 were between Buckeye and Hess tanks between River  
6 Road and the river.  
7

8 As we can see, Eric's residence was on  
9 a parcel that was up on Oak Street and a driveway  
10 coming in off Oak Street. The lot line cut  
11 across up top of the hill or so. There's a  
12 flatter area in here that's usable off the side  
13 of the house. Part of that flatter area at the  
14 top of the hill was part of that much larger lot  
15 that they obtained from Buckeye Partners.

16 What they are looking to do is remove  
17 the lot line that they have up on top of the hill  
18 and then relocate that lot line so that this over  
19 here becomes the residential lot. It increases  
20 the size of the residential lot.

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

23 MR. GALLI: No additional.

24 MS. DeLUCA: No.

25 MR. MENNERICH: No.

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MR. BROWNE: No.

MR. DOMINICK: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. CANFIELD: I just note that the section, block and lots need to be corrected. I believe they may be mis-marked on the map. The larger parcel, if you look at the current assessment records, the County records, I believe that section, block and lot number was changed with the subdivision. You just may want to take a look at that.

MR. BORBAS: Okay.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: As you're modifying that, in the record owner area they conflict with the ones shown as well. That needs to be a clean up of the tax maps.

You have a zoning district bulk table that shows the requirements of the bulk table. Typically the Board requires the actual setbacks be shown as well, and specifically just for the lot with the residence, not the one that's not developed. Just add a column showing what it's

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going to be afterwards.

          This is a lot line that has the --  
under the revised ordinance will not require a  
public hearing, however it does not need to  
comply with the notification requirements in the  
Town Code. A notice must be sent to all lots  
within 500 feet of the project procedurally.

          The Board can't take action tonight but  
I'll prepare that notice and provide it to either  
Mr. Najork or your consultant, which ever one.

          MR. NAJORK: You can provide it to me.

          MR. HINES: Before you leave let me get  
your contact information. Procedurally that  
needs to occur.

          CHAIRMAN EWASUTYN: Today being the 1st  
of June, then we'll allow for the thirty-day  
mailing and schedule this for the 6th of July.

          MR. HINES: The 6th of July.

          CHAIRMAN EWASUTYN: Any other questions  
or comments?

          MR. GALLI: John, we are going to  
handle that under Board Business?

          CHAIRMAN EWASUTYN: We'll make it as an  
agenda item.

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MR. NAJORK: Thank you very much.

(Time noted: 8:40 p.m.)

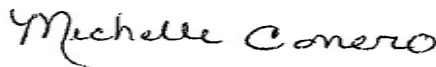
C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary Public  
for and within the State of New York, do hereby  
certify:

That hereinbefore set forth is a  
true record of the proceedings.

I further certify that I am not  
related to any of the parties to this proceeding by  
blood or by marriage and that I am in no way  
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 14th day of June 2017.



---

MICHELLE CONERO

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

- - - - - X  
In the Matter of

OPR ASSOCIATES  
(2017-17 & 2017-18)

NYS Route 300  
Section 3; Block 1; Lot 140 & 141  
AR Zone

- - - - - X

TWO-FAMILY DWELLING  
ARCHITECTURAL REVIEW BOARD

Date: June 1, 2017  
Time: 8:40 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  
STEPHANIE DELUCA  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: LARRY MARSHALL

- - - - - X

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

CHAIRMAN EWASUTYN: The next two items on the agenda are ORP Associates located on Route 300 in an AR Zone. It's being represented by Larry Marshall. It's a site plan for a two-family dwelling.

Larry, I guess we'll follow sequence. We'll take the 17-17, which I believe is 6 plus acres.

MR. MARSHALL: Yes. So application 2017-17 is for a previously filed subdivision of lot 1, filed map number 18-96. That is the existing tax parcel 3-1-140. It is a 6-acre parcel -- approximately 6-acre parcel previously approved for a single-family residence.

OPR Associates recently purchased this parcel and are requesting a conversion of the previously approved site plan from a single-family residence a two-family dwelling.

As part of the application we have updated the bounds of the on-site wetlands. We had Peter Torgueson go out and flag those wetlands and then we updated the existing -- the septic system design for the new flow that's associated with Orange County Department of



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Health.

All of the proposed improvements are in the approximate same location as was previously approved, including the entrance off of New York State Route 300.

We have provided to the Board an elevation. I apologize, I didn't bring it in full scale. We have provided to the Board an elevation of the proposed building.

CHAIRMAN EWASUTYN: Larry, why don't you put that up on the easel just to begin the process.

MR. MARSHALL: Again, I apologize for it being so small. We do have the proposed residence. The two residences are proposed to be the same as far as the architectural elements to them. The only change proposed is the color of the two residences. This one in particular is going to be a green color, specifically CertainTeed Cyprus Green, basically kind of an off green. We've provided a color swatch of that, the best that we could get from CertainTeed's website. I apologize for the clarity. They don't have very good color

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OPR ASSOCIATES

114

swatches that we could obtain.

That is the 17-70 application. Would you like me to roll right into 17-18?

CHAIRMAN EWASUTYN: Let's see if the Board has any questions.

MR. GALLI: No.

MR. DOMINICK: No.

MR. WARD: No.

MR. MENNERICH: Just on the two units, are one above the other, not side by side like we normally see?

MR. MARSHALL: That's correct. Ken, as we've typically come to find that they're usually side by side, in this application it's floors. The one residence would be on the first floor, the second residence would be on the second floor. The floor plans are identical with the exception of the first floor having a utility room off the back that doesn't carry to the second floor.

CHAIRMAN EWASUTYN: And then each unit there will be two bedrooms on the first floor, two bedrooms on the upper floor?

MR. MARSHALL: That is correct. Yup.

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OPR ASSOCIATES 115

CHAIRMAN EWASUTYN: Then let's carry over into 17-18.

MR. MARSHALL: Sure. So application 17-18 is very similar to 17-17. Again, this is lot 2 of the previously mentioned subdivision. Again, we've updated the septic system design to be the current flow rates per bedroom as provided by Orange County Department of Health. All of the improvements are again the approximate same location as was previously approved.

This lot is slightly smaller at 5.394 acres as opposed to the 6.4 acres of lot 1.

This application, as far as the building is concerned, again it's the same building. The only difference is that this is a slightly different color. This is CertainTeed Flagstone which is a blue/gray color.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: I have a couple of clean-up comments. For some reason I read the wetland note as being 2007. Larry did call me up and inform me it does say 2017. It goes back to wearing those glasses again.

Compliance with section 185-48.5.

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OPR ASSOCIATES

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Maybe in the bulk table show the buildable area outside the environmentally sensitive areas. I'm sure it complies but just a clean up.

We should send it to the DOT. It is on a DOT roadway. They may or may not have comments on the driveway locations. I don't know if they are similar in location to where they were proposed for the original.

MR. MARSHALL: They're within fifteen feet of one another. They're within fifteen feet. You can see forever on that section.

MR. HINES: Just procedurally it needs to go there.

On 17-17 we're looking for the location of perc test 1 and 2 to be shown on the plans. They were performed recently to confirm the 1995 percs.

Note 10 needs to be complete with the lot number.

This is also a site plan review for a two-family dwelling. Between the work session and now I have reviewed the zoning. The public hearing is may have a public hearing. So it's up to the Board to determine whether they want to

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OPR ASSOCIATES

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hold a public hearing.

These comments are the same for project  
2017-18.

Procedurally the Board needs to  
determine whether a public hearing for them will  
be held.

CHAIRMAN EWASUTYN: The first action is  
to declare our intent for lead agency --

MR. HINES: Yes.

CHAIRMAN EWASUTYN: -- and to circulate  
to the Orange County Planning Department?

MR. HINES: Orange County Planning as  
well as the DOT.

CHAIRMAN EWASUTYN: I'll move for a  
motion to declare our intent for lead agency and  
to circulate it to the Orange County Planning  
Department and the DOT for both project numbers  
2017-17 and 2017-18 for OPR Associates.

MR. MENNERICH: So moved.

MR. GALLI: Second.

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

MR. GALLI: Aye.

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MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. Motion  
carried.

At this point I'll poll the Board  
Members to see if they want to have a public  
hearing on both application 17-17 and 2017-18.

Frank Galli?

MR. GALLI: Yes.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: Yes.

MR. MENNERICH: Yes.

MR. BROWNE: No.

MR. DOMINICK: Yes.

MR. WARD: Yes.

CHAIRMAN EWASUTYN: Let the record show  
that the Board moved to have a public hearing for  
OPR Associates. 7/6 is booked at this point.  
Fourteen days after that would be the 20th of  
July.

We have to make a SEQRA determination

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before we can set the public hearing, do we not?

MR. HINES: Typically you do, yes.

MR. DONNELLY: Yes.

MR. HINES: I don't see any significant environmental impacts. They've avoided the environmentally sensitive areas and the associated buffer. We did review the septic systems. We have the technical comment on showing the locations of the percs. We would recommend a negative declaration for this.

CHAIRMAN EWASUTYN: Before we hear back --

MR. HINES: We have to circulate so you can't --

MR. DONNELLY: There's no other agency. County isn't an approval. The County doesn't have approval authority.

MR. HINES: DOT.

CHAIRMAN EWASUTYN: We'll hold off scheduling it for a public hearing on the 20th of July.

MR. HINES: Yeah. We typically make the SEQRA determination first with the other involved agencies.

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OPR ASSOCIATES

120

CHAIRMAN EWASUTYN: Larry, I'll have to carry it forward then to -- let me look at the agenda. I think right now we have at least four, possibly five items on for the meeting of the 6th for public hearings. I'll get back to you as far as the scheduling date on that. Okay?

MR. MARSHALL: Okay.

CHAIRMAN EWASUTYN: Thank you.

Anything else?

MR. CANFIELD: John, one question. I did go by the site today. It looks like there's activity taking place out there, some tree clearing.

MR. MARSHALL: Okay.

MR. CANFIELD: The procedure is no work until you get approvals.

MR. MARSHALL: Of course.

MR. CANFIELD: If you could advise your applicant of that.

MR. MARSHALL: Sure. I'll speak to them.

MR. CANFIELD: Actually it's both lots. There's some equipment out there right now.

MR. MARSHALL: Okay. I will speak to



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OPR ASSOCIATES 121  
them.  
Great. I'll wait to hear from the  
Board.

(Time noted: 8:50 p.m.)

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

I, MICHELLE CONERO, a Notary Public  
for and within the State of New York, do hereby  
certify:

That hereinbefore set forth is a  
true record of the proceedings.

I further certify that I am not  
related to any of the parties to this proceeding by  
blood or by marriage and that I am in no way  
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 14th day of June 2017.

*Michelle Conero*

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MICHELLE CONERO

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

- - - - - X

In the Matter of

BUFFALO WILD WINGS  
(2015-03)

Field Change for Dumpster Enclosure

- - - - - X

BOARD BUSINESS

Date: June 1, 2017  
Time: 8:50 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  
STEPHANIE DELUCA  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD

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

- - - - - X

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

CHAIRMAN EWASUTYN: We received a letter from Keith VanTassel. I'll read the letter. "Hello, John. I have attached the approved site plan for Buffalo Wild Wings and architectural plan that shows the trash enclosure in a different orientation. Please advise us if possible. We can use the architectural plan for siting the dumpster enclosure."

Board Members, are you okay to make that field change?

MR. GALLI: Yes.

MS. DeLUCA: Yes.

MR. MENNERICH: Yes.

MR. BROWNE: Yes.

MR. DOMINICK: Yes.

MR. WARD: Yes.

CHAIRMAN EWASUTYN: Let the record state that the Planning Board approved the field change for the dumpster enclosure to the representative of the architectural plan for the Mavis - Buffalo Wild Wings location.

MR. HINES: Rhinebeck Realty is the project name.

CHAIRMAN EWASUTYN: Rhinebeck Realty.

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I'll move for a motion to close the  
Planning Board meeting of the 1st of June.

MR. GALLI: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: Motion by Frank  
Galli. Second by Stephanie DeLuca. Roll call  
vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

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

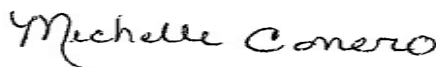
## C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary Public  
for and within the State of New York, do hereby  
certify:

That hereinbefore set forth is a  
true record of the proceedings.

I further certify that I am not  
related to any of the parties to this proceeding by  
blood or by marriage and that I am in no way  
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 14th day of June 2017.



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MICHELLE CONERO