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

SUBDIVISION FOR GARDNERTOWN COMMONS
(2009-12)
Intersection of Gardnertown and Creek Run Roads
Section 75; Block 1; Lot 21
R-3 Zone
----- X

ARCHITECTURAL REVIEW

Date: June 3, 2010
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
KENNETH MENNERICH
THOMAS P. FOGARTY
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
GERALD CANFIELD
MICHAEL MUSSO

APPLICANT'S REPRESENTATIVE: BARRY TERACH

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

MR. BROWNE: Good evening, ladies and gentlemen. Welcome to the Town of Newburgh Planning Board meeting of June 3, 2010.

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

MR. GALLI: Present

MR. BROWNE: Present

MR. MENNERICH: Present

CHAIRMAN EWASUTYN: Present.

MR. FOGARTY: Present.

MR. WARD: Present.

MR. BROWNE: The Planning Board has professional experts that provide reviews and input on the business before us, including SEQRA determinations as well as code and planning details.

I would ask them to introduce themselves at this time.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

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MR. CANFIELD: Jerry Canfield, Town of
Newburgh.

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

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

MS. ARENT: Karen Arent, Landscape
Architectural Consultant.

MR. MUSSO: Mike Musso, Wireless
Telecommunications Consultant, HDR.

MR. BROWNE: Thank you.

At this time I'll turn the meeting over
to John Ward.

MR. WARD: Please stand to say the
Pledge of Allegiance.

(Pledge of Allegiance.)

MR. BROWNE: The first item of business
this evening is an ARB review on the subdivision
of Gardnertown Commons being represented by Lanc
& Tully. The presenter is --

MR. TERACH: Barry Terach of Pendergast
& Terach Architects.

MR. BROWNE: Thank you.

MR. TERACH: Good evening. What we

have here, and what's been previously submitted, are the base drawings for your reference for the architectural review portion of the process.

What I've done here is I've taken the large scale versions of the drawings you've already seen in rendered, colorized, whatever you want to call them. As a process they're approximations. I don't want to sit here and tell you if I hold up the siding example it's exactly that color green. It's very close. We worked very hard to try and get these colors right on the money. We're viewing these things under fluorescent light, which of course is not easy to see any siding or any stone or anything of that nature. We can move out in the parking lot if anyone cares to.

I brought real samples of the colors and I'm happy to pass them around. We have a list we can record what's being offered. What we're really looking at here is a portion of building number 1.

These colors, and I'll go through, will be assigned to the first phase of the project. I can't tell you exactly what the phases -- what

the subsequent phased colors will be but it will certainly be some rearrangement of the colors I'm presenting tonight, if not a continuation of an identical match.

The first phase is comprised of buildings 1, 2, 3 and 4 and the clubhouse. What we're proposing is to have this color scheme on the four buildings, four residential buildings, and then a complimentary color scheme on the cabana, pool house or whatever you want to call it.

This is a quick little rendering of the entry wall as you approach from the Gardnertown Road side. 95 percent of the materials are synthetic in one form or another. We're not doing cedar siding. It is vinyl. It's a high-quality company we've chosen, and I'm happy -- it's Louisiana Pacific, which is not a fly-by-night company. The colors stay, they don't fade after a couple years. The shingles are a Timberline architectural shingle. You know, it's all, in our opinion, quality materials and the color schemes are meant to be natural yet vibrant. We weren't looking to grays and blues

1
2 and yellows. We were looking to stay with
3 relatively natural colors, greens, browns,
4 yellows. You can use them in a combination of
5 ways to keep the buildings interesting.

6 What we have -- I don't have a real
7 good way to do this.

8 CHAIRMAN EWASUTYN: Why don't you take
9 out some of the samples that you had in the box.

10 MR. TERACH: I tried to gather what
11 I'll call real samples. Cultured stone. If
12 anybody has heard of cultured stone, it's one of
13 the more successful synthetic stone companies.
14 It doesn't fade after a couple years. I've used
15 it on many projects over the last twenty years
16 and they all look new. You know, admittedly
17 synthetic stone. I'd say there's probably a
18 hundred patterns and four of them are acceptable.
19 We're of the opinion that this is one of the
20 acceptable ones. Again, it's hard to imagine
21 this in the field but we've used it successfully
22 on many projects. It's depicted as stone. Here
23 will be the entryway stone. It will not be dry
24 laid, it will have mortared joints in it.
25 They'll be deep struck. Really the stone looks

-- it looks real. You wouldn't question it if I didn't tell you. The pieces are not repetitive. It's not like the Flintstone background. It's a very successful stone.

The siding is Louisiana Pacific coming out of a Norman Rockwell series which is kind of a top-of-the-line series. Obviously when I show you the fan, it's colors, you're not used to seeing it in vinyl siding. We chose these because of that. There's a color called sage, it's that color. Again, I can tell you under this light this is not the color you're going to see. It's actually a lot more earthy, it's got more yellow in it than the white light is making it seem. I'm happy to offer the listing and submit samples so you have it for the record.

MR. GALLI: Is it vinyl siding?

MR. TERACH: Vinyl siding.

MR. GALLI: I thought you said
clapboard.

MR. TERACH: Well, vinyl clapboard.

MR. BROWNE: Clapboard style.

MR. TERACH: It's heavy duty. That's a real sample. It's the stuff that's going to last

over time. The color runs through it, it's not applied to the face.

The shakes. The highlights up above the fascia line are done in vinyl shakes, and you see that here too. This is not the right color but it's a sizable sample so you can see if you're not familiar with the material. It comes in boards and it's put up. It's fairly convincing. The company, again it's a high-quality company. When you use a lesser quality company what you have is the joints between the boards telegraph. You can actually see the jigsaw. This doesn't do that.

The windows are Anderson windows, the terra tone color. We tried to stay away from a stark white anywhere we could. The sample here, it's that color. You're probably familiar with it. It's one of Anderson's standards.

We have metal roofing that will show up here on the clubhouse, and it's burgundy. It's a nice highlight to the roofing as opposed to using the shingles everywhere.

I've got the shingles. I tried to get -- I ordered the board but they didn't send me

1 the right color. The color that it will be is
2 this color right here, which of course is a tiny
3 sample. It's a deep color and it's fairly
4 closely represented here. It will be the same
5 shingle throughout as a unifying element.
6

7 Anything that's not vinyl, I would say
8 to you it's things like the brackets and columns,
9 obviously this type of thing, will be constructed
10 out of a material called Gazak, which admittedly
11 I forgot a piece, but it's a synthetic vinyl that
12 comes in board form much like 1 by 6, 1 by 8
13 plywood board. It's got the slightest sheen to
14 it but nothing terrible. Sherwin Williams has a
15 paint spec that's warranted for fifteen, twenty
16 years. We'll be matching -- anywhere you see it
17 it will match a color that we're already using.
18 We do have a minimal amount of paint material
19 here. We tried to keep it to a minimum for
20 maintenance, obviously. Part of what you're
21 looking at here is a synthetic that comes
22 colorized.

23 On the whole I think that summarizes
24 where we are.

25 MR. GALLI: Garage doors are going to

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be wood, fiberglass?

MR. TERACH: Those are fiberglass.
We'll paint them. These are color matched.
Those will be painted. It's a prominent feature
on the project.

MR. GALLI: All four buildings are all
going to be the same color?

MR. TERACH: Yeah. These four will be
the same. They're all clustered together. Kind
of the neighborhood mentality.

MR. GALLI: The next group could
possibly be the same color, too?

MR. TERACH: My supposition is that the
group will be the same color as each other. I
don't know that they'll be this exact match.
They may be a different combination of the same
materials. You'll go through the green
neighborhood and then you'll go through the brown
neighborhood. You'll have some consistency as
opposed to having stripes or alternates or other
unsightly combinations that will happen.

Both doors would be color matched. The
door on the clubhouse will be color matched to
match the metal.

That's what we're proposing right now for phase I.

CHAIRMAN EWASUTYN: Cliff Browne? Frank Galli spoke. I'm asking Cliff Browne if he has any comments.

MR. BROWNE: I like what I'm seeing. I've never asked this before on any of the projects. It just dawned on me. I used to be involved in a condo up here, involved on the board. One of the things we had to do was plan twenty, thirty years out for replacement things. Do you have any kind of expected lifetime -- life expectancy numbers on these that you'll put in a document or prospectus so those boards would know they're looking at a fifteen, twenty, thirty-year life before they have to replace stuff? Just a question.

MR. TERACH: Maybe you could speak to that.

MR. CAPPELLO: The HOA --

CHAIRMAN EWASUTYN: For the record --

MR. CAPPELLO: John Cappello, Jacobowitz & Gubits. We have prepared and submitted to the town attorney, and I don't know

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if the -- another attorney is preparing those so
I'm not sure --

MR. DONNELLY: I think it just went to
Mark.

MR. CAPPELLO: -- I'm not sure if Mr.
Donnelly got a copy or not of the HOA documents.
They'll include a budget and that budget will go
to the Attorney General, and I believe it will
have the budget for the buildings and how they'll
be financed and how maintenance and repairs will
be financed. I can ask to get --

MR. BROWNE: I was just curious. I
know what we had to do. Part of the assessment
was a longtime future budget for repairs.
Obviously roofing, siding all that stuff is very
expensive. Trying to budget that twenty, thirty
years out, you have to know the numbers -- what
the numbers will be and so on. Just curious. I
never really thought about asking the question
before but it just came to me. Thank you.

CHAIRMAN EWASUTYN: Ken?

MR. MENNERICH: It looks fine to me.
The patios and decks, how will they be
constructed? What materials?

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2 MR. TERACH: I'm assuming the actual
3 deck framing and deck surface will be pressure
4 treated lumber. We have a railing system, I
5 should have brought a piece, it's called Fiber
6 Rail and it's -- from three feet away it's
7 impossible to tell that it's not painted cedar.
8 It's a well -- it's a fiberglass base that's
9 stronger than strong and it's vinyl coated. It
10 comes in a color that's very similar to this
11 right here. We really tried to stay away from
12 the white thing. It comes in this color, classic
13 profiles, you don't see the fasteners. It's
14 actually a good dress-up item. Four by four
15 posts with caps. It's traditionally done. That
16 would be the decks.

17 CHAIRMAN EWASUTYN: I think it's very
18 presentable. You have to understand your market
19 and those who you're trying to market your
20 product to. It's really an undertaking that
21 represents your investment. The colors and the
22 architecture of the building are so pleasant. It
23 looks like a very reasonable product to attract
24 others to buy and move in to that neighborhood.

25 Tom?

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MR. FOGARTY: I'm normally known as the visually illiterate. It does. I think it's very attractive.

MR. TERACH: Thanks.

MR. FOGARTY: The smaller building down here, which is the recreational --

MR. TERACH: Right.

MR. FOGARTY: How many units are in this first phase?

MR. TERACH: Do you remember. There's an eight, a four --

MR. FOGARTY: I didn't --

MR. HINES: It's about twenty-two.

MR. TERACH: Thirty or thirty-two.

MR. HINES: I thought it was twenty-two.

MR. FOGARTY: I don't think the recreational facility kicked in until the forty-third unit.

CHAIRMAN EWASUTYN: That I think is a traffic light.

MR. CAPPELLO: No. The rec facilities were forty-four and the traffic improvements were lowered from forty-four down to thirty something.

I believe it's the twenty-second in the first phase. I think it's the applicant's plan right now not to do all the recreational facilities but to do the building in the first phase and pool and whatever. The courts may come later. We can clarify that on the 17th. I'll clarify it. Hopefully at that point we'll go for final approval. Right now we're not required to do it but I think they do, from a marketing standpoint and sales standpoint, want to build at least the clubhouse building in the beginning phase.

MR. FOGARTY: Good. Thank you.

MR. WARD: I'm just curious on the warrantee on, you say, the shingles and any of the siding. Is it like ten years, fifteen?

MR. TERACH: I will double check. Unofficially I'm sure it's fifteen.

MR. WARD: That's usually the standard.

MR. TERACH: Right. This stuff might be a little higher.

MR. WARD: Like you were saying about the railing and the decking material, I've seen it and worked with it. It's excellent. It's maintenance free and everything else. It doesn't

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stain. It's nice.

MR. TERACH: You've really got to
scrape it with a screwdriver to damage it. It's
good stuff.

CHAIRMAN EWASUTYN: So John, this
evening you're looking for ARB approval for phase
I?

MR. CAPPELLO: Yes.

CHAIRMAN EWASUTYN: And that would
consist of the, as Tom Fogarty brought out,
recreational building?

MR. CAPPELLO: Yeah. That recreation
building. Whether we would build it in the first
phase I'm not a hundred percent sure, but we
would like the option of doing it, therefore the
ARB approval on it.

CHAIRMAN EWASUTYN: How would the
resolution be prepared?

MR. DONNELLY: ARB would generally just
call it phase I, and it would obviously be the
renderings that we see here. Though I could
prepare a separate resolution, I thought you'd
act on it tonight but I would incorporate the
language into the single resolution and also do

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final site plan and subdivision as well.

CHAIRMAN EWASUTYN: I'll move for a motion from the Board this evening to approve the ARB for phase I of the Gardnertown Commons subdivision and site plan.

MR. FOGARTY: So moved.

MR. MENNERICH: Second.

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

MR. BROWNE: Yes, please. I thought I just heard phase I does not include this building.

MR. GALLI: It doesn't have to.

MR. CAPPELLO: It doesn't have to, but I believe we are going to build it. We wanted the architectural review as part of phase I.

MR. DONNELLY: We want to say phase I and the rec building.

MR. BROWNE: That's where I was going to. Yes.

CHAIRMAN EWASUTYN: He said he was going to memorialize it in the resolution that would come on the 17th. What we're doing now is

1 acting on approving the ARB, and Mike Donnelly
2 would tie that together with the resolution.
3 What we're doing right now is just formalizing
4 the approval of the ARB for the rec building and
5 for the twenty-two units.
6

7 MR. BROWNE: The way it was worded was
8 just for phase I, and this building would not be
9 included in phase I.

10 MR. DONNELLY: I'll include it in the
11 description.

12 MR. WARD: John, the sign, is that
13 anything to do with the ARB?

14 CHAIRMAN EWASUTYN: We're not doing --
15 what are you asking?

16 MR. WARD: Is that part of the ARB,
17 along with the sign?

18 CHAIRMAN EWASUTYN: I was talking about
19 the units and the building.

20 MR. WARD: Okay.

21 CHAIRMAN EWASUTYN: We have a motion on
22 the floor from Tom Fogarty. We have a second by
23 Ken Mennerich. Any additional discussion from
24 the Board Members?

25 (No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So
carried.

We'll look forward to reviewing the
subdivision. The site plan has already been
approved.

MR. CAPPELLO: Right. There were a
couple minor revisions to accommodate this
subdivision. I think we may need an amended
approval.

CHAIRMAN EWASUTYN: So we'll be setting
this up for the meeting of June 17th for
finalizing the subdivision and whatever
outstanding items or verbiage that may need to be
put in the resolution as far as -- when do you
want to cover the actual entryway signage?

MR. CAPPELLO: We can as part of the
site plan. I would think it's a physical

feature. I mean if you want to approve the design of it. I mean I would defer to your counsel.

MR. DONNELLY: I think you can look at it as an ARB element since it's obviously part of phase I.

CHAIRMAN EWASUTYN: Let's do that this evening. Let's spend some time discussing that.

MR. TERACH: Okay. It's one of the sheets that was presented for your review of the wall and the sign. It's been carried on the site plan over the several months and years as essentially a circular placeholder showing the stonewall that -- again, it was just a placeholder. On the site plan it's pretty sizable if you actually scaled it out. Linear it was -- it approached 50 linear feet of wall, which is kind of probably overkill. We've toned it down a bit. We actually changed the shape from an ordinary semi-circle to kind of a slightly more angular shape. This really highlights the intersection.

Again, it will be built out of concrete block with the same stone veneer I was showing

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you before. Again, just an announcement unifying the site. It rises up -- I should really refer to the drawing to tell you. I think this area here was somewhere around 24 inches high, I think. It's not a castle wall. It's really meant to be a, you know, almost southerly done announcement of the subdivision.

CHAIRMAN EWASUTYN: Do you want to take this and put it up?

MR. TERACH: I can do that.

MR. GALLI: It's 20 inches high?

MR. TERACH: We had it showing a spread of about 40 feet. We narrowed it down to about 30 feet, which is larger than this but, you know, it doesn't take over the entire entry driveway. I think it's 20 inches. These posts come up to about four feet. The caps and the cap wall will be done in a cast stone. This thing will have some permanency is pretty much the idea it's supposed to convey.

The actual sign -- I mean, quite honestly, the actual sign I would like to have designed and presented to you from the sign manufacturer exactly how it's going to be. It's

1 something like that but we really haven't
2 designed that. I wouldn't look for approval for
3 the actual sign itself. The wall I think we can
4 assess.
5

6 MR. GALLI: Are there going to be
7 lights?

8 MR. TERACH: No. Those are actually
9 just stone pillars. There's going to be a little
10 bit of ground lighting up to it and so forth.
11 No. That's all stone.

12 CHAIRMAN EWASUTYN: Comments from Board
13 Members.

14 Tom, do you want to make a motion?
15 Ken Mennerich?

16 MR. MENNERICH: A question. Has Karen
17 reviewed this in conjunction with the landscaping
18 plan?

19 MS. ARENT: No, I haven't.

20 CHAIRMAN EWASUTYN: So we'll coordinate
21 that to see that it's properly landscaped.

22 MS. ARENT: Just make sure that the
23 planting area -- sometimes the plants on the
24 landscape plans are higher than the sign.

25 MR. TERACH: We'll keep them --

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MS. ARENT: I want to make sure that's
not the case.

MR. MENNERICH: Can we defer this until
the next meeting?

CHAIRMAN EWASUTYN: When we do the
landscape. Okay, we'll do that. Then we'll do
it that way.

Thank you. We'll see you on the 17th.

MR. CAPPELLO: Thank you very much.

(Time noted: 7:23 p.m.)

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

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

DATED: June 27, 2010

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

In the Matter of

AT&T MID VALLEY MALL
(2010-11)

Mid Valley Mall Water Tank
Section 75; Block 1; Lot 11
B Zone

CONCEPTUAL SITE PLAN
SPECIAL EXCEPTION USE PERMIT

Date: June 3, 2010
Time: 7:23 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
KENNETH MENNERICH
THOMAS P. FOGARTY
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
GERALD CANFIELD
MICHAEL MUSSO

APPLICANT'S REPRESENTATIVE: ANTHONY MORANDO

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

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MR. BROWNE: The next three items on our agenda will be represented by John Furst. Is that correct?

MR. MORANDO: No. John wasn't able to make it here tonight. For the record, Anthony Morando from the law firm of Cuddy & Feder.

MR. BROWNE: The first item that you'll be presenting is the AT&T Mid Valley Mall conceptual site plan for a Mid-Valley Mall water tank, and that is for a --

CHAIRMAN EWASUTYN: Special -- Bryant, the acronym that you put in?

MR. BROWNE: SEUP is what?

MR. COCKS: Special exception use permit.

MR. BROWNE: Thank you. For a special exception use permit.

MR. MORANDO: We'll start with the Mid Valley Mall. At this site -- I guess everybody is pretty well aware of who AT&T is. AT&T is licensed by the FCC to provide wireless services in this county.

AT&T is currently proposing a co-location on the existing water tank at the Mid

Valley Mall site to help provide coverage for the I-84, Route 9 and Route 32 areas, and the surrounding areas.

The site that the -- you're pretty well informed on what the mall site is like. It's approximately 24 acres and the water tank is an existing water tank 140 feet high. There's currently a -- T-Mobile is currently operating wireless facilities at the site, and Nextel had previously obtained approvals to co-locate on this site but has not yet.

What AT&T is proposing at this point is nine antennas at a height of 123 feet. So we would not be extending the height above what the existing tower is. We also would be installing an approximately 11 by 20 equipment shelter at the base of the existing water tower. It would not be expanding beyond the angle of the location of the existing tower, so it would be within the existing dimensions.

Essentially why we're proposing this is to avoid the need to build a new tower. This would help facilitate the three obligations that AT&T has to comply with. One is it's required to

1 build out the network to cover this area. It's
2 also within the interest of your local code which
3 is shared use of existing tall structures and
4 other facilities with existing wireless sites.
5 The third being that we would be complying with
6 all the Federal regulations with regard to
7 emissions.
8

9 At this time we are requesting for, as
10 you said, a special exemption use permit from
11 this Board. We believe that this is the best
12 option for us at this time. We could -- I could
13 show you diagrams if you'd like, or we could
14 accept comments from Board Members.

15 CHAIRMAN EWASUTYN: Okay. At this time
16 -- thank you, Anthony -- we'll turn to Mike Musso
17 with HDR who represents the Planning Board and
18 the Town in review of applications as it relates
19 to the topic before us this evening.

20 MR. MUSSO: Thank you, Mr. Chairman,
21 Members of the Board and Members of the Public.
22 I'm here on behalf of the Town of Newburgh, Mike
23 Musso from HDR. I'd like to give a preliminary
24 report of the application we received.

25 As noted, the existing about 140-foot

1 tower at the Mid-Valley Mall, AT&T is proposing
2 nine panel antennas, very similar in size and
3 shape to the aforementioned T-Mobile antennas
4 that are installed. We received a comprehensive
5 application providing justification for the site,
6 where the neighboring sites are, coverage maps.
7

8 We have requested some additional
9 information from the applicant which I understand
10 is coming together, that being some
11 clarifications on the maps that they provided,
12 also some clarifications on the number of
13 antennas. Nine was noted tonight. We're
14 assuming that that is the latest but some of the
15 structural information had noted twelve antennas.
16 Also, a photo simulation which is a before and
17 after view of what the tower looks like now and
18 what it would look like should this application
19 be approved. That information is still pending
20 at this time. We do expect to get that in within
21 the next week or so.

22 Some highlights with this. In
23 reviewing this application submitted so far along
24 with the ordinance, this certainly would be a
25 favorable site. It alleviates the need for a new

1 tower or a new structure going up in another
2 neighborhood. Coverage from this site, as we saw
3 in our review of the two previous applications
4 here, it is a very key site. You have the I-84
5 corridor, the Route 9W corridor and the areas in
6 and around the Mid-Valley Mall. There does
7 appear to be a gap in coverage in AT&T service.

8 We will look forward to completing our
9 review and submitting a letter report as we do on
10 these application reviews on behalf of the Town.

11 MR. MORANDO: I'm sorry. If I could
12 just add, we have, for the most part, put
13 together the information addressing the comments
14 and we plan on submitting it either tomorrow or
15 Monday, hopefully.

16 CHAIRMAN EWASUTYN: That's what I said
17 to John this afternoon, hopefully.

18 MR. MORANDO: That's the game plan.

19 CHAIRMAN EWASUTYN: Comments from Board
20 Members. Frank Galli?

21 MR. GALLI: No additional.

22 MR. BROWNE: No.

23 MR. MENNERICH: No questions.

24 MR. FOGARTY: My only comment was in
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the work session, the actual condition of these tower or poles or whatever, that something has to be done to make sure they're in good condition as well.

MR. MUSSO: Well noted. We'll include that in our report.

MR. WARD: Like we said in the work session about color coordinating the tower with the other carriers, blend it.

And with the fencing, keep it coordinated with what carriers are there, like the barbed wire and everything.

MR. MORANDO: It's going to be within the existing fence now, and the antennas will be painted the same color as --

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Bryant Cocks?

MR. COCKS: I have no additional comment.

CHAIRMAN EWASUTYN: I'll move for a motion from the Board to grant conceptual site plan approval, to refer this to the Orange County Planning Department and to set July 1st for a public hearing.

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MR. WARD: So moved.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward. I have a second by Cliff Browne. Any discussion of the motion?

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

(Time noted: 7:31 p.m.)

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

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

DATED: June 27, 2010

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

AT&T MIDDLEHOPE
(2010-12)

Bannerman View Drive Cell Tower
Section 22; Block 4; Lot 2.0
R-3 Zone
----- X

CONCEPTUAL SITE PLAN
SPECIAL EXCEPTION USE PERMIT

Date: June 3, 2010
Time: 7:31 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
KENNETH MENNERICH
THOMAS P. FOGARTY
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
GERALD CANFIELD
MICHAEL MUSSO

APPLICANT'S REPRESENTATIVE: ANTHONY MORANDO
----- X
MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
(845)895-3018

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AT&T MIDDLEHOPE

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CHAIRMAN EWASUTYN: Bannerman View
Drive.

MR. MORANDO: Okay.

CHAIRMAN EWASUTYN: For the record;
Cliff, do you want to --

MR. BROWNE: The next item of business
is the AT&T Middlehope, Bannerman View Drive cell
tower. Once again being represented by
Anthony --

MR. MORANDO: Morando.

MR. BROWNE: -- Morando, thank you,
with Cuddy & Feder. It's also a special
exception use permit.

MR. MORANDO: At this site what AT&T
now is proposing is minor upgrades to the
existing antennas there, basically to improve the
voice and data services it provides to its
customers in the area.

The tower currently is an 84 foot tower
with eight antennas at approximately 61 feet
above ground level.

There's an existing equipment building
at the tower base within the fence compound.

Basically after this upgrade, the

1
2 result -- the net result will be an increase of
3 one antenna. We'll be adding a new antenna,
4 replacing two existing antennas and leaving six
5 of these antennas as is. We would be adding one
6 equipment cabinet within the existing building.
7 So there would be essentially no site work at
8 all. We're just essentially going to upgrade.

9 We've submitted a comprehensive
10 application in support of this. Unless there's
11 comments from the Board. Or mike.

12 CHAIRMAN EWASUTYN: Okay. At this
13 point the Planning Board will acknowledge Mike
14 Musso from HDR who represents the Planning Board,
15 the Town in review of applications that are
16 before us this evening.

17 Mike.

18 MR. MUSSO: Thank you again, Mr.
19 Chairman. This is an existing lattice tower in
20 the Bannerman View Drive area. Currently
21 T-Mobile, Nextel and AT&T are the three wireless
22 carriers in the area that do operate.

23 The application at hand is for AT&T to
24 add one panel antenna, there's eight panel
25 antennas there now, at a height of approximately

62 feet above ground. The height of these antennas will not change. Two of the eight will be changed out for a new model and one antenna, a new antenna, will be added, a new model antenna, for a total of nine. No other changes to the tower are noted.

No additional lighting or change in the footprint of the ground-based area.

It's not our typical application that we review in front of you. This is not for a new site but rather upgrades to the equipment to keep up with the technology changes and the demands for mobile phone use in the area.

As noted, we did receive what we feel is a comprehensive application. There's one piece of pending information, and that would be a structural and foundation review using the latest Tower Industry Associates version, 222-G, that takes into account the latest wind and ice load conditions. This Board is always interested in confirming the structural integrity of structures, and so noted that we will look back on any records of inspections just to note the age and the on-site inspection history of this

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tower as well. We should be able to find that information and add it to our report.

CHAIRMAN EWASUTYN: Comments from Board Members. Cliff Browne -- I mean Frank Galli?

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: I'm curious. There's going to be three new model antennas and six old model arrays from what I've heard?

MR. MORANDO: Yes.

MR. BROWNE: Why are we leaving the six old models, or what's the difference between the two, if I may ask?

MR. MORANDO: I'd be speculating because it's not really my expertise to comment on that. Essentially the six -- Mike, you can add. The six essentially provide the service that's already provided and the three is to upgrade. I believe it's -- you know, I'm not going to say because I'm not a hundred percent. I can have that for you at the next meeting.

MR. BROWNE: It just occurred to me. Mike, do you know why?

MR. MUSSO: I can look back through the

1 application. Essentially the three new antennas
2 are just to pass through digital signal call
3 traffic. As noted, this is a pretty active site.
4 These panel antennas are operational. It's just
5 the mode of the service, looking at existing
6 phones, existing types of consumer use at the
7 site, and having only two -- essentially
8 upgrading one-third of the equipment, one-third
9 of the antennas at this point.
10

11 MR. BROWNE: It just popped in my mind.
12 If we're only going to upgrade three, what I'm
13 kind of understanding is because of the newer
14 technology required, then I would assume maybe in
15 a couple years we'll be back to change another
16 three.

17 MR. MUSSO: I mean that's -- I can
18 speculate the same way. That could very well be.

19 One of the key things, however, is the
20 cabinet, this new switching cabinet that's going
21 in at the base of the tower. Although that's not
22 visible at all, that is probably integrating
23 their network a little bit differently.

24 You're right. Who knows, in five, ten
25 years there may be a full change out of those

1 existing six. Right now this is all that the
2 applicant is requesting. If there is a need,
3 he'll have to come back through the Town process
4 at some point again.
5

6 MR. BROWNE: Thanks.

7 MR. MENNERICH: No questions.

8 CHAIRMAN EWASUTYN: Tom Fogarty?

9 MR. FOGARTY: Nothing.

10 MR. WARD: Nothing.

11 CHAIRMAN EWASUTYN: Bryant Cocks?

12 MR. COCKS: I have nothing.

13 CHAIRMAN EWASUTYN: I'll move for a
14 motion to grant conceptual site plan approval, to
15 circulate to the Orange County Planning
16 Department, and to schedule July 1st for a public
17 hearing for the AT&T Middlehope application
18 located on Bannerman View Drive.

19 MR. FOGARTY: So moved.

20 MR. WARD: Second.

21 CHAIRMAN EWASUTYN: I have a motion by
22 Tom Fogarty and a second by John Ward. Any
23 discussion of the motion?

24 (No response.)

25 CHAIRMAN EWASUTYN: I'll move for a

1 AT&T MIDDLEHOPE 41

2 roll call vote starting with Frank Galli.

3 MR. GALLI: Aye.

4 MR. BROWNE: Aye.

5 MR. MENNERICH: Aye.

6 MR. FOGARTY: Aye.

7 MR. WARD: Aye.

8 CHAIRMAN EWASUTYN: Myself yes. So

9 carried.

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11 (Time noted: 7:37 p.m.)

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DATED: June 27, 2010

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

AT&T ORANGE LAKE
(2010-13)
929 Orchard Drive, Orange Lake Cell Tower
Section 1; Block 1; Lot 37.0
AR Zone
----- X

CONCEPTUAL SITE PLAN
SPECIAL EXCEPTION USE PERMIT

Date: June 3, 2010
Time: 7:37 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
KENNETH MENNERICH
THOMAS P. FOGARTY
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
GERALD CANFIELD
MICHAEL MUSSO

APPLICANT'S REPRESENTATIVE: ANTHONY MORANDO

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

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MR. BROWNE: The last item for Anthony is another AT&T at Orange Lake, a conceptual site plan for a special exemption use permit. If you could identify --

MR. MORANDO: Anthony Miranda. Again, it's the same minor upgrade of the antennas. In this case we would be adding two new antennas and leaving the four existing antennas as is. It would be a total of six going from four.

We also would be adding an equipment cabinet inside the existing building, similar to the other site.

We won't be changing the tower height, we won't be changing any ground work. Again, it's just adding the antennas.

CHAIRMAN EWASUTYN: Again the Board will refer to Mike Musso from HDR who represents the Board and the Town in review of the applications that are before us this evening.

Mike?

MR. MUSSO: Thank you, Mr. Chairman. As noted, a much different location within the Town, but again an existing lattice tower. Nextel operates at the top, there's an approval

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AT&T ORANGE LAKE

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by Edge Mobile down below, and there's an existing AT&T facility at this tower.

Right now, in looking at the plan view on the tower, two and two, there's a total of four panel antennas. AT&T is looking to again upgrade, adding two more for a total of six.

The height and really the profile of the tower will not change appreciably from any views.

Again, it's an existing facility. AT&T is on air here. They're looking to upgrade by adding two antennas and adding some equipment within the existing footprint at the base of the tower, much like the Bannerman View application.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Cliff?

MR. BROWNE: None.

MR. MENNERICH: No.

MR. FOGARTY: No.

MR. WARD: Mike, does this have to go for the 22-G --

MR. MUSSO: Yes. Thank you. Like the

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AT&T ORANGE LAKE

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Bannerman View, the one thing that we saw or noted and requested would be the updated structural evaluation, which we understand is in the works right now.

MR. WARD: Thank you.

MR. MUSSO: And the same comment about the tower inspection and conditions.

CHAIRMAN EWASUTYN: Okay. Very similar to the first two applications, I'll move for a motion to grant conceptual site plan approval, to circulate to the Orange County Planning Department, and schedule the 1st of July for a public hearing for the AT&T Orange Lake application before us this evening.

MR. GALLI: So moved.

MR. WARD: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

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MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

Anthony, would you make it a point of contacting Bryant Cocks tomorrow to see what material Bryant will need to be able to circulate to the Orange County Planning Department? Also, you'll work with Bryant as far as the notice of hearing. The Tuesday before the meeting of the 1st, which would be the 29th I believe, if you'd make it a point of calling the Planning Board office and arranging to have the registered receipts delivered to the Planning Board office in preparation for the meeting, I would appreciate that.

MR. MORANDO: Absolutely.

CHAIRMAN EWASUTYN: Bryant will work those details through with you.

MR. MORANDO: Okay.

CHAIRMAN EWASUTYN: Mike, thanks for your time.

(Time noted: 7:41 p.m.)

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

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

DATED: June 27, 2010

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

SOUTH PLANK ROAD GAS STATION
(2010-05)

209 South Plank Road (Route 52)
Section 60; Block 3; Lot 2
B Zone

----- X

SITE PLAN
ARCHITECTURAL REVIEW BOARD

Date: June 3, 2010
Time: 7:42 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
KENNETH MENNERICH
THOMAS P. FOGARTY
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
GERALD CANFIELD

APPLICANT'S REPRESENTATIVES: CHRIS BOYEA & MARIO
SALPEPPI

----- X

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

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MR. BROWNE: Our next item of business is the site plan and ARB for the South Plank Road Gas Station represented by Chris Boyea.

Did I get that right, Chris?

MR. BOYEA: Yes. Good evening. My name is Chris Boyea, I'm with Bohler Engineering. Here with me tonight are the owners of this site, Frank Fassari and Fred Fassari. It's the same group that appeared before you the first time. Also Mario is here from AJ Coppola's office to review some architecture in a little bit more detail than we did last time. This is the first time that the whole Board is going to see the architecture.

I think we'd like to start off with the architecture and have Mario maybe introduce what he's done with the building, he's done a great job, and then we can circle back with where we left off with the site plan.

MR. SALPEPPI: Good evening. I'm Mario Salpeppi from Coppola Associates. You may be familiar with the building already. It's a 35 by 72 rectangle, as you've seen on the site plan, with a bumped out entrance. It's 2,520 square

feet, a wood frame structure. The exterior walls of the building are 11 feet high. It's a gabled roof, slopes front and back, which you may not be able to tell from the front elevation.

We've proposed windows on the front only, large retail storefront windows. The other three sides are solid.

We have cultured stone accents, as you can see, on the corners and the pillars up to the entrance canopy.

We're proposing at this moment in time a burgundy standing seam aluminum roof, which is an item to be discussed tonight I believe, in conjunction with the colors of the gas station. This is a more accurate rendition of the color. This is from the aluminum company itself.

Signage. The signage has been designed to fit within the allowable signage areas. What we did was we proposed only a Valero symbol on the canopy in conjunction with a food mart and a tenant to be named on the building. The pylon sign is a flag style sign, it has a pole on one side. The sign comes out the side of it. You can see the size here is 90 1/2 square feet each

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SOUTH PLANK ROAD GAS STATION

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side. So we backed into the numbers to make sure we fit within the allowable signage.

Any questions?

CHAIRMAN EWASUTYN: What samples have you brought with you this evening, Mario? Can you show us samples?

MR. SALPEPPI: What I have for you is a cultured stone board. We picked a color which mixes the grays, the tans, the browns.

I believe I forgot to mention the sign boards above the windows and above the entrance are stucco accent, two-tone colors. They also match the stone. I could show you color chips of the stucco if needed, but they're two colors in the beige family. So the stone and stucco will blend together and then we have a contrasting burgundy roof color.

MR. BROWNE: What are you doing with the canopy?

MR. SALPEPPI: Okay. I didn't mention the canopy. I assume everyone is familiar with the Valero teal color. The best I could do right now is a paint chip. This is pretty close to the color. The canopy will be completely teal, that

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hatched-in area. Then there's simply the Valero yellow -- white letter with the yellow swirl through it. We're matching the existing height and location, and as you know we're extending the canopy a little wider. We have been to the Zoning Board and received that variance.

MR. GALLI: The name on the building for the proposed tenant?

MR. SALPEPPI: Yes.

MR. GALLI: The other side, is that going to be lit?

MR. SALPEPPI: Yes. We're proposing internally illuminated letters at each of the sides, which is an item I should touch on.

Also the gas station sign is -- I don't know if everyone has seen it, it's the Valero corporate sign. It's the internally illuminated symbol, but the gas prices are LED bulbs in red. Obviously the prices can be changed electronically.

MR. BROWNE: On the canopy, what's that on top of the canopy? What's that? That's just verbiage. I'm sorry, I can't see that from here.

MR. SALPEPPI: We've added a note. The

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SOUTH PLANK ROAD GAS STATION

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fire suppression equipment is always a concern.
At this moment in time we've made the assumption
it's not going to be visible because of the
canopy height of three foot six.

MR. BROWNE: It will not be visible?

MR. SALPEPPI: It will not be visible.
If there's an issue at a further time we'll
provide screening. We'll provide screening.
That's what the notation there says.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I was interested in
your selection of the colors as it relates to the
Valero standard color, the roof color in
particular. They seem like they're kind of a
contrasting pair.

MR. SALPEPPI: Right. This is actually
our third color since we've started. I could
clue you in to what our previous color was. We
had a sierra tan was the name of the color. It's
more of a muted color. The contrast of the
burgundy is probably nicer than just losing the
roof to a muted color. It's more of a contrast
than a conflict. You follow? It won't look bad
against the canopy but it's -- we previously --

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SOUTH PLANK ROAD GAS STATION

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it was a little more muted, a sierra tan color.

MR. MENNERICH: I think the burgundy looks real good against the columns you have there.

MR. SALPEPPI: With the stone and the stucco, yes. It's a good contrast.

MR. MENNERICH: That's all.

MR. GALLI: I like the trees in the background. Make sure they're there.

MR. SALPEPPI: I can not speak to the accuracy.

CHAIRMAN EWASUTYN: Tom Fogarty?

MR. FOGARTY: I had a concern about -- maybe I have to see more of it -- the height of the sign. I think it's 25 feet, that sign is?

MR. SALPEPPI: Yes.

MR. FOGARTY: I'm visualizing 25 feet. That's a fairly high sign. I don't know if you can get away with a shorter one or not. The only reason I mention that is I was on Route 17 in Jersey, and that's just a shot going down there the way they allowed that to develop. The signage is a key thing.

MR. SALPEPPI: I mean you're referring

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to maybe 50, 60-foot pylon signs.

MR. FOGARTY: 25 is still a good size.

MR. SALPEPPI: It's a decent height.

We've got the -- because it's not just the gas station sign, because it's the food mart and the Subway also, we needed to allow enough clearance height to the signage. The signage boxes themselves are all the standard sizes, the corporate sizes for Valero.

The sign next door, as you may recall, we worked on with South Plank Plaza there I think it's called, that one. If we include the retaining wall, it's somewhere around up to 19, 20 feet. That's as a contrast, the adjoining sign. So we're not terribly high but --

MR. FOGARTY: Could you achieve the same thing by making it wider rather than higher?

MR. SALPEPPI: Actually, no. I mean if you look at the contents of each cube, this is how they're set up with the price. Each price lined up and then the tenancies below that. The corporate standard pretty much let us -- this is actually from a corporate standard, to word it properly. We didn't create the size and shape.

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MR. FOGARTY: I just don't -- I mean the rest of it looks fine right now but I do have a concern about the size of that sign.

MR. SALPEPPI: All right. We can research it. I mean I'm not sure if -- I'm not sure if I can lower it or not at this point.

MR. MENNERICH: What is the height of the building?

MR. SALPEPPI: To the peak is 26 feet.

MR. HINES: How high is the canopy?

MR. WARD: 20.

MR. SALPEPPI: About 18 to the top.

CHAIRMAN EWASUTYN: Frank.

MR. FASSARI: My name is Frank Fassari, I'm one of the owners. We might be able to compromise and bring it lower. Of course that was my idea. Just out of concern about that plaza sign, I think they're -- if I'm not mistaken, they're in a higher elevated area. We could bring it down but the bottom pieces would be -- if I'm not mistaken, would be blocked by the other sign. We could go back and test it but we'll definitely compromise to see if we can bring it lower. I mean I don't want to make it

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look funny but the last piece would be by the ground. I mean three feet.

MR. FOGARTY: I would appreciate it if you could work on it.

MR. FASSARI: We'll definitely work with you guys. We'll hopefully do something that will be good for the Board and be good for the property also. We definitely will work with you guys. We'll go back to more visualization.

MR. SALPEPPI: It's currently nine feet above the grade. Close to nine feet shown on this diagram. I mean we could probably lower that by a couple of feet, but it starts to look awkward when it gets too close to the ground. As Frank said, we'll compromise. We'll try to get a couple of few feet off.

MR. FOGARTY: Thank you.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I'm familiar with the Valero over by Montgomery, Drury Lane. Your sign there is beautiful. I'm sure you can work it out to lower it down, say three feet. That gives you six feet from the bottom and you have enough eyesight with the visual.

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MR. FASSARI: Sure.

MR. WARD: We had one question. I don't know if it does with this. Your lighting, you have down 20 feet for lights. We're recommending like 16, 18 and add maybe a few because it's higher than the canopy and it's awkward looking.

MR. FASSARI: Sure.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: The sides and rear of the building will be what color and what material?

MR. SALPEPPI: Okay. The sides are partially visible from different angles. We wrapped the cultured stone around the corners. The entire field is the lighter stucco color with an accent below the eaves of a darker stucco color.

Heading around to the back, which is completely invisible from anywhere, we just went with the stucco field color across the back.

CHAIRMAN EWASUTYN: Any comments from Jerry on this?

MR. CANFIELD: Just a comment and a

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SOUTH PLANK ROAD GAS STATION

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question. With respect to what Cliff's question was, the hiding of the suppression system in the canopy, I agree with Mario, three foot six I believe you said.

MR. SALPEPPI: Yes.

MR. CANFIELD: The bottles of extinguishing agent and the propellant or charge should be able to be laid down. You should be able to hide it.

My question is if for some design reason it can not; Mario, I believe you said they would provide screening.

My question to the Board is at that point how do you want to handle that? Is it something Karen could do a field review of or is it something that --

MR. DONNELLY: We've done that in the past and tied it to a CO.

MR. CANFIELD: If that be the case, I think we should maybe address it in the resolution.

MR. DONNELLY: Yup.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: I don't have anything

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SOUTH PLANK ROAD GAS STATION

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architectural.

CHAIRMAN EWASUTYN: Bryant Cocks?

MR. COCKS: Nothing on the
architecture.

CHAIRMAN EWASUTYN: Karen Arent?

MS. ARENT: I just wanted the Board to
review the colors of the roof and the canopy,
make sure you're satisfied with that.

CHAIRMAN EWASUTYN: Is the Board
satisfied with that color?

MR. GALLI: The maroon, yes.

MR. BROWNE: Yes.

MR. MENNERICH: Yes.

MR. FOGARTY: Yes.

MR. WARD: Yes.

CHAIRMAN EWASUTYN: For now we're going
to put aside anything that relates to the signage
and the light poles until a later date.

At this time we'll move for granting
ARB approval for the South Plank Road gas
station.

MR. MENNERICH: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by

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SOUTH PLANK ROAD GAS STATION

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

MR. BROWNE: Just the items that we
discussed and what not be memorialized in the
record.

CHAIRMAN EWASUTYN: They'll submit
final papers on that. What we have is we have an
actual form.

I think your office has worked with it,
I'm sure, in the past.

MR. SALPEPPI: Yes.

CHAIRMAN EWASUTYN: The colors we're
approving tonight, you'll inventory those colors
and complete the ARB form as far as -- that will
be one of the notes in the resolution for final
conditional approval.

MR. SALPEPPI: Okay.

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

(No response.)

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

MR. GALLI: Aye.

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SOUTH PLANK ROAD GAS STATION

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So
carried.

Chris, if now you'll begin to review
with us the site plan.

MR. BOYEA: Now we're on to the fun and
exciting part. Not to take anything away. Last
time we were before this Board was March 3rd. At
that meeting we were sent on our way to obtain a
variance from the Zoning Board for the front yard
setback. We were expanding the canopy here.
It's ten foot from the property line. So that
expansion needed a variance or front yard relief.
We did attend the April 22nd Zoning Board meeting
and obtained that variance. So we're good there.

At that meeting we did receive some
staff comments as well as some Planning Board
comments and some direction on the plan. The plan
that is up on the easel here does incorporate
those comments as well as the plans that had been
submitted. The most important ones, to kind of

refresh the Board's memory, is we were asked to clarify that we're closing the existing access that was back here to a gravel parking lot from Corel Place. So that's been shown and noted.

We adjusted the driveways here and here, made them a little bit smaller, and brought them away from the property corners so that we would not need a variance or any kind of relief from the Town's Zoning Board due to entrance widths and locations.

We relocated the handicap space from the end that was down here closer to the front door. There is a comment still that can we get it even closer to the front door, right in front of the front door. We did try to get it as close as we possibly could, but with the grade issues, we have a ridge that runs right here and sheet flows this way and here. It was tough to get it any closer without creating possible high and awkward spots in the parking lot. We did get it as close as possible. This provides a nice, more than ADA compliant ramp up here, and protection, a travel path to the front door.

Then we were asked to go ahead and

1 proceed with full design documents, so we did
2 submit, both to staff as well as the Board, a
3 full design, grading, drainage, landscaping,
4 lighting detail sheets, demolition plans, erosion
5 and sediment control plans. We have a full
6 package, including the stormwater drainage
7 report, additional detail cut sheets on things
8 like signs and building elevations.
9

10 Just recently, over the last
11 twenty-four hours or so, we did receive some
12 additional comments based on this new submission
13 that we submitted from staff. I reviewed the
14 comments and there was nothing there that I think
15 we really needed to bring up to talk about
16 tonight. We can address those comments. The
17 largest of them -- there weren't really many.
18 The largest of them was some stormwater work they
19 would like to see, some additional stormwater
20 improvements that would further clean up the
21 site.

22 We are adding additional green space.
23 It is going to be a positive impact but we're
24 going to go another step and actually bring in
25 some stormwater quality treatment measures and

work with the Town's engineer to achieve that.

As far as lighting, and that was a comment that was already brought up, the poles -- we had a comment at the Zoning Board from a neighbor that showed up to that meeting, and I don't know whether it was specific to our application or whether they just happened to be there, but they did have some concerns, and they asked are we going to redo lighting at this location. We told them yes, we were going to do it. They said great, if they could all be down lighting because the lighting that's out there today, when the station was operational, shined, projected light far out, and it was a concern to them. So we agreed to do it, and we've designed it here so these are all brand new lights. We're getting rid of all the lights that are big flood lights. These are down-style lights. We went with 20-foot poles because we need less of them, and we can control maybe the light spill. We wouldn't need as many. We could go to 18. Between 20 and 18 isn't a big difference. We can do that, if that's something the Board would like to see, so the height matches the canopy. I

1 think we can accommodate that as well. We
2 have submitted a photometric plan that shows how
3 the light, one foot candle as well as all the
4 specific spots that would be on there to help
5 ensure we don't portray light off the site.
6

7 On lighting, the owners, the Fassaris,
8 are considering making even a larger investment
9 in this property now and going to LED lights,
10 which again wouldn't change necessarily the
11 photometrics. We would match the photometrics.
12 It's a much more expensive light up front. They
13 are energy efficient and a lot of people are
14 going to these to save electricity and operating
15 costs and green, LED credits and those types of
16 things. Again, it wouldn't change any of the
17 photometrics. We're proposing a metal allied
18 light, which is a bright white light. They have
19 not made the commitment to make that investment.
20 It is a substantial large investment to go from a
21 standard light bulb to LED light heads.

22 With that summary, I'm here to answer
23 any questions and go forward in hope that we can
24 address any concerns that the Board or staff has
25 and move forward into the building permit office

in the coming days.

CHAIRMAN EWASUTYN: Actually the process, as you'll learn, you have to get Town Board approval for a landscape bond estimate. Mike Donnelly, if and when the time comes, will have a conditional final resolution. There are other involved agencies. Performance securities, that may or may not be needed. So it's just not a matter of getting approval tonight. You would have to -- if you got conditional approval, again we're talking about a highway work permit. So I think let's be realistic in a very professional presentation and stay focused on the task in front of you that may take four weeks. Depending on the other agencies, it could take another two to two-and-a-half months. Until you have a stamped site plan, the building department won't even accept a building application from you. The building department, I can't speak for them, but has a time period for reviewing new applications. We're here to provide you with a service, and that's what we're beginning to do.

At this point I'll turn to Jerry Canfield, Code Compliance, if he has any

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questions or comments.

MR. CANFIELD: Nothing on the site plan. The applicant's representative has acknowledged a sprinkler requirement. The plan does show a four-inch line, however there are some issues with it, which I'm sure Pat will elaborate on in his comments.

Site plan accessibility and driving lanes meet or exceed the fire code.

We have nothing additional.

CHAIRMAN EWASUTYN: Pat Hines, Drainage Consultant?

MR. HINES: We had a comment on the drainage report. I was able to talk to the applicant's engineer today. I believe we've come to an understanding of how we're going to manage the site in consideration of the DEC regulations, the site disturbance being under an acre and balancing that with the Town's 10,000 square foot disturbance requirements.

As he suggested, we discussed on the phone today, adding water quality improvements, most likely a dry swale, designed to provide those water quality improvements on the site as

required. We'll work that technical issue out with the applicant.

The pre and post-development watersheds, it looks like about ten percent of the watersheds disappeared. You need to see where that goes.

We had suggested Ken Wersted review the traffic at the Route 52 intersection, but I understand Ken is not reviewing this. We suggested at work sessions, similar to other projects the Board has done, specifically the Hess project and Sunoco project on Route 17K, that any changes required to this plan by the DOT would require a resubmission to the Board for review, but if DOT issues them their highway work permit on this plan, then that would be fine.

Our concern was that there's a potential for six turning movements, two in and four out, at the same time. I understand two access points are required. Because of the size of the site, the tanker delivery trucks could not turn around within the site with one access point. So I believe that that's why they have the two and are working with DOT on getting that approved. As

1 long as that doesn't change and the Board
2 approves the project conditioned on that with
3 that in the resolution, I think that will handle
4 that.
5

6 The water main on the site shows a
7 four-inch water main existing and a smaller, I
8 believe, one-inch diameter potable water main.
9 Is that really the case?

10 MR. BOYEA: We believe there's a one-
11 inch existing today and we're proposing the four-
12 inch. So we were going to reutilize the one-
13 inch for domestic and then bring in a new tap
14 separate four-inch line just separately for fire.

15 MR. HINES: That wouldn't be
16 consistent. I believe if you're going to bring
17 the four-inch in you'll use that for both fire
18 and potable. The Town requirement is if the fire
19 flow is shut off, the potable water is also shut
20 off so that no one turns the fire suppression
21 system off. You'll know because your water won't
22 be on. I can provide you with that detail.
23 Then we'll only require the one line to the
24 building, and it will be consistent with the
25 Town's policy. You will need the Town of

Newburgh water system notes on there since that is a new tap. The plans kind of showed it connecting into an existing four-inch. That needs to get cleaned up.

The grease trap needs a detail. There's a proposed fast food type use associated with it and a grease trap proposed. We need the details and sizing of that added to the plans.

They've addressed our previous comments and I think we can work these out with the applicant's representative.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

MR. COCKS: The applicant addressed all of our previous site plan comments.

They also moved the underground tanks to fifteen feet away from the property line on the southern entrance drive, ten feet away from the property line on the north. That avoided two other variances that were potentially there last time they came in.

With regard to site layout, I have no more comments.

We did get a Local determination from

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SOUTH PLANK ROAD GAS STATION

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Orange County Planning Department.

As mentioned, they'll need a highway work permit from the DOT.

We are in receipt of a letter from Jim Osborne stating that no approval from the City of Newburgh for the connection to the sewer system is needed because it's an existing connection. That's been addressed.

We also discussed the height of the lights and the signage.

The only other thing that I think the Planning Board would have to discuss is just waiving the design guideline criteria for -- because the canopy is in front and not on the side. This is an existing site so I think that would be fine.

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

MS. ARENT: I remember there was a discussion about the need for bollards to be placed in front of the windows to prevent cars from driving through the windows. I don't see them on any of the plans.

I also was wondering if you could

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coordinate the color of the bollards with the building somehow. So would they be on the site plan or the architectural review plan?

MR. BOYEA: Yes. The original plan that was discussed at the last meeting --

MS. ARENT: They had the bollards by the curb.

MR. BOYEA: They did. We also had a very small width wide sidewalk in front.

MS. ARENT: Right.

MR. BOYEA: It was asked that we take a look at maybe making it wider. We were working with AJ and Mario to try to get some better architecture. Maybe a canopy with columns that came down. To do that we made the sidewalk of the building along the front much wider so that the columns would be protected, and with that then the curb -- you don't necessarily need as many bollards in front because you have a lot of width on the sidewalk and a lot more protection. We do still have a couple bollards shown for like the handicap area. We could match the color of those to the building so they don't stick out as much.

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MS. ARENT: I think that's great to have the handicap at the bollard. So if you don't need the bollards in front of the windows for protection, that's fine. It's nice not to have them. I remember discussions because you had somebody drive through the windows in another building.

MR. FASSARI: Yup.

MS. ARENT: If you have them just make sure they're on the drawing and coordinate them with the architecture.

MR. FASSARI: Sure.

MS. ARENT: And then there's lawn specified on the steep slope. If you want to consider maybe a seed slope mixture, something that doesn't have to be mowed. That's personal preference, it's up to the owners.

And then there's also just a plant that's listed. I think it's supposed to be a Juniper.

MR. BOYEA: You're correct. It's a typo.

MS. ARENT: Just make that change.

We need a landscape cost estimate.

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SOUTH PLANK ROAD GAS STATION

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Thank you.

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

MR. GALLI: No additional.

MR. BROWNE: Nothing more.

MR. MENNERICH: No.

MR. FOGARTY: None.

MR. WARD: I was going to say about the
lights, 18 feet, keeping it with the canopy would
be fine.

CHAIRMAN EWASUTYN: At this point it's
discretionary from the Planning Board if they
would like to have a public hearing or waive the
public hearing. We haven't taken a course of
discussion on that. I'll poll the Board Members
if they want to have a public hearing. Frank
Galli?

MR. GALLI: Waive it.

MR. BROWNE: Yes.

MR. MENNERICH: I think it should be
waived. There's no residential houses in that
area of the site.

CHAIRMAN EWASUTYN: Tom Fogarty?

MR. FOGARTY: I'll waive it because of

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that reason as well.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I'll waive it.

CHAIRMAN EWASUTYN: Okay. I'll move
for a motion from the Planning Board to waive the
public hearing for the South Plank Road Gas
Station.

MR. GALLI: So moved.

MR. FOGARTY: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So
carried.

Mike, can you give us conditions of
approval for the site plan, realizing that we
haven't finalized the height of the pole and the
height of the signage at this point?

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2 MR. DONNELLY: Yes. In terms of the
3 findings, I'll include language that waives, if
4 that's your inclination, the design guidelines
5 for the canopy given that it's pre-existing. In
6 the event that the light pole height is not
7 reduced to a height within the guidelines, would
8 18 do that or do you have to go 16?

9 MR. HINES: It would have to go to 16.

10 MR. DONNELLY: Then we would need to
11 justify the waiver of the 16-foot light pole
12 height. In the past when you've done that it's
13 usually been because of a pedestrian feel or
14 better lighting distribution. I think the
15 applicant would need to demonstrate a
16 justification to you for that.

17 In terms of conditions, we would make
18 reference to the Zoning Board decision. We would
19 need a sign-off letter from Pat Hines on the
20 issues raised in his memo of June 2nd. We would,
21 as Pat mentioned, need a sign off from the DOT
22 and a requirement that the applicant return to
23 the Board if the driveway configuration is not
24 approved by them as shown on the plans.

25 My notes reflect, Jerry, a demolition

1 permit is needed for an existing structure on the
2 lot. We'll include that.

3
4 We would, of course, have the standard
5 Architectural Review Board condition. And in
6 addition, since all the materials have not been
7 submitted, a requirement that the full
8 application with material samples be submitted as
9 well. We would need a landscape security and
10 inspection fee, and Karen would need to give me
11 the amount of that inspection fee. A stormwater
12 improvement security and inspection fee. The
13 standard condition that says that no fixtures or
14 amenities can be built on the site that are not
15 shown on the site plan as approved. In terms of
16 the canopy, I think we need a condition that
17 would read something like should the equipment on
18 top of the canopy prove to be visible from
19 surrounding public views, the canopy shall be
20 modified to provide screening being satisfactory
21 to Karen Arent. It might require an amended
22 return to us. The idea is we would do it in the
23 field after it was built. I think then the usual
24 standard general conditions.

25 CHAIRMAN EWASUTYN: Mike, the fact that

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SOUTH PLANK ROAD GAS STATION

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this is under 4,000 square feet --

MR. DONNELLY: It's a Type II.

CHAIRMAN EWASUTYN: It's a Type II action and a SEQRA err determination isn't necessary. Should we make that part of the record?

MR. DONNELLY: It is in the resolution and you did discuss that at your meeting on March 4th.

CHAIRMAN EWASUTYN: Thank you. Any questions or comments on the conditional final resolution that was prepared by the Planning Board Attorney, Mike Donnelly?

(No response.)

CHAIRMAN EWASUTYN: Any additions from our consultants?

(No response.)

CHAIRMAN EWASUTYN: Okay. Then I would move for a motion to grant conditional site plan approval for the South Plank Road Gas Station subject to the resolution that was presented to us this evening by Mike Donnelly.

MR. MENNERICH: So moved.

MR. WARD: Second.

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SOUTH PLANK ROAD GAS STATION

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

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

Chris, in the course of the next few
days there will be a sign resolution. Bryant
Cocks will make it a point of getting a copy to
your office and also to the applicant, and that
will be your worksheet as requires getting your
building permit in the next two or three days.

MR. DONNELLY: Can I ask you to e-mail
me the rationale as to why you can not reduce the
light poles beyond 18 feet, and I will include
that in the resolution?

MR. BOYEA: Okay.

(Time noted: 8:15 p.m.)

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

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

DATED: June 27, 2010

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

- - - - - X

In the Matter of

ADDITIONS AT THE COMFORT INN
(2009-13)

5 Lakeside Road
Section 86; Block 1; Lot 39.21
IB Zone

- - - - - X

CONCEPTUAL SITE PLAN

Date: June 3, 2010
Time: 8:15 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
KENNETH MENNERICH
THOMAS P. FOGARTY
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: MARIO SALPEPPI

- - - - - X

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

MR. BROWNE: The next item of business is a conceptual site plan for additions at the Comfort Inn, Lakeside Road, being represented by AJ Coppola Associates, Mario.

MR. SALPEPPI: Once again for the record, I'm Mario Salpeppi from Coppola Associates. Our application is for an addition to the Comfort Inn. With me tonight is our client, the owner, Jonathan Lipschutz, in case there's any questions he may need to answer for us.

We had made a submission for this project in October of 2009. That application included a front addition to the building, a canopy extension and relocation of the parking lot into what is currently Town property. Prior to coming to the meeting we pulled that application. It was discovered that the Comfort Inn corporate wanted facade improvements to the building, so budget wise we cut back on construction to the building so that we could do the improvements and do an addition.

What we're proposing right now on this site plan is a rear addition of 884 square feet.

1 It's an extension of the existing breakfast room.
2
3 Currently only breakfast is served there. The
4 room is obviously too small for the current
5 number of rooms and clients who wish to be seated
6 there. It's a one-story addition.

7 What we're doing in conjunction with
8 that is two small second-story additions, which
9 if I show you a large rendering it might be
10 easier to understand. Currently the second floor
11 corridors do not connect to each other or connect
12 to the center of the building. We're basically
13 going to make two connectors on the second story
14 to make a continuous horseshoe for the second
15 floor. Obviously the third floor still will not
16 be set up that way. The addition, being that
17 it's within the horseshoe shape of this building
18 in the rear, is basically self-contained. It
19 doesn't change any of our bulk requirements,
20 setbacks, anything of that nature. It also does
21 not affect parking. It's for building occupants
22 only, as is the current breakfast room.

23 We are also eliminating two rooms in
24 conjunction with the second-story work. So our
25 parking requirements will actually go down.

The only bulk item that actually changes from the current existing is the lot surface coverage and lot building coverage which are still well below Town requirements.

What we plan to do for our next submission is submit a full architectural review package. We're going to change the colors of the entire building in addition to -- I can begin to clue you in. In addition to adding two new archways, simply aesthetic archways to the building. This is an idea of what we'll be submitting next month as far as colors go.

Any questions?

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: No questions.

MR. BROWNE: No.

MR. MENNERICH: No questions.

MR. FOGARTY: No, I have no questions at this time.

MR. WARD: No questions.

CHAIRMAN EWASUTYN: Questions from our Board Members. Jerry?

MR. CANFIELD: I have no outstanding planning issues.

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CHAIRMAN EWASUTYN: Pat?

MR. HINES: We just noted that the project has been scaled back since we last looked at it.

There was a property transfer with the Town of Newburgh. Has that been withdrawn from the -- the Town Board is aware that you're no longer interested in that.

MR. SALPEPPI: I would have to assume they're aware. We'll have to --

MR. HINES: I want to make sure that's been off the table as long as it is.

We concur that there's not a lot happening on the site, no changes to drainage, grading or utilities, so we haven't done any additional review.

CHAIRMAN EWASUTYN: Bryant Cocks?

MR. COCKS: I agree with Mario, this is an allowable accessory use to the hotel operation. All setback and bulk requirements are met.

This is a Type II action because it's under 4,000 square feet, so no additional SEQRA review is required.

This will have to be referred to the Orange County Planning Department since it's within 500 feet of a Town roadway.

Just in the E.A.F., if you could just revise it to fill out the threatened and endangered species for the DEC, that there's none on site.

CHAIRMAN EWASUTYN: Karen?

MS. ARENT: Sometimes when do you a facade renovation it's very difficult to preserve the existing landscaping. I just wanted you to be aware of that.

MR. SALPEPPI: We'll address that with the next submission. We'll make sure there's protection as needed.

CHAIRMAN EWASUTYN: I'll move for a motion to grant conceptual site plan approval for the addition at the Comfort Inn and to circulate to the Orange County Planning Department.

MR. MENNERICH: So moved.

MR. WARD: Second.

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

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(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Yes. So carried.
Mario, if you'd see Bryant Cocks and
get him copies of the plans to circulate to the
Orange County Planning Department.

MR. SALPEPPI: Okay.

CHAIRMAN EWASUTYN: At this point,
while we have it in memory, does the Planning
Board want to hold a public hearing on the
addition for the Comfort Inn?

MR. GALLI: No.

MR. BROWNE: No.

MR. MENNERICH: No.

MR. FOGARTY: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: Then I'll move for
a motion from the Board to waive a public hearing

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ADDITIONS TO THE COMFORT INN

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for the addition to the Comfort Inn.

MR. GALLI: So moved.

MR. FOGARTY: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So
carried.

Thank you.

MR. SALPEPPI: Thank you.

(Time noted: 8:25 p.m.)

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

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

DATED: June 27, 2010

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

ORANGE COUNTY CHOPPERS
(2005-58)

Crossroads Court and Orr Avenue
Section 95; Block 1; Lot 45.32
IB Zone
----- X

AMENDED SITE PLAN

Date: June 3, 2010
Time: 8:25 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
KENNETH MENNERICH
THOMAS P. FOGARTY
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: ROBERT DALY

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

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2 MR. BROWNE: Our next item of business
3 is an amended site plan for Orange County
4 Choppers. It's being represented by M.A. Day
5 Engineering.

6 MR. DALY: Mr. Chairman and Members of
7 the Board, my name is Robert Daly and I'm here
8 representing Orange County Choppers and the
9 applicant, Orange County -- I should say
10 Roadhouse Newburgh, L.L.C. in the application for
11 a restaurant at the existing Orange County
12 Choppers facility here in Newburgh on Route 17K.

13 There are very minor modifications.
14 I'll go through them with you, but the sense of
15 this is that there will be 8,500 square foot of
16 the existing building will be used for a
17 restaurant, which will be a theme restaurant
18 based upon Orange County Choppers, and it will
19 be, you know, part of the overall utilization of
20 the existing building. There is very, very
21 minor, and I will call them minor, improvements,
22 which are outside of the building which are
23 required for public safety. There's an
24 additional access, and I show it on the plan
25 here. The existing building, for those that

1 don't know the building, it's over on 17K. The
2 existing foot- print I've outlined here in
3 yellow. You can see that's where we are. This
4 is the proposed restaurant, 8,500 square foot.
5 It's on the first floor. It's restricted to the
6 first floor. The use is permitted in the IB
7 zone.
8

9 We've come before the Board tonight to
10 request the Board's approval for this amendment
11 to the site plan.

12 The only modifications are -- as you
13 can see here in blue, there are modifications to
14 the staircase to get people to that level and
15 modifications to provide an emergency access out
16 of the building. Other than that, there's no
17 changes to the site plan that we're proposing at
18 this point in time.

19 The existing building will go on doing
20 what it does. The restaurant itself is an
21 ancillary use based upon the draw which comes to
22 this building in particular to bring people to
23 the site. What we found is one of the highest
24 and best uses is to bring a restaurant facility
25 to the site in order to encourage people to stay

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a little longer.

The restaurant will be accessible to the existing retail area. The restaurant will provide people an opportunity to sit down, have a meal, stop and visit.

We've checked with the building department a couple times, Mr. Chairman, and we're comfortable that we've worked out the details in terms of how we can do this and the accessibility. The restaurant will operate from basically a -- from the lunch hour through dinner and into the evening. There will be a bar there. The bar itself will require a liquor license from the State of New York. The liquor license from the State of New York has been applied for.

I have here tonight one of the principals of the restaurant, I'd like to introduce him, Richard Marks.

MR. GRACE: Richard Grace.

MR. DALY: I'm sorry. Mr. Chairman, sometimes I get forgetful as I get older.

CHAIRMAN EWASUTYN: Don't hang around with me, you'll really become forgetful.

MR. DALY: I apologize.

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Richard, I apologize to you.

MR. GRACE: That's quite all right.

I've been called worse.

CHAIRMAN EWASUTYN: The reason why he calls me Mr. Chairman is because he can't remember my name. I know what this is all about.

MR. DALY: But you look wonderful.

And the nature of this -- I lost my train of thought. The nature of the application is we're within the zone, the IB Zone, and this is a permitted use in the zone.

I have had some comments back from the Members of the Board with regard to this, and we'd like to move this forward as soon as possible.

CHAIRMAN EWASUTYN: Okay. At this point I'll turn to the Board Members for their comments. Frank Galli?

MR. GALLI: Parking was brought up as an issue.

MR. DALY: Yes, sir.

MR. GALLI: Are they going to use the garage underneath the building for any of the parking?

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2 MR. DALY: No, they will not. In fact,
3 the existing parking -- I mean on the site plan
4 -- as is recognized on the site plan, the
5 existing parking requirements for retail are
6 actually more restrictive than the existing
7 requirements for a restaurant, and there's
8 actually a decrease in the requirement. I would
9 point out that in addition, the Town has
10 required, with the original site plan approval,
11 that there be an overflow parking area provided,
12 and that parking area is still there and it's
13 still provided in the event that there's a
14 requirement for additional parking.

15 MR. GALLI: Now, you mentioned
16 somewhere between 100 and 150 employees between
17 full time and part time.

18 MR. DALY: That's correct.

19 MR. GALLI: That's a little bit more
20 than the retail. If you're going to use the
21 overflow parking areas you're going to dedicate
22 it to this piece of property. In the future if
23 you sell off the other piece of property and the
24 parking goes with it, you're going to lose your
25 parking calculation.

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2 MR. DALY: The requirement of the Board
3 was that that parking area, that overflow parking
4 area, be dedicated, and it was. It was provided
5 for in the requirements of this Board that it is
6 there and available to them. We can not do that
7 without removing that requirement of the Town of
8 Newburgh Board.

9 MR. DONNELLY: Frank, I'm looking at
10 the earlier resolution and I didn't notice this
11 at work session. One of the conditions was that
12 there be a recorded declaration tying the
13 parking. I didn't realize that was part of the
14 first plan. I assumed that that was sent to me,
15 because it was required to be satisfactory to me
16 and I signed off on it. I'll double check. If
17 it wasn't done as it should have been, we'll make
18 sure it's done now.

19 MR. DALY: Thank you, sir.

20 CHAIRMAN EWASUTYN: Cliff Browne?

21 MR. HINES: While we're on the overflow
22 parking, that overflow parking is a gravel
23 parking area, it's not really a conventional
24 parking lot.

25 MR. DALY: Yes, sir.

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MR. HINES: Now it's required to meet your site plan. Gravel parking lots aren't normally what this Board allows for meeting site plan requirements. So there may be a requirement that that be developed into a parking lot.

MR. DALY: Well, the point I would make is that the -- as you saw on the existing plan as we provided it to you, the actual requirement for parking is less than what was required for the retail area.

MR. HINES: I'm not seeing that.

MR. DALY: Okay.

MR. HINES: I've got 172 required --

MR. DALY: Yes.

MR. HINES: -- and I've got 129 provided.

MR. DALY: Excluding the garage.

MR. HINES: Correct. The garage obviously isn't open to the public.

MR. DALY: That's correct.

MR. HINES: That makes the overflow parking required parking now.

MR. DALY: Well I mean it's certainly something we would discuss with you. I think at

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work --

CHAIRMAN EWASUTYN: What do you mean by that? Actually, the purpose of the meeting is -- when you say we'll discuss it with you, aren't we all part and parcel? The reason why it's on the table now is Pat Hines is saying that the Planning Board, in its normal review of a site plan, when they have parking like this that goes hand in hand with the site plan, then that is an improved surface.

MR. DALY: Mr. Chairman, if it would please the Board, we would amend --

CHAIRMAN EWASUTYN: Why don't you explain to him how it's normally presented and how the approval process works. We're not arbitrary and capricious. There's standards that apply from application to application.

Pat, why don't you take the lead on this.

MR. HINES: Required spaces, parking spaces, are required to be curbed, paved, delineated, so that they function as parking spaces. The overflow parking area described here was for, I think one or two or three events a

1 year that were proposed in the original site
2 plan, but now that it's becoming -- the use is
3 changed and now it's required parking based on
4 the use, the Board requires that to be developed
5 as parking. We've had it on spots that were
6 residential houses converted into offices where
7 the Board required curbing and paving and an
8 asphalt surface on required parking. They have
9 taken into consideration in the past some use of
10 variances or changes in use, time of day use that
11 they can land bank it or show that some of it may
12 not be developed if needed, but I think the
13 numbers here are that you're 50 some parking
14 spaces off your required paved, delineated,
15 typical parking spaces.

17 MR. CANFIELD: Just one thing, if I may
18 add. Some quick math. On the statement you had
19 made with respect to the parking for a restaurant
20 is less than retail is not mathematically
21 correct. Parking calculations for retail is 1
22 for every 150 square feet. If you count that out
23 to the 8,500, it comes to 57 spots for retail.
24 On your chart you had listed 220 spots or 220
25 seats at your restaurant. We had discussed at

1 the work sessions seeing an actual floor plan to
2 see how you arrived at 220 seats. If you take the
3 8,500 square feet and, just for calculation sake,
4 used 15 square feet, which is the typical public
5 assembly calculation, 566 and then divide for
6 your parking, there's 141 required for the
7 restaurant, which is much greater than the 56 as
8 retail. Do you understand how I got there?

9 There's just quite a difference in the parking
10 requirements for restaurant as opposed to retail.

11 MR. DALY: I thank you for your input.
12 The point that I can bring back to the Board,
13 we're not adverse to paving the overflow parking
14 lot. I mean if that would please the Board, we'd
15 make that modification, provide more than
16 adequate parking, and we'll go from there.

17 CHAIRMAN EWASUTYN: That's parking and
18 curbing and striping.

19 MR. DALY: That's correct, sir. Yes,
20 sir.

21 MR. HINES: I didn't want to interrupt
22 but I know that was Frank's point. It was on
23 topic there.

24 MR. FOGARTY: If you have to park in
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the overflow parking area, how do you enter the building?

MR. DALY: If you have to park in the overflow parking area, which this is the overflow parking area, the existing here is a driveway that comes down to the rear of the building. You would then come down, around the building to the front entrance.

MR. FOGARTY: That's a pretty good walk I would assume.

MR. DALY: Yes, it is. But, you know, it's the -- what you're hypothecating is, you know, in the event of a lot of activity, wouldn't people walk that additional distance? We're Americans, and I don't want to tell you that we don't walk that far but my belief is, you know, if people are there for an event, if people come and they believe, you know, they want to be there, you know, they'll take that additional distance. It's not actually that far because, you know, your scale here -- just so you understand, this entire site is 3 1/4 acres. This entire site, the overflow park, is 1 acre. So, you know, what we're talking about people

1 walking here is a couple hundred feet, just so
2 you understand. I didn't want to, you know, make
3 it be an overly large amount but I wanted you to
4 have a sense that you can park at Wal-Mart, 250
5 feet away from the front door on a busy day and
6 walk that far to get into the building. You
7 know, what we're offering here is overflow
8 parking. It's for those events where there is
9 additional requirements for parking that go
10 beyond what we would normally see.

12 CHAIRMAN EWASUTYN: Do we consider this
13 parking area now as far as people will be
14 walking, will it be a lighted parking lot? Then
15 we would have to see street lighting, we would
16 have to see the height of the poles that would be
17 associated with that. So there would be
18 lighting. If you would want to review right now
19 the design guideline standards as far as the
20 height of the street poles, let's move forward
21 because I think we are meandering a lot of
22 conversation. Let's set a tone and direction at
23 this point. Okay.

24 MR. COCKS: I think also the sidewalks
25 are going to have to be lighted. You're going to

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have to plan a full sidewalk going up that grade, going around the building to connect it. So I think that's all going to have to be landscaped and lighted also. We're going to have to review that with the design guidelines.

CHAIRMAN EWASUTYN: So what we're talking about here is designing a functional site plan that would accommodate for people that would take into account the safety of the people that are going there. So let's raise the tone and begin to discuss this because we're drifting.

MR. COCKS: I think this front parking lot right in front, it's going to have to be have the handicap spots right there. I don't think at that grade that would be ADA compliant. I think all the handicap spots are going to have to be up front, too.

MR. DALY: The ADA spots are already there.

MR. COCKS: I don't know if there's going to have to be any additional. Do you know how many are there?

MR. DALY: There's two. We could have two right back here. I mean there's not a

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problem in terms of providing the ADA required --

MR. CANFIELD: That's a ramp?

MR. DALY: That is a ramp, yes.

MR. CANFIELD: It's the correct pitch?

MR. DALY: Yes, it is. Yup. You guys approved it so I'm figuring we did the right job.

CHAIRMAN EWASUTYN: All right. John Ward has a question.

MR. WARD: I wouldn't consider the overflow parking lot a parking lot for overflow parking anymore if the restaurant is there. It's going to be a parking lot for the restaurant plus the retail. Basically you're saying people can walk 100 feet. I think if you have older people going there, they need a sidewalk for safety for going from the parking lot, and lit up like it should be, like a restaurant being there. That's my opinion.

MR. DALY: Thank you.

CHAIRMAN EWASUTYN: Any additional comments?

MR. MENNERICH: One other question. When you pave that area for your additional parking, is there some method to feed the runoff

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of that into your water treatment?

MR. DALY: Well at this point in time, you know, we have a state-of-the-art Coletech system which captures the runoff, the storm runoff, and holds it, you know. The additional parking calculation, I'd have to run into that. I don't know that that's the case. The more likely scenario is that the runoff water would be passed directly into the existing water system.

MR. HINES: We'll need supporting calculations for that. I'm sure Mark Day can do that.

CHAIRMAN EWASUTYN: Bryant Cocks, any additional comments?

MR. COCKS: There was an issue with a restaurant use in an IB Zone having a -0 foot front yard setback, the existing building, and a 49-foot front yard setback. That was given a one yard variance. I guess after the building was under construction they realized it didn't meet the setback requirement. We discussed that at work session, and I believe Mike Donnelly can shed some light on that.

MR. DONNELLY: Yes. Generally when a

1 variance is granted it is for a particular plan
2 that shows a building and a location. Bryant's
3 point is as well taken, and that is had the
4 Zoning Board, in granting that variance, made
5 clear that they were granting it only for the
6 purpose of the particular use and not for any
7 other purpose, then you would have known whether
8 or not you wanted to build a building knowing
9 what your future plans were. I've been given a
10 copy of the decision. I read it carefully.
11 There was no discussion of the use that was
12 proposed versus other uses allowed in the zone.
13 Although through a condition that said that the
14 variance would allow the construction of this
15 building only and not another one without
16 returning, there was no restriction on the uses
17 that could be carried on. I believe the variance
18 stands, the building is constructed, there's no
19 need to return to the Zoning Board.
20

21 CHAIRMAN EWASUTYN: Karen Arent?

22 MS. ARENT: The parking lot would need
23 to be landscaped and have street trees in
24 accordance with the regulations.

25 MR. DALY: Absolutely.

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MS. ARENT: Make sure when you show your sidewalk that you show the big generator that's on the side of the building where -- I don't think that's on the plans. That was put in after.

MR. DALY: Will do. Thank you.

CHAIRMAN EWASUTYN: Frank, while we have -- is your name Frank?

MR. GRACE: My name is Richard.

CHAIRMAN EWASUTYN: I apologize. I'm just proving his point. I remember reading something about the presentation. Do you want to give us your explanation of the restaurant, how you see it functioning, --

MR. GRACE: Sure --

CHAIRMAN EWASUTYN: -- while you're here?

MR. GRACE: What we envision for this location is a restaurant that's going to function for basically lunch and dinner, and for undoubtedly special events that are going to be geared around, you know, mostly the seasonal riding season, motorcycle riding season, events that are driven by the television show, events

1 that are driven by promotional events that we're
2 going to do for the restaurant and for OCC to
3 drive tourism, to drive retail, to drive the
4 experience for people to come. It's going to be
5 very family oriented. We want to encourage a lot
6 of -- in fact, Henry and I have been speaking
7 about doing things for the local school systems
8 around, to have like maybe a field trip type of
9 opportunity where students could come during
10 lunchtime, they could be bussed in from wherever,
11 they could have a meal, they could learn about
12 the building, they could learn about what goes on
13 in building custom motorcycles and have a little
14 experience like that where we could do something
15 with the local communities in the area. We
16 envision that we will do corporate parties for a
17 lot of the corporate clientele of OCC. We also
18 envision that we will end up doing a lot of
19 birthday parties for local people and different
20 types of celebrations and things like that.

22 We will like to have an element, of on
23 weekends, perhaps doing some kinds of festivals
24 and things like that that are incumbent to the
25 Hudson Valley that are going to incorporate maybe

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a nice motorcycle ride.

We're going to also be very open and very active doing charity events, fundraisers, all that type of thing. Those are going to be the main functions of the restaurant. We will also do catering as well. We will most likely have on certain nights, depending upon what's happening, we will have potentially live music. We might have some live top name entertainers come from New York or from various different places to perform there. That's one of the intentions. Also part of what our ultimate plan for this is is that this will be one of a future of many locations. We're already looking at potentially doing one in Las Vegas, doing one with the Disney people down in Orlando. We have our sights on a few different places, actually globally as well. We do a lot of development overseas. We've got a lot of interest in South America. We've had a lot of interest in Australia, Asia and Europe for the OCC brands. We would like to think of this as an opportunity for Newburgh to host the hometown restaurant so to say.

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CHAIRMAN EWASUTYN: Will this be the
City of Newburgh or the Town of Newburgh?

MR. GRACE: The Town of Newburgh.

CHAIRMAN EWASUTYN: Thank you.

MR. DALY: I apologize for that. That
was my error. I certainly do --

CHAIRMAN EWASUTYN: It was an
interesting way to start reading a document.

MR. DONNELLY: At the time of the
original approval the applicant had submitted a
narrative of the proposed uses, and we carefully
made a point of tying into that narrative in the
resolution establishing the narrative as the
outline or the outer limit of the uses that could
be carried on. There were a limited number of
special events that would be conducted. What's
just been described is somewhat larger, and I'm
not commenting on whether that's good, bad or
otherwise, but I think we should get an updated
narrative so the Board better understands what's
proposed, and then in a similar fashion
incorporate that narrative as it finalizes itself
into the resolution so we don't find there's a
world's fair here in ten years.

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CHAIRMAN EWASUTYN: That's a creative recommendation. They want to be creative. It may go beyond what was originally outlined.

MR. DONNELLY: A manageable extent of activities you can approve, but if it goes beyond that you need to return. That's what we did the last time and they're back.

CHAIRMAN EWASUTYN: I'm going to make a motion at this point that we circulate to the Orange County Planning Department and that we set this up for the next available date for a consultants' work session.

Bryant, when would that be?

MR. COCKS: The 22nd.

CHAIRMAN EWASUTYN: You'll have to get plans to Bryant Cocks to circulate to the Orange County Planning Department.

So I'll move for a motion to circulate to the Orange County Planning Department and to set this up for a consultants' work session on the 22nd of June.

MR. GRACE: The 22nd?

MR. COCKS: Yes.

CHAIRMAN EWASUTYN: Yes, Richard.

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MR. COCKS: Right here at 1 p.m.

CHAIRMAN EWASUTYN: At 1 p.m. in the
afternoon.

MR. FOGARTY: So moved.

MR. MENNERICH: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So
carried. Thank you.

MR. DALY: Thank you, Mr. Chairman.

(Time noted: 8:53 p.m.)

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

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

DATED: June 27, 2010

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

TRINITY SQUARE
(2006-53)

Request to Rescind Conditional Final Site Plan
and Architectural Review Board Approval

----- X

BOARD BUSINESS

Date: June 3, 2010
Time: 8:53 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
KENNETH MENNERICH
THOMAS P. FOGARTY
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
GERALD CANFIELD

----- X

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

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TRINITY SQUARE

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MR. BROWNE: We do have one item of Board Business to discuss. That item is Trinity Square, a request to rescind the conditional final site plan and ARB approval and revert back to conditional preliminary site plan and ARB approval. The applicant's site plan and ARB approval will expire on July 10, 2010.

CHAIRMAN EWASUTYN: Okay. I'll make a motion to acknowledge the request to rescind the conceptual site plan approval and the ARB for Trinity Square.

MR. GALLI: So moved.

MR. FOGARTY: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

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TRINITY SQUARE

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MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself.

MR. DONNELLY: John, do you want to set a date at all on the extension of preliminary or leave it without a date?

CHAIRMAN EWASUTYN: Why don't we set a six-month period on that and we'll notify them.

I'll move for a motion to close the Planning Board meeting of the 3rd of June.

MR. GALLI: So moved.

MR. FOGARTY: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

(Time noted: 8:54 p.m.)

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

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

DATED: June 27, 2010