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

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In the Matter of

PARKE LANE AT NEWBURGH
(2012-13)

Stewart Avenue
Section 97; Block 1; Lots 4.11, 5, 6, 47 & 48
R-3 Zone

----- X

PUBLIC HEARING
160-UNIT RESIDENTIAL SITE PLAN, ARB
& LOT LINE CHANGE

Date: October 18, 2012
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
KENNETH MENNERICH
JOSEPH E. PROFACI
THOMAS P. FOGARTY
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: DOMINIC CORDISCO

----- X

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

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PARKE LANE AT NEWBURGH

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MR. PROFACI: Good evening, ladies and gentlemen. Welcome to the Town of Newburgh Planning Board meeting of October 18, 2012.

At this time I'll ask for a roll call starting with Frank Galli

MR. GALLI: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. PROFACI: Here.

MR. FOGARTY: Here.

MR. WARD: Present

MR. PROFACI: The Planning Board employs various consultants to advise the Board on matters of importance, including the State Environmental Quality Review Act, otherwise known as SEQRA, issues. I ask them to introduce themselves at this time.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

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

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MR. COCKS: Bryant Cocks, Planning
Consultant.

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

MR. PROFACI: Thank you. At this time
I'll turn the meeting over to John Ward.

MR. WARD: Please stand to say the
Pledge.

(Pledge of Allegiance.)

MR. WARD: If you have any cell phones,
please turn them off or on vibrate. Thank you.

MR. PROFACI: The first item on
tonight's agenda is a public hearing. It's for
Parke Lane at Newburgh. It's located on Stewart
Avenue, Section 97, Block 1, Lot 4.11. It's
located in the R-3 zone. It's a 160-unit
residential site plan here for architectural
review and a lot line change.

Before we start I will ask Mike
Donnelly, Planning Board Attorney, to explain the
purpose of the public hearing.

MR. DONNELLY: We have two public
hearings on this evening's agenda. In each case
what the Planning Board is asking is for members

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of the public, those in particular that live near the project, to bring to the Planning Board's attention concerns or issues that perhaps the Planning Board is not aware of or the consultant team has not discovered. After the applicant gives his presentation, the Chairman will ask those that wish to speak to please raise your hand. Once you are recognized, if you'd come forward, state your name and give us your address so we know where you live in relation to the project. Spell your name, if you would for our Stenographer, so we get it down correctly in the transcript, and then bring your issues and concerns to the attention of the Planning Board. If a question that you might have can easily be answered, either by someone on the applicant's team or by a member of the Town's consultant team, the Chairman will ask those people to answer that question.

MR. PROFACI: Thank you. I'll ask Ken Mennerich to read the notice of hearing.

MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of

1
2 Newburgh, Orange County, New York will hold a
3 public hearing pursuant to Section 276 of the
4 Town Law on the application of Parke Lane at
5 Newburgh for a 160-unit site plan and lot line
6 change on premises Stewart Avenue, near Stewart
7 Avenue Extension in the Town of Newburgh,
8 designated on Town tax map as Section 97,
9 Block 1, Lots 4.11, 5, 6, 47 and 48. Orange
10 County Department of Real Property does not have
11 a street address for the parcel. The applicant,
12 Parke Lane at Newburgh, LLC, has submitted an
13 application for a 160-unit residential site plan
14 and minor subdivision/lot line change on Stewart
15 Avenue, near the intersection with Stewart Avenue
16 Extension and adjacent to the Jewish Community
17 Center. The property is located in the R-3 zoning
18 district and is an allowable use. The property
19 was recently rezoned R-3, and a comprehensive
20 plan update was passed by the Town of Newburgh
21 Town Board to allow for the project. Associated
22 amenities of the project include a clubhouse,
23 pool, open space and walkways. The minor
24 subdivision will consolidate lots 4.11, 5 and 6.
25 The applicant will acquire acreage from lots 47

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2 and 48 that are owned by the Jewish Community
3 Center. Said hearing will be held on the 18th day
4 of October 2012 at the Town Hall Meeting Room,
5 1496 Route 300, Newburgh, New York at 7 p.m. at
6 which time all interested persons will be given
7 an opportunity to be heard. By order of the Town
8 of Newburgh Planning Board. John P. Ewasutyn,
9 Chairman, Planning Board Town of Newburgh. Dated
10 September 26, 2012."

11 MR. GALLI: The notice of hearing was
12 published in The Mid-Hudson Times and The
13 Sentinel. The applicant mailed out 129 notices,
14 90 were signed for, 35 were not signed for and 24
15 were returned undeliverable. The notice and
16 everything is in order.

17 CHAIRMAN EWASUTYN: Mr. Cordisco, would
18 you make your presentation.

19 MR. CORDISCO: Certainly. Thank you
20 very much, Mr. Chairman.

21 For the record, my name is Dominic
22 Cordisco, I am an Attorney with the law firm of
23 Drake, Loeb in the Town of New Windsor. It's my
24 pleasure to be before you tonight on behalf of
25 Parke Lane at Newburgh, LLC which is proposing

1
2 160 units of a residential rental development
3 adjacent to the Jewish Community Center, as you
4 mentioned. Tonight's public hearing is a
5 culmination of approximately a year-and-a-half
6 worth of work to date that we've been putting
7 into this project.

8 As you mentioned in your public hearing
9 notice Mr. Mennerich, the project went through a
10 zoning change in front of the Town Board as well
11 as a comprehensive plan update to support and
12 analyze that zoning change. As part of that
13 process the Town Board requested that we hold
14 three -- ultimately three informational sessions
15 for the neighbors, which we did. We got good
16 feedback from the neighbors on the project at
17 that time, and many of their comments and
18 suggestions and concerns have been addressed
19 throughout the various iterations of the plan.
20 The Town Board then held two public hearings on
21 the zone change itself.

22 And so we're here now before you for
23 consideration of the site plan. The plan has been
24 revised to address the engineering, and planning,
25 and traffic comments to date.

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At this point I'd like to turn it over to Joseph Sarchino, the project engineer from John Meyer consulting, to provide an update as to where we are with the plans and also a brief summary of the plans themselves for any members of the public who are not familiar with it.

MR. SARCHINO: Thank you, Dominic.

CHAIRMAN EWASUTYN: Before we get started, there's seating up front if you'd like to --

MR. SARCHINO: As has been mentioned so far, the project is off of Stewart Avenue. It's a 26-acre piece of property, and that includes 2.7 acres to be subdivided from the Jewish Community Center here.

We've worked to continue the process, as Dominic has indicated, in meeting with the neighbors. We have a central boulevard access drive here and a loop road around the proposed units. There are no other connections to any Town roads. Benson and Wood Street are not proposed to be connected to.

We retained a good portion of the wooded area between the project and the adjacent

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neighbors here, and we've also proposed a six-foot high fence along that perimeter.

The project includes parking for the units which includes garages as well as some on-site parking for visitors, and some of the unit parking as well.

We worked through the engineering, the site engineering portion of the project for developing the stormwater detention basin. This actually is an infiltration basin. So we're infiltrating the stormwater up to 100-year storm on the project with no discharge off the project site.

We've also -- as far as utilities go, we would have a water main connection to Stewart Avenue and a looped water main around the property with fire hydrants located in strategic locations throughout the loop road.

Sanitary sewer again will connect to a municipal sewer in Wood Street and would be a gravity system.

Part of our work also was to prepare a traffic study for the project. We studied the intersection of Ridgewood Drive and Stewart

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Avenue, Ridgewood Drive and Stewart Avenue North, Stewart Avenue Extension and Stewart Avenue as well as Route 300 and Stewart Avenue. We found that the levels of service for the a.m. peak hours remain the same for these intersections after development. We did find that there was a reduction in service on the peak hour at the Stewart Avenue and 300 intersection where we requested from the DOT a signal timing change, which is under review by the DOT right now, which would bring the level of service higher or better than it is today. So that's a brief site plan presentation.

We have the architect here with us tonight to discuss the buildings and the materials. It's Mr. Tom Brennan.

MR. CORDISCO: We're pleased to have with us tonight our architect. We had submitted the application for Architectural Review Board approval before the Board. Our most latest submission provides additional details. We're fortunate tonight to have the project architect, Tom Brennan, here to provide a presentation and a showing of the materials to the audience.

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MR. BRENNAN: Thank you for having me here this evening. My name is Thomas Brennan of Thomas Brennan Architects, a registered architect for about twenty-eight years in various different states, New Jersey, New York obviously, Connecticut and also Pennsylvania, North Carolina. Various different states. We do a lot of work in the residential area, primarily in apartments and mixed use and things of that nature. So we could basically call ourselves experts in the field of doing apartments, as this particular project is.

As was indicated by the engineer, he walked you through all of the site plans and all that kind of stuff. As far as the plan that we're proposing, it's a -- as the site plan shows, it's a two-story building and within the building there are a combination of one and two-bedroom units that range from 900 square feet to about 1,190. Something like that. But moreover than that, this particular concept or model, or whatever, that we're showing here tonight is basically -- we're perfecting it, as we've done many times. This is about the fifth concept that

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we've done with the applicant as far as in other towns. I think Wappingers Falls was one of them. We've done one in Floral Park, one outside of Morristown. Every time we do it we improve it and make it better. I think this is a culmination of all of those projects.

One of the things that we did in the market studies on this one here was that we -- the market studies indicated to us that there should be some more two bedrooms on the first floor. So as you can see in this particular project here, we added more two bedrooms on the first floor, so therefore that would be more marketable. The nice thing about them is that the units themselves are big in area. There's one big room that's a living room/dining room. They have two bedrooms which work very nicely, a nice kitchen. The nice feature about this is also the fact that it has an attached garage. So with the units you can come in, you have your garage. You go into your unit directly on the first floor or you go into your own private stairwell and up to the second floor. Again, they're stacked flats so it gives the appearance also that it's more of a

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townhouse. We've gotten a lot of comments from people who said -- you know, they look at it and they say well it doesn't look like an apartment, it looks more like a townhouse, and that's kind of the trend or that's what we're trying to evoke in the design is the fact that we do make it look more residential in scale and we kind of take the stigma of apartment away from it. So it does blend in with the community and it does have a lot more of that residential feeling.

I think the site plan, as you saw, was a great site plan. It shows, you know, a lot of open space, common area. It has the driveway. So the site plan that was developed, you know, by the engineer was, I feel, very, you know, user friendly or community orientated. It's got a great feeling in here. We took our product per se and introduced something that would give you that nice residential feel as you drove through the project.

We feel very happy with it or successful with it. We think it's going to be a good project and, you know, I'm here to answer any questions or anything that you guys might

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have.

Do you want to go into this first or --

MR. CORDISCO: It might be helpful to show the materials.

MR. BRENNAN: Okay. What we have is the elevation. Hopefully everybody can see it there. There's vinyl siding, which again we're proposing that it would be a vinyl siding that would be more of a cream type color as you see through here. This would be the creamy type color. That of course would be blended in with the stone which would be, you know, this particular area right here. So wherever there's stone shown, that would be what you would see here as the stone. It's a unique type stone. It works very well, gives you a nice residential feeling. And then you've got the siding that works with it.

As far as the roof shingles, it's just an asphalt style roof shingle. Again, it's a weather blend so it kind of gives you that overall texture that you see right here. So you have this here, that, and of course the siding that would match up with it.

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It also has the accents, which would be the burgundy type accents which would be typically for the doors in the clubhouse. For instance, there would be little metal accents and things of that nature.

For the most part that's the color scheme that we're looking for. It's a very, I guess, conservative type scheme that we feel is appropriate. We picked color schemes that are like this in numerous other towns.

MR. CORDISCO: That concludes our presentation at this time, unless anyone has any additional questions that we can answer.

CHAIRMAN EWASUTYN: At this point we'd like to open the meeting to the public. As Mike Donnelly had said earlier, if you raise your hand, give your name and your address, we'll recognize you. Also, I'd like to have everyone have an opportunity to speak first and then if you have an additional question, then we'll take a second round.

The gentleman in the back.

MR. BURTON: My name is Robert Burton, I live at 10 Ridgeview Drive, Town of Newburgh.

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My concern is I know that you're going to have 160 units, and I want to know if you drop your picture there, where is your traffic going to come out at? Is it going to come out directly into Stewart Avenue just before the Stewart Avenue Extension or is it going to be -- right now Greenhouse Apartments has that open field. Is that where the road is going to come out? You're going to be dumping at least 300 cars a day onto Stewart Avenue. Right now -- I live on Ridgeview Drive and it takes forever to get out now, and if you're going to have people going to work, and this is going to end up being commuters so they're going to have to get out in the morning. I don't know what study they used because they're using it now without the extra 300 cars. You're going to have 300 cars come out and you're going to have school buses.

This evening I went out for a walk, and this was about 3:00, give or take. There was a school bus stopped at Stewart Avenue and 300. He can't turn right on red. He caught the light, bang. I realize that's a bad light. By the time I walked up to 300 and back, where Ira Conklin's

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store used to be, there were cars backed up in front of Ira's stores. That's all the time.

In the morning when you get school buses and you have one, two, three different school buses going through there, you have traffic backed up around the bend on Stewart Avenue. How are they going to eliminate this problem? I know there's no possibility because they've already stated they can't build another exit out on the other end of the project. You can't put another light there. Where are they going to put these 300 cars? That's my question.

CHAIRMAN EWASUTYN: Joe, would you like to respond to that?

MR. SARCHINO: Absolutely. He brings up a very good point. As I had said, we did complete a traffic study for the project. The access drive is proposed to come out, as I had mentioned, to the -- between Stewart Avenue Extension and Ridgeview Drive, in this location.

One thing that we did look at carefully is the Route 300/Stewart Avenue intersection. You are correct, you do have cars backing up. The existing levels of service for the a.m. hours is

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A and p.m. is B. We contacted the New York State Department of Transportation and we are asking them right now to make a signal timing change. What we were proposing would create -- would make an a.m. peak hour level of service A and a level of service A in the afternoon as well. So basically what we're proposing is to give more green time to Stewart Avenue and a little bit less green time to the Route 300 through roads, and that will improve the situation with our project better than it is today.

MR. BURTON: All right. The only thing is you have a light on the other side by the Denny's. Coming up there you have the light at Stewart Avenue. Now you have another light at the access to 84 and the Thruway, both ways, then you have another light going to 84 west.

MR. SARCHINO: Correct.

MR. BURTON: So now if you're going to allow more traffic backing up -- I mean 300 is a rat race now at best, even with them having more traffic flow. At noontime for some reason, from 11:00 until 1:30 every day, 300 becomes a traffic jam. It's ridiculous. Every day. For some reason,

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like I said, it's a two-hour span that it's backed up. Even if you have people coming in and out of your development, where are they going to go? We're backed up.

MR. SARCHINO: What we looked at is the a.m. and the p.m. peak hours, when people are leaving from the housing project to go to work and coming home.

MR. BURTON: There's no way you can get another access out of that?

MR. SARCHINO: I mean people could make a left on Stewart Avenue Extension but we do think that most people are going to be making the right coming out to this road. By giving more green time in the a.m. and p.m. peak hours it's going to be an improvement over what it is today. At the 11:00 hour, most of the people are out of this complex and at work. That will probably remain exactly as it is today.

MR. BURTON: So there's no possibility of getting another access out the other end of your development?

MR. SARCHINO: No.

MR. BURTON: None whatsoever?

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MR. SARCHINO: No, sir.

MR. BURTON: Okay.

CHAIRMAN EWASUTYN: The gentleman standing.

MR. CLYDESDALE: You can stay up. I have another question for you. My name is Bob Clydesdale, I have an interest in that area.

That was a nice reply but that wasn't an answer. Backing up 300 is a very bad idea. I come from this area to go down into that neighborhood and it takes me five minutes to get from out in Wallkill to here and twenty minutes to come through the stretch that he wants longer reds on at peak hours. At peak hours those longer stretches of Union Avenue are also very backed up. A traffic study is great. What you need is a turn lane. He should be paying for a turn lane to mitigate the traffic there, and I would encourage everybody in this room and everybody that lives in that area to resist the project unless there's a turn lane there. Let the Town do whatever they have to do. Eminent domain. There's nothing built there. That's an empty intersection on both sides. When that was first put in and that

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triangular divider was put in the center, that was a horrible idea. You couldn't go straight, you could only turn right. People went down and turned around in the mall and came back. I have zero trust for what the State is going to say about that intersection based on their past performance there. What I would like to see is for these guys to come up with a plan out of their pocket. They want to make the dollars on these units, fix the road. Don't give us a lip service answer that you did the traffic study. That doesn't feed the bulldog.

If you could explain why you don't think that's a good idea, I'd like to hear it.

CHAIRMAN EWASUTYN: John, would you like to respond to that? Excuse me. Joe.

MR. SARCHINO: That's okay. Again, we completed the traffic study and we did find that by changing the signal timing we improve what's there now even with our traffic. That's what we're going by and that's what the State DOT has also reviewed and is in the process of reviewing.

MR. CLYDESDALE: Can we have that traffic study? Can we get a copy of it?

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MR. SARCHINO: Absolutely. It's on file in the Town. It's public information.

MR. CLYDESDALE: And has the DOT approved this?

MR. SARCHINO: The DOT is in the process of reviewing it. We have preliminary comments from them that the timing change will be acceptable to them.

MR. CLYDESDALE: They aren't doing too good right now. You can't get through as it is. Longer reds on 300 --

MR. SARCHINO: So you're talking about getting through from Stewart Avenue onto 300 or through on 300?

MR. CLYDESDALE: The entire hub of the Town has become a debacle passed the Newburgh Mall. I come out by Wallkill. It takes me a couple minutes to get down to the Dairy Queen and then it can take fifteen or twenty minutes to go over to Home Depot which is a mile-and-a-half. That's on a good day. You're going to extend that wait time during peak hours. At peak hours the traffic is equally or more heavy on 300. You're worried about what's coming out of Union Avenue

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and stopping five or six lanes so you don't have little back-ups and you can get your project in. I understand your philosophy but you're causing a bigger problem to those of us that have to come through. Absolutely causing it.

MR. SARCHINO: We did not find that with the traffic study we did.

MR. CLYDESDALE: Go sit in the traffic.

MR. SARCHINO: I travel it all the time. I know.

MR. CLYDESDALE: Get in your car, go through, set your stop watch. Tell me how long it takes you to go a mile and tell me a longer wait is acceptable when you have to get to work. I'll look at the study.

MR. SARCHINO: Okay.

CHAIRMAN EWASUTYN: The gentleman in the back seated. The gentleman in the far back seated.

MR. ROUNDS: My name is Bob Rounds, I live at 71 Stewart Avenue, right across from the part of the property that's being used for these units.

The traffic study that you're talking

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about, the DOT won't approve it. The traffic flow on Route 300 has to flow better than it's flowing now, and by changing the lights you're going to make it even worse. The traffic on 17K making a left-hand turn onto Route 300 sometimes backs up so bad that you have traffic, cars all the way across the intersection where they stop. That only happens at certain times of the day but evidently you didn't see that part of it.

And as far as Mr. Burton goes, I share his concerns on Stewart Avenue because the traffic stops in front of my house sometimes, and I live maybe three or four lots down from that intersection.

Now you're saying that the DOT is looking at it. They haven't approved it. Is that correct?

MR. SARCHINO: Yes, that's correct.

MR. BRENNAN: Damian Brennan, I live at 8 Benson Avenue. I actually border the property that is currently the Jewish Community Center I guess. I have a couple questions.

One is about the traffic. Before that, it does look like what's there is proposed to all

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be wooded, even what's currently the Jewish
Community Center property.

MR. SARCHINO: Yes.

MR. BRENNAN: There's no intention to
change that?

MR. SARCHINO: In fact, the plan that
we had shown at the neighbor meetings we had --

MR. BRENNAN: Unfortunately your timing
for those never works for me. Sorry.

MR. SARCHINO: That original plan did
come closer to this area. When we did the final
design we took it even further this way. So yes,
this will all stay as it is today. That's
correct.

MR. BRENNAN: Okay. And you said the
water was coming off Stewart Avenue. The
drainage was running -- when it does overflow,
the 100-year storm, where does it go?

MR. SARCHINO: It would go as it is
today. There's an area here that takes a lot of
the water right now. It would come down here into
Brookside Pond, the driveway, and come down into
the Quassaick Creek.

MR. BRENNAN: Okay. So it comes down

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through the old Town garage there, is that what you're saying, or through the development there that you guys are trying to fix, or the Town has been trying to fix?

MR. SARCHINO: It comes down through -- here's the basin that's shown here. Basically in the same -- it would come out and it comes down the existing flow path that's here now and it comes down here, Brookside Farm Road, and it turns and then it goes down where the office building was to the Quassaick Creek.

MR. BRENNAN: So this is actually part of the -- I'm sorry. Can you show it to me on this map?

MR. SARCHINO: It's down through here.

MR. BRENNAN: Okay. Where is the sewer coming in?

MR. SARCHINO: It comes in where there's a manhole here. It would just be one sewer line that would come through.

MR. BRENNAN: Are you going to dig up the road they just finished doing?

MR. SARCHINO: A small portion of it.

MR. BRENNAN: They took all summer to

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do that road. How far are you going to dig up?

MR. SARCHINO: The road looks great, by the way.

MR. BRENNAN: It's awful, but that's a topic for a different day.

MR. SARCHINO: There's a manhole right about here. It would be the center section of the road here. It would be a three-foot wide trench that we put asphalt over when we're done.

MR. BRENNAN: I would request that you fix the whole road. Having a patch on a road that was just done now. I don't know if the neighbors directly in front of it would complain. I wouldn't want a trench in front of my house after going through what we went through to get that done. I would at least want up to that intersection, the whole width done.

MR. SARCHINO: Rechipped?

MR. BRENNAN: Yeah. That would be my concern.

Speaking for myself, besides -- where is the power coming from? You didn't mention that. Is that coming off either of our developments?

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MR. SARCHINO: Stewart Avenue.

MR. BRENNAN: It is. My concern is mainly -- I have no problem when it's being built -- is the times of construction in the morning, because we lived through jackhammering of the other building down at the other end of the road at 6 a.m. every morning. That was nuts.

But more importantly is the workers aren't using our development as an access.

MR. SARCHINO: No, no.

MR. BRENNAN: And parking their trucks there or toying off our lines. That's a concern. I understand that's not the case, I just wanted to voice it.

MR. SARCHINO: There will be no penetrations into the site from these roads.

MR. BRENNAN: Nobody parking there. We have hunters now that park there. I'm curious who they know that they think they can park there and go hunting.

MR. SARCHINO: As we spoke about during the neighbor meetings, we were going to put a fence along this perimeter here just to make sure --

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MR. BRENNAN: The fence I have no problem with. I'm sorry for taking up so much time.

My concern with the traffic. 300 is a mess. I don't think anything is going to change that. My concern is I travel the other direction quite often. 300, yes, maybe most are going to go 300 but a hell of a lot more are going on 17K than they do today. Without a light on 17K and Stewart Avenue, someone is going to get killed if they haven't already. Stewart Avenue and 17K. I personally, in the five or six years that I've lived in the development, I've seen at least six car accidents directly in front of me at that intersection, and I hear of one every day. It is a bad intersection. You try to make a left, it's awful. If there's more cars trying to make a left there than is today, it's horrible. There needs to be a light there. You're trying to cross two lanes with a big hill, people flying. It's a bad spot. Regardless of the 300 -- you know, granted a lot of people are going to go to 300. I'd rather wait in traffic than see someone get killed. 17K needs to be fixed, and Stewart

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Avenue. That's my only thing.

CHAIRMAN EWASUTYN: Robert, let's see if there is anyone else who would like to speak.

The gentleman in the back.

MR. PARKER: Jeff Parker on Carriage Drive. I just want to ask the Board why does this project justify slowing down 300 for everybody in the Town?

CHAIRMAN EWASUTYN: Do you want to talk about that?

MR. PARKER: It was mainly to the Board I was asking it to. Why even consider --

CHAIRMAN EWASUTYN: I think what was presented in the beginning, it's an R-3 zone and it's an allowable use.

MR. PARKER: No. I just meant the slowing down of Route 300.

CHAIRMAN EWASUTYN: What was your question?

MR. PARKER: Why does this project justify the slowing down of Route 300 for everybody who lives in the Town?

CHAIRMAN EWASUTYN: Mike Donnelly.

MR. DONNELLY: The Planning Board

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doesn't establish zoning and uses, it approves the uses that are allowed. Its responsibility is to mitigate the impacts that will come from that use to the maximum extent possible. Does development at times place additional burdens on municipal infrastructure? Yes. And the responsibility is to try to mitigate those impacts. I don't know if that answers your question but that's how the system works.

MR. PARKER: What if another developer comes in and he wants to build something else like this. Is it going to slow down 300 even more than it is now?

MR. DONNELLY: I haven't necessarily heard that 300 is slowing down.

MR. PARKER: He mentioned that -- well you didn't listen to it. He said the light sequencing is going to change. It's going to allow more green time for Stewart Avenue, less green time for 300. That means you're slowing down 300.

MR. DONNELLY: I don't know that that last piece fits. It may.

MR. PARKER: Then let's ask, then

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you'll see and then you can answer.

MR. SARCHINO: What I said is we're going to make a slight timing change. It will not impact 300. It's a slight addition of green time to Stewart Avenue, and during the a.m. and p.m. peak times it will not really affect at all noticeably the 300 intersection.

MR. PARKER: Can you define slight?

MR. SARCHINO: I could provide more information to the Board as far as --

MR. PARKER: It obviously can't be that slight, otherwise it wouldn't have an affect on what you're trying to do.

MR. SARCHINO: What we're trying to do is mitigate additional delays on Stewart Avenue going to 300, and making that small timing change brings it up better than it is today.

MR. PARKER: But if you don't know the length of the timing change how could you define it as small?

MR. SARCHINO: We know it. It's in the traffic report. I have to go through the analysis and look at it. I don't think the levels of service on the -- the through traffic

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on 300 changes. There might be slightly more of a delay but immeasurable for the most part as far as when you're driving through it.

MR. PARKER: It seems like if it is immeasurable it would have no affect on what you're doing.

MR. SARCHINO: Right.

MR. PARKER: It's either going to have an affect and benefit or it's not going to have an affect.

MR. WERSTED: It would be about eight seconds. Eight seconds would be added from Route 300 to the side street, and Route 300 would still have about ninety seconds of green time.

MR. PARKER: What about the timing with all the other lights? Usually you get to one and then you've got to stop and you're stuck at the next one.

MR. WERSTED: I don't know how DOT has them coordinated through the system.

MR. CLYDESDALE: It's three or four cars.

MR. PARKER: Just one last question. So any projects on either side of 300 can change the

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timing of the lights on 300 then?

MR. DONNELLY: Only the DOT can change the timing of the lights on 300. The project team can make a proposal to the DOT. It's the DOT that approves it.

MR. PARKER: Us as residents here -- do you live in the Town of Newburgh?

MR. DONNELLY: No, I do not.

MR. PARKER: Does your traffic consultant live in the Town of Newburgh?

MR. WERSTED: No.

MR. PARKER: Does anybody up on the Board live in the Town of Newburgh?

MR. GALLI: Yes, I do. I travel 300 every day.

MR. PARKER: At what point is 300 enough for you?

MR. GALLI: If I owned a piece of property on 300 and I was trying to develop it --

MR. PARKER: I'm talking about living in the area.

MR. GALLI: I live in the area. I've lived here my whole life. Sixty years.

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MR. PARKER: What do you think about Rockland county?

MR. GALLI: Rockland County. I've been down there, too. It's a nightmare to travel.

MR. PARKER: What do you think about slowing down 300 even more for each project that comes up? Isn't there some point where you say the benefit of the Town is we don't want to slow down --

MR. GALLI: How long have you lived in the Town?

MR. PARKER: Since I was born.

MR. GALLI: So then you know what it was before, before they put Meadow Hill up.

MR. PARKER: And I see where it's going.

MR. GALLI: That's true.

MR. PARKER: And I'm hoping that eventually you'll say enough.

MR. GALLI: We can't say that. The developer has a right to develop his property if he's within the parameters of zoning.

MR. PARKER: You can reject it. No?

MR. PROFACI: We can't reject it if it

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meets the requirements of zoning. The developer has the right to use his property where you have the right to use your property within the parameters of the zoning.

MR. PARKER: Who has the ultimate decision for deciding what can slow down 300?

CHAIRMAN EWASUTYN: Ken Wersted, do you want to respond to that?

MR. WERSTED: I think ultimately it would come down to DOT. DOT, it's within their jurisdiction to say whether, you know, signal timing changes are approved. If they find that it's going to be an extraordinary amount of slow downs on Route 300, then they won't approve it. If they find that this signal timing change is within an acceptable criteria, then they can approve that.

MR. PARKER: So does the DOT take any input from local people?

MR. WERSTED: I don't think they hold any public forums or anything like that but you can certainly write to them, call them and provide your feedback.

MR. PARKER: One last thing, I promise.

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Sorry for taking the time. Where do you live yourself?

MR. WERSTED: In Albany.

MR. PARKER: Could I make a suggestion to the Board, to have somebody that lives in the area do the traffic for the area? I don't think someone who commutes here fully understands all the roads, the side roads, the cut throughs. As someone was mentioning before, the cut through on 17K from Stewart Avenue. People that live here know that that's a cut through. You may look at numbers and things like that, but the people that live here, I think that there's an added value. Have someone that lives here be the traffic consultant for the Town. Just a thought. I'm sorry for taking all the time.

CHAIRMAN EWASUTYN: Thank you for your comments.

Bob, you had a chance to speak.

Robert, you're the second round and you raised your hand first.

MR. BURTON: Just one question that just popped in. As the gentleman stated, Stewart Avenue is a cut through. Stewart Avenue Extension

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is sitting there. Why not reopen it as a viable access onto 84? If people want to go on 84, which a lot of the people will be doing, use it as an access. Open it back up again and use it as an access. It's there. I realize it's going to take some paperwork and shuffling and stuff, but why not use it? Again, coming off of 17K, they cut down Stewart Avenue, then they cut down Brookside Farm Road. They do it all the time. Or Tar, or whatever you want to call it. I've been there long enough where it was Brookside Farm Road. You've got to do something to get the traffic off Stewart Avenue, and Stewart Avenue Extension is sitting there dead. Open it up again.

CHAIRMAN EWASUTYN: Thank you. Bob Rounds.

MR. ROUNDS: The only thing I wanted to mention was living on Stewart Avenue where I am, there's a lot of times during the day where I can't get out of my driveway. The cars coming down D'Alfonso from New Windsor, come down D'Alfonso, make the turn on 17K, make the left on 17K and then a right onto Stewart so they can

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make the shortcut going all the way through.
Sometimes I sit in my driveway not being able to
get out onto Stewart Avenue.

CHAIRMAN EWASUTYN: Thank you. Bob in
the back.

MR. CLYDESDALE: I couldn't see the map
when he was explaining the route of the water,
water flow. I was wondering if you could just
tell me what that was again.

MR. SARCHINO: Storm drainage?

MR. CLYDESDALE: Storm drainage.

MR. SARCHINO: Presently there's a low
area in this location, and any water that the
site -- there's an overflow that would go down
the topography, as you can see in here. Brookside
or Brookside Farm Road is in this location. What
it does presently today and it would do in the
future is it would go down the road, as it does
today, down Brookside Road and into the Quassaick
Creek.

MR. CLYDESDALE: Is the Board cognizant
of the fact that's a wetland right there and that
the people on both Hob Street and Bruce Street
have flooding in their basements? With that

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additional water, additional hydrostatic pressure you're going to get water in the basement. People are putting in basement drainage systems, spending thousands of dollars to keep the water out. That's right in the area of Tar Road. Both sides are an absolute wetland.

MR. ROUNDS: The water just comes up. The whole development is -- the water on a bad rain, it comes up through the ground.

MR. CLYDESDALE: You're going to dump all this water that normally would have leached into the woods, is going to come down in that same area. Has the Board given any thought to that?

CHAIRMAN EWASUTYN: Joe, would you respond?

MR. CLYDESDALE: I'm asking the Board.

CHAIRMAN EWASUTYN: Okay. Pat Hines?

MR. HINES: I've walked the drainage path. That drainage path does not go to Hob Street. It's more towards where the former Crowley facility was.

MR. CLYDESDALE: Yes, I know the area.

MR. HINES: That's where that water

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goes, and then down that road to the Quassiack Creek by the Brookside Farm Road crossing there.

One of the important things is they're going to put in a stormwater management facility, an infiltration basin that's going to detain the flows up to the 100-year storm. It will result in a reduction of the flow of the water that currently goes down there, maintaining it on the site and allowing that to -- as you said, allowing it to infiltrate through some rather large infiltration basins that are being constructed there.

MR. CLYDESDALE: Constructed farther up the creek?

MR. HINES: Yeah. Up on the site there. My office is currently reviewing the stormwater management plans for that, and we have made some comments on there and we're working with the applicant's representative. There's some additional testing needed and there's some more design work being put into those. We did walk that site to make sure --

MR. CLYDESDALE: The perk is terrible. It's a clay.

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For the Traffic Engineer, how many cars in eight seconds?

MR. WERSTED: It depends how fast they're going.

MR. CLYDESDALE: Four? You're not going to mitigate 150 cars in eight-second traffic.

CHAIRMAN EWASUTYN: Excuse me, excuse me.

MR. CLYDESDALE: He can have my time.

CHAIRMAN EWASUTYN: It's not a question of you allocating time. It's a question of respecting one another here at the meeting. You said you had one question, we acknowledged you. If you have a second question, then we'll come around again. I like to be respectful of one another. This is your living room and we'll take one question at a time.

There's a gentleman who raised his hand who hadn't spoken yet.

MR. VILLA: Larry Villa from Hob Street. I live right at the end of Hob Street.

Recently, within the last couple of years, we were designated as a flood zone, which

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we never were in the past. Since the construction on 87, a lot of extra water has been coming down the New York State Division and flooding my backyard. The storm drains along that road are all clogged constantly. I go out and monitor them all the time and they're constantly clogged. Recently one has collapsed. I spoke to the Town about it, I spoke a complaint to Cindy about it, and nothing has been done to date.

During the conduction of this, is this going to affect the water flow down to the wetlands across the road?

CHAIRMAN EWASUTYN: Pat Hines, Drainage Consultant?

MR. HINES: No. This is not tributary to the wetlands that you're mentioning. If in fact the runoff from the site exceeds the 100-year design storms, eight-and-a-half inches of rain in twenty-four hours, and the detention ponds can't take that, that's basically a hurricane around here --

MR. VILLA: So the storm drains are going to be completed before the construction of the buildings or is this after the fact?

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MR. HINES: One of the first things they do on the site grading will be the construction of the stormwater management facility. That's a requirement of both of Town stormwater ordinance and the DEC regulations. They need to obtain stormwater permits for construction prior to, and they will be implementing the stormwater management facilities as an initial phase of the project.

The Town has a system in place where representatives of my office monitor the activity of the construction. The applicant's engineer has to do that first, and as a check and balance my office has been retained by the Town to monitor the stormwater activities on sites like this.

MR. VILLA: So who is going to monitor if the storm drains clog that are along Brookside Road there and Tar Road?

MR. HINES: Those are --

MR. VILLA: That seems to be the problem. All that water bogs up and comes into my backyard.

MR. HINES: That's the responsibility of the highway department. I did make a note of

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it today and I will mention there was a concern about that.

MR. VILLA: All right. Thank you.

CHAIRMAN EWASUTYN: Anyone else who hasn't had an opportunity to speak yet?

MR. BRENNAN: Just one more brief comment as far as you did mention the turning lanes there on 300. I picture that but there is plenty of room to make that better to get on and off for everybody.

I just want to mention a concern today. I don't know who manages 300. In the wintertime now -- last year we got lucky with the snow. The turn-off lane from 300 onto Stewart Avenue, we do have a little bit of a turn lane to get in. For some reason in the wintertime they don't plow that. It makes no sense. So, you know, again, more cars, not plowing the turning lane has you stop in the middle of 300 to make a right in the middle of the storm. So just food for thought. I don't know who plows 300, but coming into Stewart Avenue we have a whole turning lane and if they plow a quarter of it when it snows out. I'm talking a week after the snowstorm it's still

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there. We have to go out and around. So that's a concern and another safety issue to do with more cars than the way Stewart Avenue is handled.

MR. HINES: That's the right turn or left turn?

MR. BRENNAN: Right. Coming from Home Depot, make a right there. I mean we have plenty of -- it's great when it's not snowing. It baffles me that two weeks after a snowstorm it's not plowed.

MR. GALLI: That's the DOT, Pat?

MR. HINES: Yes, that's DOT.

MR. BRENNAN: I don't know if DOT also has the stormwater on the top of Stewart Avenue there. Every time it rains, right across from Ira Conklin there are floods. I don't know if that's part of the new highway and the road.

CHAIRMAN EWASUTYN: All right. Any further questions from the public?

MR. CLYDESDALE: I have one last one, I promise.

CHAIRMAN EWASUTYN: You're not limited.

MR. CLYDESDALE: I'm sorry?

CHAIRMAN EWASUTYN: I said you're not

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limited.

MR. CLYDESDALE: He just made me think of something else. Normally when you come south on 300 to turn left, the turn lane holds maybe four cars. If we've got commuters coming in and out of that complex now, that's going to increase as well. One of my concerns now becomes do those cars back up into the turn lane out into the regular lane? Now they're stopped in the moving lane. That whole area right there is very tricky. We sit there -- even though it's only four lanes, every car goes by, your car rocks. With that delay now, a lot more cars waiting to turn into Stewart. What are the plans for that?

CHAIRMAN EWASUTYN: Ken Wersted will make note of that.

MR. BRENNAN: Do those lights have sensors when the cars get that far back?

MR. WERSTED: Not specifically.

CHAIRMAN EWASUTYN: Robert?

MR. ROUNDS: You mentioned about the timing. The timing coming off of Stewart Avenue. I sat there and clocked it myself. When you turn left and/or right, the red light is over two

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minutes. It's almost two minutes eighteen seconds. If you knock off eight seconds, you'll have two minutes and ten seconds. You're still talking two minutes apart, stop dead traffic. Just so you know.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: Not at this time.

MR. FOGARTY: None at this time.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: One comment. A light at 17K I think would take a lot of impact off of going out to 300. I would be very happy if you looked into it with the DOT. That would take a lot of flow off the traffic.

The work time for construction, I would say do it 8 until 5. That's normal for people going home, sleeping and everything else. It's a resident area. And Monday through Saturday.

MR. DONNELLY: I think the Town has

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regulations.

MR. WARD: I'm just saying for the public to know, to make a note of it.

MR. DONNELLY: I don't know if it's 8 but it's not 6.

CHAIRMAN EWASUTYN: 7 is the --

MR. HINES: It's 7.

CHAIRMAN EWASUTYN: 7 is the starting time. From 7 to 7.

MR. WARD: And on the site plan I mentioned to you about the gazebo. It's not on the plan. You have a note but it's not on the plan.

MR. SARCHINO: We do note that gazebo. You mean like a detail of the gazebo?

MR. HINES: It's shown, not detailed.

MR. WARD: To detail it possibly.

MR. SARCHINO: You want the elevation of it?

MR. WARD: Yeah.

MR. SARCHINO: Okay.

MR. WARD: During the work session we were talking about your walkway going down for the direction of people walking. Our traffic

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consultant mentioned it. This way -- because it's not a sidewalk, so they know which way to get on which side.

MR. SARCHINO: That's a very good point. We will add the signage.

MR. WARD: No more comments for now. Thank you.

CHAIRMAN EWASUTYN: Comments from Pat Hines, Drainage Consultant?

MR. HINES: We have some comments. As I mentioned at the public hearing, our office has been working with the applicant's representative to balance the requirements for the infiltration, the testing on the infiltration ponds proposed. We have located the DEC's technical guidance memo that the applicant's engineer also has. There's a requirement of testing those every 200 square feet, which we feel is excessive. There is the DEC guideline for every 5,000 square feet. We're going to work with the applicant's representative to do the permeability testing and the deep testing -- additional testing that my office is requiring based on that DEC guideline.

We just note that the circular turn-

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around in the entrance drive previously has been removed.

The pedestrian walkway that Mr. Ward just spoke about has been added to both sides of the road for a stamped asphalt type sidewalk that can be maintained by conventional snowplows. It does provide pedestrians access out to Stewart Avenue, which was talked about at the last meeting. That's been added to the plans.

We have some technical comments on the water system that's proposed which the applicants have.

Health Department for the water system is required.

The concrete headwall detail needs to be updated to show a sixty-inch pipe as proposed, taking the drainage through the property as it does now. This property does receive runoff from the 84 ramps and portions of 84 crossing through the parcel. The developer will be required to execute a stormwater management and maintenance agreement with the Town in accordance with the Town's stormwater ordinance.

And then we have a comment which we can

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probably address later in the project, but if the project is to be phased we need to have a phasing plan that the Board, and the building department, and the applicant are all aware of how that phasing is planned and is going to work, how COs are going to be issued progressing through the project, et cetera. So a phasing plan -- if the applicant is going to phase it, which on a project this size I believe they probably would -- they're shaking their head no. No phasing plan would be required. We have run into that before where projects of this size wanted COs before. If it's not a phased project, that's fine.

CHAIRMAN EWASUTYN: Thank you.

Bryant Cocks, Planning Consultant?

MR. COCKS: Yes. The applicant has addressed my comments regarding the inclusion of a bulk table showing setback lines along the Jewish Community Center lot and showing the forty-foot landscape buffer demonstrated on the plans.

As mentioned before, they did show an area for a gazebo for a bus stop for the children and a signage chart was provided.

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We haven't received the City of Newburgh sewer flow acceptance letter but we did receive a Local determination from the Orange County Planning Department.

CHAIRMAN EWASUTYN: Thank you.

Ken Wersted, Traffic Consultant?

MR. WERSTED: We've looked at the applicant's traffic impact study which was prepared for the project and we provided our comments over a number of reviews. Some of them had to do with where the site driveway is located. Ultimately the location will require the, I guess highway superintendent to grant a waiver in terms of the distance between Stewart Avenue Extension and Ridgeview Drive.

We had also noted about the sight distances coming around the corner at Stewart Avenue approaching the site driveway. Currently there's a fence along the inside curve of Stewart Avenue which is in the Town right-of-way. That provides some limitation to the sight distance there. That sight distance could be improved if the fence is moved closer to where the right-of-way line is.

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We also looked at a number of the issues that were brought up tonight. Just to clarify, when we're looking at a traffic study for a particular development like this there could be a lot of traffic that is generated throughout the day, but all that traffic doesn't travel through the intersection at one particular time. The residents of a community like this don't all drive to work in the same fifteen minutes and come back in the same fifteen minutes. So it is spread out over hours of the day. Through a number of studies of this type of development with this number of units, it's shown that approximately 80 to 106 trips will be generated during those peak travel times. There are other trips that will be generated but they're much lower, at those off-peak times. For example, in the middle of the day, as Joseph had mentioned, a lot of your residents are already at work, so it doesn't generate much traffic at that time. So what we do is we study the peak times, when the road -- Route 300 is busiest, Stewart Avenue, which happens to coincide with when the site is going to be busiest. They look at the

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existing traffic volumes at those intersections and on those roads and then they superimpose the traffic from the project on top of that and it gives you a before and after case so you can compare what life is like before and what it will be like afterwards.

The intersection of Stewart Avenue and Route 300, the applicant does propose some timing changes there. As the gentleman noted, the signal timing there is approximately two minutes. The red light for Stewart Avenue is approximately red for about a hundred seconds because of Route 300 traffic and another fifteen seconds because of the north and southbound left turns on Route 300. And then Stewart Avenue gets about twenty seconds of green time. So even if you arrived at that light, you're going to have to sit there and wait unless you can make a right turn on red. Most of the traffic coming out of that intersection are right turns, anywhere from 80 to 95 percent.

If you approach that intersection as a platoon of vehicles or as a group vehicles coming northbound on Route 300, you won't be able to turn right, but after a few seconds that group of

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traffic has gone by and the traffic on Route 300 is more sporadic. At that time the driver on Stewart Avenue can make a right turn on red. I watched the traffic do it. They wait a few seconds, they pull up, stop, look for a gap and make a right turn on red. So most of the traffic that pulls out of there is doing it on a red light simply because the red light is so long there.

 If you do get a left-turn vehicle stopped on that approach, there isn't much room to get around that. If you do have a school bus, that's longer than a car length and that's going to stop traffic even if you're turning right on red, so at that time you're going to have to wait until the actual traffic light turns green for the site.

 When they take these traffic volumes and the number of lanes provided on Route 300 and on Stewart Avenue and they process them through this analysis process, it gives a report card, if you will, of the intersection. That report card ranges from level of service A, which is really good, short delays, to level of service F,

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longer. The timing that is proposed be taken away from Route 300 and put on Stewart Avenue is plus or minus eight seconds. What that will do to Stewart Avenue is obviously provide more green time, and the calculations show much larger improvement compared to the detriment, if you will, to Route 300. There may be only, you know, a one or two-second delay added to Route 300 because it has multiple lanes, it has a lot of green time, but it might mean or translate into a ten or fifteen-second improvement for Stewart Avenue because it has such a short green time. So that's what the calculations are showing. That's what DOT is reviewing. Obviously it's under their jurisdiction to review that aspect and approve it or come up with an alternative.

CHAIRMAN EWASUTYN: Okay.

MR. GALLI: Ken, on that intersection, DOT says that's an A intersection or a B?

MR. WERSTED: It depends on the approach. The approaches of Route 300, the through movements north and southbound are an A -- an A to a B and the approaches on the east and westbound are anywhere from a D to an F. Part of

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that problem is not so much the volume of traffic on Stewart Avenue but it's because the red light for Stewart Avenue is so long. You could have one car waiting to turn out of Stewart Avenue but if you make them wait three minutes it's going to be a level of service F only if there's one car. So that's what kind of the case is here. Where we have a lot of traffic making right turns, they're going northbound and they don't necessarily have to wait for a green light. So a lot of it is turning right, but because the green time is so short, it's say twenty percent of the whole cycle, that's what's causing the delay.

MR. FOGARTY: Ken, the only problem that I've had getting out of that intersection is going left. Usually you're right, you can usually fit your way in if you have a red light. Taking a left is a tough left. Then when it does turn, it's not green for an awful long period of time. It's a short green light to the left.

MR. WERSTED: There are sensors in the road. The gentleman had asked about that. What the sensors do is they detect the presence of a vehicle and it creates kind of a magnetic area.

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When a big object like a car comes through it, it tells the traffic signal there's a vehicle here, I need to give them a green light. If you travel through that intersection and you're not on that loop, the traffic signal will say I don't have anybody here waiting to turn and I'm going to turn this phase off and go service a different phase that has people waiting on it. So it makes it more of a snappy response. Typically that will happen on side streets. It will turn off if there's no traffic there and give more green time to the main line, and the main line will sometimes be set up to -- obviously it's serving, you know, hundreds and thousands of vehicles versus the side street, and the main line will often be set up to serve a certain amount of time all the time. So if it's set to give them a green light for a hundred seconds, chances are you're always going to have cars going over that, tripping the sensor so that it runs for the full hundred seconds. But on your side street, if you only have a few cars that go through, you may not fully use that green time because the traffic signal will say there's no traffic here, I'm

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going to give the extra green time to the main road.

MR. BRENNAN: Is there a sensor there today?

MR. WERSTED: I believe so, yeah. Most often you'll see it as a square, rectangle in the actual pavement. It looks like someone cut it with a knife and patched it up with epoxy.

CHAIRMAN EWASUTYN: At this point I'll turn to Mike Donnelly. Mike Donnelly.

MR. DONNELLY: You actually have three separate proposals before you. The first is a lot line change, an adjustment of the boundary lines between the project site and the Jewish Community Center. You could act on that tonight, or, if the applicant chooses to wait until final approval of the site plan, we can put it off until then. I don't know which is your pleasure.

MR. CORDISCO: We would prefer you act on it if the Board is prepared.

MR. DONNELLY: Okay. I'll come back to that then.

The second -- I'm doing these in the order of simplicity -- is the Architectural

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Review Board approval. We can not grant final site plan approval tonight for a number of reasons, most particularly because you do not yet have a flow acceptance letter from the City of Newburgh. We can grant preliminary site plan approval. I'm asking is it likely that the architectural renderings will change or might change between now and final, in which case you may want to put off ARB? If not, we can grant ARB this evening.

MR. CORDISCO: The plans are not going to change.

MR. DONNELLY: Okay. So we can handle ARB.

The last piece then would be the preliminary site plan approval which will recite what is required before final approval can occur.

While I said that one last, that's the resolution that I will outline first if that's the pleasure of the Board.

It recites all of the history, obviously at the beginning of the resolution, then it announces what items will need to be addressed before final approval can be granted.

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There will be a string of conditions that relate to the various consultants sitting here this evening. All of their outstanding comments as well as those that may arise as the final plans are brought before the Board will need to be satisfied before final approval is put in place. We will recite that the approval -- the final approval will be subject to the conditions of the Town Board resolution of zone change approval as if they were set forth within the resolution itself. There are a number of further plan details required. They're recited within the memos, but significantly the drainage plan including the headwall will need to be revised to the satisfaction of the Planning Board Engineer, the infiltration pond testing results will need to be delivered, and the plans will need to show stormwater management facility fencing. Additionally, the water system details will need to be fully provided. We will recite within the site plan resolution, because I'll combine that with the ARB resolution and the standard ARB condition which in essence states you must build what's shown in the architectural renderings and

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2 you may not change it without further approval
3 of the Board. We will recite the other agency
4 approvals that are required before you can
5 receive final approval. My list says the Town of
6 Newburgh highway superintendent will have to
7 approve the roadway connections, the Newburgh
8 Town Board will have to approve the street name,
9 the waiver of the proximity of the intersection
10 to the other intersection. And there's a fence
11 that's within -- on a lot in the vicinity of the
12 curb that will need to be relocated outside the
13 Town right-of-way area, and the Town Board is
14 going to need to approve that. The Town of
15 Newburgh engineer will need to approve the sewer
16 main extension. The Town of Newburgh water
17 department will need to approve the sewer and
18 water connections, the water main extension, the
19 hydrant location and the fire system. This Board,
20 obviously sitting as the ARB Board, will approve
21 the architectural plans. We're likely, from what
22 I hear, to do that this evening. You'll need a
23 sewer flow acceptance letter from the City of
24 Newburgh. The Department of Health will have to
25 approve the water main extension and the water

1 and sewer connections. The New York State
2 Department of Transportation, as we've discussed
3 already, will need to grant its approval.

4 I'm uncertain of whether you need an
5 out-of-district sewer user agreement. There's
6 been conflicting information. I will say that
7 you need a sewer flow acceptance letter and, if
8 required, an out-of-district user agreement. We
9 ask that you copy the Planning Board on all of
10 your correspondence with the agencies who have
11 approval authority so we can stay in the loop on
12 how you're progressing with that. The Board would
13 like to require, and I don't think this is an
14 objection, that you file a petition with the Town
15 Board under Vehicle and Traffic Law Section
16 1660-A which authorizes the Town police, fire and
17 code enforcement personnel to grant or to issue
18 any violation tickets, fire lane, et cetera
19 within your property. You will, at the time of
20 final approval, need to post certain financial
21 security and inspection fees. It looks to me like
22 you'll require a landscape security and
23 inspection fee, a stormwater improvement security
24 and inspection fee and a water main and sewer
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main extension security and inspection fee. You will also need to execute with the Town Board a stormwater maintenance agreement that will ensure the maintenance of the facilities over time. We have a condition that requires, and just to put you on notice, that you may not build anything that isn't shown on the plans, including fixtures, amenities, utility cabinets or anything of the kind. And finally, there will be a requirement of the payment of a fee in lieu of parkland for each of the individual units in the subdivision -- in the project, and that's \$2,000 per unit. If there is phasing, as Pat mentioned, you will need to propose that as part of your final approval.

So that resolution is the preliminary site plan and the ARB. I think it would be easier if you act on that and then we'll turn to the lot line change.

CHAIRMAN EWASUTYN: Dominic Cordisco, Attorney for the applicant, do you have any questions or comments?

MR. CORDISCO: No, sir.

CHAIRMAN EWASUTYN: Questions or

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comments from the Board Members?

MR. GALLI: The only thing I was going to say is before the project came to us the zoning was approved by the Town Board to change the zoning to allow them to build.

CHAIRMAN EWASUTYN: I'll move for a motion from the Board to close the public hearing on the 160-unit residential site plan, ARB and lot line change.

MR. FOGARTY: So moved.

MR. PROFACI: Second.

CHAIRMAN EWASUTYN: I have a motion by Tom Fogarty. I have a second by Joe Profaci. 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. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

The first motion before us this evening

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is to grant preliminary approval, again for the 160-unit residential site plan, subject to the conditions of the resolution presented by the Planning Board Attorney, Mike Donnelly, this evening.

MR. MENNERICH: So moved.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich.

MR. PROFACI: Second.

CHAIRMAN EWASUTYN: A second by Joe Profaci. 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. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself. So carried.

Mike, the next item before us, the Board would grant ARB approval for the 160-unit residential site plan?

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MR. DONNELLY: Yes. And I mentioned that condition but you can vote on it separately. It simply requires that the building permit application must be consistent with the architectural renderings and what you build must also be consistent with the renderings as you've shown us tonight. The material sheet, if it isn't already delivered, needs to be delivered to the building department.

CHAIRMAN EWASUTYN: Having heard those conditions for ARB approval discussed by Mike Donnelly, Planning Board Attorney, I'll move for that motion.

MR. PROFACI: So moved.

MR. FOGARTY: Second.

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

MR. MENNERICH: Just one question. The window trim, what color will that be? You mentioned the doors. I didn't hear anything about the windows.

MR. BRENNAN: The window trim will be a cream color. Excuse me. The cream color. It

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would be like a white color. A lot of them basically have shutters and things of that nature. For windows like this here there will be just -- it's a white trim that comes with the window that will be surrounding the window. It will have a white trim around it.

MR. MENNERICH: Thank you.

CHAIRMAN EWASUTYN: I have a motion by Joe Profaci. I have a second by Tom Fogarty. I had discussion by Ken Mennerich. Any further discussion?

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself yes. So carried.

One more time. Mike Donnelly, Planning Board Attorney, the last item before us is the lot line change.

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MR. DONNELLY: The lot line change. The resolution will authorize you to file a map without subdivision approval. We do want you to add on that map a note that says from best available knowledge there are no buried utilities within or adjacent to the lot line change that will cause encroachments or create violations of the Sanitary Health Code. You'll need to file a map. The map will need to show accurate acreage computations of the adjusted parcels as well as a metes and bounds description. After that map is filed you will then be able to record the deed. We'd like to be copied on the deed to ensure that that occurs so that we make sure our paperwork is in order.

There are some other requirements in the code provision but they'll be recited within the resolution.

CHAIRMAN EWASUTYN: The last action before us tonight is a motion to approve the lot line change.

MR. DONNELLY: One other condition. Bryant Cocks had mentioned some data that had to be added to the maps, so we'll need a sign-off

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letter from him.

CHAIRMAN EWASUTYN: Thank you for the addition.

Furthering that approval for the lot line change, subject to the conditions presented by Planning Board Attorney Mike Donnelly, and following the comments of Bryant Cocks, Planning Consultant, I'll move for that motion.

MR. GALLI: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by -- was it Frank Galli?

MR. GALLI: Yup.

CHAIRMAN EWASUTYN: 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. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So

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carried.

Thank you. I appreciate you all attending this evening.

MR. CORDISCO: Thank you all very much.

(Time noted: 8:10 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: November 3, 2012

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

----- X
In the Matter of

POTTER'S RIDGE
(2012-15)

6 & 11 Potter's Ridge Road
Section 26; Block 6; Lots 20 & 23
R-2 Zone

----- X

PUBLIC HEARING
TWO-LOT RESIDENTIAL SUBDIVISION & LOT LINE CHANGE

Date: October 18, 2012
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
KENNETH MENNERICH
JOSEPH E. PROFACI
THOMAS P. FOGARTY
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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

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MR. PROFACI: The next item is Potter's Ridge, it's 6 and 11 Potter's Ridge Road, Section 26, Block 6, Lots 20 and 23, located in the R-2 zone. It is also a public hearing for a two-lot residential subdivision and lot line change, and it's being represented by Charles Brown.

MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to Section 276 of the Town Law on the application of Potter's Ridge Subdivision for a two-lot subdivision and lot line change on premises Potter's Ridge Road, off Leslie Drive in the Town of Newburgh, designated on Town tax map as Section 26, Block 6, Lots 20 and 23. The street address is 1 Potter's Ridge Road. The applicant is proposing to subdivide an existing 5.6 acre parcel of the two lots creating one new lot served by municipal water and an individual septic system. The applicant is also proposing a lot line change to make an adjacent parcel, lot 23, larger. Lot 23 will hook up to

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municipal water to meet all the zoning table -- zoning bulk table requirements for the R-2 zoning district. The common driveway, Potter's Ridge Road, will serve all three lots. Said hearing will be held on the 18th day of October 2012 at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7 p.m. at which time all interested persons will be given an opportunity to be heard. By order of the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman, Planning Board Town of Newburgh. Dated September 26, 2012."

MR. GALLI: The notice of hearing was published in The Mid-Hudson Times and The Sentinel. 29 notices were mailed out, 20 were signed for okay and 1 was not delivered, 8 not signed. Everything is in order.

MR. BROWN: As the notice stated, this is a two-lot subdivision and lot line. The location of the property is off of Leslie Road. It has an existing common driveway. The sign says Potter's Ridge. That was done several years ago to accommodate the 911 addresses.

The parent parcel is 5.65 acres. As

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part of the subdivision we're creating one new building lot to be served by an individual septic and Town water. That new lot will be .63 acres. I'm sorry, .78 acres. In addition to that, we're adding property to lot number 23, the Thurston property, to make it have fee access to Leslie Road and expand the property from .35 acres to .63 acres. In addition to that we're connecting that house to the Town water.

CHAIRMAN EWASUTYN: Thank you.

Questions and comments from the public?
As stated earlier, would you please raise your hand, give your name and your address.

Ma'am.

MS. LEIMER: My name is Mary Ellen Leimer, I live at 53 Leslie Road which is adjacent to this property.

I'd like to know, first of all, where the septic system and leach field will be located for the new house, and particularly how it relates to my lot?

MR. BROWN: The septic system and leach field are shown here in the dark green area. This is your house. That's your driveway. You can

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see the relative position of that with respect to your house.

MS. LEIMER: And is there a Town rule about how much distance should be between an existing house and a septic system?

CHAIRMAN EWASUTYN: Pat Hines.

MR. HINES: There is a rule how far a septic system can be from a house. More importantly, there's a rule how far a septic system can be from a property line. That's covered in Public Health Law 75-A which is a septic system appendix of the Health Law. It's ten feet off a property line for a septic system. This septic system is shown ten feet off the property line.

One of the requirements that we're going to have, because of that, is that the septic system be staked in the field by a licensed professional prior to installation so there won't be any mistakes. They'll have to stake that first before they construct the system to make sure that there's a ten-foot separation. The ten-foot separation is shown, and then there's probably an additional twenty-five feet

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to the corner of your garage. So it's about
thirty-five feet from the corner of your house.

MS. LEIMER: Thank you. I was wondering
if this -- the land behind the new property, the
new house, was that considered or is that a
viable option for the septic or the leach field?

MR. BROWN: It's uphill from the lot,
so it's preferable, obviously, to put the septic
down from the lot so you don't have to pump the
septic from the residence. We did the testing
where the septic is shown and it is adequate for
an in-ground septic. That's the location of the
septic.

MS. LEIMER: So that dark green area
there, that's where the septic system is going to
be?

MR. BROWN: Yes.

MS. LEIMER: Because on the plans that
I looked at that are in Town Hall, or wherever
they are here, that wasn't there.

MR. BROWN: It wasn't colored but it
was shown there. Yes.

MS. LEIMER: I disagree. I'm also
concerned about the runoff from the house that's

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being proposed, and I was wondering if that issue had arisen and was discussed and if there were any solutions to that that might mitigate my concern about the runoff?

MR. HINES: I'll jump in on that one, too. The project is of the size that it doesn't meet the thresholds for a stormwater drainage analysis. Some of the previous projects where I spoke of that they did a drainage report and such. This doesn't disturb greater than one acre of property, so it's exempt from the Town's and the DEC's stormwater regulations. I did take a look at the project site and I'm going to make a suggestion that a swale be developed along the, I guess west side of the driveway --

MR. BROWN: No problem.

MR. HINES: -- so that the roof drainage from the majority of the house and any of the upgradient be directed in that kind of northerly direction, down the driveway, discharging across and allowing that flow to go down by the septic system. It will protect the Latimer's house, the neighbor, and also divert stormwater away from the septic system.

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MR. BROWN: Not a problem.

MR. HINES: It's not currently shown on the plans but at work session we did discuss that.

MS. LEIMER: My last question, is there a survey for that piece of property?

MR. BROWN: Yes.

MS. LEIMER: And is it available for me to view?

MR. BROWN: You could contact the surveyor. I'll give you his information. His name is John Melon. He works out of my office. His phone number is 569-8400.

MR. HINES: It will also be required a survey be submitted. Currently we don't have a stamped survey in our file. It will be available here also.

MR. BROWN: He's done the field work. He's prepared to sign this map.

MS. LEIMER: Thank you.

CHAIRMAN EWASUTYN: You're welcome.

Additional questions or comments from the public?

(No response.)

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CHAIRMAN EWASUTYN: At this point I'll turn to our Consultants for their final comments.

Pat Hines, Drainage Consultant?

MR. HINES: Besides the comments I just made, we have the continuing comment that the, I believe it's the Thurston lot must be connected to Town water prior to filing of the map. So prior to final approval the Thurston lot must be connected to water to meet the bulk requirements for that lot.

My next comment is the surveyor of record needs to be noted on the plans, and they need to be stamped.

Just a note that the Town Board did approve three lots on a common driveway on October 10th of this year because the access is via a common driveway, not a private road or a Town road.

MR. BROWN: Pat, you said Thurston's lot would have to be hooked up to water prior to final approval or prior to signing of the map?

MR. HINES: Signing of the map is final.

MR. BROWN: Okay. Okay.

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MR. HINES: They're kind of the same. You don't get anywhere without the map signed. That's fine. There should be a note on that map or on this map.

MR. BROWN: Okay.

MR. HINES: It's before a certificate of occupancy. I know you weren't at the last meeting, Jim Raab was representing your office, but we had that conversation.

MR. BROWN: Right.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

MR. COCKS: I have no additional comments. The applicant addressed all of my previous comments from the last meeting, and also just noted the date of the three lots on a common driveway approval.

CHAIRMAN EWASUTYN: Thank you.

Frank Galli?

MR. GALLI: Pat, can that property be subdivided again?

MR. HINES: It would have to develop a private road. They maximized out with the three lots on one lot -- three lots on a private

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driveway.

MR. BROWN: Right. In other words, we would have to upgrade the common driveway to Town private road specs to create any more lots, and most likely extend the water stub up there and put a hydrant in.

MR. GALLI: Does the house have to be staked or no?

MR. BROWN: Yes. I think we have a note on there to stake the house -- the house and septic prior to construction. We put that on.

MR. HINES: We'll check it. The house has to be staked. The corner of the house is at the rear yard setback, so it's important to have that staked.

MR. COCKS: Almost the whole back part of the property is unbuildable. He wouldn't really have much room, anyway, in this little corner.

MR. BROWN: If we extend the water line up --

MR. COCKS: You might get one more.

MR. BROWN: The 15,000 square feet. You know, it would be 17,500. It would be

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POTTER'S RIDGE

84

viable. You know, there's no intention to do that at this time. Again, that backyard area, that's very steep. That drops off all the way down. It's got pretty good views of West Point, but at this point there's no plan to further subdivide that.

CHAIRMAN EWASUTYN: Ken Mennerich, Planning Board Member?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: Nothing.

CHAIRMAN EWASUTYN: Tom Fogarty?

MR. FOGARTY: I have no questions. It seems to be that he answered Mrs. Leimer's concerns.

MS. LEIMER: Thank you.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: No questions.

CHAIRMAN EWASUTYN: If there are no further questions from the public, I'll move for a motion from the Board to close the public hearing on the two-lot residential subdivision and lot line change for Potter's Ridge.

MR. MENNERICH: So moved.

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MR. FOGARTY: Second.

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

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself yes. So carried.

At this point I'll turn the meeting over to Mike Donnelly, Planning Board Attorney, to give us conditions of approval for the two-lot residential subdivision and lot line change for Potter's Ridge.

MR. DONNELLY: Pat, I had one question. Is there any Health Department approval required here?

MR. HINES: No. The septic that was originally proposed was a hybrid septic system,

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between a fill system and a conventional septic system. Based on our comments, the applicant's representative went out and did additional soil testing and it's now a conventional septic that can get Local approval.

MR. DONNELLY: At an earlier time the Planning Board discussed the fact that the rear lot, which is large and not proposed to be developed, was not showing full topographic information as required by the subdivision regulations, and your inclination, if not your vote, was to waive the requirement the topo be shown for that area. So I will include within the findings section of the resolution a waiver to that effect. We will need a sign-off letter from Pat Hines on the issues he outlined a moment ago. The approval will be subject to the terms and conditions of the approval of the Town Board granting permission to add three lots on a common driveway. The resolution will also read in the event that another lot is added, the common driveway will need to be upgraded to Town specifications including provision for a cul-de-sac. The notes of the Town Board meeting

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reflect the Town's attorney wants to see that declaration recorded to that effect so everyone is on notice of that requirement. The applicant will need to stake the house and septic field area -- the new septic field in the field before construction begins. Water service to the Thurston lot shall be in place before the map is signed. And we have parkland fees for the one new lot, \$2,000.

CHAIRMAN EWASUTYN: Any questions or comments from our Consultants or Planning Board Members?

(No response.)

CHAIRMAN EWASUTYN: Then I'll move for a motion to grant conditional final approval for the two-lot residential subdivision and lot line change known as Potter's Ridge subject to the conditions presented by the Planning Board Attorney this evening, Mike Donnelly.

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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POTTER'S RIDGE

88

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So
carried.

Thank you for your time.

MR. BROWN: Thank you very much.

(Time noted: 8:27 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: November 3, 2012

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

----- X
In the Matter of

U-HAUL
(2000-59)

5336 Route 9W
Section 9; Block 3; Lots 32 & 66
B Zone

----- X

SITE PLAN & ARB

Date: October 18, 2012
Time: 8:28 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
KENNETH MENNERICH
JOSEPH E. PROFACI
THOMAS P. FOGARTY
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES

APPLICANT'S REPRESENTATIVE: FRANK VALDINA

----- X

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

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U-HAUL

91

MR. PROFACI: The next item is U-Haul, 5336 Route 9W, Section 9, Block 3, Lots 32 & 66, located in the B zone. It's a site plan and ARB being represented by Frank Valdina.

MR. VALDINA: The purpose of coming before the Board this evening is several items that my client would like to amend pertaining to the approved site plan.

If you recall, the original site plan had a fence up along Route 9W, which has been removed, to secure the original site which was completely enclosed by fencing. They're proposing to put a wrought iron fence from the end of the cyclone fence on Route 9W north to opposite the northerly most previously existing building. The detail of the fence is shown on the plan. It basically would be six feet higher than the stonewall that was constructed along the entire length of Route 9W. The lower portion of course would be -- the bars would be in front of the stonewall and the fence would start at the stonewall, protrude up an additional six feet.

In conjunction with securing the site

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U-HAUL

92

-- as you know, the original proposal was a chain link fence across the emergency access. In conjunction with that we're proposing to install another chain link -- excuse me, across the access in the rear of the -- off the northeast corner of what is referred to as building A or the northerly most previously occupied building. That would give more security to the site, more than it would have had before. All these bays along the north face of building A have had security measures added to them so in case they're opened up it would be alerted to the individual monitoring the site.

As the site was developed and as you recall, these three buildings, twenty feet was removed from them, and in conjunction with that it widened it up sufficiently where they're proposing three -- five additional parking spaces in the front. The parking requirement for the code is met. As you recall, a lot of the spaces are in the rear of the building. This would bring them in closer proximity to the office and access to the site itself.

The other proposal is they're proposing

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U-HAUL

93

to install a 1,000 gallon propane tank in a vertical direction north of the building, setback about twenty-five feet behind from the front of it, which places it roughly a hundred feet from Route 9W. Those are the revisions to the plan that's proposed.

There will also be -- for security to the previous units, there is a lift gate proposed to prevent vehicles from automatically being able to drive on that area. All these units have the security system. The rest of them have not.

This would close off the site to vehicle traffic unless they have the right to be there.

The back is blocked off by the chain similar to the emergency access in the front. This is emergency fire access.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: The only question I have is on the 1,000 gallon propane tank, is that going to be like out in the wide open? Is it going to be screened or --

MR. VALDINA: No. The proposal is a

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U-HAUL

94

vertical tank. It's about three-and-a-half feet in diameter, the top of it roughly sixteen feet above the ground. Coming from the south -- because of the fence, there's trees in here, there's trees in here -- you won't see it until you're several hundred feet away. At 40 miles-an-hour, you're talking about a three or four-second time. Coming from the north, this tank would be -- the backdrop is the building itself which is roughly thirty-five feet high. So it's going to be white on white.

MR. GALLI: Does it meet code as far as separation from the building, that kind of thing? I know Jerry is not here to answer that.

MR. HINES: Based on what we went through with Magyar's, it looks like it meets the separation distance.

MR. VALDINA: The separation requirement, and I checked the code, is twenty-five feet from the property line and/or building. It's roughly twenty-eight feet from the property line and almost fifty feet from the building.

MR. GALLI: That's all I have, John.

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U-HAUL

95

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: No questions.

CHAIRMAN EWASUTYN: Tom Fogarty?

MR. FOGARTY: Frank, is there any

problem in the drawings where you have the truck?

Is that too close to the tank at all?

MR. VALDINA: No. There's sufficient

room where they can get by. This will have --

they have protection by bollards. This detail

hasn't been added on this plan but this is a

typical bollard which is four-inch steel pipe,

concrete, sticking up four feet above the ground.

It will be on the four corners of the tank to

protect it.

MR. FOGARTY: Just one other question.

You said that that wrought iron fence -- maybe

I'm looking at the plans wrong. It looks like the

wrought iron fence goes to the end of the

property.

MR. VALDINA: On the south. Not to the

north. On the north, you see where that gate is

between the building, that line that cuts through

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U-HAUL

96

that green tree, that's the fence. I'm bringing you through the -- if I may. Down here, it comes up here, it comes through here and ties into here. That's the fence.

MR. FOGARTY: All right. Okay.

MR. VALDINA: This is the wall. That wall that's there, that's the stonewall that was built.

MR. FOGARTY: Thank you.

CHAIRMAN EWASUTYN: Any other questions, Tom?

MR. FOGARTY: That's it. Thank you.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: My question is going to Bryant. You said it's sixteen feet high?

MR. VALDINA: Yeah. 1,000 gallon tank.

MR. WARD: Is there any code in the Town for a propane tank that big?

MR. COCKS: I can take a look.

MR. HINES: I jokingly stated at work session that it was a really high tank. Apparently it is.

MR. VALDINA: It's roughly three-and-a-half, four feet in diameter.

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U-HAUL

97

MR. HINES: I had a comment --

MR. VALDINA: Horizontal and vertical.

This was proposed to go vertical.

MR. HINES: I had a comment at work session that the diameter of the tank shown was only three-and-a-half foot in diameter, based on the size, and jokingly said it must be a really high tank. We need that labeled on the plan at a minimum. I suggest that a detail be required because I didn't envision a sixteen-foot high tank, three feet in diameter. That will be up to the Board how much detail you want. It should be labeled as to the size of the tank, the shape and whether they want a blow up of that section.

MR. VALDINA: I would pursue it with the building permit. Any detail as far as the concrete and so on would be part of the building permit application. Or if you want it on the plans, we can incorporate it on the plans.

MR. HINES: The only other comment I had was if the jurisdictional fire department would comment on the access, but I'm sure Jerry will handle that. Those are the two comments I had.

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U-HAUL

98

If you write U-Haul on it, it's going to be a sign, too.

CHAIRMAN EWASUTYN: Mike, while Bryant is looking through the code, can you review with us the conditions for approval for U-Haul?

MR. DONNELLY: This is now a second amendment to the conditions. We'll carry over all prior conditions except as amended by this resolution. We'll need a sign-off letter from Pat on the items raised in his memo today and the additional item raised tonight, which is a detail of the tank itself.

I don't know if this needs amended ARB. I guess it's just a fence and no change to the building, so I assume it does not.

MR. GALLI: Can you make that part of the approval?

CHAIRMAN EWASUTYN: That was my initial thought.

MR. GALLI: If there's a problem, they have to change it.

CHAIRMAN EWASUTYN: Mike, can you make that part of the --

MR. DONNELLY: I'll add that.

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U-HAUL

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MR. WARD: Frank, is that in the front or back?

MR. VALDINA: It's roughly twenty-five feet behind the face of the building.

MR. COCKS: They don't have a height requirement in there, or a height maximum.

MR. VALDINA: It's required to be thirty-five feet from the building.

MR. WARD: I'm talking about the tank height.

MR. VALDINA: Steeples and so on are exempt. We're nowhere near higher than the building.

MR. GALLI: Let's leave it up to Jerry when he reviews it for the building permit.

CHAIRMAN EWASUTYN: Mike, would you make that part of the resolution?

MR. DONNELLY: I'll add a requirement that Jerry sign off that the tank complies with all applicable code requirements.

CHAIRMAN EWASUTYN: So actually the motion before us this evening is to grant amended site plan approval for the U-Haul project located on Route 9W in the B zone subject to the

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U-HAUL

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conditions stated by the Planning Board Attorney
this evening, Mike Donnelly. I'll move for a
motion.

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by
Frank Galli and 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. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself. So
carried.

Thank you.

MR. VALDINA: Thank you.

(Time noted: 8:40 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: November 3, 2012

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

----- X

In the Matter of

FLAMING GRILL & BUFFET
(2012-21)

Newburgh Mall
Section 60; Block 3; Lots 41.21
IB Zone

----- X

SITE PLAN & ARB

Date: October 18, 2012
Time: 8:40 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
KENNETH MENNERICH
JOSEPH E. PROFACI
THOMAS P. FOGARTY
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES

APPLICANT'S REPRESENTATIVE: JOSEPH MINUTA

----- X

MICHELLE L. CONERO
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MR. PROFACI: The next item on tonight's agenda is the Flaming Grill and Buffet located at the Newburgh Mall next to the Bed, Bath & Beyond building, Section 60, Block 3, Lot 41.21, located in the IB zone. It's a site plan and ARB being represented by Joseph Minuta.

MR. MINUTA: Good evening, Mr. Chairman, Members of the Board. It's a pleasure to be with you again this evening. Joseph Minuta with Minuta Architecture. I have with me this evening Roberta Hamer who is the senior vice president for Urban Retail Properties and manages the mall. Also with me is Tony DiMarco who is the general manager of the mall. I have Ms. Lan Chen who is the owner of the establishment. I have with me Mr. Frank Willetto who is the architect for the project.

We're here before you this evening. This project was previously approved under Petco back in 2009. That deal fell through. We now have a new tenant who is looking to buy the private space. It's approximately 15,000 square feet. It's a great improvement to the property.

The architecture is essentially very

1
2 similar to what was previously proposed and
3 approved. No heavy lifting there. The
4 landscaping is staying exactly the same. In
5 fact, the only thing that's truly changed from
6 the site plan was that in the back of the -- in
7 the back of the building there was a lift and a
8 recessed ramp for a tractor trailer. That type of
9 service vehicle is not needed for this
10 establishment, therefore it has been removed.

11 The size of the signage is identical to
12 what was previously approved at 150 square feet.

13 We do not exceed the foot candles as we
14 had measured at the previous meeting but those at
15 Bed, Bath and Beyond.

16 As far as the rooftop area, there are
17 several penetrations that will be on the roof.
18 That has been screened in the same manner that
19 was previously approved as well. Therefore, any
20 viewshed from Route 300 would be as it was.

21 I don't believe there's a lot of heavy
22 lifting here. The project is pretty simple.
23 If you have any questions of the project, I would
24 welcome that at this time.

25 CHAIRMAN EWASUTYN: May I ask you to

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just give us a brief presentation on your project?

MR. MINUTA: Ms. Chen.

CHAIRMAN EWASUTYN: Would you like to talk about it at all?

MR. WILLETTO: I'm Frank Willetto, I'm the project architect for the client. A little paperwork here. This is a proxy I understand is required by the owner to allow me to speak on their behalf on this application.

What's indicated, what we're having proposed to do, is a 280 seat facility. It's a grill, a hibachi type grill and buffet. In other words, they have display cooking and hibachis. They also do buffet Chinese food. It's very similar to many of the hibachi grills, if you've visited any of them. Throughout the country I've done probably twenty to twenty-five of them, very similar to this throughout the east coast and various locations.

The owners/operators are experienced restauranters. They successfully opened several of these facilities in the surrounding area, and this is another ideal location for them.

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2 We will provide for the state-of-the-
3 art exhaust equipment, all meeting UL
4 requirements, building department requirements.
5 We will provide, obviously, grease traps that
6 would comply with your local municipal utility
7 authority requirements. It's my recommendation in
8 all cases as to put an exterior tank outside so
9 that that can be maintained by a periodic monthly
10 draw rather than relying on employees inside
11 cleaning the grease trap, because that obviously
12 becomes a problem if they're not maintained. So
13 this system of the outdoor, the landlords have
14 given us permission to do that. It would result
15 in a manhole cover on the site and that's it.
16 That's all you would see. Periodically, month to
17 month, a truck would come along, it's called a
18 honey dipper. They would suck the effluent out,
19 take it away and dispose of it and everybody
20 lives happily that way.

21 I think that's really the crux of it.
22 It will be a state-of-the-art kitchen and
23 equipment and operation with really very good
24 amenities inside. A quality restaurant.

25 CHAIRMAN EWASUTYN: Frank Galli,

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Planning Board Member?

MR. GALLI: Where is the closest one now?

MR. WILLETTO: The one that I know of is in New Jersey, in New Brunswick, New Jersey. I don't know of any in New York at this time. I'm sure there is but off the top of my head nothing comes to me in the State of New York. I know I've done them in the State of New York.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: How soon does the applicant want to --

MR. WILLETTO: Yesterday. They're very anxious. It's taking awhile to get the plans developed, get before the Board. They're ready to rock immediately.

I can tell you there's no phasing of this operation. It goes and the only breaks that could be put on is the inspections. We will, you know, of course get all the inspections, but boy they move. They bring big crews in of people that know what they're doing and knock them out very quickly.

MR. MENNERICH: What is the timeframe

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for the construction?

MR. WILLETTO: Six months the most. That's the maximum they would take. A lot of it depends on the wait time for the equipment. They haven't ordered a lot of the exhaust equipment. It has to be constructed out of stainless steel. There's a wait period on that. Interior materials, furniture. Once they get going, you'd be amazed how fast this place will open.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: I'm confused. If you would clarify for me. You said you know of one in New Brunswick but you don't know of any in New York. Is this a franchise?

MR. WILLETTO: No. They're similar.

MR. PROFACI: This same owner owns all of them?

MR. WILLETTO: No, no, no. It's a cookie cutter type. If you've gone to a chinese restaurant or take out, you know what I'm dealing with. It's a cookie cutter operation.

MR. PROFACI: I thought you meant they were all this --

MR. WILLETTO: They're very similar in

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2 operation. They're so similar I have to tell you
3 a quick story. I did one in North Carolina. A
4 building inspector in South Carolina in a
5 shopping center called me up and said I have a
6 set of your plans here but they're photocopied
7 and they're kind of smudgy. Is this your job? I
8 said no. What happened is the client took my
9 plans from the North Carolina site and filed them
10 in South Carolina because they're so similar.
11 The operation was similar, the shopping center
12 was similar. That's what I'm getting at. That's a
13 bad example of it because then I did file a
14 complaint against the tenant and --

15 MR. PROFACI: I got you.

16 MR. WILLETTO: -- he didn't like the
17 results of that. In any case, that's pretty much
18 what they are. They're cookie cutter. That's the
19 science of it. You can take an operator from one
20 and put them into another one. The gas valves
21 are the same height in the woks. They are very
22 strict about the repeat of what they know how to
23 do, and that's how they get the meals out quickly
24 and fresh and so on. It's a very interesting
25 science that they've got going.

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CHAIRMAN EWASUTYN: Tom Fogarty?

MR. FOGARTY: I'm sure there's enough parking, right? In front of the -- you were saying 280. I'm trying to think of in front of that area. I'm sure there's probably enough.

MR. WILLETTO: We're off to the side, obviously. In the scheme of things -- this lot is --

MR. HINES: There's a lot of parking there.

MR. WILLETTO: We'll fill it.

MR. FOGARTY: When Bed, Bath is closed they're probably opening.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I was just in Allentown two weeks ago and we took the team into a place like this. They set up the grill and all in the center. As you walked in they had goldfish and turtles and everything else. It was a buffet, plenty of seating and everything went smooth. It was a very nice setup. Probably the same idea.

MR. WILLETTO: Exactly.

MR. WARD: It was entertaining for a lot of people.

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MR. WILLETTO: The kids love it. The kids just beg to go. The display and the flipping of the shrimp, kids really enjoy it. It's a very successful operation.

CHAIRMAN EWASUTYN: Pat Hines, do you have anything to add?

MR. HINES: The only comment we had, and it was addressed, was there needs to be a grease trap added to the plans.

MR. WILLETTO: Absolutely.

MR. HINES: That's the only issue we have. Otherwise the changes to the site are minor.

MR. WILLETTO: If you have a sample detail of how that will read. Each MUH has a different one.

MR. HINES: The building inspectors would be able to work on that. I suggest you label that on the plans.

MR. WILLETTO: Okay.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

MR. COCKS: My only outstanding comment was the inclusion of a signage chart. I know it's

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the same as the previous one. The building department likes to see it on there so they don't have to go back and try to dig for the other one. If you could throw a little chart on there with the allowable.

MR. WILLETTO: I'll have that underway.

Thank you.

MR. COCKS: No problem.

CHAIRMAN EWASUTYN: Mike Donnelly, would you give us conditions of approval for the Flaming Grill and Buffet, both for site plan and ARB?

MR. DONNELLY: Again this is an amended site plan and amended ARB, this being the former Petco site. The first condition would be that all the conditions of the earlier resolution of approval, except as modified by this project, will be carried forward into this approval. We'll need a sign-off letter from Pat Hines and Bryant Cocks on the minor issues they raised in their review memos. Again, the standard Architectural Review Board condition that you must build what's shown on the plans. I believe the landscape work, that was all taken care of at the time of Petco,

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so we don't need any further financial security of any kind. And the standard condition that says you may not build anything that's not shown on the plans.

CHAIRMAN EWASUTYN: Thank you.

MR. WARD: I thought at the work session we mentioned about the signage.

MR. HINES: Bryant said that.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Having heard the conditions for approval presented by our Attorney, Mike Donnelly, for the Flaming Grill and Buffet, both for the site plan and ARB, I would move for that motion.

MR. PROFACI: So moved.

MR. FOGARTY: Second.

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

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FLAMING GRILL & BUFFET

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So
carried.

Thank you ever so much.

MR. MINUTA: Thank you very much.

(Time noted: 8:51 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: November 3, 2012

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

----- X

In the Matter of

RICHARD LEASE TRUSTEE TIMBER HARVESTING
(2012-22)

Discussion Regarding the Scheduling
of a Public Hearing on 11/15/12

----- X

BOARD BUSINESS

Date: October 18, 2012
Time: 8:51 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
KENNETH MENNERICH
JOSEPH E. PROFACI
THOMAS P. FOGARTY
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES

----- X

MICHELLE L. CONERO
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RICHARD LEASE TRUSTEE

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CHAIRMAN EWASUTYN: We have two items under Board Business.

MR. PROFACI: We have two items for discussion. The first is the Richard Lease Trustee Timber Harvesting. The Planning Board will discuss the scheduling of a public hearing on November 15th. Consultant reviews will be completed by that date. As the completed application package will not be received until sometime around October 18, 2012.

CHAIRMAN EWASUTYN: Any questions or comments?

(No response.)

CHAIRMAN EWASUTYN: Then I'll move for a motion to set a public hearing for the Richard Lease Trustee Timber Harvesting for the date of the 15th of November.

MR. PROFACI: So moved.

MR. GALLI: Second.

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

MR. GALLI: Aye.

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MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

(Time noted: 8:52 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: November 3, 2012

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

----- X
In the Matter of

POMARICO
(2012-10)

Discussion Regarding Tenants for the building
Located at 1227 Route 300

The Lower Level is proposed to be Jesse's Ice
Cream. The Upper Level is proposed to be
Bliss Bridal

----- X

BOARD BUSINESS

Date: October 18, 2012
Time: 8:52 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
KENNETH MENNERICH
JOSEPH E. PROFACI
THOMAS P. FOGARTY
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES

APPLICANT'S REPRESENTATIVE: MICHAEL POMARICO

----- X

MICHELLE L. CONERO
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POMARICO

120

MR. PROFACI: The second item is Pomarico. The Planning Board will discuss the letter from the applicant dated October 12, 2012 regarding the tenants for the building located at 1227 Route 300. The lower floor is proposed to be Jesse's Ice Cream and the upper floor is proposed to be Bliss Bridal.

MR. POMARICO: I've had interest from the original people that were interested over the summer for the bridal shop upstairs at 1227 Route 300. I guess at the time they were reluctant to commit to anything because their lease was going to run to the end of October. Now they contacted me a few weeks ago and are very interested in going there. I just wanted to speak to you about that. It really was the same scenario. They do wedding dresses and bridal parties and all that stuff. Bridal party dresses I should say. It's a specialty store so there's not a lot of coming and going. It's simply a specialty where you make an appointment. Basically you go there and they set time aside to meet with the bridal parties. You're talking obviously a bride, her mother, probably bridesmaids. It could be six, eight

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POMARICO 121
people there at that particular time. There's two owners and I believe there are two part-time employees as far as I know. They're open during the week for normal business hours for people to pick up stuff and drop off. A lot of their work is in the evenings and weekends when you can get a bunch of people available to go there.

CHAIRMAN EWASUTYN: Questions or comments from the Board Members. Frank Galli?

MR. GALLI: I have no additional.

MR. MENNERICH: I think we liked the idea when it was originally proposed as that.

MR. POMARICO: It came full circle.

MR. FOGARTY: I have no comment.

MR. PROFACI: I'm good.

MR. POMARICO: Great.

And one other update with the ice cream guy. We're started in the summer originally speaking with him. He was taking some time because, you know, this is a new venture for him. Even though he has a resataurant, ice cream is a new thing that he and his wife or his fiancée are going to do.

I was in contact with him around

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POMARICO

122

September and he had told me at that point well my season is kind of closing the window for that type of business so I'd like to be able to come in in January. I'm like well that's several months from now, you know. He goes well can you hold the space for me, this and that. I said I'm going to still keep my signage out and if someone comes along you can scoop or get off the pot.

Anyway, I did get other interests. I had a woman I showed the space to today that was very interested, and she's thinking of November 1st. She actually has a similar business. There was a chiropractor there for fifteen years prior, Paez Chiropractic. She does women's health, holistic, acupuncture, nutrition, stuff along that lines essentially. Chiropractic. They do that massage and all that stuff. She was very interested because it has the original exam rooms still there from the prior use. I'm basically going to call Jesse, the ice cream fellow, and say can you start paying rent November or, you know, I don't know what to do anymore. I really can't lose out on the extra rent that I could get for November . I've been carrying the place for a

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POMARICO

123

year now. It's kind of a bleed with the taxes and the mortgage and everything. That was something, too.

I just want to put that out to you. It would be very similar to the prior use that was there for years. If the ice cream guy that was already approved doesn't work out, if he doesn't step up soon, then I need to rent the space.

MR. FOGARTY: This is not a massage parlor?

MR. POMARICO: No. No that.

MR. FOGARTY: You snuck that in there.

MR. POMARICO: It's a women's -- I asked her what type of business and it's a women's health. She said they do massage, acupuncture. They do actually therapy, like psycho -- what do you call it? You know, when you talk about your problems and whatever. That's the whole range of things. It's all above board.

CHAIRMAN EWASUTYN: I think for the record, whatever you finally decide, whether it's the ice cream parlor or you said what they're proposing, I think you should supply the Board with a final letter.

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POMARICO

MR. POMARICO: Just a letter explaining --

CHAIRMAN EWASUTYN: Again, we have to be consistent with what eventually is going to be there.

MR. POMARICO: The ice cream guy apparently is okay to go there at this point, it's just getting him, you know, to finally step up and do it. He wants to wait until January. I'm adding in my head, August, September. I'm missing out on \$6,000 of rent here. It's not like people are banging the door down to rent space. I'm basically agreeing with him at some point to rent it to him. I've had a few calls, so I'll see where it goes.

The bridal shop, that looks like it's permissible? It would be okay?

CHAIRMAN EWASUTYN: Yup.

MR. POMARICO: Thank you. I appreciate it. Good night. Thank you very much.

CHAIRMAN EWASUTYN: I'll move for a motion to close the Planning Board meeting of the 18th of October.

MR. GALLI: So moved.

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POMARICO

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MR. PROFACI: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by Joe Profaci. Roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye..

CHAIRMAN EWASUTYN: And myself.

(Time noted: 8:58 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: November 3, 2012