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

- - - - - X
In the Matter of

TOWN OF NEWBURGH PLANNING BOARD
REORGANIZATION

Re-Appointments for 2014

- - - - - X

BOARD BUSINESS

Date: January 16, 2014
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
JOHN A. WARD

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

- - - - - X

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

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SPRINT NEXTEL

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MR. PROFACI: Good evening, ladies and gentlemen. Welcome to the Town of Newburgh Planning Board meeting of January 16, 2014.

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

MR. GALLI: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Here.

MR. PROFACI: Present.

MR. WARD: Present.

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

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield, Town of Newburgh Code Compliance Supervisor.

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

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

MR. MUSSO: Mike Musso, HDR, Wireless
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: Please turn off your phones
or put them on vibrate. Thank you.

MR. PROFACI: The first item on
tonight's agenda is the 2014 Planning Board
Reorganizational meeting.

We will be reappointing the various
consultants to the Planning Board and our Vice
Chairman and Chairman. I'm going to announce the
consultants and we'll take a vote at the end of
all of them.

For Vice Chairman of the Planning
Board, Kenneth Mennerich.

Michael Donnelly, Attorney for the
Planning Board.

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McGoey, Hauser & Edsall, Patrick Hines,
Representative Engineers and Planners to the
Planning Board.

Karen Arent, Landscape Architect to the
Planning Board.

Kenneth Wersted, Traffic Engineer to
the Planning Board.

Michael Musso, Telecommunications
Consultant.

Michelle Conero, Stenographer to the
Planning Board.

I'll ask for a motion to approve these
representatives.

MR. GALLI: So moved.

MR. WARD: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

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MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. PROFACI: We also are going to be approving the Planning Board meeting schedule for 2014 as it was posted on the Town of Newburgh website. I'll ask for a motion to approve that calendar.

MR. MENNERICH: So moved.

MR. GALLI: Second.

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

CHAIRMAN EWASUTYN: Aye.

MR. PROFACI: Also the Town of Newburgh consultants' work session schedule for 2014 will be scheduled as necessary on the fourth Tuesday of the month.

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: January 24, 2014

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

- - - - - X

In the Matter of

SPRINT NEXTEL
(2014-01)

7 Meadow Hill Road (Newburgh Mall)
Section 60; Block 3; Lot 35.1
IB Zone

- - - - - X

WIRELESS TOWER UPGRADE

Date: January 16, 2014
Time: 7:03 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
JOHN A. WARD

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

- - - - - X

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

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2 MR. PROFACI: The first item on
3 tonight's agenda is Sprint Nextel, project
4 2014-01, located at 7 Meadow Hill Road at the
5 Newburgh Mall, Section 60, Block 3, Lot 35.1,
6 located in the IB Zone. It's a wireless tower
7 upgrade and this is their initial appearance.
8 It's being represented by Cara Bonomolo, or
9 Mike Musso instead.

10 MR. MUSSO: Right. Mr. Chairman,
11 Members of the Board, members of the public,
12 thanks for having me here tonight. Mike Musso
13 working on behalf of the Town of Newburgh to
14 perform a review of a proposed upgrade by Sprint
15 Nextel at the Newburgh Mall monopole.

16 I'd just like to give a brief overview
17 of what the application is and our review of that
18 for the Board to consider at this time.

19 To clarify, the applicant
20 representative is not present tonight here. The
21 application is for an upgrade of an existing
22 facility. Sprint currently has nine panel
23 antennas located at the top of the monopole, 150
24 foot monopole. As this Board certainly has seen
25 over the last seven or eight years, technology of

what wireless facilities can provide to consumers have caused the need for upgrades in the equipment.

The proposal at hand is to actually reduce the number of panel antennas from nine to three. They're more sophisticated antennas, very similar in size and shape, and also adding ancillary equipment near the top of the monopole as well.

In looking at the application materials, we note aesthetically the height of the monopole will not change at all. The ground-based equipment area at the base will not change at all. No lighting exists or is proposed or required for this action. In that case it's fairly straightforward.

The applicants submitted a structural analysis of the monopole and it's foundation. As expected, since some of the capacity is being offloaded in terms of weight, there's an adequate capacity for the existing tower to handle this upgrade. The analysis is complete in my opinion.

The existing carriers that also share that monopole and the ground-based area are Metro

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PCS, Verizon, T-Mobil and AT&T, and are considered and shown on the plans, and were considered in the structural analysis as well.

Our letter report dated January 10th concludes with generic recommendations for continued monitoring, and maintenance, and safety and signage, things like that.

Really with that we have no further comments aside from our January 10th letter report.

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: Nothing.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance, any questions or comments?

MR. CANFIELD: We have nothing.

CHAIRMAN EWASUTYN: Pat Hines, recommendations to the Planning Board?

MR. HINES: We would recommend the Planning Board issue a negative declaration and

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SPRINT NEXTEL

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consider scheduling of a public hearing.

CHAIRMAN EWASUTYN: Okay. At this point I'll move to declare a negative declaration for the Sprint Nextel upgrade on Meadow Hill Road and to set a public hearing date for the 20th of February.

MR. MENNERICH: So moved.

MR. PROFACI: Second.

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

CHAIRMAN EWASUTYN: Myself. So carried. Mike, would you inform Cara to contact Pat Hines as far as the circulation?

MR. MUSSO: Yes. Thank you.

(Time noted: 7:07 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: January 24, 2014

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

CRYSTAL RUN MEDICAL OFFICE
(2013-18)

1000-1006 Union Avenue/NYS Route 300
Section 97; Block 3; Lots 6, 7 & 8.28
Section 4; Block 1; Lot 72.2 (New Windsor)
IB Zone
- - - - - X

PUBLIC HEARING
LOT LINE and CLEARING & GRADING

Date: January 16, 2014
Time: 7:07 a.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
JOHN A. WARD

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

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

MR. PROFACI: The next item on tonight's agenda is Crystal Run Medical Office, project 2013-18, located at 1000-1006 Union Avenue/New York State Route 300, Section 97, Block 3, Lots 6, 7 and 8.28, Section 4, Block 1, Lot 72.2 which is in the Town of New Windsor. It is in the IB zone. This is an action for a public -- excuse me. This is an action for clearing and grading and is also the continuation of a public hearing.

At this point I'll ask Michael Donnelly, Planning Board Attorney, to explain the purpose of a public hearing.

MR. DONNELLY: As Mr. Profaci indicated, this is the continuation of a public hearing that was started in December. There were multiple aspects to this application, the subdivision, the site plan and a clearing and grading permit. Many of those aspects are not ready for action. The clearing and grading permit is a different matter.

The purpose of a public hearing is for you, the members of the public, to bring to the attention of the Planning Board issues or

1 concerns that the Planning Board itself may not
2 yet recognize or its consultant team has not
3 brought to their attention. After the applicants
4 make their presentation, the Chairman will call
5 on those who wish to speak. We'd ask when that
6 happens, you raise your hand. You will be
7 identified, we'll ask you to come forward, tell
8 us your name, spell it for our Stenographer so we
9 get the name down correctly in the transcript.
10 Direct your comments to the Planning Board. If
11 you have a question that can be easily answered,
12 the Chairman will either ask a member of the
13 Town's consultant team or one of the applicant's
14 representatives to answer that question.

15
16 CHAIRMAN EWASUTYN: Thank you. Will you
17 make your presentation?

18 MR. PROFACI: I didn't know who was
19 going to go. Dominic Cordisco.

20 MR. CORDISCO: Yes. Dominic Cordisco
21 from the law firm of Drake, Loeb. It's my
22 privilege to be representing Crystal Run
23 Healthcare and CRH Realty in connection with the
24 application.

25 We have our project team here tonight

for this continued public hearing for the clearing and grading permit.

At this point I'd like to turn it over to John O'Rourke who can provide the Board and the members of the public who are interested with a walk through of the site plan.

MR. O'ROURKE: First a board the Board has already seen, but basically this is the proposed lot line, lot consolidation and subdivision plan which we had presented to the Board. We are combining a combination of six existing lots into two, making all the lots conforming. The main lot will be about 7.2 acres and 1.2 acres for the corner lot here.

Previously we received comments from your consultants. We've modified the plans we submitted basically documenting that the existing building will be demolished as part of the approval. So that's pretty straightforward.

The clearing and grading plan, which we previously had submitted to the Board, basically referenced that we're requesting to go in and clear the trees prior to the March 31st deadline with New York State Department of Environmental

Conservation for clearing. And then we have what we've submitted to the Board in the process, the proposed site plan for Crystal Run Health.

As the Board may recall, previously the site had been approved for a shopping/retail center. Now we're proposing a medical office building, 65,390 square feet.

The main access would be across from the Wal-Mart intersection with the secondary access onto Old Little Britain Road.

We have approximately 380 parking spaces surrounding the two-story project.

We've had stormwater which was a concern of the Board. Initially the Board had requested 110 percent beyond what's required by DEC. Through the use of poarse pavement, bioretention areas and the stormwater basin, we're providing about 122 percent of the water quality that you've requested. We tried to break up the parking lot to basically slow down and separate the water. Most of the drainage in this parking area here goes into a bioretention area, it's treated, ultimately gets to the basin and then again is treated before it is discharged to

the previous level spreader location.

Water is a proposed connection off of Old Little Britain Road. There's a twelve-inch water line at that location. We've done flow tests and we're proposing a water line coming into the building at this location.

For sewer we're proposing gravity feed to a manhole at this location. We would bore under Route 300 and then discharge to an existing manhole on the other side. There was some hope we could use the existing manhole here, but again, working with the Town sewer department, unfortunately it's undersized and back pitched. Rather than that, we're running a brand new sewer line.

That's a quick general overview of the project.

We do have some renderings of the proposed building. If you remember, initially it was proposed to be a three-story building. There's been some changes. We presented these to the Board last month. There's been some slight modifications but basically this is the proposed two-story building. This is just the same

rendering but again a different view. It's got a view of the upper terrace. Again the landscaping and lawn area around the building itself.

In the interim we had discussed with the County Planning Department, we met with them, they were kind enough to meet with us. There were some concerns initially about bus movement in and around the site. We had designed it previously. We met with the bus planner and we coordinated how the buses would transfer from Wal-Mart through our site. We proposed a drop off area for them now that will exit our site and then use Old Little Britain Road and go down to the Home Depot. It impacts their time very little. They're very appreciative of that. We're going to add a bus striped area and signage, and we've also told them in the kiosk itself we would provide bus schedules that they provide to us. We would allow them to put those at those locations.

CHAIRMAN EWASUTYN: Okay. The public hearing tonight is on the taking down of trees. The site plan isn't under review at this particular time. So I would ask that you raise your hand, give your name and your address, and

if we can keep it to the issue before us, we would appreciate that.

For the record, I received a letter -- actually Pat Hines received a letter today and it's from the Orange County Department of Planning. It's dated January 16, 2014. It's addressed to myself and the Town of Newburgh Planning Board. It's from David Church, Commissioner of Planning. It's in reference to CHR Realty and it reads as follows: "This memo is to communicate with you and the Town about our ongoing review of the proposed Crystal Run Healthcare project, which is the subject of a public hearing that the Town Planning Board is holding tonight. While staff availability prevented us from finalizing an official response letter in time for tonight's meeting, we wanted to let you know that our letter will be finalized next week, which is still in line with the timing requirements of General Municipal Law 239-m given that we received the full statement as of December 31, 2013. We also wanted to notify you that our letter will include binding comments, which will address the following issues:

Relationship of the site to the City of Newburgh's drinking water supply, Washington Lake; stormwater management, and better site design including green infrastructure; transit and pedestrian access. To reiterate, this letter is an informal correspondence and not the official response required as per General Municipal Law 239-m. More detailed comments will follow next week within our official letter."

If you'd raise your hand and give your name and your address. Ma'am.

MS. BOYLE: My name is Kippy Boyle and I'm from Newburgh, New York, 400 Grand Street. If I may, I'd like to read a letter into the record.

CHAIRMAN EWASUTYN: Sure.

MS. BOYLE: Thank you. This is addressed --

CHAIRMAN EWASUTYN: Can you come forward so you can be heard by Michelle Conero, and at a later time maybe give me a copy of the letter?

MS. BOYLE: I will do that. This is to the Town of Newburgh Planning Board regarding

Crystal Run Healthcare. "The City of Newburgh Conservation Advisory Council is a legislative body appointed by the City of Newburgh's City Council, tasked with the responsibility of overseeing the City's natural resources. These include the City of Newburgh's drinking watershed and the two reservoirs located outside the City's boundaries, surrounded by the Towns of Newburgh and New Windsor. This council has recently become aware of the proposed development along New York State Route 300 corridor, which is slated for intensive development. The site adjoins the forested buffer surrounding Washington Lake which is the main source of drinking water for the 28,000 plus residents of the City of Newburgh. At times your community also utilizes this drinking water source as well. The old Flannery Animal Hospital and an automotive transmission shop were once located on this site. Contaminated soils related to the latter use are to be expected. Both surface and groundwater from this site contributes to the quality and quantity of the water entering Washington Lake, and the council would expect to review the EAF and EIS related to

1 this significant project. Utmost care must be
2 taken when designing and developing this site in
3 order to ensure the protection of our drinking
4 water source, otherwise the potential
5 environmental impacts associated with the
6 development may translate into an economic burden
7 on the City of Newburgh with relation to
8 increased water treatment cost. Sincerely,
9 Richard Harper, Chairman of the Conservation
10 Advisory Council, City of Newburgh."

12 MR. MacDOUGAL: Board Members, my name
13 is Ian MacDougal and I'm the City Planner for the
14 City of Newburgh. City of Newburgh has recently
15 received the plans for review and they've been
16 reviewed by staff, the city engineer, the water
17 department.

18 Just reiterating what the previous
19 comments were, Washington Lake is located
20 immediately adjacent to the site and the City has
21 serious concerns about the protection of
22 Washington Lake because it's our primary water
23 source for drinking water, and serves, if
24 necessary, the Town of Newburgh and the Town of
25 New Windsor.

We've provided comments for the project and we'd like to submit these comments now. When we prepared these comments we were mindful of the fact there's a recent New York City intermunicipal water study. We were mindful of the effects of runoff, the effects of the price of water this project could affect and the availability of water during the reconstruction of the aqueduct. So I'd like to submit this letter on behalf of the City of Newburgh outlining their concerns.

The site, as it stands now, is very intense and does -- has shortcomings as far as protecting the water quality of Washington Lake. In addition, economic development in the area is dependent on the availability of water. We'd like to protect the water that is there, the source, the quality and the availability. So the City is requesting that you consider our comments that we provided in this letter and ask the developer to revise the plans accordingly to consider our concerns. We'd like to submit this letter on behalf of the City.

CHAIRMAN EWASUTYN: Do you have, Ian,

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more than one letter?

MR. MacDOUGAL: We do. Would you like me to submit it to the Board Members as well?

CHAIRMAN EWASUTYN: In all matters of business, the way the Board is managed, every e-mail and every letter that is coming in on a daily basis, fifteen copies are made and distributed to everyone, both internally with the Planning Board and also with Town Board members. So it's not a vacuum but it's a group readiness. I'll take at least one copy now, which I'll make several of later on, and one copy for Michelle Conero. Please give one to Dominic Cordisco.

MR. MacDOUGAL: This is the original copy signed by the original manager. Does it matter where that goes?

CHAIRMAN EWASUTYN: I'll take that for matter of record. Thank you.

MR. GEBHARDS: Good evening. I'm John Gebhards, I live at 48 Wintergreen Avenue, Town of Newburgh. I am the coordinator of the Quassaick Creek Watershed Alliance. Our organization's primary emphasis is in the preservation of the quantity and quality of water

1 in this watershed. We place special emphasis on
2 protecting the drinking water reservoirs that are
3 included in the watershed. As you may be aware,
4 Washington Lake is one of those reservoirs.
5

6 The City of Newburgh owns the property
7 that surrounds Washington Lake and the Frank
8 Masterson's Memorial Recreation Park. The City
9 uses -- this lake is used for public recreation
10 for fishing derbies, general fishing for senior
11 citizens. When I looked for the information on
12 the proposed project, I was surprised that there
13 was not a SEQRA report done on that, only the
14 full environmental assessment form. The property
15 is located adjacent to a city park. It seems
16 that that should be a type 1 application
17 requiring the full SEQRA review.

18 The potential for siltation and other
19 forms of pollution and runoff from the internal
20 roadways, parking areas and contaminated soil
21 should be fully examined. Possible sources of
22 pollution from the site such as from the old
23 transmission shop and "buried storage containers"
24 shown on the Town of New Windsor lot should be
25 fully evaluated and removal of any contaminated

soil and materials accounted for.

As is common in developments, the project will remove all trees except a few between the remaining residential units on Old Little Britain Road. Mature trees are an effective part of natural siltation. It seems leaving a natural margin of trees which exist next to the City of Newburgh/Washington Lake property would be viable from a water quality standpoint. It could be done by reducing the excessive number of parking spaces to something more normal as required by code and thereby having room to leave a natural attractive barrier of trees along that site next to the City property.

On the full environmental assessment form under the section impact to animals -- plants or animals, it is marked with no impact. However, at this point, at this point I understand that the New York State DEC has not yet responded to the request for information on threatened and endangered species possibly being located there. I understand an opinion was given by a consultant that there is not appropriate

1 habitat for some of the endangered and threatened
2 species that might be under cover, however one
3 that was left out of that consultant's opinion
4 was the Indiana Bat whose habitat are large trees
5 which may be taken down in the process. I request
6 that that be given appropriate consideration
7 based on the threatened status of the Indiana
8 Bat.
9

10 Generally, in conclusion, the Town of
11 Newburgh and the developer have an obligation to
12 work closely with the City of Newburgh to see
13 that the Washington Lake drinking water is not
14 compromised in either quantity or quality. Thank
15 you.

16 CHAIRMAN EWASUTYN: John, can I have a
17 copy also?

18 MR. GEBHARDS: This is my only copy but
19 you can have it.

20 CHAIRMAN EWASUTYN: If you want to make
21 it a point of --

22 MR. GEBHARDS: I can mail one in.

23 CHAIRMAN EWASUTYN: Sure.

24 MR. GEBHARDS: I'd be glad to.

25 MS. MEJIA: Hi. Good evening. My name

1 is Karen Mejia, Montgomery Street, City of
2 Newburgh. I am also Councilwoman for Ward 1.

3 Just some quick remarks I have. I know
4 that we share the value of protecting our
5 watershed and I look forward to this project's
6 successful completion if that's how the Board
7 decides to go. I know that we have probably some
8 continuing conversations, and I really thank the
9 Board for considering and upholding all of the
10 protection that we need to do to our watershed.

11 That's all I have to say for now.

12 CHAIRMAN EWASUTYN: Thank you.

13 Additional questions or comments? The
14 gentleman back there.

15 MR. MORRIS: Good evening. Jason
16 Morris, Engineer for the City of Newburgh. I have
17 numerous concerns regarding the impacts from this
18 proposed development on the City of Newburgh's
19 Washington Lake water source. Washington Lake is
20 a proposed -- is an existing water source for the
21 City of Newburgh as well as the intermunicipal
22 water connection which serves the Towns of
23 Newburgh and New Windsor. The applicants are
24 proposing a disturbance waiver for greater than
25

five acres. I think that's inappropriate for a parcel so close and just up hill from our water source.

There are other numerous concerns I have outlined in the letter submitted by Ian, City Planner. There's an extensive 1,000 feet plus of retaining walls up to eleven feet in height that will be constructed, or proposed to be constructed right on the boundary of the Washington Lake parcel. There's a lack of wetland plantings for pollutant uptake in the stormwater pond. There's other numerous stormwater related items in my letter.

I'd appreciate it if we could have a response to the comments outlined in the letter. Thank you.

CHAIRMAN EWASUTYN: The gentleman in the back.

MR. HUGHES: I have some questions. I attended a meeting about this project this week with the IDA and there were several discrepancies in the description. At the time the meeting took place it went from a three-story building down to a two-story building. One report was 65,000

square feet, another report was 55,000 square feet. The number of jobs for construction fluctuated, the number of leftover jobs that were permanent fluctuated as well.

As far as the planning with something like this, I don't know how you can move forward with this when the developer doesn't even own the property yet. So you're getting geared up here to do some clearing and grading and you haven't corresponded sufficiently enough with all the parties involved.

As prior speakers mentioned, the Washington Lake reservoir has an interconnection working with the Town of Newburgh and the Town of New Windsor as well. So it's not just the City of Newburgh that needs to be concerned about this, and all three municipalities need to work together in this respect.

Also, the Town of Newburgh and the City of Newburgh own the sewage treatment plant together. I believe it was Mr. Cordisco who suggested that there was a 3,000 gallon consumption per day on this project. I've read an informational package that said 6,250 gallons per

1 day. 6,000. So the number of stories, the number
2 of square feet, the number of gallons, goes on
3 and on and on, and I don't really feel at this
4 point there's enough information that has been
5 correctly passed back and forth where everybody
6 can get their finger on the pulse of what's
7 really going on here. I would suggest you put off
8 making any decisions on this, especially since
9 the 239 hasn't been returned from the County as
10 of yet with all of their concerns pertaining to
11 this project. I think we should be extra, extra
12 careful on this thing here. It's in a restricted
13 zone, there's contaminants on the property that
14 are well known. There's been phase 1 and phase 2
15 studies pertinent to this project. I just think
16 that it's time to put your foot on the brakes and
17 take a real good look at what's going on here.
18 This is a critical thing that's going to affect
19 our communities for the next one hundred years.

21 CHAIRMAN EWASUTYN: Mike Donnelly, for
22 the record would you let us know what's before us
23 tonight so we have an understanding as to the
24 site plan and the tree removal?

25 MR. DONNELLY: Sure. The site plan

1 application, the layout of the building, is not
2 yet ready for action at all, and the subdivision
3 piece, the lot line adjustment piece will not be
4 acted on in view of the County's request that
5 they have an opportunity to report. What is
6 before the Board and what is right for
7 consideration is the clearing and grading permit,
8 which more accurately really is a clearing permit
9 since there isn't any real grading being
10 proposed. That is not a matter that requires a
11 referral to the Orange County Planning
12 Department. A SEQRA declaration was issued in
13 November. That was a negative declaration. I
14 think that action is ready, or that piece of this
15 project is ready for action by the Board this
16 evening after the close of the hearing.

18 CHAIRMAN EWASUTYN: Any additional
19 questions or comments from the public? This
20 gentleman hasn't spoken yet.

21 MR. SMITH: I'm Peter Smith, I'm a
22 member of the City of Newburgh Planning Board.
23 We've learned a great deal from the Quassaick
24 Creek Watershed Alliance, from our engineer, from
25 our planner. The burden really is with you to

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make certain in this critical site that the right decisions are made. I would urge you to slow down. Without being certain of what your site plan ultimately is, I would be very hesitant as a board member to issue a permit for grading and clearing.

That's really all I have to say.

CHAIRMAN EWASUTYN: Thank you. The gentleman in the back.

MR. HUGHES: Thank you, Mr. Chairman. I didn't hear any response about the ownership. They don't even own the property. How can you issue a permit to someone that doesn't own the property?

CHAIRMAN EWASUTYN: Mike Donnelly.

MR. DONNELLY: It's commonplace for contract vendees or applicants before a planning board. There is an owner's endorsement in the file that indicates the owner granted permission for the application. That's fairly standard. I think more often than --

MR. HUGHES: I know that exists. I didn't know that information prior to what you just said. Thank you for answering that question.

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CHAIRMAN EWASUTYN: Any additional questions or comments from the public before I turn it over to Pat Hines and Jerry Canfield?

(No response.)

CHAIRMAN EWASUTYN: Jerry Canfield.

MR. CANFIELD: Yes. Our office needs an updated application. The original clearing and grading application reflected the 7.5 acres to be cleared. Now what's before us is something different, so we need the new application to reflect that. Of course the accompanying fees for that.

MR. CORDISCO: Yes.

MR. HINES: It's still 77.5 acres, though.

CHAIRMAN EWASUTYN: Pat Hines.

MR. HINES: The project is before the Board tonight for a clearing and grading, as we just stated, of 7.5 acres. That's the limit of disturbance currently proposed. Under Town of Newburgh Code 83 the applicants are now only proposing to clear and not grade portions of the property. They're going to clear away vegetation, and that has to do with the Federal mitigation

requirements for potential impacts on the Indiana Bat. Clearing of sites between October 31st and March 31st is recommended and actually required in order to avoid impacts to that Federally endangered species. They hibernate in caves and are not in the tree habitat at that time. No stumping or other excavation is proposed under the current permit. Again, it's just clearing.

Activities on the site will be limited to cutting trees and processing the resulting logs and brush.

Soil erosion and sediment control practices include the installation of silt fencing below any staging areas will be implemented along with other best management practices identified on the plan sheets.

Revegetation will be required of the site unless site plan approval is obtained during the process.

There's a requirement for demolition permits prior to removal of any structures, and that must be coordinated through the code enforcement office.

CHAIRMAN EWASUTYN: Thank you. Comments

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from Board Members?

MR. GALLI: No additional.

MR. MENNERICH: I have no questions.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: No comments.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: My question is with the clearing down by the water pond. How much clearing is going to be near the residents, for one? And at the same time, what's going to be cleared except where the building is going to be, for disturbance and all?

MR. O'ROURKE: The clearing and grading plan showed it better. In through here, I think we're showing about a ten-foot buffer that we're not disturbing anywhere near the property line. Any of the trees in the portion of the building or the parking area would be removed. They would just be cut down at this time.

MR. WARD: And do you have any idea how you're going to coordinate the demolition with the clearing? How much after for the buildings?

MR. O'ROURKE: For the existing buildings?

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MR. WARD: Yes.

MR. O'ROURKE: That would be two
separate -- they occur at two separate times.
They would not be coordinated.

MR. WARD: Very good.

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

(No response.)

CHAIRMAN EWASUTYN: The gentleman in
the back.

MR. HUGHES: I'm not sure if I
understood Mr. Hines correctly about the bat.
Where did you say the habitat was?

MR. HINES: I didn't say. Tree clearing
is limited during those times of the year in
order to avoid impacts to the Indiana Bat.

MR. HUGHES: I see. I thought you
mentioned something about caves.

MR. HINES: I don't know where those
caves are but they're not on this site. They're
off site.

MR. HUGHES: The Indiana Bat goes
underneath the bark of hickory trees and other
things of that nature. They really don't live in

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caves.

MR. HINES: They hibernate in caves.
That's the reason for the restriction on
timeframes for clearing.

MR. HUGHES: Thank you for clarifying
that.

CHAIRMAN EWASUTYN: Any additional
questions or comments?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a
motion from the Board to close the public hearing
on the clearing and grading for the Crystal Run
Medical Office building.

MR. MENNERICH: So moved.

MR. GALLI: Second.

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

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MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

At this time I'll turn to Mike Donnelly to give us conditions for the Crystal Run Medical Office building clearing and grading.

MR. DONNELLY: First I'll note, as I did earlier, that a negative declaration was issued on November 2, 2013. The resolution is in your standard form and it contains the following conditions: First, a revised clearing and grading permit application form given the reduction and the extent to reduce it to clearing only, together with the appropriate fee, which has not yet been paid, shall be submitted before the permit is issued. Next, the applicant is required to comply with the requirements of Section 83-10 and Section 83-11. We recite some of those specific requirements that refer to the hours of operation, the requirement that any contracting incorporate the terms of Chapter 83, I think it is, of the --

MR. HINES: Yes.

MR. DONNELLY: -- code. A condition that the applicant sign a permit authorizing Town

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CRYSTAL RUN MEDICAL OFFICE 42

officers to enter the site to perform appropriate surveillance and the authorization to attach additional conditions related to access, dust, security believed to be necessary as the work is ongoing. The applicant will be required to comply with the Town's noise and illumination regulation at all times. The permit will have a duration of one year. As required by Section 83-12, a performance guarantee and inspection fee will need to be posted before the permit work can begin. I'm told that the amount of that is a dollar figure multiplied by the number of acres involved. It's \$3,500 times the 7.5 acres, the amount therefore is \$26,250, and a \$2,000 inspection fee. I think that takes care of it.

CHAIRMAN EWASUTYN: Any questions or comments from Jerry Canfield or Pat Hines?

MR. HINES: Nothing further.

MR. CANFIELD: Nothing additional.

CHAIRMAN EWASUTYN: Questions or comments from Board Members?

MR. GALLI: No additional.

MR. MENNERICH: No.

CHAIRMAN EWASUTYN: Joe Profaci?

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MR. PROFACI: Nothing additional.

MR. WARD: No additions.

CHAIRMAN EWASUTYN: I'll move for a motion to approve the clearing and grading permit for Crystal Run Medical Office building subject to the conditions presented by the Planning Board Attorney, Mike Donnelly.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

(No 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. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried. Thank you.

MR. CORDISCO: Thank you.

(Time noted: 7:42 p.m.)

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

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

DATED: January 24, 2014

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

FICHERA SUBDIVISION & LOT LINE CHANGE
(2013-23)

Mountain View Avenue & Stonewall Lane
Section 4; Block 1; Lots 54.1, 60 & 61
RR & AR Zones
----- X

TWO-LOT SUBDIVISION & LOT LINE CHANGE

Date: January 16, 2014
Time: 7:43 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
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

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

1
2 MR. PROFACI: The next item on
3 tonight's agenda is the Fichera subdivision and
4 lot line change, project 2013-23, located on
5 Mountain View Avenue and Stonewall Lane,
6 Section 4, Block 1, Lots 54.1, 60 and 61, located
7 in the RR and AR Zones. It's a two-lot
8 subdivision and lot line change, three lots to
9 five lots, and it's being represented by Charlie
10 Brown.

11 MR. BROWN: Thank you, Joe.

12 We were last before the Board on
13 September 5th. Since then we've added the proxies
14 as requested. We've shown a 10,000 square foot
15 buildable area where the new building lots, lots
16 2 and 3, are. We corrected the zoning table. We
17 had a problem with a well that was off the site
18 on Scofield. What we did with that was -- this
19 shows how we're doing the right-of-way. It goes
20 from 50 to 70. At this point that's because the
21 road didn't have the original right-of-way, and
22 we provided an easement for Stolfi. That will be
23 for the well and also access to the private road.
24 Then we bring the right-of-way back down to 50
25 feet. Originally we were going to end the

1 right-of-way here. I actually got a call on that
2 from Yansick. It's below our property and I went
3 back and did some research. I went all the way
4 back to 1980 and the right-of-way does go all the
5 way to their property. Whether or not they're
6 going to put a road in is another issue because
7 it's about a 25 percent grade back through there.
8 I think that's pretty much it.

10 We also did some additional testing for
11 the septic systems now, and those designs have
12 been validated, and we're here hopefully to move
13 this forward and get a public hearing.

14 CHAIRMAN EWASUTYN: Thank you.

15 Pat Hines?

16 MR. HINES: Our first comment has to do
17 with the location of that well for a lot that's
18 not party to this subdivision. As we discussed at
19 the work session, the potential to provide that
20 easement we'll leave up to Mike Donnelly's office
21 to review that easement, if that's acceptable.

22 Additional deep testing which we
23 requested, deep and percolation testing, has been
24 performed.

25 We suggested the applicant's

representative evaluate the need for a curtain drain to further protect the shallow absorption systems.

The septic system note needs to be modified to comply with the Town of Newburgh requirement that an as-built plan and a certification from a design professional will be submitted to the code compliance office prior to the certificate of occupancy.

MR. BROWN: That note is on sheet 2. Do you want me to reword it?

MR. HINES: It needs to be Town of Newburgh. Unless you've done it twice. In one spot --

MR. BROWN: Submission of certificate and as-built.

MR. HINES: I looked on sheet 3 and it doesn't say that.

MR. BROWN: We'll work it out.

MR. HINES: Access and maintenance agreements for all proposed and existing lots should be submitted for Mike Donnelly's review.

MR. BROWN: In response, we will add curtain drains to that. I think that's prudent to

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the two septic tanks that are proposed.

CHAIRMAN EWASUTYN: Okay. Jerry
Canfield, Code Compliance?

MR. CANFIELD: We had a previous
comment about oil tanks being removed that were
on the site. That note has been added.

I'd like to comment on the buildable
area. It's better for us when that entire
buildable area is depicted. That was a comment
that was addressed.

I have a question also. Is there a
road maintenance agreement in place that will
include the new lots?

MR. BROWN: It's -- no. We have to
provide a new, more comprehensive, especially
since again we've modified the right-of-way. So
that has to be in it. There will be an updated
maintenance agreement and the easement paperwork
for what we're providing for access and their
well. So all that paperwork -- the Fichera family
owns all the property. Cynthia Fichera is an
attorney and she'll be working with Mike on that.

MR. CANFIELD: That's it.

CHAIRMAN EWASUTYN: Comments from Board

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Members. John Ward?

MR. WARD: No comment.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: No comments.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

MR. GALLI: Nothing.

CHAIRMAN EWASUTYN: So at this point do you recommend that the Board make a SEQRA determination?

MR. HINES: Based on the information submitted we recommend a negative declaration. It does require scheduling of a public hearing.

CHAIRMAN EWASUTYN: Having heard from our Consultants, Board Members having no comments, and the recommendation made by Pat Hines, our Planner, I'd move for a motion to declare a negative declaration on the Fichera subdivision and lot line change and to schedule a public hearing for the 20th of February.

MR. GALLI: So moved.

MR. PROFACI: Second.

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

1 FICHERA SUBDIVISION 51

2 discussion of the motion?

3 (No response.)

4 CHAIRMAN EWASUTYN: I'll move for a

5 roll call vote starting with Frank Galli.

6 MR. GALLI: Aye.

7 MR. MENNERICH: Aye.

8 MR. PROFACI: Aye.

9 MR. WARD: Aye.

10 CHAIRMAN EWASUTYN: Myself. So carried.

11 Mike, did you have anything to add at

12 this point?

13 MR. DONNELLY: No.

14 CHAIRMAN EWASUTYN: Thank you.

15 MR. BROWN: Thank you. I'll talk to Pat

16 about getting the notice out.

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18 (Time noted: 7:50 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: January 24, 2014

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

GARDNER RIDGE
(2012-29)

Gardnertown Road
Section 75; Block 1; Lot 4.12
R3 Zone
----- X

AMENDED CONCEPTUAL SITE PLAN

Date: January 16, 2014
Time: 7:50 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
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVES: VINCENT DOCE &
DARREN DOCE

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

MR. PROFACI: The next item on tonight's agenda is Gardner Ridge, project 2012-29, located at Gardnertown Road near Gidney Avenue, Section 75, Block 1, Lot 4.12, located in the R-3 Zone. It's an amended site plan -- amended conceptual site plan, being represented by Darren and Vincent Doce.

MR. VINCENT DOCE: As Joe said, we're here this evening to represent the Gardner Ridge development which is a 122 -- now proposed 122 unit mixed project located on a portion of property of some 23.5 acres that lies between Fostertown Road on the south and -- I mean Gardnertown Road on the south and Route 32 on the north, just westerly of Gidney Avenue.

Very briefly, you will recall that this originally was approved as a 125 unit project. I know it's been mentioned as 122, 121. The actual approvals were for 125 units of a condominium type active adult community with a traffic study that had been performed for what was once proposed as 139 units.

Because of an unusual situation, after the original approval was granted -- it was

1 granted subject to some items that had to be
2 addressed, the biggest of which I would say was
3 the easement that enters in from Route 32 into
4 the project through the lands of WPA Acquisition
5 had to be finalized. It was secured through a
6 contract, and the attorney for the Planning Board
7 made it known that that would have to be a filed
8 easement before any further approvals could be
9 granted -- any approvals could be granted. So
10 that took an inordinate amount of time. It really
11 became very difficult over several years securing
12 this from the owner of the property, and by the
13 time that we did secure it and get it filed in
14 the county clerk's office, we were notified --
15 the applicant was notified that their approvals
16 had lapsed, in effect, because of a local law
17 that had passed outlining the way the density
18 could be computed. Certain appeals were made to
19 the Town, the Town reviewed them in due time and
20 felt that they could not grant a grandfather.
21 They didn't feel comfortable grandfathering the
22 project, and that other applications for relief
23 would have to be made, like the ZBA, going back
24 to the Planning Board. Sufficed to say, the
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2 applicant thought about it and he said well, they
3 feel that we should have to conform with a new
4 zoning or the new density regulations, and he
5 said rather than go through those appeals, he
6 said I accept what they say and let's explore
7 what we can do here as a project that would be in
8 conformance with all the zoning regulations.

9 Darren undertook a study and he came up
10 with this layout that you see before us that
11 meets all the zoning regulations. It is now a
12 project of 90 townhouses mixed with 32 seniors.

13 Now I'll go very quickly through the
14 density calculations. Because of the type of
15 project that we are presenting here, we are
16 allowed -- would be allowed 144 units. Of those
17 144 units, in our case, 128 of them would be
18 detached single -- I mean attached single-family
19 townhouses and we would be allowed a minimum of
20 16 units as a senior citizen component. Just to
21 clarify that, the regulations dictate that if you
22 do this kind of project, based on those density
23 calculations you have to have 16. You must have
24 at least 16 senior citizen units and the balance
25 of your project could be single-family attached,

detached, and in this case it came out to 128 units, totaling 144 units.

After Darren studied it and he laid it out, he spoke to this client and it was decided that the best layout that we could come -- the one that would be least obtrusive would be 122 total units as opposed to the 144 that was allowed.

Now, as you know, as this project is developed, this 122 is for concept purposes so that when we go on, whether it ends up 124 or 120, it would be dictated by further engineering studies.

However, we are proposing 90 single attached units as opposed to 128, and we are proposing 32 seniors, which is twice what the requirements are under the Town's regulations. Again, totaling 122 units.

Now, we feel that this project, of course, is quite handsome and workable as it lays out. We know the further other things that have to be done. The Engineer, Pat Hines, has requested that we give him -- he accepts our figures here but he says I would like to see the

1 plan on which that was based. We do have that
2 plan and we will afford it to Pat. It delineates
3 on here various colors, the areas which we can
4 not use in yellow and blue because of steep
5 slopes or wetlands. We will forward this to Pat.
6 In fact, Darren and I discussed it and we're
7 going to take this plan and superimpose it on
8 this plan so that you'll see where the steep
9 slopes are.
10

11 Now, the question has come up I believe
12 over the past couple weeks when people looked at
13 it and said why are you going for 122 units as
14 opposed to the 144 that you would be allowed to
15 do. If we did the additional units we would have
16 to put them not -- we could put them in an area
17 where they weren't encumbered by the restricted
18 -- the steep slopes but it would require some
19 grading and some retaining walls. That would not
20 be in the best interest of preserving the flavor
21 of the contours of the land. That doesn't say
22 that we won't propose some grading there, but
23 that's just the answer why we're going for 122 as
24 opposed to 144. We feel that this fits the
25 project and is the kindest proposal to the land

1 as it exists now.

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3 The other thing I would say is that I
4 would like to just briefly show you, although
5 it's not immediately before the Board, that is
6 what our townhouses are proposed to look like. If
7 you would like, I have some 8 1/2 by 11 cuts on
8 here and I'll pass it out after the meeting so
9 everyone can have one. It's a little premature
10 but that's what the buildings will look like.

11 There is one other thing that has come
12 up that although it isn't immediately to be
13 addressed under this application, but it has been
14 mentioned to us a number of times over the past
15 few years, and particularly over the past several
16 months, that they would like -- would have liked
17 the applicant -- although they didn't make it
18 mandatory, they'd like the applicant to discuss
19 with the owner of the property next door when
20 that was going to be let's say graded, developed,
21 particularly since the entrance for this project
22 was going through that parcel of property. The
23 applicant then, of his own volition, approached
24 the owner of the property next door and said
25 look, the Town has been asking for a site plan,

at least conceptual, to be presented on this parcel of property with all the grading and all of the attendant features, at least, as I said, in a conceptual nature. The applicant for this project has offered to pay for all the engineering to have those conceptual plans prepared. The owner of the property accepted his offer, and again, although it's not a part of this, we will show you that we have in fact prepared a complete conceptual site plan on the property next door. The townhouse mixed project is here, Route 32 is here, the entrance road is here. We just want to show you that has been done and is complete, and when ever you would like, as not for approval but as support for what is happening in that area, we'd be glad to give you copies of this plan. We have even gone a step further and prepared an alternate on there. The first has 60,000 square feet, the second has about, I believe it's 50,000 square feet. So we have -- sufficed to say, we have them, and when the Chairman or the Board asks us to, we will deliver copies of them to Pat Hines for the Town's files to show you what this applicant has

1 done in the way of engineering to satisfy the
2 Town's request that a site plan be prepared here
3 to show where that may go in the future. Aside
4 from that, there's not a lot I can add.

5 We know two things. We know that this
6 Board has to acknowledge conceptually that this
7 project can go forward, let's say a conceptual
8 approval as it were, so that the Town Board can
9 entertain that. We're aware of it. They can't do
10 anything until this Board conceptually sends it
11 to them. So that will be one thing we would be
12 asking for.

13 The second thing is we have engaged the
14 traffic consultant who did the previous
15 consultancy for the original active adult
16 community. We know that although a lot of the
17 review that has been made for the traffic will be
18 germane to what is being proposed now, there will
19 be changes. Basically that was done for 139
20 active adult units. This is being done for 90
21 townhouse units and 32 senior units. There's
22 going to be a broad parameter quid pro quo there
23 about this will not be -- the seniors will not
24 take as much as the active adults in the way of
25

1 traffic, will not have as much of an impact as
2 the active adults, but at the same time the
3 townhouses are going to have a greater affect
4 traffic wise. But we're aware of that and we're
5 -- we've already in fact -- the consultant was
6 here this evening and he'll be engaging that.

7 The point we're at, as we understand
8 it, is this Board has to say yes, we accept it
9 conceptually before we can go any further is my
10 understanding.

11 CHAIRMAN EWASUTYN: Mike Donnelly,
12 would you want to elaborate on that?

13 MR. DONNELLY: Yes. Under your code,
14 before the senior housing density bonus can be
15 granted the Planning Board has to authorize --
16 the Town Board has to authorize the Planning
17 Board to review that plan and that it's
18 appropriate that conceptual approval be granted.
19 I questioned whether some level of SEQRA, at
20 least a lead agency designation, should be
21 completed. I think the Town Board can act on the
22 authorization but there are other agencies, so a
23 notice of intent to serve as lead agency may be
24 in order as well.
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CHAIRMAN EWASUTYN: Thank you.

At this point I'll turn it over to
Jerry Canfield, Code Compliance.

MR. CANFIELD: The concept plan we
looked at. There are some questions unanswered,
simply because we haven't had the luxury, Vince,
of seeing those elevations that you have shown up
there. We're asking that you look at the plan
with respect to 185-25, which is the multiple
dwelling section of the Municipal Code. Our
concern is separation of the building, front to
back and side to side.

Also with that --

MR. VINCENT DOCE: If I could just say
we've done that. Darren did that, made that
review, and those separations are based on that.
We'll give you the documentation for that.

MR. CANFIELD: Thank you. Also, the
elevations and the actual configuration of the
buildings will dictate whether sprinkler systems
are required or not, which will impact the amount
of water and what's needed at the site. We can
look at that.

Road widths again is indicative or

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dictated by building height in some areas. If the building exceeds 30 feet, we'll need 26 foot road widths to comply with the fire code. Basically that's it.

I just have one question if I may, Vince. You said the Town requested that site plan on that other site?

MR. VINCENT DOCE: Well, over the years when we brought it up, even when we told the Town Board what we were doing here, they would bring up what's going to happen next door. Your entrance is going through a piece of property next door, it's incumbent upon you to look at that piece of property for your own benefit. The Town would like to see it work out. You're going to have a project here that we want to be successful and we don't want it jeopardized by the fact that it's not pleasant to go through the property next door.

MR. CANFIELD: It wasn't actually a request? It's your anticipation that it's going to be requested?

MR. VINCENT DOCE: They mentioned to us we would like to know what's going on. They

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didn't force us in any way. We just said --

MR. CANFIELD: That was the Town Board?

MR. VINCENT DOCE: When we started asking what route should we take and they said you have to talk to the Town Board and the Planning Board.

MR. CANFIELD: That's all I have.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: Our comments are rather general in nature based on the concept. Basically the concept meets those sections of the Code, 185-48, with the exception of the spacing that needs to be looked at. There's a forty foot buffer shown on the plans and then a sixty foot setback shown. I believe the buffer is fifty feet for the multiple dwelling requirements in residential zones.

MR. VINCENT DOCE: That did come up when we were doing it. Darren spoke to Bryant at that time and it was Darren's interpretation that it's forty. I think Bryant felt the same way. It doesn't make any difference to us because we have more than that anyway.

MR. HINES: That's fine. Again, we

1 requested the analysis of the usable area based
2 on the definition section, which you said you
3 would provide, just to firm up the calculation
4 that it's 7.4 acres of basically restricted area.
5 I don't think it restricts the use in those
6 areas, it's just in the density calculation.
7 We're just looking for that map. Otherwise, we
8 don't have any significant comments regarding the
9 concept.
10

11 CHAIRMAN EWASUTYN: Jerry Canfield.

12 MR. CANFIELD: One other thing. There
13 is delineated the hundred year flood plain. Any
14 disturbance in those areas is going to require a
15 permit as well. That should be noted.

16 CHAIRMAN EWASUTYN: Ken Wersted,
17 Traffic Consultant?

18 MR. WERSTED: We had pulled our
19 original file when we started the project in 2002
20 and kind of went through some of the history just
21 to get refreshed with it. As Mr. Doce mentioned,
22 the project has a history of an active adult
23 community of 138 units is what the 2002 traffic
24 study was based on. It concluded it was going to
25 generate a relatively low amount of traffic,

1
2 however the shopping center/retail project
3 adjacent to it with the combination of either one
4 or the other and the access, there were going to
5 need to be some improvements on Route 32 at the
6 site driveway. Since the project has gone
7 through, you know, some evolutions and it's now
8 being proposed as mostly a non age restricted
9 development, we would expect the trip generation
10 would be higher than what was previously
11 analyzed.

12 Mr. Doce eluded to or said that they
13 were going to relook at the traffic, which I
14 think is a great step. We would review that when
15 that becomes available.

16 MR. VINCENT DOCE: And it's Phil Grealy
17 that will be on that.

18 MR. WERSTED: Thank you.

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

21 MR. GALLI: No additional.

22 CHAIRMAN EWASUTYN: Ken Mennerich?

23 MR. MENNERICH: I think on the traffic,
24 in light of what McDonald's -- the DOT told
25 McDonald's, they're looking for a study for them,

1 too, on that because of the concerns on 32.

2 MR. VINCENT DOCE: By the way, it's
3 been so long, I think some of the Board Members
4 will recall that one reason they did -- wanted to
5 see some kind of a conceptual site plan on the
6 property next door, it would make it easier, it
7 would be an integral part of the component of
8 resolving the traffic. So with that site plan it
9 will help in that sense there. You'll know pretty
10 much maximum what they can do.

11 CHAIRMAN EWASUTYN: Joe Profaci?

12 MR. PROFACI: Nothing at this time.

13 CHAIRMAN EWASUTYN: John Ward?

14 MR. WARD: I'm looking at this plan as
15 it's a new project. Everybody has been around
16 2002, different Board Members and everything
17 else. We have to look at it right like it is
18 today and go with what it is. I appreciate how
19 you're trying to work it out. So we'll make it
20 work that way.

21 MR. VINCENT DOCE: Thank you.

22 CHAIRMAN EWASUTYN: I'll move for two
23 motions, one to grant conceptual approval and the
24 second to declare our intent for lead agency.
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MR. PROFACI: So moved.

MR. MENNERICH: Second.

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

(No 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. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So
carried.

Vince, Pat Hines will work with you as
far as the mailing to adjoining property owners.
That has to be done in ten days.

Mike Donnelly, you'll prepare a letter
to the Town Board?

MR. DONNELLY: Sure.

CHAIRMAN EWASUTYN: Mike Donnelly will
prepare a letter to the Town Board.

I'll make a suggestion. Why don't you
show the concept to the Town Board, since they

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really required it first, and get a sense of
direction from them as to what they deem to be
more favorable, and then we at least have a
notion where we're going.

MR. VINCENT DOCE: Fine. I understand
that -- I've been told that we have to work very
closely with the senior citizen requirements here
with Jerry Canfield.

Thanks a lot.

(Time noted: 8:12 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: January 24, 2014

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

DOMINGUES - HICKORY HILL ROAD SUBDIVISION
(2011-17)

Request for Two 90-Day Extensions for
Conditional Final Approval

- - - - - X

BOARD BUSINESS

Date: January 16, 2014
Time: 8:12 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
JOHN A. WARD

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

- - - - - X

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

CHAIRMAN EWASUTYN: We have one last item of Board Business this evening.

MR. PROFACI: The Domingues - Hickory Hill Subdivision which is project 2011-17.

The applicant is requesting two 90-day extensions which was given conditional final approval on the 6th of June 2013. The extension will run from January 16, 2014 to April 16, 2014.

CHAIRMAN EWASUTYN: I'll move for that motion.

MR. WARD: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

I'll move for a motion to close the Planning Board meeting of January 16th.

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HICKORY HILL ROAD SUBDIVISION

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MR. GALLI: So moved.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

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

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

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

DATED: January 26, 2014