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

----- X

In the Matter of

SPRINT
(2015-11)

7 Meadow Hill Road
Section 60; Block 3; Lot 35.1
IB Zone

----- X

WIRELESS MODIFICATION APPLICATION

Date: June 18, 2015
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: DANIEL LAUB

----- X

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

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SPRINT

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MR. BROWNE: Good evening, ladies and gentlemen. Welcome to the Town of Newburgh Planning Board meeting of June 18, 2015.

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

MR. GALLI: Present.

MR. BROWNE: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

MR. BROWNE: The Planning Board has professional experts that provide reviews on the input and the business that's before us, including SEQRA determinations as well as code and planning details. I'll ask them to introduce themselves at this time.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield, Code

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SPRINT

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Compliance Supervisor.

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

MR. BROWNE: 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 on vibrate. Thank you.

MR. BROWNE: The first order of
business that we have this evening is Sprint,
project number 2015-11. This is a wireless
modification application being presented by
Daniel Laub.

MR. LAUB: Good evening, Mr. Chairman
and Members of the Board. Again for the record,
Daniel Laub with the firm of Cuddy & Feder here
on behalf of Crown Castle and Sprint.

Much like the project that was before
you just a few weeks ago, this is an upgrade to
an existing facility. This is the tower over by
the mall.

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SPRINT

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It includes the addition of three antennas for purposes of adding to capacity and coverage for Sprint's existing facility on the tower. There's also some equipment being added along with those antennas, particularly at grade on the existing concrete pad inside the compound. There's really no expansion of the compound or any sort of excavation or anything along those lines. Again, this is simply for expansion of or additional capacity and coverage for the existing site.

CHAIRMAN EWASUTYN: Okay. We did receive a letter from Mike Musso with HDR LMS who is our Telecommunications Consultant. He said that the application at this point is deemed acceptable and his final review he'll have available the night of the public hearing.

Pat, do you want to add to that?

MR. HINES: We need to refer it to County Planning due to it's proximity to the Thruway and Route 300.

If the Board wishes, the public hearing roughly one month from tonight would be the 16th of July.

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SPRINT

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CHAIRMAN EWASUTYN: Jerry Canfield,
Code Compliance?

MR. CANFIELD: I have nothing
additional.

CHAIRMAN EWASUTYN: Board Members.
John Ward? Dave?

MR. WARD: No.

MR. DOMINICK: Nothing.

MR. MENNERICH: No.

MR. BROWNE: Nothing.

CHAIRMAN EWASUTYN: Okay. Then I'll
move for a motion to circulate to the Orange
County Planning Department and to set July 16th
for a public hearing.

MR. GALLI: So moved.

MR. WARD: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

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SPRINT

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CHAIRMAN EWASUTYN: Aye. Motion
carried.

Do you need documents to circulate to
the County?

MR. HINES: If you have another set,
that would be helpful. Otherwise I can send
mine.

MR. LAUB: I'll give you a set right
now.

MR. HINES: Perfect. I'll send it out
tomorrow.

(Time noted: 7:04 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: July 10, 2015

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

----- X

In the Matter of

WESTPORT MANAGEMENT
(2015-12)

Gardnertown Road
Section 47; Block 1; Lot 70
R-1 Zone

----- X

INITIAL APPEARANCE
FOUR-LOT SUBDIVISION

Date: June 18, 2015
Time: 7:05 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: LAWRENCE MARSHALL

----- X

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

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MR. BROWNE: Our next item of business is Westport Management. This is project 2015-12. This is an initial appearance for a four-lot subdivision being presented by Lawrence Marshall.

MR. MARSHALL: Good evening. As was stated, this is a four-lot subdivision on Gardnertown Road, located in the R-1 Zoning District.

There is an existing residence on the site proposed on proposed lot 1 along with three other accessory buildings, two sheds that would remain on lot 1 and then an old existing barn that would end up resulting being located on lot 2.

Because of the nature of the subdivision, we will need a referral to the Zoning Board of Appeals for variances for the front yard setback of the existing building -- the existing home on lot 1 as well as several variances for the existing barn that would be located on lot 2, the setbacks of the property line being less than the ten feet required, the barn being located in the front yard of the lot, the building height

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2 exceeding fifteen feet. We're not a hundred
3 percent certain but possibly the footprint of
4 the building or the maximum square footage of
5 the building. We're at about approximately
6 970 square feet and we're not certain if the
7 square footage refers to the footprint or if
8 there's multiple floors.

9 Regarding the subdivision
10 particularly, we propose two driveways to
11 serve the three additional lots that are
12 being created. One driveway will be a common
13 driveway serving lots 3 and 4, and then there
14 will be an additional individual driveway
15 serving lot 2. These driveways are located
16 in between the two existing curb cuts that
17 currently serve the property. The westerly
18 most curb cut is proposed to be closed. As
19 part of this overall, just one additional
20 curb cut onto Gardnertown Road.

21 Due to the lot currently spanning
22 across Gardnertown Road, we do propose to
23 grant to the Town the road dedication parcel,
24 to the Town of Newburgh.

25 Lot 1 will span -- we propose lot

1
2 1 to span across Gardnertown Road due to
3 the land on the south side of Gardnertown Road
4 being pretty much unbuildable. There's a
5 stream with an associated flood zone and the
6 remaining upland area is too steep to support a
7 septic system.

8 In addition to the ZBA, we will have
9 to request a reduction in sight distance from
10 the Town Board due to the existing bank
11 that's located on the north side of
12 Gardnertown Road in this section. That's
13 really why we're proposing the two driveways
14 in the location that we have, because there's
15 approximately an eight-foot bank along the
16 north side in the area that would
17 potentially have -- we will have a little bit
18 more sight distance if a substantial amount
19 of grading were to occur.

20 CHAIRMAN EWASUTYN: Pat Hines, any
21 additional questions or comments?

22 MR. HINES: Our first comment has to do
23 with the ZBA, which Mr. Marshall listed. The
24 first and second comments.

25 I have a concern about the drainage

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because of the grading and the long length of the driveways all coming down at one point. We want to take a look at the drainage and possibly may require a culvert to take that water across Gardnertown Road. We have to find out where that goes and how that works.

The driveway for the existing house on lot 1, I see what looks like a parking space by the well. I don't see a driveway for lot 1.

MR. MARSHALL: We ended up -- it's very difficult to see, so what we did on what we have here, and I can show you, is we just hashed it. It's actually located, the driveway, where it says 106.23. That's right where the driveway comes off.

MR. HINES: You're really going to have three driveways serving four houses in that little stretch. We're going to have to take a look at that. We're suggesting the highway -- you submit those to the highway superintendent and to possibly review that in the field with them to make sure that works.

We discussed at work session the lot that spans Gardnertown Road. By definition that

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becomes a lot due to the natural subdivision. How that's going to be linked to lot 1, we're suggesting a note be added to that balance parcel on the south side of Gardnertown Road linking that to lot 1 in perpetuity so we don't get an application for a building permit from someone there in the future, which could potentially happen. Those details will need to be worked out with a note on the plans.

Then we're just waiting for the design of the sanitary sewer systems and the additional drainage detail.

It does require submission to County Planning. It does lack that engineering detail but we may want to try to submit it now and see if they come back with a comment or whether or not they consider it a complete application. That could be an issue.

CHAIRMAN EWASUTYN: Do you have a set of plans with you that you could give to Pat Hines?

MR. MARSHALL: I can leave him with these.

CHAIRMAN EWASUTYN: Would the Board

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like to circulate now to the Orange County Planning Department or would they rather wait for more detailed plans. Frank Galli?

MR. HINES: They don't often comment on the septic systems and those details. They probably will comment on that lot layout we just discussed being on both sides of the road. Those are things they address.

MR. GALLI: Yes.

CHAIRMAN EWASUTYN: Ken?

MR. MENNERICH: Yes.

CHAIRMAN EWASUTYN: If you don't mind, at the end of your presentation, Larry, --

MR. MARSHALL: Sure.

CHAIRMAN EWASUTYN: -- give your plans to Pat.

MR. HINES: I have an additional set so I'm okay. Somehow I have two.

MR. GALLI: I have a question, John.

CHAIRMAN EWASUTYN: I want to go to Jerry Canfield.

Jerry, do you have any questions or comments?

MR. CANFIELD: Just one comment. Did

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we speak about the size of the barn?

MR. MARSHALL: You had mentioned that that would be a concern. We measured it. It's 978 square feet, the footprint of the barn. We're looking for guidance from you as to if there is a second floor or a loft. The building is only approximately sixteen feet high, so I don't believe there's a full second floor. If there's a loft does that count as additional square footage to the 978 or do you just take the building footprint?

MR. CANFIELD: Just the footprint.

MR. MARSHALL: So we wouldn't need a variance.

MR. CANFIELD: The height is sixteen you said?

MR. MARSHALL: The height is -- I apologize. I'm sorry. The eave varies between -- because it slopes across the front, on the left-hand side it is 15.6, on the right-hand side it's 16.8. That's the eave. The peak measures 21.7 and 22.3.

MR. CANFIELD: I think we should add that to the variances for the height.

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Larry, also we have the ten-foot setback off of the property line.

MR. MARSHALL: Yes.

MR. CANFIELD: That would be two additional variances.

CHAIRMAN EWASUTYN: The front yard, too.

MR. CANFIELD: Correct. A total of four.

MR. HINES: Front, side, building height and not the square footage.

MR. DONNELLY: Ten feet from the property line.

MR. HINES: That's what I considered the side yard.

CHAIRMAN EWASUTYN: Frank Galli, Ken Mennerich?

MR. GALLI: So the person that buys lot 2 is purchasing the barn with that lot?

MR. MARSHALL: That would be the intention.

MR. GALLI: Okay. I just didn't know why somebody would want to build a house all the way up there and purchase a barn with it in the

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front.

MR. MARSHALL: We're currently -- we're discussing the viability of that barn remaining with the applicant. The applicant is considering the removal of the barn

MR. GALLI: If it stays with the applicant it can't stay there.

MR. MARSHALL: No, no. Whether or not he would leave the barn or raise it.

MR. GALLI: Okay. One other question. The pool in the back, that doesn't have a deck around it?

MR. MARSHALL: No.

MR. GALLI: Okay.

MR. MENNERICH: Larry, you mentioned you had gone to the Town Board for sight distance because of the driveways. The driveway that's closest to the curb is the one for lot number 1?

MR. MARSHALL: Yes.

MR. MENNERICH: Have you considered going to the Town Board and asking them to allow three houses on the new driveway?

MR. MARSHALL: So eliminate lot 1 and have that come off of the common driveway?

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MR. MENNERICH: Yes.

MR. MARSHALL: We can certainly do that. We can eliminate that curb cut, too.

MR. HINES: That would require an additional waiver from the Town Board. They do allow that with a waiver of three on a common driveway.

MR. MENNERICH: You're going to them anyway.

MR. MARSHALL: Okay. Do we need a referral from this Board for that?

MR. DONNELLY: I don't think so.

CHAIRMAN EWASUTYN: No.

MR. GALLI: He would have to share in the maintenance of that driveway then.

MR. DONNELLY: We're going to need that agreement anyway.

CHAIRMAN EWASUTYN: Other comments from Board Members?

MR. WARD: No comment.

MR. DOMINICK: No comment.

CHAIRMAN EWASUTYN: All right. The referral -- now we don't have that consideration of the Town Board as far as road frontage, or do

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we? We still have that concern. The applicant makes that presentation to the Town Board as far as sight distance. You can go ahead and --

MR. DONNELLY: And/or three lots on a common driveway.

CHAIRMAN EWASUTYN: Okay. Would someone like to summarize the three variances associated with the barn and there's one variance associated with the front yard?

MR. DONNELLY: With your permission I'll send a letter to the Zoning Board. The required variances are front yard for the pre-existing house on lot 1; and for lot 2, for the existing barn we need a front yard variance, a barn within the front yard; building height and ten feet -- I'm sorry, less than ten feet off the property line.

MR. HINES: Correct.

CHAIRMAN EWASUTYN: Then I'll move for a motion to have Mike Donnelly prepare a letter to the Zoning Board of Appeals outlining the variances associated with the four-lot subdivision of Westport and to circulate to the Orange County Planning Department.

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MR. GALLI: So moved.

MR. DOMINICK: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

MR. MARSHALL: Thank you.

MR. CANFIELD: Just one question. John, that barn, it's not a front yard setback. The barn itself is being located in the front yard.

MR. DONNELLY: Okay.

MR. HINES: It also is a setback issue.

MR. DONNELLY: It's pre-existing.

MR. HINES: It's within the front yard setback as well. It's both.

MR. CANFIELD: Okay.

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(Time noted: 7:16 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: July 10, 2015

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

----- X

In the Matter of

DLE HOLDINGS, LLC
(2015-13)

5310 Route 9W
Section 23; Block 1; Lot 1
B Zone

----- X

INITIAL APPEARANCE
SITE PLAN

Date: June 18, 2015
Time: 7:16 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JOHN FULLER

----- X

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

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2 MR. BROWNE: Our next item of business
3 is DLE Holdings, LLC. This is an initial
4 appearance, site plan being represented by John
5 Fuller.

6 MR. FULLER: Good evening to the Board
7 and to the Consultants. My name is John Fuller.
8 I'm a professional engineer that's representing
9 the application which is before you.

10 The property owner is DLE Holdings.
11 The applicant is Quality Bus. They've recently
12 purchased this property. As many of you may
13 know, it's located on 9W at the intersection of
14 McCall Place. It's about a 1.3 acre parcel.
15 It's currently been operating for a number of
16 years under George Carroll Bus Service. Quality
17 Bus has purchased this building and will continue
18 to operate the same operation, which is to
19 service the Marlboro School District as far as
20 supply of busing and the bus operation.

21 The existing parcel is again about 1.3
22 acre. It's predominantly gravel. It does have
23 some paved entrances coming in, both off of 9W as
24 well as McCall Place.

25 There is a 2,400 square foot what we

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call pre-engineered building/barn type structure that's on the property. That's currently serviced by municipal water and a septic system. That's delineated in the existing conditions.

The proposed site plan, as we've indicated, the actual intensity of the site will not change. It will be the same number of buses that currently operate in servicing that school district.

What the applicant is proposing to do is to add on to the building and to improve it in order to facilitate and create a better working environment operating out of the existing facility. They're proposing to add two 400-square foot additions, one for parts storage, the other for a larger entry room for the bus drivers as they come in each day, both at the beginning and the end of each workday, in order to facilitate their operation. Currently they're operating in a very small ten-by-fourteen room inside the existing 2,400. So that additional 400 square feet will improve the operation of the bus drivers.

I've indicated preliminary

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architecturals at the end of the set. Part of it would involve raising the current roof line. The existing building can not accommodate lifts for the buses, and so they raised the roof line in order to accommodate lifts in order to better service the equipment when it's brought inside. That's in the latter part of the set.

We also indicate a floor plan of what's currently there. As I've indicated, there's about a ten by -- 400 square foot parts storage area toward the front of the building, and then what currently is labeled as new dispatch office, that's currently the area that the bus drivers utilize. This new 400 square feet will help to improve their operation as they come to and from the site.

I've represented Quality Bus in a number of locations. They have facilities in both Goshen and the Port Jervis School Districts. Their intent is to clean up the site. If you're familiar at all with the site, it is kind of rundown. They intend to resurface all parking surfaces and also improve the building. Besides the addition, they'll re-skin the building with

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new metal siding and new metal roofing, which is in great need. A lot of it is kind of beat up and aged. I think the original building dates back to at least the early '80s, maybe even a little bit earlier than that.

I think on our preliminary site plan, which I've delineated, it shows the extent of what they need relative to parking.

With that introduction, I'll turn it back over to the Chairman.

CHAIRMAN EWASUTYN: Thank you. At this point I'll turn to Pat Hines.

MR. HINES: The first comment, which Mr. Fuller just touched on, is the complete lack of any landscaping along the property frontage and the existing parking. The buses currently park at the property lines which is in a fenced compound there. The Planning Board often sees these additions and things that come in along this 9W corridor as an opportunity to do some improvement of the visual along that corridor. I know they'll discuss some of that with you.

In addition, the Board requires commercial parking areas to be paved. At a

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minimum, where employees and the general public potentially walk needs to have pavement. They have worked with applicants in the past for overflow or storage areas to be gravel parking areas. I think there needs to be a little more clarity on the plan as to what type of surfaces exist and what resurfacing is necessary as that moves forward.

It looks like there's an extraneous property line --

MR. FULLER: That is a CAD error.

MR. HINES: I didn't know what that was. That's fine.

Architectural review will be required moving forward.

Handicap accessibility spaces need to have appropriate signage shown on the plans, and striping. That handicap space needs to be completely paved between the handicap space and the building.

The lighting plan you provided has the individual foot candle lines but where they cross they don't cumulate so we need to take a look at the intensity of all the light fixtures there.

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I'm going to leave it to the Board to discuss the landscaping. I don't know how your client feels but it is an opportunity to clean up this corridor. They have worked with all the applicants along here to do some landscaping and some paving improvements. I know you're improving the building exterior, which will help, but currently the site is a little rundown as you know. The vegetation has been growing up along the fences. So the Board is going to look to work with your applicant to get that cleaned up.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: Just a question. I'm curious, if your intentions are to re-skin the building and raise the roof, would it be more advantageous to replace the building?

MR. FULLER: The applicant has thought about that. I think we weighed the plus benefit of doing it. We just feel it's appropriate to re-skin the building.

MR. CANFIELD: Just thinking of the age of the structure. The metal buildings, the clips and brackets are still available. That's your

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determination, but --

MR. FULLER: When they re-skin it they'll re-insulate and bring it up to more current codes relative to insulation values. I think structurally the building is fine. Those pre-engineered buildings don't deteriorate very well. The siding has been beat up from people running into it and --

MR. CANFIELD: Once you re-skin it you're going to end up with the steel frame and you're going to alter that to raise the roof. And then looking at the building code application, it would be probably a total rehab so the full new code would apply. So just consideration as to think, you know, perhaps financially which may be better for your client.

Just a clean-up note. Note 13, it should say Town of Newburgh, not Town of Goshen.

MR. FULLER: Sorry about that.

MR. CANFIELD: The other question I have is will there be any signage on the site?

MR. FULLER: The only signage would be on the building, and it would just be -- well, other than parking signage like handicap parking.

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It would just be the signage to replace George Carroll with Quality Bus.

MR. CANFIELD: Nothing freestanding?

MR. FULLER: No. No freestanding.

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

MR. HINES: The only other thing, and I didn't pick it up in my comments but looking at it here, the addition that faces McCall Place and the location of the septic system, you don't have the ten-foot separation required. You need to take a look at that. It's between the tank and the proposed addition.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: Where is the employee parking?

MR. FULLER: Most of it is along this fence line here and along the back property line here.

MR. GALLI: So they're going to be parking inside the fence, not outside along McCall Place?

MR. FULLER: Correct. They'll definitely all be on site.

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MR. GALLI: They're allowed now to park on the outside.

MR. FULLER: I'm not sure of the circumstances. You know, I know Quality Bus runs a very good operation. Their intent and part of the resurfacing of the site is there are areas on the site now that are less gravel and more mud, and so we want to facilitate the parking throughout the site to prevent that from happening.

MR. GALLI: So the areas that the employees are going to be parking in, like Pat was saying, might have to be paved. That's something to look at.

That's all I had on that, John.

CHAIRMAN EWASUTYN: Additional questions, Frank Galli?

MR. GALLI: I'm done.

MR. BROWNE: I was just going to ask about the parking.

MR. MENNERICH: Concerning the landscaping, I know you pretty much filled up the fenced area. If there could be something done to add some landscaping along 9W in particular, just

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to screen it from the highway. I don't know what you can do but is there a possibility that you could go to the DOT and get permission to plant on their land?

MR. FULLER: I'm certain that they'll allow for grass to be cleaned up along there. Right now it's a lot of overgrowth and weeds. But they would definitely allow for grass all along the right-of-way and low-growing vegetation. They have certain restrictions about the height or sight distance and things of that nature.

CHAIRMAN EWASUTYN: That might not be the answer along 9W, though. Then we get into the issue of the salt along 9W. I question how long plants will live. Generally speaking, I think there's something in the code that requires -- is it one tree for every parking space?

MR. HINES: One per eight or twelve. In the code there is a number.

CHAIRMAN EWASUTYN: There is a number in the code that requires a tree planted for every parking space. So unless you're looking for a waiver on that, you're going to have to

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comply with that.

MR. FULLER: Well, I can speak for the applicant. We're going to most certainly request the Board to waive that or seek some leniency in that regard.

CHAIRMAN EWASUTYN: What we're actually asking for is a mitigation measure for the visual impact. So to say that you don't want to offer anything and look for a waiver isn't a satisfying answer.

MR. FULLER: No. What I'm proposing -- maybe I phrased that the wrong way.

CHAIRMAN EWASUTYN: 9W is a corridor that we've always tried to work on to improve. I would say you would have to look at what happened with Pilot, and there are several other buildings along that corridor that are new. QuickChek, excuse me, that landscaping has been done. Even the fact that today the existing weeds along 9W, along the State property line are close to two feet high. No one seems to take an interest in wanting to maintain that. So rather than beating around the bush, you should come up with something with that in mind.

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I think it's a point that the employee parking needs to be paved, okay.

MR. DOMINICK: I agree with you, John, about the landscaping.

Do you have anything preliminary that you have in mind that could dress that up.

MR. FULLER: As I was indicating, we definitely would grass it and deal with the weed issue, which is a major overgrowth on this particular site. I'm sure we'll come up with a landscaping plan of low growing that would comply with what the State would allow along 9W, because it is within the right-of-way.

We've also -- I discussed with applicant, actually on my way here this evening, the idea that if a screen is a concern, they would be open to the idea of using slats in the chain-link fence, you know.

CHAIRMAN EWASUTYN: I think we're looking for landscaping.

MR. FULLER: Okay.

CHAIRMAN EWASUTYN: We're talking around it and around it and around it. Grass, low-growing shrubs doesn't mitigate and soften

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the visual impact.

MR. FULLER: Okay.

CHAIRMAN EWASUTYN: Fifty buses are still fifty buses. The color of the buses are still the color of the buses. The obvious is the obvious. We're looking to mitigate some of the obvious.

MR. FULLER: Yeah. That's part of the reason why I suggested, you know, possibly doing the slats, to hide the buses.

CHAIRMAN EWASUTYN: Again, that's not the answer.

MR. FULLER: Understood. We'll do whatever landscaping we can that the State will allow in the right-of-way.

CHAIRMAN EWASUTYN: We're not talking about what the State allows in the right-of-way. We're talking about what would be incorporated on your site itself.

MR. FULLER: Okay.

CHAIRMAN EWASUTYN: We're not going to ask the State to allow you for something that more than likely they would say no, so your response would be we tried with the State and

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DLE HOLDINGS, LLC

they said no.

MR. FULLER: Understood.

CHAIRMAN EWASUTYN: It's really the needs of the Town.

MR. DONNELLY: It might be helpful to look at some of the recently approved sites on 9W, QuickChek and Magyar.

CHAIRMAN EWASUTYN: The Mansion.

MR. GALLI: The Mansion.

CHAIRMAN EWASUTYN: David, anything else?

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

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I emphasize the blacktopping in the parking lot itself. Basically where the buses are parked, what would that be, Pat? Storage? Where the buses are parked, what type of surface is that?

MR. HINES: That's going to be up to the Board. Other applications where commercial vehicles were parked you did require pavement. You've been flexible with some applicants for the overflow parking. Magyar's is an example where they don't often move those vehicles, that was

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allowed to be a gravel surface. Depew Oil along that corridor, they paved a substantial portion of the lot but you did leave some of the lot that wasn't used very often gravel. I think you've been flexible with the applicants but you do pretty much have a requirement for paving in commercial areas.

MR. WARD: What I'm saying is the buses are going to go in and out all the time. It's not like it's going to be storage for a vehicle. At the same time, they leak. Basically environmentally you don't want going into the ground diesel fuel and everything else. So we're trying to emphasize and we're trying to show you along the corridor, but at the same time we have the codes for the guidelines. If you can look at the guidelines, what we're trying to ask you nicely is to look at it because I emphasize blacktop all over.

The corridor. You can ride up 9W and see what we're trying to say to you instead of chain-link fence and everything else. That's not what we're looking for. So that's my comment.

CHAIRMAN EWASUTYN: Pat, do we need to

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circulate to the Orange County Planning
Department?

MR. HINES: Yes, it does need that.
It's on the State highway, so that would need to
go.

CHAIRMAN EWASUTYN: Do you have a set
of plans or do you need an extra set of plans?

MR. HINES: I would need a set.

CHAIRMAN EWASUTYN: Mr. Fuller, if
you'd get an extra set of plans to Pat Hines'
office, we'll circulate to the Orange County
Planning Department.

MR. FULLER: Absolutely.

MR. CANFIELD: John, just a point of
reference. If you look at our Municipal Code
185-13, that deals with parking, specifically
9(a), as in Adam, is the area that deals with the
trees. Okay. It is one on eight spaces per
tree. Also it allows the Board -- what's
acceptable to the Planning Board. You may want
to just review that so you can get an idea of
what the Board is looking for.

CHAIRMAN EWASUTYN: That's it.

MR. FULLER: Very good. Thank you.

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(Time noted: 7:35 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: July 10, 2015

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

----- X
In the Matter of

BUDGET INN
(2015-05)

Route 9W
Section 27; Block 2; Lot 21.2
B Zone

----- X

PROPOSED ADDITION
SITE PLAN

Date: June 18, 2015
Time: 7:35 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: BARRY MEDENBACH

----- X

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

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BUDGET INN

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MR. BROWNE: Our next item of business is Budget Inn, project 2015-05. This is a proposed addition, site plan. It's being presented by --

MR. MEDENBACH: Barry Medenbach, engineer, --

MR. BROWNE: Thank you.

MR. MEDENBACH: -- representing the applicant.

Would you like me to give you an update? This is the Budget Inn, it's on Route 9W. We were here, I believe it was in March for site plan approval to add a storage area to the back of the motel building. Apparently they have a container in the parking lot that's in violation and they have a fence enclosure used for storage that's also in violation.

This Board sent us to the Zoning Board of Appeals for variances. I think there were seven in total. We met with them in May and they granted the variance. We're now back here for the Planning Board to give us site plan approval.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

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MR. CANFIELD: We have nothing other than to make note -- like Barry said, on May 28th the ZBA did grant the variances, however at this time the decision and resolution has not been completed yet.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: Our first comment was regarding the fact that there are outstanding variances, but I believe they are granted.

The dumpster enclosure should be shown on the plans to be removed. There's a dumpster kind of sitting out next to the stockade fence area. We just want that to be shown to be removed. I think that's going to be placed in the fenced-in compound.

MR. MEDENBACH: We will place the dumpster in the enclosure that's used for storage now.

MR. HINES: If we could have that added as a note to the plans.

If there's any other use of that stockade fence area other than just outside storage, maybe just label that as outside storage.

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Then we're suggesting a note be added to the plans that the addition to the rear of the structure is strictly to be used for dry storage. There's no additional plumbing or --

MR. MEDENBACH: Right.

MR. HINES: -- heating or any other use of that other than storage. I think you described they're going to store things associated with the motel operation.

MR. MEDENBACH: That's correct.

MR. HINES: That note should be added to the plans.

I think each of those can be a condition of approval. I don't know if it can be issued while we're waiting for the final variance. That's a question for Mike.

MR. DONNELLY: I think if they are granted we don't need to see the decision. We'll include any conditions that are in that decision.

MR. HINES: So I think the Board could issue a conditional final approval. There is no SEQRA. It's less than 4,000 square feet commercial, so it's a Type II action.

CHAIRMAN EWASUTYN: John Ward?

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MR. WARD: No comment.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: No comment.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

MR. BROWNE: Nothing.

MR. GALLI: I'm all set.

CHAIRMAN EWASUTYN: Mike Donnelly,
Planning Board Attorney, can you present in the
resolution the items for conditional final
approval?

MR. DONNELLY: Yes. This is both site
plan and ARB. I don't know what we've done with
ARB. I guess we'll come back to that.

We'll need a sign-off letter from Pat
Hines on the outstanding items in his memo of
June 12th that he just went over. We'll carry
our standard reference to the ZBA variance and
include any conditions that are in that decision
as conditions of this approval. Because ARB is
involved, our standard ARB condition that says
that no building permit will be issued for
construction of anything that is at odds with
what was presented to the Board. Your standard

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condition of no outdoor fixtures and amenities.
Nothing can be built that is not shown on the
approved site plan.

CHAIRMAN EWASUTYN: Do you have
anything showing the proposed addition in the
back as to what it's going to look like?

MR. MEDENBACH: No. We did not provide
anything for that.

CHAIRMAN EWASUTYN: Okay.

MR. MEDENBACH: Other than we just
talked about the geometry. There's a slope. We
have a photograph. The existing bump out there,
basically that was added on at some point. It
just comes from the peak of the roof and it just
adds a shed roof. We would maintain that same
geometry back there as far as the siding.

I will point out that that area is not
visible really from anywhere. It's up against
the steep hill in the back. You can't see it
from the front. The side is a garage area. I
believe there's a fence there that you may be
able to see in the very back.

CHAIRMAN EWASUTYN: Jerry, what happens
when he makes an application to the building

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department and there isn't anything that clearly shows or states what's being constructed? Does that create a problem in the office?

MR. CANFIELD: We'll need a degree of detail. Generally with architectural drawings we'll see elevations.

CHAIRMAN EWASUTYN: Right.

MR. CANFIELD: If the Board wishes, you know, to have the applicant submit --

CHAIRMAN EWASUTYN: Excuse me, excuse me, excuse me.

MR. MEDENBACH: Just a discussion with the applicant.

CHAIRMAN EWASUTYN: Excuse me. The table is with Jerry.

MR. MEDENBACH: I'm sorry.

CHAIRMAN EWASUTYN: He's code compliance.

MR. CANFIELD: What we were discussing, Barry, is at the time of the building permit we're looking for a degree of detail as to what the appearance will be. You know, the structural components, the exterior siding. What I was about to say is if the Board wishes, they can

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request from the applicant to submit a cut sheet typically as we get during the ARB, architectural review process, which depicts what type of exterior materials will be used. In this particular case you should keep in mind, though, it's totally in the rear, not visible from the front or 9W.

CHAIRMAN EWASUTYN: So the cut sheet would be the same cut sheet that's part of the submission for an ARB that details --

MR. CANFIELD: Correct. Correct.

CHAIRMAN EWASUTYN: Would the Board be satisfied with that?

MR. GALLI: As long as the building department can work off of that, I'm fine.

MR. BROWNE: Yes.

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

MR. DONNELLY: Yes. I'll include that language both in the findings and in the conditions.

CHAIRMAN EWASUTYN: Thank you.

All right, so having heard from our Attorney, Mike Donnelly, the conditions for a

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conditional final approval and the addition of a cut sheet to be supported of the ARB which is necessary for the proposed addition, I'll move for a motion to grant that approval.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself.

MR. MEDENBACH: Thank you. Just one point. The applicant just wanted to inquire, he could put heat in this? Is there a problem with putting heat in? There's no plumbing or anything. He would like to have a little bit of heat.

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MR. HINES: That's fine.

MR. MEDENBACH: That's not a problem?

MR. HINES: Not a problem.

MR. MEDENBACH: Thank you very much.

MR. HINES: Just the addition of any kind of plumbing fixtures would trigger the septic system, and that wasn't undertaken in this.

MR. MEDENBACH: I'm sorry?

MR. HINES: The addition of any wet plumbing would have triggered the sanitary sewer on the site. As far as heating or cooling the space, I don't have a problem with that.

MR. MEDENBACH: Thank you very much.

(Time noted: 7:43 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: July 10, 2015

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

----- X
In the Matter of

HAMPTON INN & SUITES AND RESTAURANT
(2014-16)

Route 17K & Crossroads Court
Section 95; Block 1; Lot 45.12
IB Zone

----- X

SITE PLAN & ARCHITECTURAL REVIEW

Date: June 18, 2015
Time: 7:44 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: ANDREW FETHERSTON

----- X

MICHELLE L. CONERO
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MR. BROWNE: Our next item of business is Hampton Inn & Suites, project number 2014-16. This is a site plan and ARB being presented by Mr. Fetherston.

MR. FETHERSTON: Good evening. Andrew Fetherston, Maser Consulting.

Mr. Chairman, what I did was I just simply colored up the old plan to show the Board Members what we did, what's different to the new plan. Would you like me to take you through that? The only change was really the stormwater.

CHAIRMAN EWASUTYN: Okay, fine.

MR. FETHERSTON: Great. What we did was -- this is the old plan. This is the plan that you saw probably two months ago at least. Basically what I'm trying to indicate is these are areas that are now basically stormwater. We went out, we did -- we started this project in the middle of a very bad winter. There was no soil testing that was going to be done during the winter. We got out there and did the geotechnical work for the building. We also did the soil testing for the site in accordance with DEC requirements. The soils were terrible.

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There was absolutely no infiltration of these soils. When we start a project in the middle of winter we say we'll use the most conservative rate, a half an inch per hour. We couldn't even get that. So that being the case, when you don't have soils on site that will percolate to meet the requirements of the State stormwater, you have to bring in soils. So basically we're bringing in soils and creating bioretention areas. That's basically how you do it nowadays.

So what I've indicated is those areas where the islands, which were rather narrow, more conventional on our original plan, they're now very wide. They incorporate a planting area, bioretention brought in, manufactured soils some two feet deep. Everything has to have an underdrain because we're not assuming there's going to be any infiltration. We're not assuming this water is going to go down. We're assuming it's going to go through this soil matrix, peat moss and the like, and it's just not going to go through once it hits the native soils. So that being the case, everything has underdrains in it. So these islands that you see on the new plan, I

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don't know if you can see the difference, very narrow on the original plan, they're quite wide on the new plan.

We kept the walkways so we can facilitate people getting through there because in a downpour these areas are going to be damp. They're now stormwater facilities.

The building stayed where it was going to be. This parking aisle stayed the way it was. The island got wider. This aisle for parking and driving stayed the same but the island got wider so everything got pushed this way, if you will. So now this last line of parking is a little bit farther, closer towards Crossroads Court than it was previously.

So basically we've got a stormwater plan that is really something because the soils are lousy. That's the driving force on this green infrastructure stuff. Montgomery, New York, a lot of sandy stuff. It will infiltrate beautifully and your stormwater is actually going to be small because it's taking advantage of the soil.

On this site the applicant brought in

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quite a bit of soil at one time, probably to build it up, maybe to have a pad site at that time. When you come into the site it's built up here and then it drops off. Perhaps he didn't bring in great stuff. Maybe the native soil wasn't great. Maybe it was from when the Thruway was constructed. But the soils are not good. That's the biggest change to the plan.

We reduced the -- I put a minus 29 on there because we're down 29 parking places. We had 197. We're down to 168 and we need 165. So we meet the code but the client wanted more parking rather than less. Once we came up with what we thought was the most economical way to meet the stormwater requirements given the soils, we had to reduce the parking. We needed more space for these bioretention areas.

We also excavated down to depth and found groundwater. That was also a limiting factor. You couldn't keep going deeper and deeper. So it had it's issues.

I think Pat's office reviewed the plan and I think they found it satisfactory.

CHAIRMAN EWASUTYN: You met the

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challenge.

MR. FETHERSTON: We met the challenge. It was a challenge. It was definitely a challenge.

That's really the biggest change, Mr. Chairman. If there's anything else, any other questions I can go through. I'll be more than happy to try and answer the questions.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: No.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: I just brought up one thing was this type of a unit, we had a maximum of 25 percent that have kitchens in them. I know the suites -- some of the suite units do have kitchens. It's just something to --

MR. FETHERSTON: Okay. You got the B team tonight. You got me here. Justin is not here, the attorney is not here, the architect is not here, the client is not here.

CHAIRMAN EWASUTYN: We feel relieved. Thank you. We have someone who makes sense. We appreciate that.

MR. FETHERSTON: I try to make it

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simple.

I don't have too much information on the architectural with me but I can certainly get that. The question would be how many suites are there with kitchens?

MR. BROWNE: Yes.

MR. HINES: There is a limit.

CHAIRMAN EWASUTYN: Jerry, the code?

MR. CANFIELD: It's 25 percent. I think what Cliff is telling you is just be cognizant that that is the requirement.

At the time of the building plan review, Cliff, also that's our checks and balances. We will look for that.

MR. BROWNE: These guys should know early on because it's going to change what they do possibly.

MR. FETHERSTON: Right.

MR. GALLI: The builder must know, he's done other hotels.

MR. FETHERSTON: I would have to guess, but I can't confirm it.

CHAIRMAN EWASUTYN: Cliff, any additional comments?

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MR. BROWNE: No, thank you.

MR. MENNERICH: Nothing.

MR. DOMINICK: Just one. First Andrew, as the B team you're doing a great job. We're going to move you to A.

On page 5 of the drawings, the northwest corner is signified as a lawn, okay. In the initial appearance wasn't that supposed to be a cafe, walk area?

MR. FETHERSTON: It got removed from the application.

MR. DOMINICK: It was. Okay.

MR. FETHERSTON: We were looking for some kind of a pad site.

MR. DOMINICK: In the northwest corner of the building?

MR. FETHERSTON: The northwest corner. The bar/patio is there.

MR. DOMINICK: Right.

MR. FETHERSTON: The bar and that area is in that location. I do have one -- let's see what I have for the architectural. I think I'm pretty sparse on the architectural as far as what I'm showing. I know there is an outdoor

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area. I can show you that on this. This area here is right where you're speaking about.

MR. DOMINICK: So it is still there?

MR. FETHERSTON: Yes.

MR. DOMINICK: It said lawn there.

MR. FETHERSTON: There is lawn on the corner.

MR. DOMINICK: You still have that cafe or bar?

MR. FETHERSTON: Yes.

MR. DOMINICK: Okay. Thank you.

CHAIRMAN EWASUTYN: Anything else, Dave?

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

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Your sidewalk, do you have it continued from the circle?

MR. FETHERSTON: Yes. What we did was we brought it from the circle. It ends up here. So we brought it all the way down the site. We're going to get something across here. We're going to put a sidewalk on.

MR. WARD: A crosswalk?

MR. FETHERSTON: A crosswalk. Stripe

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that. And then we have to get -- we're going to remove some of these plantings so we get somebody up this and right across that planted area. There's some drainage there, lighting. I think the drainage can stay. We're just going to continue the sidewalk there, pull a couple plants, move them around. Get somebody right across.

MR. WARD: Thank you.

MR. FETHERSTON: Sure.

CHAIRMAN EWASUTYN: Jerry, do you have anything to add at this time?

MR. CANFIELD: They did receive the variances for the building height, the signage and the 35 foot on 17K.

We talked during the work session on the signage. We do see only one freestanding sign. We probably need to see a complete signage package to be included. I think your variance, Andrew, was for 795 square feet.

MR. FETHERSTON: I think that was for the sign on the west side, the sign on the east side and the freestanding. That was my understanding.

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MR. CANFIELD: We're going to need to probably see at some point that it complies.

MR. FETHERSTON: Okay.

MR. CANFIELD: Just a point of information and along the lines of fire protection. It's a multi-story building, five-story building. In addition to a sprinkler system requirement there will also be a pipe system requirement. You may want to just look at the hydraulics to make sure that there's enough pressure to facilitate that. If not, maybe a pump may be needed. I don't know but it's just something you may want to look at.

MR. FETHERSTON: We did hydroflow testing out here. I thought that might have gone to Pat. If it didn't we'll get it to you and show you that information. We did flow testing on the site.

MR. CANFIELD: Unless you know what your demands are, your hydraulic calcs, what kind of flow you're going to need. I don't know until I see the system design and then I can compare.

MR. FETHERSTON: We've got the testing. We'll get you the information.

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MR. CANFIELD: It could be a sizable expense if you're going to need a pump. It's something you should know about now.

MR. FETHERSTON: Right. Okay.

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

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: Our first comment was regarding that sidewalk that was just discussed connecting the sidewalk from Crossroads Court up to the front of the building. That was just addressed.

There was discussion early on whether a DEC permit for the stormwater systems that are connecting to the stream was required. I know the one right by Crossroads Court. I don't know the status of that.

MR. FETHERSTON: We're applying for a protection of water. We don't have anything in the banks and really not too close -- not in the bed and nothing that close to the banks. I think we're within fifteen feet of the banks. We're applying for a protection of waters permit.

MR. HINES: It's my understanding it's twenty-five feet of the bed or the stream.

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MR. FETHERSTON: Right.

MR. HINES: That's outstanding.

The revised stormwater plan we just received. We're suggesting it should be sent to the Thruway Authority for their review. The Town does have some ongoing issues with the Thruway Authority regarding drainage. We want to make sure we keep the Thruway in the loop.

The plan does comply with the DEC standard as well as the standard for the City of Newburgh's watershed. The Town, we have an unwritten, unofficial policy that requires ten percent additional treatment of the water quality volume in the watershed. It's above and beyond the DEC regulations. That's been complied with in the design. With the current status of the Town and the Thruway Authority, we're just suggesting that that plan be sent to them for their input.

I talked to Jerry at work session regarding the single additional hydrant and that's been determined to be okay.

We're suggesting the signage chart be placed on the plans.

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Andrew, I don't know if you know but the 24-inch nylon structures for the bioretention areas, some of them have 18-inch pipes penetrating them.

MR. FETHERSTON: We called them and he said -- the manufacturer said that they could -- if you have a 24 and you have a 24 pipe they could do that. It wasn't like a water pipe that you can't bore one that's the same size. He said with those structures, if you had 24 for a manhole you could put 24 into it. The 18 isn't an issue.

CHAIRMAN EWASUTYN: That's tight.

MR. HINES: The City of Newburgh flow acceptance letter was a comment. I do have a copy of that now.

The outstanding things we have are the signage chart, the DEC permit, some coordination with the Thruway Authority needs to be undertaken, and that's --

CHAIRMAN EWASUTYN: We do have a City flow acceptance letter?

MR. HINES: We do have a City flow acceptance letter. I did find that in the file.

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Ken Wersted I know had some comments on the traffic study that he submitted to the Board.

CHAIRMAN EWASUTYN: Mike, do you want to elaborate on that?

MR. DONNELLY: I think you've seen Ken's report. He wanted to see the G&M site included in the counts for the warrants for the light, and that is not in the study.

MR. FETHERSTON: If I could, I'm not going to submit anything to the Board when I'm standing in front of the Board. I'm not doing that. I do have information from Phil Grealy's office. He sent me over the signal warrants that would include those sites. The warrants are not even close to being met for signal. If anybody would like to see them or if you want me to show them to your engineer --

MR. DONNELLY: The signal warrant --

CHAIRMAN EWASUTYN: Can I have one for the record?

MR. DONNELLY: The signal warrants are not met. He just wanted to see how much closer they would be with the G&M counts.

MR. FETHERSTON: Right. I had a note

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from Phil. Bear with me. I got it. Phil says we did run the warrants at 55 miles-an-hour. It still does not meet the warrants. We don't have trip numbers for the G&M Orange site but we do believe they will -- we don't believe they will change the result. It really depends on what ultimately happens with the Orange County Choppers building in the future. That's what Phil had sent to us. That's the best I have.

CHAIRMAN EWASUTYN: All right. So as far as any action on the site plan this evening, are we in a position to call for a conditional or do you want to hear back from the Thruway Authority? Do we want to get some kind of --

MR. FETHERSTON: If I could, just briefly. We're going to have 110 percent on the water quality but probably get 130. We're required to meet the peak flows coming off the site. We reduced them all. We know it's going to the Thruway. We're looking to --

MR. HINES: I don't have a problem as long as the resolution and the conditions on any substantive change as a result of the outstanding comment would require a return.

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CHAIRMAN EWASUTYN: Would the Board be satisfied with that?

MR. GALLI: Mm'hm'.

MR. FETHERSTON: I can't foresee that they're going to see anything. We've got reductions.

CHAIRMAN EWASUTYN: When you go back tomorrow --

MR. FETHERSTON: Yeah.

CHAIRMAN EWASUTYN: -- the gentlemen aren't here, they may hire you full time to do what they were supposed to do.

MR. FETHERSTON: Who is that?

CHAIRMAN EWASUTYN: The ones that were supposed to be here.

MR. DOMINICK: The A team.

MR. FETHERSTON: The A team. That's right.

CHAIRMAN EWASUTYN: See what retirement is all about. I wish. I wish.

Do you want to speak, Mike Donnelly, as far as the conditions necessary to grant a conditional final approval?

MR. DONNELLY: I think I have them.

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Correct me if I'm wrong. I don't believe we issued a declaration of significance. You'd have to issue one before you took action.

CHAIRMAN EWASUTYN: Okay. Let's move for that now. I'll move for a motion to declare a negative declaration for the Hampton Inn.

MR. DOMINICK: So moved.

CHAIRMAN EWAUTYN: I have a motion by Dave Dominick. Do I have a second?

MR. MENNERICH: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DONNELLY: You granted ARB approval on February 5th, so the action tonight is for site plan. The conditions are as follows: We'll

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need sign-off letters from Pat Hines and from Ken Wersted on the comments in their memos. You'll have our standard ZBA carry-over condition that will reference the decision and any conditions contained within it. We'll reference the issuance of the City of Newburgh flow acceptance letter and any conditions it may contain. We'll require a sign off from the Thruway Authority on the drainage plan. The language will say in the event that the Thruway Authority changes anything on the site plan, you'll need to return to the Board for further --

MR. FETHERSTON: Okay.

MR. DONNELLY: -- review. We'll need the signage chart submitted before the plan is signed. We'll have our standard ARB approval. I believe we need landscaping security in this matter and an inspection fee of \$2,000. A stormwater improvement security and inspection fee together with the stormwater control facility maintenance agreement as required by the code. Our standard condition regarding outdoor fixtures and amenities, you can't build anything on the site that isn't shown on the approved plans.

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CHAIRMAN EWASUTYN: Any questions or
comments from Board Members?

(No response.)

CHAIRMAN EWASUTYN: Then we'll move for
a motion to grant conditional final approval to
the Hampton Inn & Suites site plan subject to the
resolution prepared by Attorney Mike Donnelly.

MR. GALLI: So moved.

MR. WARD: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. FETHERSTON: Thank you very much.

CHAIRMAN EWASUTYN: Nice seeing you.
Thank you very much.

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(Time noted: 8:03 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: July 10, 2015

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

----- X
In the Matter of

HUGGINS II
(2014-23)

Rescheduling of Public Hearing

----- X

BOARD BUSINESS

Date: June 18, 2015
Time: 8:03 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- X

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

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HUGGINS II

73

MR. BROWNE: We have three items for discussion. The first is the rescheduling of Huggins II, project number 2014-23, the public hearing.

CHAIRMAN EWASUTYN: I'll move for that motion.

MR. GALLI: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Until what date was that?

CHAIRMAN EWASUTYN: Our next meeting.

MR. HINES: July 2nd.

(Time noted: 8:04 p.m.)

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DATED: July 10, 2015

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

----- X
In the Matter of

DUNKIN DONUTS
(2014-02)

Rescheduling of Technical Work Session

----- X

BOARD BUSINESS

Date: June 18, 2015
Time: 8:04 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- X

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DUNKIN DONUTS

76

MR. BROWNE: The next item is Dunkin Donuts, project number 2014-02. It's being referred to the technical work session.

CHAIRMAN EWASUTYN: I'll move for that motion, to set up Dunkin Donuts for the technical work session.

What's the date on that?

MR. HINES: This Tuesday coming up.

MR. DONNELLY: The 23rd.

CHAIRMAN EWASUTYN: For the 23rd of June.

MR. DONNELLY: What time, Pat?

MR. HINES: 1:00.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 8:05 p.m.)

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

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DATED: July 10, 2015

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

----- X
In the Matter of

CAPITAL TELECOM ACQUISITION, LLC
(2014-25)

Approval of a Field Change for the Installation of a
Propane Generator as Opposed to a Diesel Generator

----- X

BOARD BUSINESS

Date: June 18, 2015
Time: 8:05 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- X

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MR. BROWNE: The last item we have listed for discussion is Capital Telecom, project number 2014-25. It's for the installation of a propane generator versus the previous diesel generator.

CHAIRMAN EWASUTYN: We received a -- well, you heard. We received an e-mail and you spoke with Mike Musso.

MR. HINES: We discussed at work session the change from the diesel generator to the propane. I did have the opportunity to speak to Mike Musso today. Both myself and him concur that it can be considered a field change. The change is for a propane tank within the fenced compound at the site on Orr Avenue. We thought the change was relatively insignificant. The compound is fenced with screening. I don't think it's going to be visible at all. Mike said it's kind of the standard in the industry now. They're moving away from the diesel into the propane on the newer sites. He suggested it can be treated as a Board Business field change.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

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MR. CANFIELD: I have nothing outstanding. I agree.

CHAIRMAN EWASUTYN: Any questions or comments from Board Members?

(No response.)

MR. DONNELLY: I'll prepare a revised resolution reflecting the field change.

CHAIRMAN EWASUTYN: Should we act on that this evening?

MR. DONNELLY: I think it's ready.

CHAIRMAN EWASUTYN: Then I'll move for a motion to consider the change to the propane fuel tank for the operation of the generator for Capital Telecom to be considered as a field change.

MR. GALLI: So moved.

MR. DOMINICK: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

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MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

I'll move for a motion to close the
Planning Board meeting of June 18th.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 8:07 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: July 10, 2015