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

----- X

In the Matter of

BRITAIN PLAZA  
(2013-13)

169 Old Little Britain Road  
Section 97; Block 3; Lots 1 & 2  
IB Zone

----- X

SITE PLAN

Date: August 21, 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  
JOSEPH E. PROFACI  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: DAWN KALISKY

----- X

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

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BRITAIN PLAZA

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MR. PROFACI: Good evening, ladies and gentlemen. Welcome to the Town of Newburgh Planning Board meeting of August 21, 2014.

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

MR. GALLI: Present.

CHAIRMAN EWASUTYN: Present.

MR. PROFACI: Here

MR. DOMINICK: Present.

MR. WARD: Present.

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

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield, Code Compliance Supervisor.

MR. HINES: Pat Hines with McGoey,

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BRITAIN PLAZA

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Hauser & Edsall Consulting Engineers.

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

MR. DOMINICK: Please stand for the Pledge of Allegiance.

(Pledge of Allegiance.)

MR. PROFACI: The first item on tonight's agenda is Britain Plaza, project 2013-13, located at 169 Old Little Britain Road, Section 97, Block 3, Lots 1 and 2, in the IB Zone. It is a site plan being represented by Lanc & Tully, by Dawn.

MS. KALISKY: Dawn at Lanc & Tully. Good evening. Dawn Kalisky from Lanc & Tully, for the record. We're here this evening with the, hopefully, final review of Britain Plaza.

The Town Board -- the Planning Board, at the last meeting, did adopt a negative declaration. The Town Board adopted the zoning legislation last evening. So from the legal aspects we're done on that.

We received some comments last time we were here and revised the plans accordingly. We provided an elevation of the dumpster enclosure

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with the plantings, how it will look. We've indicated the larger size planting for the Inca Lily and American Hollies. The small photo that I had sent with that should depict anything further.

With that, Joe is here this evening as well and he can help you more on the architectural end of it.

We did revise the trees in the front parking area as noted on the landscaping plan, sheet 2, to match the London Planetrees. They are consistent with the trees that are proposed along Route 300 on Crystal Run Healthcare.

We did revise the lighting plan to maximum the sixteen-foot pole height. That did require a few more poles because of course the lower the pole the less the light distribution. The plan does not exceed any of the required standards. It meets all the required standards. As I said, it is a sixteen-foot pole height which will in fact look much better than the original twenty-eight foot with the small one-story building.

Prior to submitting we actually removed

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BRITAIN PLAZA

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the fire hydrant that we had proposed here -- I didn't have time to speak to Mr. Canfield prior to the site plan resubmission being made -- because of the proximity of the hydrant here on Crystal Run and the hydrant here on Little Britain -- or Old Little Britain and Route 300. I did have an opportunity to speak to Mr. Canfield after the submission was made, and it's not so much the proximity, we do have enough hydrants in proximity, however the accessibility to that would be difficult. So I assured Mr. Canfield we would certainly have the hydrant and detail that was on there originally back on any plan.

CHAIRMAN EWASUTYN: Joe, do you want to, one more time, walk through the ARB?

MR. THOMPSON: Good evening. Joseph Thompson, architect with DeGraw & DeHaan Architects. I do have some additional materials, if you didn't receive them, to help clarify the building material selections and some of the proposed signage placement.

The renderings are very similar to those that we had presented last time. The

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material selections are the same that we had proposed at the following meeting -- the previous meeting. It's a typical four-tenant retail development with two anchor stores, one being Ulster Savings Bank, the other Dunkin Donuts.

Architecturally the four bays are a cohesive complimentary palette of materials. It's a stone base that is an Echo Ridge stone by Boral. It's southern ledge stone with a gray stone water table up to pearl finish eaves with a fine texture. The windows and doors are proposed to be aluminum with a milk white powder coated finish. The soffits and fascia are proposed to be a fiber cement, arctic white, by James Hardy. We're proposing a metal roof, a rustic red. That should stand out and contrast.

In that packet you'll also see some information on building signage on the second page. The four facades of the building -- it's more building heights. There are basically four main tenant signs across the front facade which are proposed to be back lit illuminated -- a combination of back lit illuminated and also external illuminated channel letters. We had

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broken up that signage allowance, which was based upon the street frontage along Old Little Britain Road and Route 300, into the monument sign, which is on the third page, across that front facade. With the extra that we seem to have we'd like to present some signage along the rear of the building facing the Crystal Run access road. The exact signage size and detailing would have to be further determined once we actually establish tenants and do a signage permit review process, but this is -- we at least presented this to depict the concept for signage for the building.

Does the Board have any questions on the building design or material selections?

CHAIRMAN EWASUTYN: Board Members?

MR. GALLI: When you're driving into the access road off Old Little Britain Road, the back of the building where there's no windows or no doors or anything, you just want to have the name of the tenant?

MR. THOMPSON: Exactly. Just to provide some extra exposure and informational signage for anybody traveling to Crystal Run

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BRITAIN PLAZA

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along the access road to see what businesses are in that plaza. We may have a few exit doors along that rear facade, just the location hasn't been determined yet since the interior buildout plans have not been determined yet.

MR. GALLI: Is it necessary with all the signage that you have on the -- Dunkin Donuts is going to have a sign on the building; right?

MR. THOMPSON: They will. The front facade facing 300. The building has a lot of exposure since it's exposed from 300, Little Britain Road, and on top of that the access road to Crystal Run. Potentially if somebody were approaching from Old Little Britain Road they wouldn't see any of that signage turning into Crystal Run. We thought it would certainly help the businesses that are there to successfully present themselves.

MR. GALLI: I personally think most of the people are going to be local people.

MR. THOMPSON: They'll know what's in that plaza regardless. That's true.

MR. GALLI: Okay.

CHAIRMAN EWASUTYN: Joe?



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BRITAIN PLAZA

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MR. PROFACI: I don't have any questions.

CHAIRMAN EWASUTYN: Dave?

MR. DOMINICK: No.

CHAIRMAN EWASUTYN: John?

MR. WARD: I think you did a beautiful job with the design, so you know.

MR. THOMPSON: I appreciate it.

CHAIRMAN EWASUTYN: Jerry, did you have a chance to look at the allowances and the calculations and signage?

MR. CANFIELD: I just briefly reviewed the signage calculation which appears to comply. They did take into consideration for double faced on the signage. All the calculations appear to be compliant.

CHAIRMAN EWASUTYN: Pat Hines, any questions or comments?

MR. HINES: Just on the architectural. As Mr. Galli was saying, it appears that the design of the site plan is such that there will be access to that side that you were discussing. There's sidewalks going right up to three points along the back. The three northerly most tenants

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BRITAIN PLAZA

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will have a sidewalk and door there I believe.

MR. THOMPSON: At the rear they will, but those doors will be for staff entry and for emergency egress, not necessarily a building entry point.

MR. HINES: I didn't know if it was going to be in the front of the building.

MR. THOMPSON: That's not the intent.

MR. HINES: I don't think the bank is having two doors anyway.

MR. THOMPSON: No, no.

CHAIRMAN EWASUTYN: So for now it's safe to say that whatever mechanical units that may be installed on the ground level will be screened?

MR. THOMPSON: They --

CHAIRMAN EWASUTYN: It's undecided at this point?

MR. THOMPSON: They'll be on the roof.

MR. HINES: There's no room for mechanical units around this building.

MR. THOMPSON: The property doesn't really offer that. Rather than try to screen these units with landscaping and take up valuable

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BRITAIN PLAZA

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real estate on site, we'd rather put them on the roof. We have a mansard roof that wraps around the whole rear end of the building that will shield them.

CHAIRMAN EWASUTYN: Mike, do you want to walk through with us --

MR. DONNELLY: The resolution is for both site plan and ARB. First, Pat doesn't have a sign-off letter, so the first condition relates to the sewer flow acceptance letter, tying into it. I think what we're going to do with the tenant signs is make them subject to later sign permits from Jerry's office, but the free-standing sign is approved as part of the site plan element. We'll have our standard ARB approval condition which essentially requires a review of the architectural submission with the building permit to ensure compliance with what you've shown us this evening. There will be a landscape security and inspection fee. I believe that will be \$2,000. A stormwater improvement security and inspection will also be required. A standard condition that says that no structures or amenities not shown on the plans can be built

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BRITAIN PLAZA

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without amended approval from the Planning Board.

CHAIRMAN EWASUTYN: Okay. Any questions or comments from Board Members?

(No response.)

CHAIRMAN EWASUTYN: Then I'll make a motion that we move to grant signage, ARB approval, and final site plan approval for Britain Plaza.

MR. DOMINICK: I'll make the motion.

MR. PROFACI: I'll second it.

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

MR. GALLI: Aye.

MR. PROFACI: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried. Congratulations.

MR. THOMPSON: Thank you very much.

MS. KALISKY: Thank you all very much.

(Time noted: 7:08 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.

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DATED: September 8, 2014

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

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In the Matter of

POND VIEW TWO-LOT SUBDIVISION  
(2014-19)

921-965 Route 32  
Section 2; Block 1; Lot 50  
RR Zone

----- X

SITE PLAN

Date: August 21, 2014  
Time: 7:08 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
JOSEPH E. PROFACI  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: MICHAEL BODENDORF

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

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2 MR. PROFACI: The next item on  
3 tonight's agenda is Pond View Two-Lot  
4 Subdivision, project 2014-19, 921-965 State Route  
5 32, Section 10, Block 1, Lot 50, located in the  
6 RR Zone. It is an initial appearance on a site  
7 plan being represented by Hudson Land Design.

8 MR. BODENDORF: Good evening. Mike  
9 Bodendorf with Hudson Land Design. I'm here with  
10 the applicant, Mr. Jerry Casessa.

11 We're presenting this project for a  
12 single vacant lot of 10.2 acres to be subdivided  
13 into two building lots. Lot 1 would be in the  
14 front of the lot, lot 2 would be in the rear of  
15 the lot.

16 The existing parcel is located on the  
17 west side of State Route 32 which is just about  
18 across the street from Sophia Court. If you're  
19 familiar with Cherry Top Ice Cream, it's located  
20 on the north side of the parcel.

21 There's a wetland that sort of runs  
22 through the center of the two lots. To gain  
23 access to the rear of the lot we will have to  
24 cross that wetland on it's northerly border. The  
25 disturbance and fill associated with that will

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result in 0.8 acres which is under the tenth acre threshold of Army Corp. The overall size of that wetland is about 8.2 acres, and that includes off site area through here and through this area here. So we believe it to be an Army Corp wetland.

Each lot will be served by individual wells, and sewage will be disposed by means of a sewage disposal system on each lot. That's about it.

CHAIRMAN EWASUTYN: Questions from Board Members. Frank Galli?

MR. GALLI: No additional at this time.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: Not at this time.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Not at this time.

MR. WARD: Not at this time.

CHAIRMAN EWASUTYN: We'll turn it over to our Planning Consultant, Pat Hines.

MR. HINES: Did your office receive the comments?

MR. BODENDORF: I didn't get comments.

MR. HINES: I don't know why.



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MR. GALLI: I'll give him mine.

MR. HINES: The first one is the map reference identifies that the topography is from a publicly available website and not a survey. We're going to need a survey of the site and a surveyor certification to that effect.

That leads into the next comment with the wetlands crossing. You have a rather detailed profile of that wetland crossing, however the topo doesn't support the information in the profile.

MR. GALLI: The second page.

MR. BODENDORF: Of my plans. Yeah.

MR. HINES: I don't know where you got the -- the concern is that there's not available elevation to put the 30-inch diameter culvert, a foot of fill over it and still be able to fill in the area that you've shown there.

MR. BODENDORF: We're proposing to partially bury that culvert.

MR. HINES: Understood. If you look at the top there, the topo lines are --

MR. BODENDORF: It shows a dip where there's a channel there. Is that what you're

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talking about?

MR. HINES: There's no basis for that information on this map.

MR. BODENDORF: Right. We need some updated topo in that area.

MR. HINES: I think you need to update the topo on the whole site. You need a survey of that rather than whatever publicly available information you have.

MR. BODENDORF: This was purchased from the County. This is all aerial topo. It's from aerial photography.

MR. HINES: Understood. It's not a survey.

MR. BODENDORF: It's not shot with a survey but there's aerial topography surveys done all --

MR. HINES: Often times when you overlay this topography on sites it isn't the most accurate information, houses don't line up, roads don't line up.

MR. BODENDORF: Okay. Understood.

MR. HINES: And that leads into another comment. Where it says that the subsurface

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testing is shown as approximate, those need to be surveyed locations also within the septic fields.

MR. BODENDORF: Mm'hm'.

MR. HINES: The size of the culvert needs to be addressed. We're suggesting it needs -- because you're filling across that channel in that wetland area, we need to have the sizing for that culvert, how that was determined.

MR. BODENDORF: Yup.

MR. HINES: Typically if it's larger or as large as the next one upstream, that would be fine too rather than going through a whole analysis. I don't know what size the next culvert is. You just don't want to make a dam installed at that driveway.

MR. BODENDORF: Right.

MR. HINES: You have a driveway section detail that's showing in geotextile fabric. I'm assuming you only want to use that at that crossing. I'm assuming your client doesn't want to put geotextile across the entire driveway and pave that driveway with four-inch pavement. That is up to you.

There's a note on the plan that says a

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generator is required for lot 1 rather than providing for storage. I guess it's one way to do it. I just don't know how we have an enforcement mechanism to require the installation of the generator.

MR. BODENDORF: I think we'll probably go for the storage.

MR. HINES: I don't know if that was a remnant from another -- you have the pump chamber. There is adequate storage in there.

We need a standard Town of Newburgh note that an as-built survey and certification from a licensed design professional be submitted to the Building Department prior to issuance of a certificate of occupancy. That's with regard to the septic systems.

MR. BODENDORF: Mm'hm'.

MR. HINES: There's a conflict in the notes. At that culvert it says thirty percent of the culvert is going to be buried and then it says set inward four foot below channel. That's inconsistent with the size of the culvert. It's either thirty percent or four inches.

Then survey locations, as I stated

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earlier, for the deep and perc tests are going to be needed on the plans.

DOT approval for the driveways are required. It's certainly under their jurisdiction but often times the driveways being that close don't meet their requirements. They may want them combined or separated a little more.

MR. BODENDORF: I'm thinking that's probably what's going to end up with those.

MR. HINES: Combined?

MR. BODENDORF: They're probably going to want that. I can't really -- I'm going to go back to the first page. I can't really kick that lot 1 driveway over any more.

MR. HINES: A sight distance issue or --

MR. BODENDORF: No. There's plenty of sight distance. Actually, I could move it over.

MR. HINES: It's up to the DOT. Whatever you work out with them. It's just kind of a red flag that they may change that on you or require that change.

That's what we have at this point. It

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will eventually need to go to County Planning  
also.

MR. BODENDORF: Mm'hm'.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. CANFIELD: Just one item. The  
section, block and lot that was actually on the  
application is incorrect. The section, block and  
lot that's on the plan is correct. It's 2-1-50.  
I believe your application was 10-1-50. Just  
make a note of that so it can be corrected.

CHAIRMAN EWASUTYN: So Pat, at this  
time we have to circulate to the DOT and Orange  
County Planning Department?

MR. HINES: Yes. It would be  
appropriate to declare yourself lead agency.

CHAIRMAN EWASUTYN: Additional  
questions or comments?

(No response.)

CHAIRMAN EWASUTYN: Then I'll move for  
a motion to declare our intent for lead agency.

MR. GALLI: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: I have a motion by  
Frank Galli and a second by Dave Dominick. I'll

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ask for a roll call vote starting with Frank  
Galli.

MR. GALLI: Aye.

MR. PROFACI: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So  
carried.

MR. HINES: I'll need two more sets of  
the application materials.

CHAIRMAN EWASUTYN: Would you get those  
two sets to Pat Hines and he'll circulate? Pat  
will provide you with a letter and a mailing list  
so you can mail the adjoining property owners as  
to the activity.

MR. BODENDORF: Okay. So are we at a  
point where we can set a public hearing after the  
mailings go out?

CHAIRMAN EWASUTYN: No. You have to  
revise your plans.

MR. HINES: We also don't set public  
hearings until after a negative dec is issued.  
We have other involved agencies.

MR. BODENDORF: Okay. Very good.

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(Time noted: 7:17 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.

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DATED: September 8, 2014



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

----- X  
In the Matter of

VERIZON  
(2014-13)

Discussion of Final Approval

----- X

BOARD BUSINESS

Date: August 21, 2014  
Time: 7:18 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
JOSEPH E. PROFACI  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: JESSICA VIGARS

----- X

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

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VERIZON

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CHAIRMAN EWASUTYN: Mike, we'll manage Board Business first to accommodate someone traveling from Albany.

MR. PROFACI: We have two items of Board Business that we'll address now. The first one is Verizon, project 2014-13. This is a discussion of final approval.

MR. DONNELLY: When this was last on there were several issues to be worked out between the applicant's representatives and Mike Musso, your Telecommunications Consultant. They have been worked out. You have received a report from that consultant.

I don't know if you want to summarize it for us.

MS. VIGARS: Sure. My name is Jessica Vigars, I'm from the law firm of Young/Sommer representing the applicant tonight. I believe Scott Olson was before you at a previous meeting. Unfortunately Scott had a commitment this evening so I was sent. I am familiar with the file but if there are any questions that are to the level of specificity that I can't answer, we can certainly communicate answers to you.

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VERIZON

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MR. DONNELLY: I know that Scott sent an e-mail today to Mike Musso saying he had no problem with the content of the report and the conditions he recommended, so I prepared the resolution based upon what I understood to be that understanding.

This is a resolution for site plan, special permit and ARB for the additional addition here.

Originally, at least at the last meeting Pat, you had some outstanding issues in your memo of June 16, 2014. Is there anything left there.

MR. HINES: Those have been addressed. Mike Musso has added a post-construction noise testing requirement.

MR. DONNELLY: I have that. I'll remove your sign-off letter then.

MR. HINES: The only issue I had was the updated subdivision with regard to the property. The initial application didn't catch up to the subdivision. That's been addressed.

MR. DONNELLY: Then the first condition will be our standard one that says no building

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VERIZON

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permit authorizing construction inconsistent with the ARB condition, which is really just a coloring of the cables and materials. A requirement pursuant to Section 168-23 of your Code that you file an annual letter certifying the NIER levels. Warning signage shall be installed by Verizon on the equipment. Security fencing should be routinely inspected. Mike's recommendation of a noise assessment, baseline noise field readings will be performed by the applicant subsequent to construction of the Verizon facility. The field readings will be performed at areas around the facility during times the emergency generator is run under normal conditions. Locations of field readings will include the nearest property lines and subdivision parcel lines, particularly lots 2 and 3 based upon the subdivision -- the Noble subdivision that was recently approved. Subsequent to the field test a letter report shall be submitted to the Town's Code Compliance Department that describes the noise measurement methods and demonstrates compliance with the Town's Ordinance. Should noise levels exceed the

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VERIZON

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Town's criteria, a plan for corrective action shall be detailed in the letter report. Next, the proposed antennas, mounting structures and cables should be color matched to the existing monopole. A matt finish is recommended. Operation should be maintained in accordance with the Town's Wireless Ordinance and all other relevant Town codes. Any proposed increase in power, number of antennas, size or the number and size of ground-based equipment shall be approved by the Town prior to any modifications. The specification for the emergency generator and fuel storage containment system must be filed with the local fire department or district. That's it.

CHAIRMAN EWASUTYN: Are you satisfied with that?

MS. VIGARS: Yes. I just want to clarify. That was the document that you and Scott Olson had e-mailed earlier today?

MR. DONNELLY: Those conditions were taken from that document but they're now in a resolution. I will send it to Scott tomorrow.

MS. VIGARS: Great.

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VERIZON

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

(No response.)

CHAIRMAN EWASUTYN: Then I'll move for a motion to grant approval for the Verizon application on Quaker Street as discussed by Planning Board Attorney Mike Donnelly.

MR. GALLI: So moved.

MR. PROFACI: Second.

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

MR. GALLI: Aye.

MR. PROFACI: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. Motion carried.

Thank you.

MS. VIGARS: Thank you. I appreciate it.

(Time noted: 7:22 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.

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DATED: September 8, 2014

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

----- X  
In the Matter of

GOLDEN VISTA  
(1999-33)

Request for a Ninety-Day Conditional Final Site Plan  
Approval Extension from  
September 29, 2014 until December 27, 2014

----- X

BOARD BUSINESS

Date: August 21, 2014  
Time: 7:22 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
JOSEPH E. PROFACI  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: STANLEY SCHUTZMAN

----- X

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MR. PROFACI: We have another item under Board Business, Golden Vista, project 1999-33. The applicant is requesting a ninety-day conditional final site plan approval extension from 29 September 2014 to 27 December 2014

Stan Schutzman is here to represent that.

MR. SCHUTZMAN: Good evening, Board Members. This is a request to take the conditional site plan approval as amended on behalf of the Golden Vista project through to December 27th of this year.

When we appeared before the Planning Board last year at this time we had asked for a one-year extension, and there may have been a miscommunication in the paperwork that only nine months were given. That extension is expiring on September 27th. Respectfully we ask for the full extension period.

It's my understanding that all conditions of the amended final site plan approval have been met, legal and otherwise, with the exception of finalizing the bond number with

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the Town engineer, which is ongoing and just about finalized to my understanding. So we need this period of time just to finalize the number and to raise the money in order to make the appropriate payment and submit the map for signature.

CHAIRMAN EWASUTYN: Sounds good. Any question or comments?

(No response.)

CHAIRMAN EWASUTYN: I'll ask that we move for a motion to grant a ninety-day conditional final site plan approval extension for Golden Vista from the 29th of September 2014 through the 27th of December 2014.

MR. PROFACI: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Joe Profaci, a second by -- was that you -- John Ward. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. PROFACI: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

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CHAIRMAN EWASUTYN: Aye.

Does that mean that maybe by this time next year you'll be actively doing site work up there?

MR. SCHUTZMAN: Yeah. The intention was to try to get shovels in the ground this year but there was some back and forth on the bond. I'm not sure -- the intention is to try to even get it in the fall but now it's a question of finalizing the capital requirements for the bond numbers. So I would say the spring at the latest.

CHAIRMAN EWASUTYN: We have a new Board Member. Dave Dominick, Stan Schutzman.

MR. SCHUTZMAN: Good to meet you.

CHAIRMAN EWASUTYN: Educate Dave as to what the project is about, how many units, so on and so forth.

MR. SCHUTZMAN: Certainly. This has been a long-standing project. It was my understanding that at some point it was held back by a sewer moratorium five, ten years ago, and it has proceeded since. Initially the project contemplated 161 units. The Town, over the last

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several years, had enacted an affordable housing regulation, and we came back and submitted an amended site plan application with respect to market value units one, two bedrooms and affordable housing units. After negotiation the applicant determined to waive it's request for affordable housing units and instead switched the affordable housing units to senior housing units. So right now the project is approved for 161 residential housing units of which 18 will be designated for senior housing, the balance of 143 for market value housing. There are certain conditions that the Planning Board put in place with respect to the enforcement of making sure that the designated senior housing becomes senior housing in terms of how the building permits will apply and otherwise.

MR. DOMINICK: Thank you, sir. I appreciate that.

CHAIRMAN EWASUTYN: It was good to see you, Stan.

MR. SCHUTZMAN: Good to see you. Thank you all.

(Time noted: 7:26 p.m.)

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

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DATED: September 8, 2014

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

----- X  
In the Matter of

LANDS OF ZAZON  
(2004-29)

Request for a Six-Month Conditional Final Approval  
Extension from September 19, 2014 until March 19, 2015

----- X

BOARD BUSINESS

Date: August 21, 2014  
Time: 7:26 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
JOSEPH E. PROFACI  
DAVID DOMINICK  
JOHN A. WARD

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

----- X

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MR. PROFACI: The next item of Board Business is the Lands of Zazon, 2014-29. The applicant is requesting a six-month conditional final approval extension from 19 September 2014 to 19 March 2015.

CHAIRMAN EWASUTYN: Who will make a motion for that?

MR. PROFACI: So moved.

MR. DONNELLY: John, I should just point out that conditional final approvals are by statute in ninety-day increments, not six months. I suppose you could grant two ninety-day extensions at this time, which would equal essentially six months.

CHAIRMAN EWASUTYN: Do you want to revise your motion?

MR. PROFACI: Sure. The applicant is requesting two ninety-day conditional final approval extensions from 19 September 2014 to 19 March 2015.

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

MR. GALLI: Aye.

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MR. PROFACI: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

(Time noted: 7:27 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.

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DATED: September 8, 2014



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

----- X  
In the Matter of

TRINITY SQUARE  
(2006-53)

Request for a Six-Month Conditional Final Approval  
Extension from August 21, 2014 until February 21, 2015

----- X

BOARD BUSINESS

Date: August 21, 2014  
Time: 7:27 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
JOSEPH E. PROFACI  
DAVID DOMINICK  
JOHN A. WARD

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

----- X

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MR. PROFACI: The last item of Board business is the applicant is requesting a six-month conditional final approval extension which will make two ninety-day final approval -- conditional final approval extensions from 21 August 2014 to 21 February 2015.

CHAIRMAN EWASUTYN: I'll move for that motion.

MR. GALLI: Second.

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

MR. GALLI: Aye.

MR. PROFACI: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: So carried.

(Time noted: 7:27 p.m.)

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

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

----- X  
In the Matter of

MAGYAR BUDGET TRUCK RENTAL  
(2011-04)

5465 Route 9W  
Section 9; Block 1; Lots 3 & 6  
B Zone

----- X

SITE PLAN

Date: August 21, 2014  
Time: 7:28 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
JOSEPH E. PROFACI  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: FRANK VALDINA

----- X

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MR. PROFACI: The next item on tonight's agenda is the Magyar Budget Truck Rental, project 2011-04 located at 9W, Section 5, Block 1, Lots 3 and 6, located in the B Zone. It's being represented by Frank Valdina and it is a site plan.

MR. VALDINA: Good evening, everyone. As you know, we did go to the Zoning Board of Appeals for an interpretation of the variance or special use that was actually granted back in 1989. I believe they sent a letter to the Planning Board as to their determination, basically saying that there's no limitation other than the ten vehicles which is part of the current zoning as far as being able to be on the site.

In conjunction with that, they did say the number of vehicles that could be stored on the site are what would be applicable back in 1989, taking into consideration the current zoning which basically had to do with ten feet off the property line, nothing in the front yard. Again, no one knows where it is. I assume it was -- based on the existing -- the previous

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driveway, which is going through the front third of the lot, I assumed it was roughly five feet behind the westerly boundary of that drive. There's no record of where it was but since it fell in line basically with the current fences, I made the assumption that's where we were.

Based on that, I did two analysis. The first one is taking this area of the site, from the fence back, the original lot size before it was revised, to increase the lot size and taking into consideration the requirement of four feet between the vehicles. And just taking the land area alone, dividing it by the land area required for each vehicle, it comes up to something like 275 vehicles. I said well, that doesn't look like it's going to be very practical. That was prior to getting the letter from the ZBA. I mean at the meeting that was my understanding, what they kept impressing upon, the number of vehicles that could be stored there.

Jerry, if I'm saying something not correct, I'm sure you'll correct me.

So anyway, then I took another look, and taking into consideration, I didn't want to

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impact any other use that was proposed for the site, and since this area behind the building was then the limits of the driveway, it was always proposed for overflow parking, we then went in and laid out where we felt would be a configuration where the accommodation of vans and trucks could be stored. The truck size that was utilized was their most common utilized vehicle which is eight feet by fifteen. So these spaces are twelve feet by twenty to give you the four feet separation. We're nowhere near the property line, so that's not a consideration.

They made a minor revision in the southwest corner, this area here, where we had one larger vehicle. We moved that and put in two of the smaller vehicles. So based on that analysis with the ten automobiles, which is the same location I had previously shown, we come up with a total vehicle count of seventy-six vehicles including the ten automobiles.

I just got Pat's comments tonight. The only thing I can say as far as his comment, I really haven't looked at it, the drainage analysis was done while this was constructed.

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This area is all basically shale surface, so the runoff isn't going to vary much with the vehicles. I've been out there after we've had some heavy storms, which is part of the requirement under the stormwater management, and after two inches of rain there hasn't been any problem with the stormwater management system that was installed -- designed and installed in accordance with the original site plan.

As you recall, this area was always considered for overflow truck storage. Basically storage may not be the proper term because they're not really stored there, they're there until they're rented out and then they're of course gone from the site and others may come back. They're not stored there and left there forever and ever and ever.

It was mentioned during the original site plan approval process that there are times, basically around the Christmas holiday, where they may have a lot more vehicles, which Fed Ex rent, and they may have them temporarily until they ship them back to where they came in from to accommodate the demand at that point in time.



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MR. GALLI: Where would they put them, Frank?

MR. VALDINA: They were storing them on the site. Basically they're off site.

MR. GALLI: Okay.

MR. VALDINA: I went through this to show what could fit on there. That doesn't mean there will be that many there. We're limited to ten automobiles because that's what the Code says. The current Code says ten automobiles in the B District.

CHAIRMAN EWASUTYN: So this is kind of designed based not so much on speculation but the lease agreements with someone like Federal Express or someone like that?

MR. VALDINA: It's based upon the fact they come in requesting to rent up to ten automobiles and sort of progress from there. Then we got into the number of vehicles that the site could support versus the 1989 ZBA approval that was granted for the utilization of this site as a truck rental site. Again, the limitation says the number of vehicles even by the approval or the Code back in 1989.

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CHAIRMAN EWASUTYN: All right.

MR. VALDINA: In keeping with the ZBA wishes of meeting the current zoning as far as the number of vehicles and the storage. This way we're not impacting any of the other uses of the approved site plan.

CHAIRMAN EWASUTYN: Jerry, are you in agreement with this?

MR. CANFIELD: Which part? I don't mean to be cute but it is confusing.

One thing I think I should comment on, Frank. It's our understanding, from the ZBA's correspondence submitted to the Planning Board, that the ten-vehicle limit that you mentioned was exempted.

MR. VALDINA: It was a ten limit based on the -- yes. The number of vehicles on the site was exempt. The only thing that was restricted was the ten automobiles based on current zoning in the B District.

MR. CANFIELD: The ten vehicles is in the current 185-28.

MR. VALDINA: Ten automobiles.

MR. CANFIELD: Right. That was

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exempted. I don't know where to go with this other than just be candid and straightforward.

MR. DONNELLY: It says it doesn't apply to you.

MR. CANFIELD: Exactly. The ten vehicles, that's not the question. Straightforward Frank, I don't think what you've submitted here complies with what the ZBA has requested, okay. In a sense I think it would be more beneficial to the Planning Board to see a more detailed parking plan, taking into consideration the separations that are in 185-28, such as four foot on each side of each vehicle. What we see is a bunch of little boxes with a T and a V and all of that. I think for clarification maybe you could be a little more detail oriented as to how these vehicles are going to fit and comply. I think that was the intent of the Zoning Board's determination, for you to display to the Planning Board how many vehicles you could fit that would comply with the requirements of 185-28. To be quite frank, no pun intended, in my opinion I don't think this displays that. That's just my opinion.

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MR. VALDINA: As I mentioned during my presentation, the T designation is where the basic size truck that they rent out most, which is eight by fifteen. The spaces are twelve by twenty which gives you two feet on each side of the truck. You've got two feet between the next vehicle. That gives you four feet between the vehicles, which is what the Code requires. The vans are I think eight by ten, so those spaces are twelve by fourteen. Again --

MR. CANFIELD: If I can interrupt you one second. I think you should be presenting that to the Board. You need to convince the Board, not me.

MR. VALDINA: Well, I'm responding to your question. The Board is attune to what I'm saying. Like I say, what is depicted on the plan are those dimensions in accordance with the Code, the four-foot separation between the vehicles on either side, front and back. It's not really applicable along the access because you don't have the vehicle in front of you. We show that as a little extra leeway. So that is what this plan depicts. They were all sized out based on

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those requirements of four feet between vehicles.

MR. HINES: I guess what we're looking for then, I'll just jump in here to try to help, is a typical parking spot for each of the vehicle types. In other words, I see Ts here and they look like they're different sizes.

MR. VALDINA: The vans are different than the trucks. The vans are smaller than the trucks.

MR. HINES: Certainly some of the --

MR. VALDINA: The van and truck sizes are the same on the approved site plan.

MR. HINES: These squares are not a consistent size.

MR. GALLI: They won't be.

MR. VALDINA: They won't be when you get near the drive because of the angle of the access drive. Some might be longer by the access drive. The ones behind them would be the same size.

MR. HINES: Some of them appear shorter along the access drive.

MR. VALDINA: Well --

MR. HINES: They have to because there

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are ones next to them that are longer.

MR. VALDINA: Actually, along the access drive, like I say, you don't need the two feet because there's no vehicle in front of you. So you don't need four feet separation.

MR. CANFIELD: Four feet for vehicles, two feet for trailers is what the Code says.

MR. VALDINA: We're not talking trailers.

MR. CANFIELD: That's what the Code says.

MR. VALDINA: The access drive -- there's no setback requirement from the access drive.

MR. CANFIELD: Correct. You're saying two feet and that's not the Code.

MR. GALLI: Two feet on each side I think he's saying.

MR. VALDINA: Two feet each side.

MR. GALLI: Four foot.

MR. VALDINA: Four foot between vehicles.

MR. CANFIELD: Correct.

MR. VALDINA: Which is four feet on

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each side and four feet front to back.

MR. CANFIELD: Right.

MR. VALDINA: That's how these are sized.

MR. HINES: What I'm suggesting is that a typical parking spot be labeled such as that so that someone twenty years from now who rolls out this plan, they know what a T is, they know what a V is and they know there's two feet between those lines of vehicles.

MR. VALDINA: You want a detail showing the same size space for a T and the same size space for a V?

MR. HINES: I think that will be helpful in the future.

MR. VALDINA: That's easy enough.

MR. HINES: Because they are different shapes due to, I guess, the gravel drive geo --

MR. VALDINA: It's due to the configuration of the access drive. It's not a rectangle. There's a slight angle on it. That's going to make some of them a little longer in the front. You basically work from the back forward.

CHAIRMAN EWASUTYN: Frank, how long

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would it take you to revise your plans to show that detail? If we're going to circulate to the DOT and circulate to the Orange County Planning Department, it might benefit us all to have that kind of detail when they look at the plans so they know what they are looking at.

MR. VALDINA: I'll probably have them ready --

CHAIRMAN EWASUTYN: We will need that to circulate. Correct, Pat?

MR. HINES: I believe so. I think if we sent this out right now we would get some of the very same comments that we're discussing right now.

I think the next item is what surface is going to be here for these vehicles to be parking on?

MR. VALDINA: Right now it's all crushed shale.

MR. HINES: Because crushed shale is normally not an acceptable commercial parking lot for a commercial entity in the Town of Newburgh. I can't, for the life of me, figure out anywhere else in the Town where there is a shale surface,



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a gravel surface, a less than dust-free surface utilized on a site such as this.

MR. GALLI: Didn't U-Haul have to pave when they did theirs?

MR. HINES: U-Haul is a hundred percent paved.

MR. CANFIELD: A question also with that crushed shale. If that's the case, then how will the drive be delineated and the parking spaces be delineated?

MR. VALDINA: Well, we're showing --

MR. CANFIELD: You're showing us lines on paper but in actuality on the site how will I be able to enforce where the drive aisle is and where these spaces are?

MR. VALDINA: You go one, two, three, four. The number of vehicles on the site, how much between them.

CHAIRMAN EWASUTYN: John Ward has a comment.

MR. WARD: Basically what it is is you're parking all of these trucks in the back, it's a parking lot. If you want to park your trucks, it's going to drip oil and everything

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else, it needs to be paved. Look at the reality. You have to mark where the parking spots are in a parking lot. You're talking -- it looks like a junkyard. You've got them all piled together. You don't even know how you're going to get them out.

MR. VALDINA: Well as far as getting them out, the people renting the vehicles do all the driving. The customers don't drive the vehicles back into the back, they just pick them up in front and drop them off in the front. The employees do all the parking. The customers don't bring the vehicles into the back or pick them up in the back.

MR. WARD: It goes back to it's a parking lot. Whether it's employees moving or not, it's a parking lot.

MR. VALDINA: It's a storage area.

CHAIRMAN EWASUTYN: David.

MR. DOMINICK: I'm a little confused here. Is this a rental car place or a place where you buy wood? It seems like you have multi functions for this property here.

MR. VALDINA: You're right. This is a

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multi-function site. They do have a landscape business, they have a wood selling business. They have landscape materials stored within these bins on the north side of the property, they have the building here which is half office, half minor maintenance for the vehicles. Basically it's a Budget truck rental agency. They had approval of the site plan with the various uses on it showing the parking along the south side of the property and the north side of the drive. This area was left vacant as overflow parking. As I mentioned, at certain times of the year they do come in with a lot of trucks that are there temporarily. Basically they're on the road. Temporarily they have to hold them there until they can bring them back to where they borrowed them from because of the demand Fed Ex has upon utilization of those vehicles. Most of the vehicles are on the road. When we come in, they requested also to rent automobiles because there isn't any rental agency between, I don't know, Highland to Newburgh. So they wanted to get involved in the rental of automobiles. That's why we came back in to this Planning Board.

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The Code in the B Zone allows no more than ten automobile rental spaces. They were shown on the plan. Then it got involved with the fact that the Code in the B District says no more than ten vehicles. Well, they had a variance back in 1989 that said they can rent vehicles off of that site. There was no determination as far as number and so on. The Planning Board went to the ZBA for an interpretation of the 1989 decision. They really couldn't determine -- again Jerry, if I'm misstating. Anyway, my understanding is they didn't want to disrupt the 1989 determination because they didn't really know what it was. They said let's leave the number of vehicles alone because what the site could support in 1989, they basically said they feel that was the intent of the resolution back at that point in time as far as the approval was concerned. So what they said is based on current zoning and site restraints, and site restraints I'm taking to consider the other uses on the site that are allowed by previous Planning Board approval.

MR. DOMINICK: So we're going to have

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logging trucks heavier than a twenty-five foot rental truck on this area disposing wood for storage or for sale; correct?

MR. VALDINA: No. They just come in with the logs and drop them and leave.

MR. DOMINICK: That's what I said. The logging trucks will be heavier than the twenty-five foot rental trucks.

MR. VALDINA: They might be, but that's --

MR. DOMINICK: What I'm leading up to is what kind of base will be there? It looks like we're still sticking with the shale.

MR. VALDINA: They've been working out of there for years with those trucks.

MR. DOMINICK: But you're changing the dynamics of the business.

MR. VALDINA: Not really. This site has been in operation since approval back in, what, 2011. That long ago? `12. 2012. So for two years they've been operating.

CHAIRMAN EWASUTYN: It seems like the intensity of storage, though, is going to increase. What we're really discussing is not

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trying to re-examine the resolution from the ZBA but to get the details that are necessary for final site plan approval. One of the details we need is a detail of the parking more to scale so we can circulate it. The other is that the Planning Board, as a matter of record or policy, has always required areas like this to be paved. By paving it then you could delineate the storage areas based upon striping and the required size of the striping based upon whether it's a van or a truck. What we're looking to do is fine tune and detail the site with the details. Again, and the paving that would be necessary. Do you think the applicant would be agreeable to that?

MR. VALDINA: I'm not going to attempt to answer that one, John, to be honest with you. I don't have an idea what the reaction might be.

CHAIRMAN EWASUTYN: I think that's the bottom line or the definition. We're just looking for a definition of the site with the understanding that he prefers a maximum use. That being said, just give us the detail and the surface that we need.

MR. GALLI: I mean it's consistent in

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the Town with what we've done in the past with large storage lots, whether they be rental or car lots. They're always paved. It's unfortunate. I don't have a problem with the seventy-six vehicles if that's what fits on the lot. Seventy-nine or whatever it is. That's fine.

CHAIRMAN EWASUTYN: Show the detail, show the striping, show the paving. I think that's what everyone is saying.

First and foremost, we do have to circulate to the Orange County Planning Department?

MR. HINES: Yes. And DOT. It's on a State highway.

CHAIRMAN EWASUTYN: Mike, do we have to declare our intent for lead agency?

MR. HINES: Yes.

MR. DONNELLY: We did back in -- I have February 20, 2014 you did a lead agency notice and intent. So no, you do not. You can note that it's final now.

CHAIRMAN EWASUTYN: All right then.

MR. VALDINA: Detail the parking spaces, show the paved area. Basically the

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parking area to be paved and lined.

CHAIRMAN EWASUTYN: And striped.

Correct.

MR. VALDINA: Lined or striped.

MR. DONNELLY: By the way, the Code does say, Frank, all parking areas and regular usage shall be paved with the year-round surface of oil and stone, asphalt or concrete. There's an exception for overflow parking, which is what you were granted in the past.

MR. VALDINA: Right.

MR. GALLI: It's not overflow now.

CHAIRMAN EWASUTYN: I'll move for a motion that we circulate to the Orange County Planning Department and to the Department of Transportation.

MR. GALLI: So moved.

MR. WARD: Second.

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

MR. GALLI: Aye.

MR. PROFACI: Aye.



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MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So  
carried.

We couldn't make a final approval on  
this until we hear back from the County because  
they have a thirty-day requirement. If you'd  
like and you want to speak to the applicant, we  
could set this up for thirty days from now, which  
would be what date? I don't know what that  
meeting would be.

MR. HINES: It would be September 18th  
is your second meeting in September.

CHAIRMAN EWASUTYN: We'll set it for  
the meeting of the 18th of September, Frank.  
That will give you a date and goal to sort of  
work with the applicant.

MR. VALDINA: I'll contact them first  
thing tomorrow and advise them of the  
requirements.

CHAIRMAN EWASUTYN: Thanks for your  
time.

MR. VALDINA: Thank you.

CHAIRMAN EWASUTYN: I'll move for a

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motion that we close the Planning Board meeting  
of the 21st of August.

MR. PROFACI: So moved.

MR. GALLI: Second.

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

MR. GALLI: Aye.

MR. PROFACI: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 7:53 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.

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DATED: September 8, 2014