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

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In the Matter of

SOUTH PLANK ROAD GAS STATION
(2010-05)

209 South Plank Road
Section 60; Block 3; Lot 2
B Zone

- - - - - X

CONCEPTUAL SITE PLAN

Date: March 4, 2010
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: CHRIS BOYEA

- - - - - X

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

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SOUTH PLANK ROAD GAS STATION

MR. PROFACI: Good evening, ladies and gentlemen. Welcome to the Town of Newburgh Planning Board meeting of March 4, 2010.

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

MR. GALLI: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. PROFACI: Here.

MR. FOGARTY: Present.

MR. WARD: Present.

MR. PROFACI: The Planning Board has professional experts that provide reviews and input on the business before us including SEQRA determinations as well as code and planning details. I ask them to introduce themselves.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Gerald Canfield, Town of Newburgh.

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

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

MS. ARENT: Karen Arent, Landscape
Architectural Consultant.

MR. PROFACI: Thank you.

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

MR. WARD: At this time I would like
you to stand to say the Pledge of Allegiance,
please.

(Pledge of Allegiance.)

MR. WARD: If you have cell phones,
please turn them off. Thank you.

MR. PROFACI: The first item on this
evening's agenda is the South Plank Road Gas
Station. It's a conceptual site plan at 209
South Plank Road, Section 60; Block 3; Lot 2.
It's being represented by Chris Boyea.

MR. BOYEA: Would you like me to use
the mike?

CHAIRMAN EWASUTYN: No. It's not hooked
up.

MR. BOYEA: Good evening. Again, my name is Chris Boyea, I'm with Bohler Engineering out of our Albany, New York office. Here with me tonight is Frank Fasari, who is the project owner, along with Fred Fasari. We also have a representative from AJ Coppola's office who is the architect that we're going to bring on. We haven't submitted any architectural elevations yet for the Board to consider.

Right now we are seeking a concept site plan approval. We had submitted a site plan at this point in hopes that we can work out any layout issues that the Board may have and then proceed with spending more of Frank's money, Fred's money into design documents. So we wanted to take this first initial step to make sure we were going in the right direction.

The project is a re-development of an existing gas station. I hope everybody is familiar with it. It is currently gated off with fencing. It is located at 209 South Plank Road. Down here I do have an aerial. I'll bring this up. This aerial just gives you a brief idea. There's no snow, so that's a good thing for right

1 now. You can see there are trees in the back
2 here. They have lost their leaves, they've got
3 some shadows. There is a truck terminal in the
4 rear with the bus parking area here and the bank
5 with a little strip retail center over here. We
6 are at the corner. Our property does entail this
7 whole area. It's about .8 acres.

8
9 What we're proposing to do is -- this
10 property has already been cleaned up
11 environmentally, so what we're looking at doing
12 is now cleaning it up aesthetically because, as
13 you can see here, if we had to say one thing
14 doesn't look like the other it's probably this
15 one. What we're looking to do is remove this
16 existing service facility. This is what we would
17 call a two-bay service facility where cars drive
18 in, get worked on, brakes, mufflers, exhaust,
19 et cetera. We're going to then construct a new
20 convenience store building which sits behind the
21 existing canopy. To give you an idea, that
22 existing service building that sits right here,
23 we're taking that down and building this back
24 here.

25 Frank has got a lot of experience with

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SOUTH PLANK ROAD GAS STATION

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gas stations. He's got an office right here in Newburgh. He's probably got three, four, five, maybe six other stations. I don't know now.

MR. FASARI: A few.

MR. BOYEA: A few. This is one he wants to take over. He's kind of taking a risk on this. A couple people have had gas stations here before. I think Frank runs a great operation, and with his service I think we're going to be able to make this a successful site.

The tanks out there right now are not in the ground, they've been pulled. So everything that is going to go into the ground is going to be brand new.

We're proposing three dispensers. There's one, two here. Those two dispensers are under the existing canopy that's out there today. We're proposing a small addition to the canopy to have a third dispenser right here.

Brand new underground tanks will be installed here off to the side so that fuel trucks can come in, unload and then exit the site. There will be one diesel dispenser right over here by the tanks.

One of the things that we did some initial due diligence and investigation on is storm sewer out here. We are on a State road and we were asked not to increase the stormwater at this location. We've got I believe a twelve-inch pipe out here that handles this area. We're at the top of a drainage shed. We've been able to do that with this plan. We're actually increasing the green space by almost 3,000 square feet. If you look at the amount of green on this plan, you'll see there is a lot of green here. We're going from 47 percent green to 55 percent, so well over half of the site is green space, which will help us reduce the stormwater which will save our client money with extensive underground stormwater management systems so that this can be a fairly green initiative just by the practice of reducing the impervious.

As far as utilities go, this is an existing site. We are going to plan to reuse the existing entrances on the State highway that are shown here. We're going to reuse the sewer and the electric that's out there. We will need a new water line because the building will have to

be sprinklered and the existing water line is not big enough for that. We would have to do a new water line.

We received the comments from the Town's consultants. In general they look great. We didn't see any issues with them. We can resolve those and move forward.

Just to touch on a few of those comments. One of them was a side yard setback for tanks here. To be honest, we missed it in the code. We just didn't see it. We can easily pull those tanks another five feet away from the property line so we can avoid that variance for that. The other one, which I just heard tonight, is a variance possibly for an expansion of the canopy. That one unfortunately might slow us down. We'll probably have to go for the variance to the Zoning Board for that. That's an important part of this project. So if that is the case, that we need to go for a variance for an expansion of the canopy, then that would probably be our next step before going too much further.

With that I'd like to open it up and

1 take any questions that the Board may have, any
2 comments, direction, so that we can continue to
3 move forward.
4

5 CHAIRMAN EWASUTYN: Why don't we start
6 with the Board Members first. Frank Galli?

7 MR. GALLI: No additional comment. On
8 the canopy part, there's no way for it to be
9 moved? We were discussing moving it back and
10 saving you a step to go to the Zoning Board.

11 MR. BOYEA: I know. Our initial goal
12 was to try to get in by July, in the ground here.
13 The canopy itself is probably -- I'm going to
14 ball park it around \$80,000 to replace what we
15 have there, two posts, footings, de-watering for
16 contractors, backfill, safety equipment,
17 et cetera, trench shore boxes. So that's a big
18 -- this project can't support another \$80,000.
19 We've tried to keep it small and modest. We're
20 not expanding. This is a very small convenience
21 store, 2,100 square feet. It's smaller than
22 Stewart's and it's done -- we could certainly go
23 bigger but stormwater is an issue. If we push
24 the canopy back that pushes the whole site back
25 into the green which is going to increase our

1 impervious a little bit more, and could drive
2 costs in that direction too. The canopy I think
3 is definitely that important. If a variance is
4 needed for the expansion, then that's something
5 we're going to have to look at doing.

6 MR. GALLI: That's it, John.

7 CHAIRMAN EWASUTYN: Ken Mennerich?

8 MR. MENNERICH: The cars when they are
9 going to park under the canopy will be in a
10 different direction than they do under the old
11 system; right?

12 MR. BOYEA: Yes. Yes. That's actually
13 very important. That was one of the things that
14 Frank and Fred bring to this table is they've got
15 a new look on this, saying how can we make this
16 station a successful stop. It's a big
17 investment. Really when you look at some of the
18 new gas stations that are out there, when you
19 pull in what they call in series, sometimes
20 people don't pull far enough so people are trying
21 to scootch up enough to get the hose in.
22 Sometimes people don't pull far enough in so the
23 guy behind you can't get to the dispenser. He
24 can see it but he can't get to it. Sometimes
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people pull in and the tank is on the other side so they have to circle around the lot. With these dispensers with the setup here, it clears up a lot of that. There are options on either side of the tank. You don't have to worry about if somebody pulls forward or something of that nature. It should be a big improvement.

MR. MENNERICH: The question I had, I didn't see the propane distribution tank there. That's going to be removed I take it?

MR. BOYEA: Yeah. There's a big propane tank there. The only thing that we're proposing is a small propane exchange tank, gas grill. It's the cage.

MR. MENNERICH: The big tank would go?

MR. BOYEA: The big tank is going to go.

MR. MENNERICH: Thanks.

MR. PROFACI: My question was also about the propane. It's only going to be the exchange type system?

MR. BOYEA: Yes.

MR. PROFACI: That's it.

MR. FRED FASARI: Just for barbecues.

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

CHAIRMAN EWASUTYN: Tom Fogarty?

MR. FOGARTY: I know in one of the consultant's comments they mentioned the sidewalks. Are they going to be new, are they going to be replaced? I know there was concern about handicap access with the sidewalk.

MR. BOYEA: Yeah. It's a brand new store so we're going to have brand new sidewalks back here. I remember the comment now that you're referring to. The comment really was why put the handicap way down here, let's get them closer to the front door. We can do that. I think initially we said there's one ramp, we'll take advantage of that one ramp and not install another one. We can move that handicap up here closer to the front door. It shouldn't be a problem.

MR. FOGARTY: Thank you.

CHAIRMAN EWASUTYN: John Ward?

MR. FRED FASARI: Actually that's a good idea. Personally I think it should be right up front.

MR. WARD: That's the idea. Being

right next to the dumpster doesn't help the matter.

CHAIRMAN EWASUTYN: Just for the record, would you give your name when you speak.

MR. FRED FASARI: Yes. I'm Fred Fasari, one of the owners.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: My one question was the handicap sidewalk. The other was the canopy. In reference to the cost I understand, but with the old one with say to bring it up to code and the extension, it might cost just as much to restore what you have to do to bring it up to date, you know.

MR. BOYEA: I mean there is some past experience with restoring old canopies and the red steel that's there and the erection of that.

CHAIRMAN EWASUTYN: The question was -- it was mentioned that it would cost approximately \$80,000 to replace the existing canopy. John was wondering, I guess by comparison, ball park figure, what it will cost to retrofit this to accommodate the additional pump island and such.

MR. FRANK FASARI: My name is Frank

1 Fasari. We're definitely going to get the canopy
2 inspected, you know, the footing, fire
3 suppression. If it's not safe we've got to build
4 a new one, I agree. Because this investment has
5 to be amortized twenty years we don't want to
6 build something we have to deal with in ten years
7 obviously. Yes. When it's a project we always
8 look at the cost, but like everything else when
9 you go into in it's an additional twenty percent,
10 twenty-five percent.
11

12 MR. WARD: Thank you.

13 CHAIRMAN EWASUTYN: We'll turn at this
14 point to Bryant Cocks, our Planning Consultant.
15 Bryant.

16 MR. COCKS: A lot of the questions that
17 I had were answered. It sounds like you guys are
18 going -- you're going to need to go for a
19 variance for the canopy.

20 There's also a couple provisions in
21 there about the width of the two entrance drives.
22 There's actually a maximum in the zoning code of
23 fifty feet, so that -- I guess it's the western
24 most one is listed as fifty-four. If you could
25 pull that in a little, then that would comply.

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2 Also the eastern, it has to be ten feet away from
3 the property line. So if you can just move
4 those, that would avoid two more variances also.
5 I don't know if you wanted to do that before you
6 went, or if you go and say this is an existing
7 condition, then they can make a determination and
8 say if it needs a variance or not. I think those
9 are the two options with that.

10 MR. BOYEA: Is that -- just so that we
11 understand it a little better, is that a Town
12 code or State highway --

13 MR. COCKS: That's a Town code.

14 MR. BOYEA: Okay. Both of them have to
15 be adjusted.

16 MR. COCKS: The width on the east side
17 is fine, it's just too close to the property
18 line. It has to be ten feet away from the
19 property line. The western is the width, it has
20 to be under fifty feet.

21 MR. FRED FASARI: Fred Fasari again. I
22 would think we just follow the code, whatever the
23 Town has, then go to variance and we won't have a
24 problem.

25 MR. BOYEA: We can do that. Yup.

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MR. FRED FASARI: Whatever it is.

CHAIRMAN EWASUTYN: Bryant, we have to refer this to the County?

MR. COCKS: Orange County Planning Department, it needs to be referred. This is also going to have to go to the DOT for a highway work permit. It's not a coordinated action under SEQRA but we can send the initial plans to DOT for their review if you want us to, or you can make your own submission.

MR. BOYEA: We'll take care of it.

MR. COCKS: We do have to submit it to Orange County Planning Department, so if you could send one copy of the plans to us we'll forward it. That has to come from the Town.

MR. BOYEA: Not a problem.

MR. COCKS: And then just the bulk table. The minimum lot size is 30,000 square feet instead of 20. You have to adjust the bulk table. It meets code, it's just listed as 20,000 instead of 30.

MR. BOYEA: Okay.

MR. COCKS: I think that was about it. In the future submissions if you could have the

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engineer just stamp and seal the plans.

MR. BOYEA: Sure.

MR. COCKS: Other than that, I think that's it.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. CANFIELD: We had talked briefly at the work session and I believe you had stated environmentally that the site is clean and secure. The building department has two open building permits, one for the removal of the existing tanks. We just need closure reports and a DEC signoff on that closure report. There has been permits issued for installation of new tanks. If that's not the case and you'll be applying for these, which I think you will be, you just need to have that permit closed out as well.

The canopy we had talked about the variance for.

Just a clean-up note. The footnote of the size of the canopy and the dimensions of the canopy are two different numbers. One says 26 by 24, the other says 22 by 24. So we just need clarification for when we do the referral to the

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ZBA we have the exact dimensions of what the canopy is.

Of course you had stated and acknowledged Town of Newburgh has a sprinkler requirement which you had indicated you will comply with. That's all I have.

MR. BOYEA: Great.

MR. FRED FASARI: We'll get you the DEC closure report for the tank removal.

MR. BOYEA: Good.

CHAIRMAN EWASUTYN: Pat Hines, Drainage Consultant?

MR. HINES: Our first comment had to do with the DOT. I know you'll be submitting it to them for the access.

Obviously this is for concept. We're okay with the concept with the changes that have been discussed.

Future plans will need more engineering details that you'll be preparing.

We were looking to really close off the Coral Place entrance drive. I know you're saying you're going to plant some grass there. Often times those become sneak-throughs. Maybe some

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landscaping or something that will close that off
so it doesn't become another access drive.

 You're in the Crossroads sewer
district, and because your building is a little
larger you're going to need a sign off from the
City of Newburgh, a flow acceptance letter. I
can provide you a copy of the information that's
needed. There's a narrative that you'll send to
Jim Osborne, the Town Engineer, and he'll forward
it on. You'll do a calculation of your existing
flow based on building size and the DEC hydraulic
loading rates and then the new building size.
It's a procedural matter but we can't give
approvals until the City of Newburgh signs off. I
wanted to let you know that sooner rather than
later.

MR. BOYEA: Great.

MR. HINES: A demolition permit is
needed, and that will be needed to be noted on
the plans for Jerry's office. There's a standard
note that requires a permit before you take down
that existing building.

That's all we have.

CHAIRMAN EWASUTYN: Karen Arent,

Landscape Architect?

MS. ARENT: I just have a question about the bollards at the face of the curb and how cars will be able to pull up. Usually the bollards are put on the other side of the curb, like a foot-and-a-half for the car overhang. I know the space is tight so I was just curious about how that would impact the size of the parking space because people will probably not pull too close to that?

MR. BOYEA: We could either consider maybe removing some of the bollards and --

MR. FRED FASARI: We just did this on another project. We either come in and put them in half because of the car.

MS. ARENT: Plus it's a pain when you snow plow, to have the bollards, especially if they're on the pavement as opposed to on the concrete.

I have a couple of minor landscape notes. One thing I didn't write down was just where you're removing pavement and gravel, just make sure you have soil remediation notes and what type of soils you will be putting in to get

the landscaping you want to grow.

I guess once the architectural comes around it's important to show the canopy and how that's going to work, how the new canopy will blend with the existing.

That's about it.

CHAIRMAN EWASUTYN: Frank, do you have any idea as to what the building may look like at this point?

MR. FRANK FASARI: We like the cultured stone at the bottom a few feet.

CHAIRMAN EWASUTYN: Mario.

MR. SALPEPPI: We haven't even done a floor plan yet, to be perfectly honest. We'll get the windows as tall as we can. For retail purposes they like a lot of visibility. We'll have cultured stone accents which should work out well. It's a small building so we're going to try to be creative with how to make it look attractive. We haven't done anything at this time.

MR. FRED FASARI: Is there any particular thing the Town prefers, stucco versus hardy plank or siding or --

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CHAIRMAN EWASUTYN: I think the choice is yours. Just try and come up with something that's aesthetically pleasing.

Mike, do you have anything to add at this point?

MR. DONNELLY: Just in response to your comment about the variance, Section 185-19 of the code says that nonconforming buildings existing on the effective date of the ordinance that do not conform to the requirements set forth in this chapter, meaning the bulk requirements, may continue indefinitely subject to certain limitations. One of those limitations is they can not be moved or have their degree of nonconformity increase. The Zoning Board has consistently determined that any enlargement of a noncomplying building is the equivalent of a movement and therefore you would need to shift the protection from nonconforming building protection to a variance. So you will need to go for the canopy setback.

I would think, if the Board wants to refer it, we can also refer them for the driveway width in the one case and the driveway setback in

the other. If you adjust your plans before you get there you can just withdraw that part of the referral. The canopy variance will be required.

CHAIRMAN EWASUTYN: Mike, would you explain to Chris who prepares the letter for --

MR. DONNELLY: With the Board's authorization I will send a letter referring it to the Zoning Board, that way you won't have to appeal from a denial from the building inspector. You will, however, need to fill out a Zoning Board application and pay the requisite fee and get on the agenda.

MR. BOYEA: Just one question on that. That sounds great and we'll move forward with that. About how long of a process do you think that that would take for the Zoning Board?

MR. DONNELLY: How backed up are they, Jerry?

CHAIRMAN EWASUTYN: I would say the fact they lost the meeting of the 25th, that's going to put them behind a month to begin with.

MR. CANFIELD: They're at least one month behind.

CHAIRMAN EWASUTYN: I think it would be

1 fairly optimistic to say if they got on in April
2 they were doing fairly well, and it's a
3 probability of maybe May.
4

5 MR. CANFIELD: I would think so. The
6 March agenda has like at seven items on it. Or
7 the February which is carried over to March.
8 They would be at least April.

9 MR. BOYEA: The issue with that is we
10 were hoping to be in the ground before -- well,
11 in July hopefully. With that it might slow us
12 down. Is it possible -- has the Board ever
13 issued a positive recommendation to -- if the
14 Board is okay with the layout as it's proposed,
15 has a positive recommendation ever been provided
16 so that the Zoning Board knows the Planning Board
17 is okay with the layout?

18 CHAIRMAN EWASUTYN: I'll let Mike
19 Donnelly speak on that.

20 MR. DONNELLY: The Town law provision
21 that provides for referrals such as this do allow
22 the Planning Board to issue a report to the
23 Zoning Board, however in the past it's been my
24 recommendation to the Board that when it does so
25 it should be to flag issues, concerns, either

1 positive or negative, but not to make a
2 recommendation either in favor of or against to
3 grant you the variance because I perceive that as
4 stepping on the domain of another board. If
5 there were issues that were appropriate to bring
6 to the Board's attention that are important to
7 the Planning Board that the Zoning Board might
8 not notice, I can include those in the letter.
9

10 MR. GALLI: I think what you're looking
11 at, the least amount of variance you can go with,
12 just the canopy, I'm sure you'll clean that up.
13 You have a quicker shot at getting through one
14 night instead of two or three nights. Have
15 everything ready to go and all your drawings and
16 stuff.

17 MR. FRED FASARI: The Zoning Board of
18 Appeals has a workshop? Do they have workshops?

19 CHAIRMAN EWASUTYN: I don't believe so.
20 Jerry, do they have workshops?

21 MR. CANFIELD: No. No, they do not.

22 CHAIRMAN EWASUTYN: I think equally as
23 important, as Pat Hines had said, if you work
24 with Pat Hines as far as initiating the City flow
25 acceptance letter through Jim Osborne's office

1 and getting that online so within the course of
2 two or three months you'll get an approval letter
3 from the City, that would coincide with the
4 outside agencies that you -- we couldn't act on
5 giving you final approval until the sewage -- the
6 City --

7
8 MR. HINES: Flow acceptance letter.

9 CHAIRMAN EWASUTYN: So I think it's
10 important that you get that started now.

11 MR. BOYEA: So even with that, I know
12 we're going to be running late for you. The pump
13 structure, do you happen to know -- it's just the
14 canopy that is over the pump that's the variance?

15 MR. HINES: Yes.

16 MR. BOYEA: I mean what you could do if
17 you wanted -- I guess I'd ask the Board if we
18 wanted to invest some money with additional
19 drawings, site grading and drainage, I mean the
20 layout necessarily wouldn't change, I think it
21 could go forward, you would just risk not getting
22 a protection over --

23 MR. GALLI: You can move that canopy
24 back by the looks of it. You have some room
25 there.

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SOUTH PLANK ROAD GAS STATION

CHAIRMAN EWASUTYN: He can't, that's what he's saying, because of the green space. He can't increase the flow of water into the twelve-inch pipe.

MR. MENNERICH: Just a question. When Michael was reading the section of the law, it almost sounded to me like because the building has been moved, the building has moved and been made larger I think than the existing garage, that they'd have to get --

MR. DONNELLY: A variance. I think the Zoning Board has taken the position that any change in the site that increases the intensity or volume of the use would require a variance to preserve an existing noncompliance. In other words, the language of Newburgh's code is somewhat unusual and it says that you may keep the protection upon an enlargement of the use provided that you decrease the nonconformity. Most ordinances say that you keep the protection as long as you do not increase. Ours is a little bit different. Consistently, as Jerry can tell you, the Zoning Board has said unless you make it better you need a variance. Even if you're

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SOUTH PLANK ROAD GAS STATION

keeping it the same, as in this situation, you need a variance. They have been quite consistent with imposing that requirement. So you're going to need one.

If you're suggesting you move forward and continue a review of the site plan, the Board can do that but it can't grant any approval until the Zoning Board acts.

MR. BOYEA: Right. Okay.

MR. CANFIELD: John, I have a suggestion. They're going to dispense diesel fuel; correct? The reason or the need for an additional canopy is to cover the additional pumps; correct?

MR. BOYEA: There's an additional pump.

MR. HINES: An additional gas pump.

MR. CANFIELD: If you were to relocate the diesel -- the reason for a canopy, other than convenience, but the driving force for the need for a canopy is to affix the fire suppression system which is required for the dispensing of a flammable material which is gasoline. Diesel is a combustible material. An extinguishing system is not required over the diesel pumps. As a

1 suggestion, if you were to leave off the canopy
2 and put the pumps there and at a later date for
3 your convenience go the route of the Zoning Board
4 and extend the canopy, it may be an option at
5 this time. I don't know how that works with your
6 dispensing.
7

8 MR. COCKS: Isn't the diesel on top of
9 where the tanks are?

10 MR. FRED FASARI: Yes. The diesel is
11 on that side. You're absolutely right.

12 MR. COCKS: That's the gas that the
13 addition is covering.

14 MR. BOYEA: But to your point, we could
15 protect it without a canopy with fire
16 suppression. That might be an option. From what
17 I'm understanding --

18 MR. DONNELLY: I think if the building
19 is enlarged they're still going to need a
20 variance.

21 MR. HINES: It's a change in the
22 intensity of the use.

23 MR. BOYEA: The building is zoning
24 compliant, the use is allowed and it's within it.
25 That's where --

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SOUTH PLANK ROAD GAS STATION

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MR. HINES: You have a nonconformity on the site, so any change to the site requires a referral to the ZBA.

MR. DONNELLY: That's generally the way the Zoning Board has issued its decisions. If you want to make the argument when you get there --

MR. BOYEA: Yes.

MR. DONNELLY: -- that because the building complies and you're enlarging it fully within the envelop and you're not enlarging the canopy, that you shouldn't need a variance, if they accept that argument they'll issue a decision to that effect.

CHAIRMAN EWASUTYN: May I make a suggestion??

MR. BOYEA: Sure.

CHAIRMAN EWASUTYN: Why don't you table your thoughts for now, get together, think it over and then you could e-mail Mike Donnelly as to the direction that you're going in, and you could e-mail the Planning Board and we'll know the sense of where you're going.

At this point I think we could probably

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SOUTH PLANK ROAD GAS STATION

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motion to refer to the ZBA with a footnote
stating that --

MR. DONNELLY: They'll fill me in on
the details of what they're going to ask for.

CHAIRMAN EWASUTYN: There may be too
much trying to --

MR. BOYEA: I think we can definitely
get the referral out of the way.

CHAIRMAN EWASUTYN: That's what we're
saying.

MR. BOYEA: The details are we're going
to correct the entrances and we're going to go
for the canopy.

CHAIRMAN EWASUTYN: So you made the
decision?

MR. BOYEA: Yeah. There's no doubt
about that. If we could have taken an interim
step to help Frank get the process going further,
which I think we've explored here and it probably
sounds like the answer is no. So if we could
have that referral, we'd appreciate it.

CHAIRMAN EWASUTYN: All right. For the
record Mike, do you want to talk through one more
time what this --

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SOUTH PLANK ROAD GAS STATION

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MR. DONNELLY: The referral will be for the canopy setback and for consideration-- unless the locations are adjusted, for consideration of a driveway variance for both driveways in one case and setback from the roadway in another. Of course if you adjust those then you will just make those compliant.

MR. BOYEA: We'll adjust those so that they're compliant.

MR. DONNELLY: It's canopy only then?

MR. BOYEA: Canopy only.

CHAIRMAN EWASUTYN: I'll move for a motion to refer this to the Zoning Board of Appeals following the description that the minutes will reflect that Mike Donnelly just presented to the Planning Board.

MR. GALLI: So moved.

MR. FOGARTY: Second.

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

(No response.)

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

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SOUTH PLANK ROAD GAS STATION

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MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So
carried.

I'll move for a motion to grant
conceptual approval to the Route 52 gas station
and to refer to the Orange County Planning Board.

MR. PROFACI: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by
Joe Profaci. I have a second by John Ward.
Discussion of the motion?

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So

carried.

So you'll get plans, Chris, to Bryant Cocks so we can refer them on to the Orange County Planning Department, and you'll work with Pat Hines in reference to -- he'll direct you in a letter that will need to be drawn up to go to Jim Osborne for the City flow acceptance letter.

MR. BOYEA: That's correct.

CHAIRMAN EWASUTYN: Mario, any time you come up with some beginning architectural, will you get them over to Karen Arent so we can begin formulating some general ideas about the concept?

MR. SALPEPPI: Absolutely.

CHAIRMAN EWASUTYN: Anything else?

MR. BOYEA: I do have one question. After we get -- assuming we get the Zoning variance, the next time we return to this Board, again just so that we're spending money wisely, would it be appropriate to submit a fully designed, engineered set of plans, landscaping, the whole nine yards, based on this layout?

MR. HINES: Mm'hm'.

CHAIRMAN EWASUTYN: I think what we're hoping for was conceptual approval so that you

1 SOUTH PLANK ROAD GAS STATION 35
2 could move in that direction. Correct?
3 MR. BOYEA: That's correct.
4 CHAIRMAN EWASUTYN: That makes sense.
5 MR. BOYEA: Great. Well thanks so much
6 for your time and the help and the guidance. We
7 appreciate it.
8 MR. FRED FASARI: Thank you very much.
9 MR. SALPEPPI: Thanks.
10
11 (Time noted: 7:35 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: March 22, 2010

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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)

Meadow Hill Road
Section 60; Block 1; Lot 9.1
R-3 Zone

- - - - - X

SITE PLAN

Date: March 4, 2010
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
KENNETH MENNERICH
JOSEPH E. PROFACI
THOMAS P. FOGARTY
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: KIRK ROTHER

- - - - - X

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

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GOLDEN VISTA

MR. PROFACI: The next item on this evening's agenda is Golden Vista. It's a site plan review on Meadow Hill Road, Section 60; Block 1; Lot 9.1, and it's represented by Kirk Rother.

MR. ROTHER: Good evening. My name is Kirk Rother, I'm a civil engineer here in Orange County.

Golden Vista apparently has quite a long history that I'm sure you are much more familiar with than I am.

CHAIRMAN EWASUTYN: What had happened was you had asked to have another consultants' meeting, and several years ago, I think all Board Members remember, the policy had always been that the maximum amount of referral back to the consultants' meeting from when you first made a presentation to the Planning Board was no greater than two. We do have some new Board Members now. That's what the policy had always been, that way we don't lose scope of what's going on and the responsibility of the project doesn't lie with the consultants, it should lie with the Planning Board.

1 In your original presentation to the
2
3 consultants you really didn't have much of a plan
4 but you wanted to meet with them and talk to
5 them. With that you had some ideas and you
6 wanted to come back. From where I sit I thought
7 it was more important that the people to the left
8 and right of me had an understanding of what was
9 discussed at that meeting. If the Board then
10 agreed with it the action would be to allow you
11 to meet again with the consultants with the
12 understanding, again if the Board was in favor,
13 you could have a second meeting after the first
14 meeting realizing that after that second meeting
15 you would come back, there was a timetable, but
16 at the same time the responsibility and authority
17 lies with the Board.

18 Let's discuss what was discussed at
19 that meeting as a possibility.

20 MR. ROTHER: Since you have, I
21 understand, a couple new Board Members, really
22 quickly I put some maps together. There's two
23 sheets here. The sheet on the bottom is the
24 Golden Vista senior citizen project. From my
25 understanding it's currently -- he already has

conditional site plan approval. All the conditions have not been met at this point. The maps have not been signed.

CHAIRMAN EWASUTYN: If you have any extra, just pass them out. Be generous.

MR. ROTHER: The project has a long history of which I'm not real familiar with. I wasn't the original design engineer.

That said, given the current economic climate and financing scenarios, the owner of the property wanted to investigate the possibility of switching the project from a senior citizen type of development to a market rate type of development.

In the R-3 zoning district I believe we are allowed to have a density of six dwelling units per acre, and that's subject to taking out some environmentally sensitive areas prior to doing that gross density calculation.

The reason for the initial workshop was really the applicant's attorney that set it up was just to run by the consultants what flexibility the Planning Board has, if any, in allowing a market rate type of development that

would have more than the underlying six dwelling unit per acre density but fully understanding that we're not going to get the twelve dwelling unit per acre density afforded for senior citizen housing. There were a lot of ideas discussed. There was the possibility of a variance, the possibility of zoning changes, workforce housing, and we touched on also affordable housing. At the workshop it didn't seem like that would fit our needs as far as the potential end user of this development.

After we left the workshop though, we actually took a look at the zoning and the nitty gritty definitions of affordable housing, the income requirements as related to the Town of Newburgh salaries and that type of thing. It seems like the applicant might be willing to pursue affordable housing by right per the code.

The biggest change that would result from this that we can see is we need more parking. Other than that, he wants to keep the plan as close to what was approved as part of the senior citizen project. Those sketches there, they're really quickly done, we really didn't

1 take a hard look at grading or anything like
2 that. All they do is they basically need the
3 parking requirements on the market rate plan.
4 It's the same number of buildings. We decreased
5 the number of units from the senior citizen
6 housing, which had 188, this has 164.

7 In looking at this a little more, what
8 precipitated our request to have another workshop
9 is when you look at the bulk requirements for the
10 affordable housing it's just blank as far as the
11 setbacks and the density. I know what the
12 density for the senior housing is. I believe you
13 don't have to take into account the environmental
14 constraints like you do for regular market rate.
15 It seems like in the affordable you don't either.
16 That wasn't really clear to us so we wanted to
17 run that by the consultants as well.

18 That's it. We really still are in the
19 infancy as far as whether we want to pursue this
20 or not. It seems like if this is a viable option
21 we would want to pursue it. Our understanding in
22 reviewing the code is that this would ultimately
23 require Town Board approval for affordable
24 housing upon referral from this Board.
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The affordable --

MR. ANARUMA: Let's discuss that. I don't think it's a low end -- it's not going to be low end.

MR. ROTHER: Okay. What Tom is saying is if you look at the affordable housing in your code, it's not that the entire site, or at least it appears to us in reading it, will become affordable housing. It reads to the effect that a certain percentage of the increased number of units has to be affordable housing. So using some round numbers here, we had I believe 102 units by right. If you take the affordable you get the extra three units per acre to push us up to 164 units, which is what we have in this plan. Roughly speaking, we're gaining an additional 62 units. I'm going from memory but I think it was thirty percent of those.

MR. DONNELLY: One third have to be affordable I believe.

MR. ROTHER: It really seemed like only 20 of the 160 -- 20 more or less --

MR. ANARUMA: Would be affordable.

MR. ROTHER: -- would have to fit the

1 affordable criteria with regard to the income
2 restrictions and that type of thing. Once we
3 went back and looked at that and we realized
4 that, and interpreting it directly, it seemed
5 like the affordable housing option might work on
6 our end.

8 CHAIRMAN EWASUTYN: Questions from
9 Board Members and then we'll turn it over to our
10 consultants?

11 MR. GALLI: I know with the senior
12 plan the financing was more difficult to get.

13 MR. ANARUMA: Financing is impossible,
14 selling is impossible. We figured market rate.
15 Like the one down the street similar to that,
16 keep some affordable.

17 MR. GALLI: Talking affordable or
18 market rate?

19 MR. ANARUMA: For sale.

20 MR. ROTHER: All for sale.

21 MR. GALLI: I think down the street is
22 -- I don't think they're affordable, I think
23 they're all higher end.

24 MR. ANARUMA: This is going to be
25 market rate too. A small portion, you know, plus

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GOLDEN VISTA

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the price --

CHAIRMAN EWASUTYN: Excuse me. When you say down the street, I'm lost.

MR. ANARUMA: Brighton Green. I'm sorry. We want to keep it nice, it's a beautiful site, that way we can probably sell and get financing.

MR. GALLI: The financing through the financial institution, is it better if it's affordable?

MR. ANARUMA: The majority is going to be market rate. Yeah, it will be as opposed to seniors. Less restrictions. Seniors aren't selling their homes. It's just not good right now.

MR. GALLI: You're looking to phase it or do it all as one project?

MR. ANARUMA: It will be phased I think.

MR. ROTHER: I don't even know that we really have the answer to that.

MR. ANARUMA: Not at this time. We're just trying to make the right fit.

MR. GALLI: Okay.

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CHAIRMAN EWASUTYN: Ken?

MR. MENNERICH: Looking at the market rate plan, it looks like a lot of parking has been added in between the buildings. What's the reason for that?

MR. ROTHER: Because in your zoning ordinance the parking criteria for dwelling unit is less for senior citizen versus just market rate. That's why I said that actually is the most significant change to the plan. We had several alternatives, kind of in house, as far as how we could accommodate that additional parking. Some of them resulted in parking that seemed to mask itself in one area or another. This particular plan seemed to most evenly distribute the additional parking throughout the site. So we spread the units apart a little bit. The senior housing plan had a mix of 16 units -- 20 units per building, 16 per building and 12 per building with most of them being 20 units per building. This plan we're 16s and 12s only.

MR. MENNERICH: The recreation facilities, there would still be recreation facilities I assume?

1 MR. ROTHER: Right. The code does
2 require a certain amount of open space, a certain
3 amount of playground area per child per dwelling
4 unit. I don't think the recreational space would
5 be the same on the senior citizen plan. For
6 example, they had shuffleboard courts. I don't
7 think that we would have --

8 MR. ANARUMA: A rec building.

9 MR. ROTHER: These dashed areas I show
10 here, we're thinking that would be the playground
11 area. The terrain is pretty general in those two
12 spots.
13

14 MR. ANARUMA: If I could just add one
15 thing, Mr. Chairman.

16 CHAIRMAN EWASUTYN: For the record,
17 would you --

18 MR. ANARUMA: Tom Anaruma. Sorry. The
19 pervious piece in the front we weren't able to
20 acquire. We've been trying for a long time.
21 What's the piece in front, three acres? More
22 amenities, maybe units or whatever. We
23 approached them several times trying to -- that
24 really makes the site nice. We're trying to
25 acquire that for what it's worth.

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GOLDEN VISTA

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CHAIRMAN EWASUTYN: At this point it's
conversation so --

MR. ANARUMA: It's not applicable now.

CHAIRMAN EWASUTYN: I appreciate the
thought.

MR. ANARUMA: Just to let you know what
we're trying to do.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: I have no questions at
this time.

CHAIRMAN EWASUTYN: Tom Fogarty?

MR. FOGARTY: No questions at this
time.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: My question was what's the
difference of 20 units per affordable and market
value? Why aren't you doing all of them market
value?

MR. DONNELLY: They would only get 102.

MR. ANARUMA: Because we had 188 and,
you know, it's like going on eleven, twelve years
now.

MR. WARD: Where will you be putting
the affordable units? Where will they be in your

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plan?

MR. ROTHER: I don't know that we are to that point yet. For example, I don't know if your code requires that they be intermingled throughout the community or --

MR. ANARUMA: We're not sure. That's a good question. We're not sure.

MR. ROTHER: I have to be honest, too. I don't even want to commit to that exact layout. We're just --

MR. ANARUMA: It's very preliminary. We want to see what everybody's feeling is.

MR. WARD: As market value going in allows people trying to buy their place for a certain price and all of a sudden the guy next door has an affordable. As resale value for the person buying market value, it brings them down.

MR. ANARUMA: In this economy I'll give you an example. What Lenar did up on 9W, you know the project, they started out with \$700,000, \$800,000 homes and the second phase was \$300,000. It's in the same neighborhood. It's just the times.

MR. ROTHER: One thing that was very

1 eye opening to us in looking at it is your code
2 ties the income requirements to salary levels of
3 Town of Newburgh employees, and that level is
4 pretty high. We looked at salaried employees in
5 The Times Herald Record, they do the Countywide
6 salary survey for 2008 I believe, and it was
7 surprising what the average salary ended up
8 being. When you did the formula it was a --

9
10 MR. ANARUMA: It's not going to be a
11 cheap house.

12 CHAIRMAN EWASUTYN: I make part of that
13 money.

14 MR. ANARUMA: Absolutely.

15 MR. WARD: Like seniors, senior
16 citizens, they need affordable. That would help.

17 MR. ANARUMA: I hope they come in and
18 buy.

19 MR. WARD: What I'm trying to say is
20 you don't need the wrong element, too.

21 MR. ANARUMA: We don't want the wrong
22 element. Like Kirk said, it's not going to be
23 dirt cheap. If that's the perception of
24 affordable, it's not going to be. When we did
25 the salaries, what is the number they --

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GOLDEN VISTA

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MR. ROTHER: You know, I don't want to say. I'm thinking I remember we were talking about it was well into the mid to upper \$200,000.

MR. ANARUMA: It wasn't like it was, you know, like \$100,000. It's not that.

MR. FOGARTY: Is one of the things that you found from switching away from the senior citizen that as the market value of homes went down seniors are hanging on to their homes rather than --

MR. ANARUMA: They're not selling.

MR. FOGARTY: -- downsizing and making a profit and going to a smaller home?

MR. ANARUMA: Right. Reverse mortgages. I mean --

MR. FOGARTY: So this is -- from what I understand, this is kind of an in-between step between a senior citizen and a market rate thing? Where you go from 188 down to 102, this is kind of in the middle where you combine the two at 164?

MR. ANARUMA: We lost so much over the years, I don't want to lose any more.

MR. MENNERICH: Well, the concept of

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GOLDEN VISTA

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affordable housing, though -- this Planning Board has gone on trips to projects where they've had affordable housing interspersed with the other units and you can't tell from the outside one from the other. They're not in one section. They were distributed. In the outward appearance they were exactly the same.

CHAIRMAN EWASUTYN: Good planning actually I think calls for commingling.

MR. ANARUMA: They might be smaller units. Right now we are 700 and 900 square feet. We're going to want to make them larger, 900, 1,000 to 1,300. The more affordable ones will be smaller units. It's not like they're going to be bad. It's open for everyone. Get a smaller unit.

MR. ROTHER: I've been involved in some projects, not multi-family but single family, where there is a mandatory affordable housing element. What those developers do is they don't want these houses to be much different than the rest of the community because it will detract the value of the house. So slightly smaller, maybe less -- one or two fewer dormers, and instead of

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GOLDEN VISTA

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granite countertops they get formica, instead of
hardwood they get --

CHAIRMAN EWASUTYN: Let's go on to what
was discussed, Bryant, Pat, Karen, at the work
session. Are we in line as to what the topic of
conversation was and can you bring us along
somewhat?

MR. COCKS: This is exactly what they
said they were going to do, they were going to
try to work out, you know, either doing
affordable, kind of tweaking the site plan a
little bit. This is the first time we've seen
it. This is exactly what we talked about. I
think this is going in the right direction.

MR. DONNELLY: There were actually
three issues discussed. One was the possibility
of the variance. I take it you're not pursuing
that at this time?

MR. ANARUMA: No.

MR. DONNELLY: The next was the
possible application to the Town Board for a
change in zone, either for the property or to
allow a higher level of density in the zoning
district where this property is located, but we

all recognize that would increase the density in all districts of the -- all of that district throughout the Town. So I take it at this point you're not pursuing that alternative either.

The third was this: Seeing whether or not the affordable housing authorization in the code would be feasible for you to do economically, and you wish to pursue that?

MR. ROTHER: That's correct. At least for one more workshop to see if we're headed down the right road.

MR. HINES: At the meeting when we went from the seniors to the market rate, they lost almost half their units is what happened. We discussed other possibilities, and that's when the affordable issue came up.

The other issue I think was a marketing strategy for Tom. Your senior code has a limit on the size of the units. I think it's 700 for one bedroom and 900 for two bedroom. Tom was saying those size units weren't marketable for seniors.

MR. ANARUMA: Too small.

MR. HINES: That's one of the problems

1 they were having with the plan. To change the
2 footprints they would have needed to change the
3 use to something either market affordable or some
4 other mix of that. That's why we're here. We do
5 need to take a look at that in the calculations.
6 That's going to be important as you move forward
7 to make sure that unit count -- we agree with
8 your unit count so you can move forward.

9 CHAIRMAN EWASUTYN: Would anyone else
10 like to add to this?

11 MR. GALLI: No.

12 CHAIRMAN EWASUTYN: Okay. Jerry?

13 MR. CANFIELD: Nothing.

14 CHAIRMAN EWASUTYN: Then I'll move for
15 a motion to set this up for the next available
16 consultants' meeting and to allow for a follow-up
17 meeting with the consultants after the first
18 initial meeting, but after the second this
19 applicant will return to the Planning Board for
20 review by the Planning Board.

21 MR. FOGARTY: So moved.

22 MR. GALLI: Second.

23 CHAIRMAN EWASUTYN: I have a motion by
24 Tom Fogarty. I have a second by Frank Galli. Any
25

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: March 22, 2010

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

- - - - - X

In the Matter of

DISCUSSION OF THE REZONING IN THE TOWN OF MONTGOMERY

- - - - - X

BOARD BUSINESS

Date: March 4, 2010
Time: 7:56 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

- - - - - X

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

MR. PROFACI: We have one item of Board Business tonight. Bryant Cocks will discuss the rezoning in the Town of Montgomery.

MR. COCKS: What the Town of Montgomery is doing is right along the border on 17K it's currently an industrial area, right on 17K is kind of commercial industrial, but over to where 747 is now and the new Drury Lane, that's all industrial over there. They want to change that and make it more of a commercial area, try to get smaller businesses on 17K, not just have it be as industrial as it is. They lowered a lot of the setbacks, a lot of their requirements so that you can do work on smaller sites. They're also going to end up updating the comprehensive plan. The last one was thrown out in the courts in I think it was 2004 for not allowing affordable housing actually. Now they're going to redo that plan and Ed is going to start working on that in a couple weeks. This allows them to do that. The main rezoning is basically making that more of a commercial area right on the Town border. That's why it was sent over.

MR. DONNELLY: Including retail now?

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BOARD BUSINESS

MR. HINES: Restaurants.

MR. COCKS: More commercial stuff instead of just bigger industrial type projects. They're just trying to, like everyone else, get more business in. They're making everything a little easier for them.

CHAIRMAN EWASUTYN: What was the footnote about something has to be within 300 feet of a traffic light or something? Do you remember that?

MR. MENNERICH: Fast food drive-throughs.

MR. COCKS: There was a bunch of stuff in here. A lot of their zoning law was the original stuff from the '60s. It was the early '60s. They wanted to clean a lot of stuff up. They still have -- instead of being gas stations with convenience stores they were still thinking it was mechanics working there. They changed all those definitions to update a lot of these uses to make them like 2010 instead of 1962 or whenever the plan was. There's a lot of stuff in there.

I'm sure you're right about fast food

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BOARD BUSINESS

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having to be by traffic lights. That makes sense.

CHAIRMAN EWASUTYN: Ken?

MR. MENNERICH: There was a comment that the Orange County Planning Department asked Montgomery to refer -- to what, contact the Town of Newburgh just to tell them what's going on? Are they looking for feedback from the Town of Newburgh?

MR. COCKS: Since it's on the border they wanted to make you aware. It is required for zoning changes to be forwarded.

MR. HINES: Notify the adjoining municipality.

MR. COCKS: I don't think you have to comment on it.

MR. DONNELLY: It requires notice under 239-NN, strangely, to the town clerk, not to the Planning Board, ten days before any public hearing. So this is more informal, much sooner than ten days before the hearing, and it's to the Planning Board which --

MR. PROFACI: Can we comment on it?

MR. DONNELLY: Sure.

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BOARD BUSINESS

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MR. COCKS: Everyone can. There has to be a public hearing, it's a zone change.

CHAIRMAN EWASUTYN: I think it's good policy to acknowledge things. I mean you receive something. That's why I brought it here. Whatever you want to do but I think -- I would like to think that we would move for a motion to have Bryant Cocks acknowledge this in a written form. The body of the letter could be based upon whatever comments we come up with now.

MR. DONNELLY: And thank them for sending it. It went beyond what the law requires.

MR. HINES: Especially in a corridor like that. You're driving along and you don't know where the Town of Newburgh ends. It's going to keep growing like that.

MR. MENNERICH: We were industrial in the Town of Newburgh there.

CHAIRMAN EWASUTYN: Does anyone want to say anything or have Bryant say anything noteworthy in the letter or just to thank them for the acknowledgement? Do you want to think about it and call Bryant tomorrow?

MR. COCKS: I can wait until next week

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BOARD BUSINESS

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if you guys want to send me an e-mail.

CHAIRMAN EWASUTYN: If anyone has any comment e-mail them to Bryant by Tuesday of next week.

MR. FOGARTY: Maybe you can say something like as you proceed in this master plan of this particular area, if you were to keep the Town of Newburgh Planning Board informed so we can --

MR. COCKS: I don't need a letter for that, I can just go to the next office.

MR. FOGARTY: We appreciate this information. Continue to keep us informed as you progress.

MR. COCKS: Absolutely. Shoot me an e-mail and I'll put whatever you guys want in there.

CHAIRMAN EWASUTYN: Okay. By Tuesday if you think of something. I appreciate it.

Anything else while we're here this evening?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a motion that we close the Planning Board meeting

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BOARD BUSINESS

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of the 4th of March.

MR. PROFACI: So moved.

MR. FOGARTY: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself. So
carried.

Remember we have three public hearings
on the 18th.

(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: March 22, 2010