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

----- X  
In the Matter of

T-MOBILE NORTHEAST, LLC  
(2015-07)

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

----- X

PUBLIC HEARING  
WIRELESS MODIFICATION APPLICATION

Date: May 21, 2015  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: CARA BONOMOLO

----- X

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

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CHAIRMAN EWASUTYN: Good evening,  
ladies and gentlemen. We'd like to welcome you  
to the Town of Newburgh Planning Board meeting  
of the 21st of May 2015.

At this time we'll call for a roll  
call vote.

MR. GALLI: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

CHAIRMAN EWASUTYN: The Planning  
Board has professionals who represent them.  
I'll ask at this time they give their name.

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,  
Hauser & Edsall Consulting Engineers.

MR. MUSSO: Mike Musso with HDR,  
Wireless Communications Consultant.

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T-MOBILE NORTHEAST, LLC

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CHAIRMAN EWASUTYN: John, if you would.

MR. WARD: Please stand to say the  
pledge.

(Pledge of Allegiance.)

MR. WARD: Please turn off your phones  
or on vibrate. Thank you.

CHAIRMAN EWASUTYN: For the meeting of  
the 21st of May we have four agenda items and one  
Board Business item.

The first item on the agenda is  
T-Mobile. It's located on 7 Meadow Hill Road in  
an IB Zone. It's a public hearing for a wireless  
modification application. It's being represented  
by Cara Bonomolo from Snyder & Snyder.

At this time I'll ask Mr. Mennerich to  
read the notice of hearing.

MR. MENNERICH: "Notice of hearing,  
Town of Newburgh Planning Board. Please take  
notice that the Planning Board of the Town of  
Newburgh, Orange County, New York will hold a  
public hearing pursuant to the Municipal Code of  
the Town of Newburgh, Chapter 185-57, Section K,  
and Chapter 168-16, Section A, on the application  
of T-Mobile Northeast, LLC, project number

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T-MOBILE NORTHEAST, LLC 4

2015-7, for a site plan and special permit for technology upgrades. The project includes the replacement of three existing panel antennas with three new panel antennas and related equipment on an existing tower, an equipment cabinet on an existing concrete pad will be replaced with a new equipment cabinet, on premises 7 Meadow Hill Road in the Town of Newburgh, designated on Town tax maps as Section 60, Block 3; Lot 35.1, located in the IB Zone. Said hearing will be held on the 21st day of May 2015 at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7 p.m. at which time all interested persons will be given an opportunity to be heard. By order of the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman, Planning Board Town of Newburgh. Dated April 24, 2015."

CHAIRMAN EWASUTYN: Thank you, Ken.

At this time, Cara, would you make a presentation?

MS. BONOMOLO: Sure. Good evening. My name is Cara Bonomolo, I'm an attorney with the law firm of Snyder & Snyder, LLP. I'm here this evening on behalf of the applicant, T-Mobile

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T-MOBILE NORTHEAST, LLC

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Northeast, LLC.

As the public hearing notice indicated, T-Mobile is proposing to modify it's existing wireless telecommunications facility that's located on the existing monopole at 7 Meadow Hill Road. The modification will consist of the replacement of three existing panel antennas with three new panel antennas and the replacement of one existing equipment cabinet on the existing concrete pad within the existing compound.

The height of the existing tower will not be increased by this modification. The width of the existing tower will not be increased by this modification. There's no excavation or proposed equipment that's proposed outside the existing compound. The total number of equipment cabinets will not be increased.

CHAIRMAN EWASUTYN: Thank you.

Is there anyone here this evening that has any questions or comments?

(No response.)

CHAIRMAN EWASUTYN: At this point I'd like to turn the meeting over to Mike Musso from HDR LMS. Mike, one more time for the public, you

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represent the Town in what capacity?

MR. MUSSO: Correct. Mr. Chairman, Members of the Board and members of the public, thanks for having me here tonight. Mike Musso from HDR, working on behalf of the Town of Newburgh.

We performed a technical review of this upgrade application. A tech memo was submitted to the Planning Board dated May 15th. I'd like to just briefly go through our analysis and findings.

As stated or implied by the applicant rep tonight, this is a technology upgrade. This is an existing monopole structure. T-Mobile has been operating an approved facility there for several years. The upgrade has to do with their long-term evolution or LTE technologies. New models of panel antennas to accommodate new frequencies are being proposed at the site. Of course we're seeing this among many of the carriers -- commercial carriers that service the area.

The existing monopole behind Newburgh Mall is 145 feet in height. T-Mobile is the

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second set of arrays down from the top. All the other major wireless carriers are also co-located on the structure.

The upgrade is very straightforward in my opinion. Three existing panel antennas are being swapped out for three newer models, as I had said. And at the ground, at the base of the tower, really no appreciable changes. T-Mobile has a dedicated space within the fenced, secured area and they are making a change out of one of their equipment cabinets at the base. The equipment cabinet is about the size between a dishwasher and a refrigerator. So that's the gist of their upgrade.

HDR on behalf of the Town did look at a few things. We wanted to make sure their submittals were current. I actually had a chance to go by the site of this upgrade. We looked at their drawings and the representations, we looked at the new model antennas, we evaluated the radiofrequency emissions. An analysis was provided by the applicant. We feel it's appropriate and also conservative because it accounts not only for T-Mobile but the other

1  
2 wireless carriers at the site. As expected, the  
3 entire site is in compliance. In fact, the levels  
4 are significantly below what's allowable for a  
5 cell tower type of facility.

6 We also looked at the structural  
7 approach. Here really there's no appreciable  
8 change to weight or loading. The existing antenna  
9 mounts are going to be used and the new panel  
10 antennas that are proposed are very comparable in  
11 dimension and weight to what is on the tower now.  
12 That tower, by the way, has -- it's currently at  
13 about 85 percent of it's capacity, which implies  
14 that, you know, it does have some more capacity  
15 and certainly a level of safety built in to the  
16 design.

17 We provided a few recommendations as we  
18 typically do with these types of applications.  
19 They are as follows, and the Board could  
20 entertain these as conditions for any action  
21 that's taken on this upgrade application:

22 There's a note about security fencing  
23 that's in place around the monopole and also  
24 warning signage that's required by the Federal  
25 Communications Commission. These should be



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routinely inspected and maintained at the site,  
not just by T-Mobile but by all the carriers.

We recommend that the proposed panel  
antennas, also the cables that would connect  
those antennas to the ground-based equipment, be  
color matched. There's been quite a bit of color  
matching on that light blue pole, so we recommend  
that that continue here with any new panel  
antennas and new cables that are proposed.

There's a note about the operations  
have to be maintained in accordance with the  
Town's Wireless Ordinance. They're not just for  
getting a facility approved but for maintaining  
that over time.

That essentially is a summary of our  
report and our findings and recommendations.

CHAIRMAN EWASUTYN: Mike, thank you.

I'll turn to the Board Members for any  
questions or comments. John Ward?

MR. WARD: No comments.

CHAIRMAN EWASUTYN: Dave?

MR. DOMINICK: Cara, would you see that  
your client matches the paint as Mike stated in  
his report?

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T-MOBILE NORTHEAST, LLC

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MS. BONOMOLO: Yes.

MR. DOMINICK: Thank you.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Students in the  
back, do you have any questions or comments?

(No response.)

CHAIRMAN EWASUTYN: Thank you. At this  
time I'll move for a motion to close the public  
hearing on T-Mobile's modification application.

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. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So  
carried.

I'll turn to Mike Donnelly, Planning

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T-MOBILE NORTHEAST, LLC

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Board Attorney, to give us the conditions which will be stated in the final resolution.

MR. DONNELLY: The resolution is site plan approval and re-issuance of the special permit that's already been issued for this site. I've taken the four bulleted suggestions from Mike's report that he mentioned earlier and included them as conditions in the resolution of approval. In addition, we'll include our standard condition which says nothing may be built on site that is not shown on the approved site plan.

You had received a report from the Orange County Planning Department. You had done a SEQRA declaration in the past. The resolution is ready for action.

CHAIRMAN EWASUTYN: Having heard from Mike Donnelly, our Planning Board Attorney, we'll move for that action, to approve the wireless modification and special use permit for T-Mobile subject to those conditions.

MR. DOMINICK: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: A motion was made by Dave Dominick, a second by Ken Mennerich. Any

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T-MOBILE NORTHEAST, LLC

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discussion of the motion?

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried. Thank you.

MS. BONOMOLO: Thank you.

CHAIRMAN EWASUTYN: If you remember, in about 45 days or so send me a letter asking for a release of the escrow balance.

MS. BONOMOLO: Okay.

CHAIRMAN EWASUTYN: I sometimes forget that.

MS. BONOMOLO: Thank you.

CHAIRMAN EWASUTYN: Have a nice holiday.

MS. BONOMOLO: Thank you. You, too.

(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: June 9, 2015

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

----- X

In the Matter of

LANDS OF RICHARD MARTIN & OTHERS  
(2015-09)

East Road  
Section 2; Block 2; Lot 22.1  
IB Zone

----- X

CONCEPTUAL SITE PLAN

Date: May 21, 2015  
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  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: DARREN STRIDIRON

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CHAIRMAN EWASUTYN: The second application this evening is the lands of Richard Martin and others. It's located on East Road in an AR Zone. It's an initial conceptual appearance. It's for a two-lot subdivision. It's being represented by Heritage Land Surveyors.

Congratulations, by the way.

MR. STRIDIRON: Thank you very much. It came six weeks early but everything is good. Thank you.

My name is Darren Stridiron, I'm from Heritage Land Surveying representing my clients, the Martins on 37 East Road.

Currently the property is an eleven-acre property with a single-family residence. We're proposing to have a two-lot subdivision. The existing dwelling is part of lot 2, which will be about eight-and-a-half acres, and the proposed lot 1, which is a two-acre parcel, a single-family dwelling is proposed on that.

There's a driveway entering onto East Road which is a County road. We do show a widening which is uniform from the center of the

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road based on the original filed map which shows an approximate line for the variable width taken. So I followed that line as part of the right-of-way taking. I assume that the County would be reviewing that for -- as part of their reviews for their highway taking.

The engineering was done by Mr. Feeney. We're showing a septic area -- a standard septic area with the grade.

So if there are any questions, I'd be happy to answer them.

CHAIRMAN EWASUTYN: I think we'll turn to Pat Hines. He reviewed the plans for the Planning Board. We'll seek his comments.

Pat.

MR. HINES: Our first comment is the existing structure on proposed lot 2 does not meet the front yard setback as it is today. That's going to need referral to the Zoning Board of Appeals. It's going to lose that pre-existing protection that it has because of the subdivision.

We need to confirm if East Road is a County road. I wasn't sure that it was.



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MR. STRIDIRON: I believe it's County Route 14. I saw a sign out there. I have to check.

MR. GALLI: Is that Plattekill, Ulster County?

MR. STRIDIRON: I have to see which sign it is. It is mentioned on the original filed map as County Road 57. I have to see if --

MR. HINES: We'll have to follow up on that. I wasn't aware it was. It dead ends in Ulster County, or continues into Ulster County. If it is a County road, then the driveway details for the County are going to have to be added to the plans and the notes the County requires for no construction without a permit and such. So that will have to be updated. If it's not, then the highway superintendent's comments on the driveway and this Board's attorney's comments on the roadway dedication would need to be received.

Then we're awaiting the soil testing for the septic system which we don't have as of yet.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. CANFIELD: We have nothing

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additional.

MR. HINES: If it is a County roadway it will require referral to the Orange County Planning Department. We can do that subject to confirming that.

CHAIRMAN EWASUTYN: Okay. You'll work with Pat Hines on that. You can get maps to him so he can circulate that.

MR. STRIDIRON: Yes, I will.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

MR. GALLI: Nothing additional, John.

CHAIRMAN EWASUTYN: All right. At this point; Mike Donnelly, you'll prepare a referral letter to the ZBA.

MR. DONNELLY: For the existing front yard setback of 37.3 feet where 60 feet is required.

CHAIRMAN EWASUTYN: Is the Board in favor of that?

MR. GALLI: Yes.

MR. MENNERICH: Yes.

MR. DOMINICK: Yes.

MR. WARD: Yes.

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CHAIRMAN EWASUTYN: Okay. That's what we'll do next.

MR. STRIDIRON: Thank you very much.

(Time noted: 7:13 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: June 9, 2015

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

----- X  
In the Matter of

MARKETPLACE AT NEWBURGH  
(2004-54)

Route 300 & Route 52  
Multiple Sections, Blocks and Lots  
IB Zone

----- X

AMENDED SITE PLAN/ARCHITECTURAL REVIEW

Date: May 21, 2015  
Time: 7:14 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  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: JOHN BAINLARDI

----- X

MICHELLE L. CONERO  
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CHAIRMAN EWASUTYN: The third item on the agenda this evening is the Marketplace at Newburgh. It's on Route 300 and Route 52. It's in an IB Zone. It's here this evening for an amended site plan, ARB and to schedule it for a Consultants' work session. It's being represented by John Bainlardi.

MR. BAINLARDI: Good evening. My name is John Bainlardi, I'm a vice president with Wilder, Balter Partners, one of the sponsors for The Loop at Hudson Valley project, formerly the Marketplace at Newburgh.

Just for the record, so you know who the parties are, the Marketplace at Newburgh, LLC is the present owner of the property. It's been the owner of the property since 2009. The Marketplace at Newburgh, LLC is controlled by members of Wilder, Balter Partners. Wilder, Balters Partners has entered into a joint venture agreement and the Wilder Companies from Boston, who I will introduce to you during the fourth amended site plan review, and we've been developing the property together since about August of 2013. We formed a joint venture entity

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called Loop HV, LLC which is basically controlled by the members of Wilder, Balter Partners and the Wilder Companies. So just to bring you up to date.

The last time we were before your Board almost a year ago now, we were before your Board for approval of the fourth amended site plan, which is the site plan down here below. We're here before your Board this evening for review of our proposed fifth amended site plan as well as the presentation of our proposed conceptual comprehensive architectural design for the center.

Before you in your package you have a cover letter and some plans. The site plan drawings basically at this point consist of the overall site plan, which is at the larger scale, and then the layout, grading and utility plans which are at the fifty scale.

Attached to the letter is an Exhibit A which basically lists, or attempts to list the various changes from site plan amendment number four. When reviewing these you'll note that most of these changes, the vast majority of them, are

1 related to specific tenant footprints which have  
2 now been dialed in as we've reached terms and  
3 signed leases with a number of tenants for the  
4 center and the related service areas for those  
5 tenants. So as we have entered into leases with  
6 these tenants we've reviewed their plans with our  
7 consultants and with their consultants, agreed on  
8 what the program is going to be and then set that  
9 into this site plan. So now that we've amassed a  
10 number of these tenants and along the way have  
11 made some other minor changes which I'll touch on  
12 in a moment, we're now here at site plan  
13 amendment number five.

14  
15 Included in your package is a letter in  
16 which we bubbled those areas where the majority  
17 of the changes are located. Again, you'll see  
18 that most of it is within the service areas in  
19 the backs of these buildings. A note from site  
20 plan amendment number four, for instance,  
21 building number 3 here was a rectangle, it's now  
22 changed in shape. It's still a rectangle  
23 primarily but we flexed the actual tenants.

24 Some of the other areas to note, as I'm  
25 sure you've noticed, since we last were before

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the Board we proceeded with construction of the stormwater detention basins for the project. Those basins are now built in their temporary state with a number of the structures installed. That was done under the supervision of the project engineer, Mark Gratts, and your Planning Board engineer acting as the site monitor for the project.

There was a modification to the shape of basin CC, which is this basin here. When we were excavating for that basin in the lower corner down here we encountered some rock, so instead of disturbing that rock and having to blast that rock, we modified the shape slightly here to basically work around it. Again, that was orchestrated as a field change with your engineering consultant, Pat Hines.

We also, in the past year, have worked with our electrical site engineer for the site electric and have had several meetings with Central Hudson Gas & Electric and Verizon to lay out the gas, electric and telecommunication lines. Those have been added to the grading and utility plans. Those have gone back and forth



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2 between us and Central Hudson and Verizon. We're  
3 now satisfied that those are probably 95 percent  
4 there. There will be some tweaks, again as we  
5 continue to fix the individual tenants. We've  
6 now focused in on locating utility rooms and  
7 where the utilities will come into these  
8 buildings and worked through a lot of those  
9 details in the hard scape back behind the  
10 buildings and in front of the buildings as well.

11 So as you recall, the Board had adopted  
12 findings for this project before granting your  
13 approvals, and each time we revisited those  
14 findings as we've gone through the various  
15 progression of the site plan amendments. This  
16 site plan amendment meets all of those major  
17 criteria that's laid out in a letter.

18 Essentially the site plan provisions don't result  
19 in greater square footage or impervious surfaces.  
20 We have not gone beyond the limits of disturbance  
21 that was originally approved for the project. The  
22 access points remain as approved, there are  
23 three. The size of the village center or  
24 lifestyle center component has not be reduced  
25 below 100,000 square feet. All of the proposed

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uses on the site are permitted by current zoning as previously approved and reviewed.

We have representatives here tonight from the architectural firm and from the Lawler Companies, I'll introduce you in the moment, who can make the next presentation. I thought I'd pause here if you have any questions on the site plan amendment proposal.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: One question of interest. On the traffic circle, has that been ironed out with the Town?

MR. BAINLARDI: Yes. What we did in the past six weeks to two months is we had a meeting with representatives of the Town. At that meeting was your Planning Board Consultants, Jerry Canfield was there. We had representatives from the police and fire department. We had representatives -- Jim Osborne and his group was there as well as sewer and water. We went through the plans for both this access point as well as where we're bringing utilities in at

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Route 300 that are on the approved plans. We actually went out and met out in the field to locate where the existing sewer and water is and to discuss where we'll make those connections. We reviewed the permit requirements and the paperwork, and we're in process now of setting up a pre-construction meeting with the Department of Transportation. That request is in to them. At that time at that meeting there will be representatives of the Department of Transportation, the contractor who performed the work, the signal contractor -- signalization contractor. They'll need to be prepared to discuss the schedule for the construction as well as the traffic safety provisions. Also at that meeting will be Jerry or someone from his office. Pat has been invited to attend as well. We will also invite representatives again from the police department and the fire department so they can hear, because I know there's going to be some impact here during the construction phase.

One thing I'll add is the firehouse had asked if we would take a look at trying to see if we could provide some signalization out in front

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of their firehouse for purposes of allowing them to be able to stop the traffic. We came up with a design in working with them with our traffic engineer. We've submitted something to the DOT and we're working together with them to see if we can make that happen at our cost.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Nothing at this time.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Nothing right now.

CHAIRMAN EWASUTYN: Jerry Canfield, while we're discussing the site plan?

MR. CANFIELD: I have nothing on the site plan.

CHAIRMAN EWASUTYN: Pat Hines, anything on the site plan?

MR. HINES: The applicants have our comments. There are no substantial comments.

All the new work proposed is within the original footprint of disturbance. They're down to about 700,000 square feet, which is approximately 150,000 square feet less than was reviewed during the environmental impact process.

Just to reiterate, the stormwater

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facilities were constructed last fall and are operational.

Ken Wersted's comments on the internal traffic flow should be received. There's been some changes to the access drive which is across the road that comes in from the proposed roundabout. Ken had some comments on that.

All the previous financial approved securities remain in effect and are required.

Architectural submissions should be reviewed by the Board, which I know you're going to do next.

There was only minor utility changes based on the revision of the footprints. All utilities have been addressed.

We don't have any technical comments for the fifth amended site plan. We're aware that we are going to see this and possibly more in the future as the tenants are secured.

CHAIRMAN EWASUTYN: John, how would you like to proceed next?

MR. DONNELLY: Let me just mention regarding the site plan. John, since you were last here the Town has enacted -- I think it's

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since you were last here -- a notification provision for site plans and amended site plans that will require, within ten days after tonight's meeting, a mailing to property addresses within 500 feet and posting. You can work with Pat for the locations and the list, but that's going to have to be accomplished.

The Board needs to decide whether to hold a public hearing on the amended site plan as well.

CHAIRMAN EWASUTYN: The mailing, you'll coordinate that with Cindy Martinez.

MR. BAINLARDI: Okay.

CHAIRMAN EWASUTYN: At this point I'll poll the Board Members if they want to hold a public hearing for the fifth amended site plan. Frank Galli?

MR. GALLI: No.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: No.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: No.

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CHAIRMAN EWASUTYN: Myself no.

Let the record show that the Planning Board, under their discretion, waived a public hearing for the fifth amended site plan.

MR. WARD: We were suggesting possibly posting it at the three entrances. For when you post, like where you have 52, --

MR. BAINLARDI: Sure.

MR. WARD: -- by 300 and the two 52 entrances of where the site is, this way they see it more.

MR. GALLI: I think Pat has to explain.

MR. HINES: I'll work with John on that. I have to check. I don't believe the adjoiner's notices are posted. It's the public hearing notice. You've just waived that, so --

MR. WARD: All right.

MR. HINES: I'll work with John Bainlardi on the requirements for that. We will craft the adjoiner's notice that the public hearing has been waived so you don't tell the public that there is going to be a public hearing when there's not. Now that you've done that motion, we can craft that accordingly.

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MR. BAINLARDI: Okay. I guess one other requirement would be that I think this will require again referral to the County.

MR. DONNELLY: I think we've made that condition to be safe. I tried to ask them whether or not they feel the need but they don't seem to give us an answer, so the answer is yes.

MR. BAINLARDI: So I request if that could be done. And then --

CHAIRMAN EWASUTYN: How would we do that?

MR. BAINLARDI: How ever you would like.

CHAIRMAN EWASUTYN: Thanks for the opportunity.

MR. BAINLARDI: You tell me what you'd like and we'll take care of it.

CHAIRMAN EWASUTYN: I understand you're vice president. You have grown in your position. I'm still secretary. I don't know what went wrong. We'll discuss it at a later date.

If you'll get plans to Pat Hines, he'll coordinate that with the County.

MR. BAINLARDI: And then if -- I think



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it might be appropriate for us to -- if you can refer us to your next available work session. In addition to the drawings here, some of the technical drawings such as the utility profiles, minor tweaks to the landscape plans, we just need to adjust for some of the hard scape. We're going to take the opportunity to make some minor adjustments to the phasing plan because we know how we're going to proceed with construction. So it's really just going to be moving the pieces around the board as opposed to any kind of real significant change to the phasing plan. That will be done in consultation with the project engineer, with Pat and then by providing notice to DEC. This is pretty typical stuff.

CHAIRMAN EWASUTYN: I guess it's really up to Pat and Mike Donnelly as far as will they be available and what would that date be.

MR. HINES: It's May 26th. It would be Tuesday. I don't have a problem with it. That's our normal scheduled fourth Tuesday. If there needs to be flexibility, we can do that too. We do have the room scheduled here.

CHAIRMAN EWASUTYN: Please do me a

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favor. If you were to -- if we were to select that, let Andy Zarutskie know tomorrow.

MR. BAINLARDI: If I could ask the question. Do you need for us to come and sit down with you or we could just submit to you and work that way? Whatever is more comfortable.

MR. HINES: Now that we're going to the County we have a little time. I didn't want to be the hold up on the project. If we have to submit to the County, if you want to submit the plans to us. If there is a need, we can just have the Board authorize us to do a technical work session. I don't know what Ken Wersted's comments are on this either.

MR. BAINLARDI: With Ken we did receive -- we're in receipt of his comments. Mark Gratts had a conversation with him today. We didn't see anything there that is going to be problematic. Everything we can address pretty readily.

MR. HINES: I would suggest you submit any other additional information you have, we'll take a look at that. If there is any issue where we do need to get together, we can schedule an interim technical work session.

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CHAIRMAN EWASUTYN: I'll move for approval from the Planning Board that our consultants along with the group of Wilder, Balter will transmit back and forth changes reflecting a few minor changes to the site plan, some technical issues and landscaping issues. If after that correspondence and review there's a need for a consultants' work session, then we'll schedule it.

MR. MENNERICH: So moved.

MR. GALLI: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Ken Wersted's comments were focused around the safety issue around two buildings --

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MR. BAINLARDI: Yes.

CHAIRMAN EWASUTYN: -- and the location of dumpsters in certain complexes.

MR. BAINLARDI: His comments are well taken and they're easily addressable.

CHAIRMAN EWASUTYN: Those two buildings that will have drive-throughs, what are they?

MR. BAINLARDI: One of them will probably be a cafe, possibly a Starbucks, and then the second location, the other one could be a bank or something similar to that. This area up in here, just in full disclosure, it's -- there's a likelihood that there will be some more tweaks here. We're really trying to pay particular attention to this because this is the face of the project. So we're really trying to hold out for that better grade of tenant out here. Many of the tenants want this location up front. We want to make sure that it's -- it serves the entire project well and works properly. So, you know, if you have patience with us now, I think in the end we'll have a nice face for the project.

CHAIRMAN EWASUTYN: Very good. Thanks.

MR. BAINLARDI: So at this time I would

1  
2 like to turn it over to Kelli Burke with the  
3 Wilder Companies for just a brief overview of the  
4 architectural. The Board adopted or approved back  
5 in 2008, as I recall, architectural renderings in  
6 a conceptual form for the Marketplace. Basically  
7 those drawings consisted of some elevations for  
8 the big boxes, some elevations -- typical  
9 elevations for some of the village center  
10 buildings and some hard scape plans, typical hard  
11 scape plans which include landscape areas for  
12 both the ground and the buildings and the common  
13 areas. Also as part of those drawings we did a  
14 typical signage, we did a comprehensive signage  
15 plan. This is meant to replace those drawings.  
16 There's been some modifications to the style of  
17 the architecture I think in a first- class layout  
18 and style.

19 The signage plans, just to touch on  
20 that briefly. You may be aware that we did  
21 present to the Town Board a proposed text  
22 amendment to address signage specifically for the  
23 shopping center. We did make that presentation to  
24 the Board. We also met the Board, then retained a  
25 signage consultant who we met with and he's met

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several times with the Town Board. He then presented a memo with some comments and we've modified the draft text. We're about ready to resubmit to the Town. It looks like that's getting some positive momentum. We got some good feedback. There's a process there to finish but we think it's headed in the right direction.

CHAIRMAN EWASUTYN: Kelli, before you start, why don't you just satisfy me and come up for a quick minute and look at what's in front of us, that way you'll have a better comprehension of what's being talked about, otherwise it's not really fair to yourself to try and grow and learn from the experience without looking at it. This project has been before us now for eleven years.

CHAIRMAN EWASUTYN: Kelli.

MS. BURKE: Good evening. For the record, my name is Kelli Burke and I'm vice president of development services for Wilder Companies, a partner at the Loop Hudson Valley.

About a year ago I think we were before you and we had a conceptual design just to give you a flavor of the direction we were headed. The point is that architecture on this project began

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well before one lease was signed. The direction we're taking with Loop Hudson Valley is now a more contemporary look versus the Marketplace which was more traditional architecture.

The first thing we try to accomplish when we set out to develop the architectural direction for the center is to set and create a set of standards that will work as a template, because as John eluded to, the development of a shopping center is ever evolving. We're working with leases, with tenants, and now we've come, you know, miles away from where we were last year and doing well with leasing. We still have lots of leases to negotiate. As part of that, you know, things will change, walls will move. So the flexibility of the architecture is key. But we don't want to sacrifice architecture integrity by making the center bland, too monolithic or uniform. So working with our architect, Alvarado & Associates, and here tonight is Andrew Habier, he's our project architect, we've developed a concept that I think provides that flexibility but also provides the aesthetic quality that we're looking for in a shopping center like Loop

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Hudson Valley.

So what we've submitted for this conceptual package is really a cross section of the center. So we've submitted four buildings. We've got building H which is more the lifestyle small store building, we've submitted building E which has a mix of small stores as well as the junior boxes we refer to, and then we have two anchors, we have BJs and Dicks and Field & Stream.

As you can tell from these boards and the material boards that we submitted, it's pretty well advanced in terms of some of the architecture. The submittal also included details on the finishes that we're proposing. So the renderings don't really annotate the details but the package that you have does give you a finish schedule of the different materials.

I'm going to start with building H, building H being the lifestyle small stores. What we have there is a lot of ample glazing and storefront systems. We have -- it's really important to allow the tenant to have their identity. Ways to do that include awnings, using



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different fabrics and patterns and colors for their brand identity. We also have pop-up features for some of the larger tenants to create that distinction. And we also like both horizontal and vertical, so parapet heights will vary. We want to make sure the parapets are going to screen the rooftop units, and where we can't screen we will provide louver screens which are also in your package, a design concept for that.

And also one interesting or important element of building H is it's also going to be very visible from the access road, so we want to take elements of the facade, the front of the building, and wrap it. So while we won't have glazing and storefront systems at the back, we will have architectural elements that will turn the corner and also will appear at the rear of the center. So we've also provided you with the rear and side elevations to show you that.

Another very important element in the design is the hard scape design around the lifestyle buildings. We have wide sidewalks with decorative pavers to create an interesting pattern. We've taken planters and moved them out

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to the edges to create that interest for the pedestrians who want -- what we want to do is create a pedestrian friendly atmosphere to encourage window shopping. This is like a main street scape. We have the head-in parking, and the planters and pavers offer a good buffer to that head-in parking.

We also are trying to develop plazas for outdoor dining, seating and other opportunities. Again, to activate those common areas because it's integral to the whole atmosphere of the center.

I think moving to the anchors where we have a little bit less influence on the design, to be perfectly frank. We are seeing a great improvement in what the anchor stores are willing to do in terms of adding a diverse amount of materials. The Field & Stream, as you can see, has a very attractive architectural element at the front with many different types of materials including brick veneers, actual wood siding. There will be a portico in the Dicks. They're using brick veneer and concrete masonry and incorporating some pilasters to break up the

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facades. Material boards are here. As you can see, we have the cultured stone, the brick, a variety of different colors. So there's a lot of interest.

Again the sidewalks are wide, and we're also including decorative pavers and planters along those sidewalks as well.

Building E is a good hybrid. Building E includes a junior box, Michael's. Michael's is a junior box. It does have it's preference for architectural design but they're also flexible and will work with the design team for the center. We think we've done a great job with that tenant in developing a design that fits with the center design. We also, in that case, will wrap around the side so that we will have more interest along the side elevation because we have this access road right here that many will be -- it will be actively used.

Other elements that we look for in incorporating the design, especially in the hard scape, is decorative lighting in the sidewalks, which is an important element, building accent lighting, which is also an important feature, and

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again, you know, using a variety of materials such as synthetic, stucco, durable materials, brick veneers, stone veneers, synthetic wood planking materials that have come a long way. We can really create that diversity while still allowing the tenants to have their own identity.

I think I've captured pretty much most of the issues.

One other area is the common area and creating the connectivity that we're trying to strive for here. We're incorporating pergolas and seating areas in pedestrian access ways, connecting the buildings. Again, activating those areas, creating another element of the center that will be inviting to the customers that come to the center.

I'd be happy to answer any questions you may have. Also Andrew is here as well.

CHAIRMAN EWASUTYN: Who has questions?

MR. MENNERICH: I have one question. On the Field & Stream building there's something sticking up on the top. Is it like a chimney, or what is that?

MS. BURKE: This feature here? It's an

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architectural element to mimic a chimney for that hunting lodge feel I think is what they're trying to accomplish there.

MR. MENNERICH: The diversity of colors and sizes and shapes of the buildings and everything, you mentioned that it's a non-monolithic type of approach. Is that currently the way shopping centers are being developed now?

MS. BURKE: It is.

MR. MENNERICH: There was a period where you wanted all the buildings to have the same --

MS. BURKE: Absolutely. I've been in the business a long time and it did, it started out that way where you just had a uniform design, same pilasters. But, you know, maybe seven or eight years ago things started to change and it became clear that it actually was -- it was an improvement to allow tenants to have their identity, similar to a main street. When you walk down any main street, all the retailers have different facades and storefront entries. It can be done correctly. The issue, though, and the challenge is walls moved, tenants leave and what

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happens is you get too focused on, you know -- like heavy neutral piers for instance. It could limit you in what you can do if you have one tenant that's a little larger than you anticipated. That's why the ample storefront glazing helps with that. If a tenant has a smaller storefront it's easier to infill with materials and make changes that way.

MR. GALLI: I have a question. On the, I'll call them the box store tenants like the Michael's and BJs, if they are on the main entrance like building E, they're going to have signage on the front and rear, and then if they are on the corners they're going to have signs on the sides?

MS. BURKE: Correct. We're proposing in the ordinance to allow for that at a smaller ratio than we would on the main front signage.

MR. GALLI: The ones in the back, are they going to be lit signs?

MS. BURKE: We're proposing they can be internally illuminated and/or externally illuminated.

MR. GALLI: And the tenants that aren't

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on the road frontage --

MS. BURKE: Here?

MR. GALLI: Yeah. Are they going to have front and rear signs also?

MS. BURKE: They'll have the right to. From experience I don't think all of them will. They will be allowed to have signage on the rear. It's going to be a main access point. We're trying to embellish those facades so they don't look like service areas. That's really important to us.

MR. BAINLARDI: I think what's likely to happen is, say for instance these ones here, I think in buildings that face a residential neighborhood, likely there will be a prohibition on that when we get through the approval -- the signage process. Normally you don't have signage in the back because it's just a service road.

MS. BURKE: Just directory signs, functional signs.

MR. GALLI: That's the only question I have.

MR. BAINLARDI: I would just point out in the handout there's a written landlord's

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signed criteria which also addresses awnings. If you have an opportunity, take a look at that. It's really well thought out.

MS. BURKE: Signage is another element of the design. Signs projected out from the storefronts, small signs, no more than 4 square feet, not to be illuminated. That really helps that pedestrian connection along the storefronts. They can see the signs. Those will be designed so they don't conflict with the awnings but you know which store you're sort of heading to. They're very attractive. The tenants have their own, you know, different types of blade signs for their own brand but they'll have to follow a certain parameter.

In addition to sign criteria, we will have a tenant design criteria that all tenants are provided from the minute we start negotiations with them, before leases are signed, even during and, like I said, prior to negotiations. That design criteria has not been sort of published yet because we're just starting out our process with the Town. Once the design is more fully vetted we will have that document.



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That will give parameters to the Town as to what they can and can't do. Clearly anchors get a little more leeway in terms of what they will agree to do and not necessarily follow all of the tenant criteria. For the most part, in the lifestyle center those criteria are administered very carefully.

MR. DONNELLY: Could I ask a question? What are you requesting of the Board now in regard to ARB? Signs aside, that the big boxes you've shown and the lighter buildings receive their conceptual ARB approval, we'll reserve it on the buildings that aren't shown, or what's the exact proposal?

MR. BAINLARDI: I think at this point what we're requesting is conceptual ARB approval, like we did before, with the understanding we'll come back formally with the full ARB submission for each building as we proceed. We're almost at the point where we can do that with several of the buildings. We figured let's start here, because I think it worked well before. We have the concept so it's not piecemeal.

MR. DONNELLY: You have to find a way

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to make it --

MR. BAINLARDI: When we come in with those formal submissions it will include all four elevations, it will include the full set of plans for that building, it will include the hard scape and the landscape for each of those buildings as was contemplated in the original approval for the project.

MR. MENNERICH: Will the signage that -- when they are submitted will the signage be already reviewed and approved by the Town Board?

MR. BAINLARDI: I don't know if it would work like that.

MR. DONNELLY: I don't think the Town Board is going to approve actual signs. They'll approve code changes.

MR. MENNERICH: That's what I meant. The code. I'm sorry.

MR. BAINLARDI: Hopefully, hopefully we'll be at that point. Currently if we were to pull a building permit tomorrow, we have enough signage where we could probably proceed with signage for, you know, a good solid third of the project. We don't want to be in that position

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because then, you know, after you've secured signage for a third, then you're out of signage. That's why we're really working hard with the Town, and I think they're working with us at this point to move that forward. What's good for us in this case is I think good for the Town as a whole because this is really going to create a comprehensive signage ordinance which every shopping center will be playing under the same rules. It will hopefully -- I think it's going to eliminate what's happened in the Town in the past where you have to constantly be going to the Zoning Board of Appeals because the current signage ordinance doesn't really work for today's shopping centers.

MR. DOMINICK: John, what percentage of your tenants are committed to the project?

MR. BAINLARDI: We're at various stages of commitments, but I'd say at this point we're at either signed leases or at lease. So we're at negotiation. That's a critical point, to get through that initial what they call the letter of intent. Get through your negotiation, hit the main business points and then the tenants will

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take that to a committee internally, and if they approve that they'll then order the lease. They start spending money at that point, so that's a good sign. We're probably more than fifty percent either fully signed leases, or about to sign leases, or leases are being --

MS. BURKE: And we have most of our critical anchors in place.

MR. DONNELLY: That usually speeds up the small stores after the anchors are locked in.

MR. DOMINICK: You build it, they will come.

MR. BAINLARDI: No one wants to come alone.

MR. GALLI: You hope they come.

MR. WARD: With the smaller stores do you have any intent how many you have in the process?

MR. BAINLARDI: I don't know if you're aware but there's a big shopping center convention every year, the biggest in the industry that takes place. It just happened this week in Vegas. That was a very successful couple of days for our team. We did find that in general

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there seemed to be an optimism that's been absent from the industry, you know, over the last few years. The good news I think is at the apparel level, the smaller shops, there was feedback that they believe that at this point this is real, and in part it's because we've got all the big pieces in place now.

MS. BURKE: It's challenging out there.

MR. DONNELLY: You must be optimistic, you almost smiled.

MR. BAINLARDI: I don't allow myself to smile at this point. I don't want to jinx anything.

MR. WARD: Down in Georgetown, the main street, it's amazing the character per business of what they did. It blends in but they have their own theme to it and it adds character to it all. It looks nice. I mean it's beautiful. The idea will work.

MR. BAINLARDI: It's still a challenge. We're out there, not just selling the project but really selling the Town of Newburgh because, you know, the initial obstacle is convincing tenants who aren't in the market that they should be

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here, there's business to be done here, and then as part of this critical mass it's really going to be -- it's going to be good for the Town as a whole and for the shoppers.

MS. BURKE: We see the momentum.

MR. DOMINICK: More of an administrative question. Why didn't you name it The Loop Newburgh? Why Hudson Valley?

MS. BURKE: I don't know for a fact but it's a regional shopping center. Yes, it is in Newburgh, it's an important part of Newburgh, but it's meant to show it's regionality.

MR. DOMINICK: Draw. Got you.

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

(No response.)

CHAIRMAN EWASUTYN: Mike, could you summarize the activity?

MR. DONNELLY: Two things. One, on the technical side there are going to be memos distributed, we talked about that earlier, and a consultants' work session if needed.

On the ARB side, the applicant, as I understand their request, is asking for a revised

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conceptual architectural approval, what you see in front of you, subject to individual building ARB approvals as the project moves forward and the tenants are firmed up.

CHAIRMAN EWASUTYN: Okay. Let's start with the --

MR. HINES: John, I had one question before you do that. There seems to be a disconnect between the design plans as they currently exist and I'll call it the concept layout. It may be we don't have the revised landscaping. The landscaping details in front of the buildings, and I'll use building H on your concept drawings, are very busy but there's none of that reflected on the plans. It's difficult for Jerry's office in the future to put together what's supposed to be here versus -- what's on this concept versus the plans. I don't know whether you're going to work that through with the landscaping plans to add that level of detail.

MR. BAINLARDI: Yes.

MR. HINES: I heard tonight, I'll use the pergolas as an example. I see two of those on

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the plans, and it has a very detailed landscaped winding sidewalk, but that detail hasn't come through, the crosswalks don't appear to be the same. There's that level of detail. Somehow we have to --

MR. BAINLARDI: I think we can do that in the common areas with the pergolas and all that as part of the landscape plan because you have those individual plans. I think the best way, I'll suggest I think, to go about this for each one of the individual buildings is when we come in for the individual buildings for ARB, at that time we'll have a fully detailed hard scape plan that goes with those building elevations, shows the planting areas, shows the hard scape, shows all the materials, and I think we would request that on a building-by-building basis it be approved.

MR. HINES: I think that works. It's fine. I wanted to get it out there somehow this needs to get incorporated in the plans.

MR. DONNELLY: You want approval of the concept so you can continue showing that concept to tenants with the knowledge that that's the



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direction you're going?

MR. BAINLARDI: Correct. I think also -- I think we did this in the past because it was for the comfort of the Board so you know we have a comprehensive kind of concept, this isn't really done piecemeal. We're going to be coming in individually but it will be done in adherence to what's before you. We won't be veering off the tracks.

CHAIRMAN EWASUTYN: Back to the site plan. You'll work with Pat Hines to circulate a mailing of the informational letter that's required. You'll work with Pat Hines as far as getting site plans to him so we'll circulate to the Orange County Planning Department.

We will be approving tonight, I'll move for that motion, a revised conceptual ARB plan with the understanding that each individual building will come back for an ARB approval. Is that correct?

MR. BAINLARDI: Yes.

CHAIRMAN EWASUTYN: Okay.

MR. DOMINICK: So moved.

MR. WARD: Second.

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MR. BAINLARDI: If I could just add --

CHAIRMAN EWASUTYN: Excuse me?

MR. BAINLARDI: What I was going to suggest is I noticed on these drawings that we didn't -- they're not labeled. When we finalize them we'll label them just for going forward so if you need to refer to a particular sheet.

MR. DONNELLY: By labeling you mean -- oh, the sheet designation.

MR. BAINLARDI: We'll add a label.

MR. DONNELLY: They're going to be replaced by a more detailed one anyway.

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

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye myself. So carried.

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Thank you.

MR. BAINLARDI: Thank you.

MS. BURKE: Thank you.

(Time noted: 8:01 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: June 9, 2015

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

----- X  
In the Matter of

HUGGINS II  
(2014-23)

7 Todd Lane and Cocoa Lane  
Section 34; Block 2; Lots 24 & 90  
R-2 Zone

----- X

SUBDIVISION & LOT LINE CHANGE

Date: May 21, 2015  
Time: 8:01 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  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

MICHELLE L. CONERO  
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Wallkill, New York 12589  
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HUGGINS II

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CHAIRMAN EWASUTYN: The fourth item on this evening's agenda is Huggins II. It's located on 7 Todd Lane and 35 Cocoa Lane. It's a subdivision and lot line change being represented by Talcott Engineering, Charles Brown, engineer.

Charles.

MR. BROWN: Thank you, John. It's actually not a lot line anymore and does not involve Cocoa Lane anymore.

The last time we were before the Board we had a lot line change with Ciatsa and we were going to access the proposed lot off Cocoa Lane. That did not work out. What we're proposing now is a common drive continued to the end of Todd Lane to service the existing residence on the parcel and the new single-family residence that's proposed.

The parcel is 10.4 acres. The proposed new lot will be 2.5 acres and serviced by an individual well and septic.

We're here for comments from the Board and the Consultants.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: As the Board is aware, as

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HUGGINS II

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Mr. Brown just discussed, this is a change in the access. We do need to confirm access from Todd Lane. A title insurance policy has been submitted to the attorney which we will review. It references a schedule A for the access but I don't think we have anything to compare it to, so we'll work through that.

MR. BROWN: I'll get that to you.

MR. HINES: If you have that. We discussed at work session the access and 280-A issue which is not an issue as long as the Todd Lane access is available to both the lots.

The existing well on lot 1 needs to be depicted.

MR. BROWN: The well is -- it's located right here, about 15 feet off of that porch on the side that faces Todd Lane.

The septic tank is about 15 feet off the back corner of the residence. That's actually downhill from the well slightly. The field is downhill from that.

MR. HINES: You just need to show those.

MR. BROWN: I'll make sure that's on

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the next version of the drawings.

MR. HINES: A common driveway access and maintenance agreement will be required.

Because of the significant change in the lot layout and geometry, we're suggesting an additional public hearing is going to be required because of the change in the access and lot -- there might be nothing here but --

MR. BROWN: Understood.

MR. HINES: That's all we have at this point.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. CANFIELD: I have a question basically for Pat. Is an exception on the topo required? They show it for the lot, lot 2.

MR. HINES: It would be. Right now they show the topography on a portion of lot 2 where the development is proposed. The balance of the parcel is some 7 acres.

MR. BROWN: That's correct.

MR. HINES: The Board has in the past waived the requirement for that.

CHAIRMAN EWASUTYN: We have in other instances waived the requirement for complete

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HUGGINS II

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topo on the -- in this particular case 10.4 acre parcel.

I'll move for a motion from the Board to also grant that waiver.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

Comments from Board Members?

MR. GALLI: Now it's just a subdivision, it's not a lot line change?

MR. HINES: Correct. The lot line went away off of Cocoa Lane.

MR. BROWN: It just involves lot 34.



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HUGGINS II

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The other one is no longer in the application.

MR. GALLI: Basically what we need is proof that Todd Lane --

MR. HINES: They submitted a title report. It says it's insurable. We just need to take an additional look at it.

MR. DONNELLY: Instead of telling us ensures the right of access across Todd Lane, it ensures access across a described parcel. It looks like it because it says it starts at the northwesterly corner of Todd Lane and travels a distance. It looks like a description of Todd Lane but we need to have Pat check that.

MR. GALLI: Are we going to have that information before the public hearing?

MR. BROWN: Yes.

MR. DONNELLY: I don't see why not.

MR. HINES: We would need that. I don't want to go through a public hearing on Todd Lane without that.

MR. BROWN: This time we actually talked to all involved parties on Todd Lane.

MR. HINES: We did hear at the last public hearing when you were coming off Cocoa

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HUGGINS II

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Lane, we heard from some folks on Todd Lane, too.

MR. BROWN: Very loudly.

MR. HINES: More so than Cocoa Lane.

MR. BROWN: Perhaps because they wanted to cut off access off to their road. I don't know.

CHAIRMAN EWASUTYN: Okay. Michael, do we make a SEQRA determination?

MR. DONNELLY: You gave it a negative declaration with the last configuration. You could withdraw that or reaffirm it if there are no new environmental issues.

CHAIRMAN EWASUTYN: Pat, are there any new environmental issues?

MR. HINES: No. I would recommend a negative declaration for the minor subdivision.

CHAIRMAN EWASUTYN: We'll do a few things. Number one, we'll declare a negative declaration for the Todd Lane subdivision, we'll schedule July 18th for a public hearing. Talcott Industries will work with McGoey, Hauser & Edsall.

MR. DOMINICK: July 18th?

CHAIRMAN EWASUTYN: June 18th. Do we

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HUGGINS II

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have time for June 18th?

MR. HINES: Yes. In a month we can do it.

CHAIRMAN EWASUTYN: In my own notes I wrote it correctly. Thank you. June 18th. I rescind that. So we're neg dec'ing, we're setting for a public hearing for June 18th, and the informational letter and the public hearing letter will go in the same envelop.

MR. HINES: Yes, it will, because of the timing.

CHAIRMAN EWASUTYN: Thank you for correcting me.

Can I have a motion for that?

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

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MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

MR. BROWN: Thank you very much.

(Time noted: 8:09 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: June 9, 2015

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

----- X  
In the Matter of

PATTON RIDGE  
(2012-18)

Request for a Six-Month Extension of  
Preliminary Subdivision Approval from  
May 7, 2015 to November 7, 2015

----- X

BOARD BUSINESS

Date: May 21, 2015  
Time: 8:09 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  
DAVID DOMINICK  
JOHN A. WARD

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

----- X

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CHAIRMAN EWASUTYN: We have one item under Board Business this evening, and that's Patton Ridge.

MR. HINES: We received the request just recently from Kirk Rother, the engineer for the Patton Ridge subdivision, which is job number 2012-18. They're requesting a six-month extension of their preliminary approval which is from 7 May 2015 until 7 November 2015.

CHAIRMAN EWASUTYN: Would someone move for that motion?

MR. GALLI: So moved.

MR. WARD: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself yes. So carried.

All right. We'll look to close the Planning Board meeting of the 21st of May with a

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PATTON RIDGE

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roll call vote.

I wish everyone a happy holiday.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 8:10 p.m.)

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

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

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DATED: June 9, 2015