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

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In the Matter of

SPRINT (CROWN CASTLE USA)  
(2015-10)

120 Valley View Drive  
Section 15; Block 1; Lot 10  
R-1 Zone

----- X

INITIAL APPEARANCE  
PANEL ANTENNA REMOVAL/REPLACEMENT

Date: June 4, 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  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: DANIEL LAUD

----- 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 June 4, 2015. We have scheduled this evening five items on the agenda and one Board Business.

At this point we'll open the meeting starting with Frank Galli.

MR. GALLI: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. WARD: Present.

CHAIRMAN EWASUTYN: The Planning Board is represented this evening by individuals who have been making recommendations on our behalf. I'll ask that they introduce themselves.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield, Code Compliance Supervisor.

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

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

CHAIRMAN EWASUTYN: At this point I'd  
like to turn the meeting over to Frank Galli.

MR. GALLI: All rise, please.

(Pledge of Allegiance.)

MR. GALLI: Please either turn your  
cell phones off or put them on vibrate.

CHAIRMAN EWASUTYN: The first item this  
evening is Sprint (Crown Castle USA). It's an  
initial appearance for a panel antenna removal  
and replacement. It's located on Valley View  
Drive, it's in an R-1 Zone and it's being  
represented by Dan Laud, is it, with Cuddy &  
Feder?

MR. LAUD: Good evening, Mr. Chairman  
and Members of the Board. For the record, my  
name is Daniel Laud, L-A-U-D, with Cuddy & Feder  
here on behalf of Crown Castle and the tenant  
Sprint. Sprint/Nextel was a tenant on the  
existing tower on Valley View Drive not too far  
from here.

Basically this is what's typically  
referred to as a swap out. There are twelve

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existing antennas for Sprint at the 129 foot level. Sprint is proposing to actually remove three completely and then replace nine of those antennas as well as put in some equipment that's used to function -- for the function of the antennas on the tower as well as an upgrade. There's no increase to the height of the tower. It's all basically the same. The antenna sizes are approximately 56 inches in length or height, 12 inches wide and 6 inches deep, apparently standard for antennas at those kind of facilities. There's no other changes to the facility, to the access. No excavation of any type proposed.

So we're just looking to basically do this sort of swap out upgrade for technological purposes.

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

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

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: I'm just checking now to see if it needs to go to the County based on the 139 requirements. I think it's far enough away

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from 300.

MR. LAUD: I believe so, but --

MR. HINES: Is it within the --

CHAIRMAN EWASUTYN: When you come out there you make a right.

MR. HINES: If it is within 500 feet you will have to circulate to the County. We'll need another set of plans and reports, whatever the application is, so we can send it out. I will send it out tomorrow using mine. If you could just replace them.

MR. LAUD: Do you want me to send it directly to your attention?

MR. HINES: That's fine.

CHAIRMAN EWASUTYN: I have a set in the office I could put in your box for a replacement on that.

MR. HINES: Okay.

CHAIRMAN EWASUTYN: Comments from Board Members. John Ward?

MR. WARD: No comment.

MR. MENNERICH: No.

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: We have a memo

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dated February 29, 2015 from Mike Musso, HDR.  
They are our Telecommunication Consultant group.  
The items that were bulleted in the memo were  
standard items, so at this point there's nothing  
else significant that stands out. Mike will be at  
the next meeting.

We'll move for a motion right now to  
circulate to the Orange County Planning  
Department and to schedule a public hearing for  
the 2nd of July.

MR. WARD: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by  
John Ward, 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. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Dan, you'll work with Pat Hines and put  
together the mailing list, the informational

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letter and the public hearing notice?

MR. LAUD: Yes. We actually already have the list together. We're on the path.

MR. DONNELLY: Does July 2nd work with the County referral being required?

CHAIRMAN EWASUTYN: I think what may happen is we'll hope that we'll get the County response by then. We can put it off another -- that would be the meeting of the 16th.

It's up to you. Do you want to wait the thirty-day time or do you want to move forward with the public hearing? If we can't close the public hearing then we do it under Board Business on the 16th.

MR. LAUD: I'm fine with whatever the Board does.

CHAIRMAN EWASUTYN: What would you like to do?

MR. DONNELLY: By Board Business John means that if the County report isn't in, it would be put on for administrative action at the next meeting without the need of you appearing. That might be the easiest. In case we get the referral, you'll get your approval two weeks

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earlier.

MR. LAUD: That's fine. Thank you.

CHAIRMAN EWASUTYN: So we'll move with that?

MR. DONNELLY: Stay with it then.

CHAIRMAN EWASUTYN: I don't know if we did a roll call vote. We had a motion by John Ward. We had a second by Frank Galli. We had discussion with Mike Donnelly. At this point I'll ask for a roll call vote.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. The motion is carried.

Thank you.

MR. LAUD: Thank you very much.

(Time noted: 7:05 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 29, 2015

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

----- X

In the Matter of

MAVIS/MIXED USE  
(2015-03)

1413 Union Avenue  
Section 60; Block 3; Lot 40.2  
IB Zone

----- X

SITE PLAN/ARCHITECTURAL REVIEW

Date: June 4, 2015  
Time: 7:05 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: ROBERT OSTERHOUDT

----- X

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MAVIS/MIXED USE

CHAIRMAN EWASUTYN: The second item on the agenda this evening is Mavis/Mixed Use. It's here this evening for a site plan and ARB. It's located on Union Avenue in an IB Zone. It's being represented by Bohler Engineering.

MR. OSTERHOUDT: Good evening. My name is Rob Osterhoudt with Bohler Engineers. It's good to be in front of the Board this evening presenting the project with Mavis at 1413 Union Ave.

The last time we were before the Board we came back to give the Board an update after the Zoning Board and the variances we secured for the project. From that meeting we had some good dialogue about some of the layout and design items. We talked about some items that had been incorporated into the plan. I want to kind of walk through those with everybody to give you an update.

What we did after the last meeting was made some changes to the plan relative to the access drive, the main access drive here. We actually shifted the drive a little further

1 north than what it was, and we did that to  
2 address several comments, some comments from  
3 DOT, from the consultants, and this provides us  
4 with a more direct alignment with the driveway  
5 across the street. What it also did was shifted  
6 us up where we impacted the parking on the  
7 south side of the retail center. On the plan I  
8 have in my hand here, this is our older plan,  
9 we had parking on the south side of the  
10 building. Since we shifted that driveway up we  
11 eliminated that parking, put some green space  
12 along the main drive and a sidewalk connection.  
13 We talked about pedestrian connections between  
14 the facilities here. Now you see we have  
15 sidewalk connections between the three  
16 facilities, and in addition over to the  
17 Valvoline site on the north side of the site.

19 What we did with the pedestrian  
20 connection to the Valvoline site is we laid  
21 this out such that it worked out well where we  
22 could extend the sidewalk in front of the  
23 restaurant straight across. This puts the  
24 sidewalk at the rear of the Valvoline. That's a  
25 one-way flow pattern where vehicles are coming

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2 into the service bays and coming out the front  
3 side. This walkway would essentially direct  
4 people behind their facility and then connect  
5 on the other side of their service bays to  
6 where the sidewalk is, and then that sidewalk  
7 connection is made to Wendy's from there. So  
8 with this change in the main access drive, at  
9 the same time we modified the parking, lost  
10 some parking spaces.

11 Due to a tenant request on this  
12 building footprint for the retail, we've  
13 increased the square footage of that  
14 footprint slightly by 600 feet. It's now 3,200  
15 square feet versus the 2,600 square feet that  
16 was previously shown. So a small  
17 modification but nevertheless a modification I  
18 wanted to make sure everybody was aware of.

19 We talked about the rear access here  
20 and potentially seeking a two-way access out  
21 here. We've had some further discussions  
22 with the wetlands consultant, with our client  
23 and trying to figure out how we would go about  
24 mitigating the wetlands here. Unfortunately  
25 there's not an easy fix for us to mitigate

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2 wetland impacts on this project site because of  
3 the disconnect to the wetland and the fact that  
4 the wetlands are on a different property that  
5 we just have an easement over. So we're going  
6 to continue to move forward with just the one-  
7 way egress that we have secured a variance from  
8 the Zoning Board for.

9 So with that, those are some of the  
10 larger changes that we made to the plan. Again,  
11 the intent and the configurations that we see  
12 are really the same as what you had seen  
13 previously. There have been some slight  
14 modifications.

15 One of the bigger items that we did  
16 add into the set of site plans at this point  
17 would be the landscape plan that was previously  
18 commented on. This rendering shows -- well, it  
19 shows all of the landscaping that we proposed.  
20 If you recall, we had some conversations about  
21 landscape treatments along the frontage here.  
22 With moving the driveway a little bit further  
23 north we were able to widen out the curbed  
24 island, separating Mavis from the main  
25 driveway. We were able to get some other

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2 plantings in there. We have four nice trees  
3 along that median area as well as some lower  
4 plantings in there that have been designed by  
5 our -- one of our landscape architects. And  
6 then we have -- along the front we had talked  
7 about the stonewall treatment. We've got that  
8 stonewall treatment, 24 inch height. Out in  
9 front of the stonewall we've put a lot of  
10 plantings that are going to be very nice beds  
11 that will help compliment and set off that wall  
12 and the entire front of the site. Then we've  
13 got trees along the side and along the rear.  
14 There's all kinds of plantings around the  
15 islands throughout the site, foundation  
16 plantings and those types of things. With the  
17 connection that we made over here to the  
18 property to the north, we put some landscaping  
19 in that area. We also have our transformer  
20 located up in that area. So that will be  
21 screened with some plantings out in front.

22 We continue to work with New York  
23 State DOT. We've received some initial feedback  
24 from DOT. We have a traffic engineer coming on  
25 board with the project to address the comments

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from DOT and some of the comments from Creighton, Manning as well. So we'll have some additional information on that as we move forward.

Since our last meeting we also met with DPW on site. We met with Mr. Platt and his group to talk about utilities, and how we're addressing them, and what the existing services are, and can we reuse any of them. Mr. Platt is still doing research into the existing utilities and mapping that he has. We expect we'll be firming up some of the those details as we move forward as well

CHAIRMAN EWASUTYN: Thank you.

MR. OSTERHOUDT: Thank you.

CHAIRMAN EWASUTYN: Have you furthered the ARB?

MR. OSTERHOUDT: We did submit some information, some elevations, and we have exhibits with us this evening, we have material samples with us this evening. We'd love to present that information to the Board as well and go through that.

CHAIRMAN EWASUTYN: While you have our



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attention, why don't you.

MR. OSTERHOUDT: Great. Sounds good.  
Here with me tonight from Mavis is Jim McMannis.

MR. McMANNIS: What we tried to do was establish some consistency in the architecture. Although we don't have tenants signed up for these two buildings, we're in discussions with a restaurant and either a retailer or it could be a professional services firm like a dental sort of situation. So the idea was to maintain a consistent height and the cornice line, the same cornice moldings throughout the buildings. An accent band above the storefront that's consistent through the development. Except the restaurant, it will be a black color. It's essentially the same. The same proportions. The openings are very similar around the buildings. It's tough when you have a garage, a restaurant and some other retail. It's tough to make certain ones blend in together.

The idea was, starting from the ground up, establish a stone base for all three buildings, then moving up with either brick or clapboard siding which we think is, you know, a

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nice, you know, finish or -- a nice finish for those buildings.

And then we have accents of color. Of course Mavis is teal. This tenant, we've chosen a dark gray, almost black here. It might be a little darker. We haven't selected the color yet. On this one sort of a bright blue. The storefronts will be clear anodized aluminum. The brick is a tan color which accents the stone or compliments the stone. I think that's about it. If you have any questions.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: On the restaurant tenant, is it a chain?

MR. McMANNIS: It will be a chain, yes.

MR. GALLI: Do they have any wild logo? That's going to be a concern for the signage.

MR. McMANNIS: They might have logos. Not words but some sort of a logo.

MR. GALLI: Jerry, how will that work? Say if it was a Chili's and they had that big pepper or something like that, then --

MR. CANFIELD: Typically the artwork is included in signage calculations.

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MR. GALLI: Okay.

MR. CANFIELD: The example Frank had given, the chilli pepper, that was included in the total square footage of the signage so the artwork is included. The same thing with like Fridays with that funny chipped glass type thing they have, that was all calculated in the signage.

MR. GALLI: I'm only asking because the way he has the sign on the building now, I know it's only a little circle. Is it going to extend above the parapet, is it going to be sticking way out? That's the only concern I would have.

MR. CANFIELD: I thought at one of the previous meetings we had discussed, because of the limited frontage on this site, the signage that's allowable for this site probably will not facilitate your needs with these multiple buildings and we had discussed a later signage package. I think you were prepared to go to the ZBA for the signage that you're going to need.

MR. OSTERHOUDT: We do anticipate having to go to the Zoning Board, and that was one of the things we wanted to talk about this

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evening. We know that we need a referral to the Zoning Board for that. We wanted to talk about, you know, that process and timing of that process, when we should initiate that. I'm assuming we should initiate it whenever we're prepared to. Is that something that has to be done before the Planning Board can make any type of decision on site plan review or is that something that could even come after site plan review?

MR. DONNELLY: We could approve your site plan without the signs. If you wanted it approved with the signs you'd have to have the variance first. I think it would make sense for you to start that process so that hopefully the variance would be in place before you ask for final site plan approval.

MR. OSTERHOUDT: Very good. Thank you.

Jerry, one quick question while we're on the sign topic. For instance this logo you're seeing on the restaurant, it's a round sign. As far as calculating the sign area, does there have to be a box around that or is it just the area of the sign?

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MR. CANFIELD: Generally it's the area. We may square it off the best way we can ascertain what the square footage of that sign is. That's a good point because when you come to the Board for a referral they're going to be needing actual calculations and what they are sending you for X amount of square foot. We need to see actual signage so we can calculate that, and any artwork or what will apply.

MR. McMANNIS: Can we get the area approved or a variance for the area without -- subject to future submission of the artwork?

MR. GALLI: They're going to want to see it at the Zoning Board. Right, Jerry?

MR. CANFIELD: I think it would be in your better interest to do it all as one rather than piecemeal it and keep coming back. It may take more of your time to get what you need. As this project is presented it is a site plan where it's not a phased plan, so all the buildings are together. Essentially with that everything is to be constructed together. Then of course you're going to want to occupy it, have C of Os together. So timing is of the essence. It's in

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your best interest to have everything be developed and occupied quite, you know, similarly to the same timeframe -- you know, at the same time it will be concluded.

MR. McMANNIS: Is there any possibility of leaving a pad site as grass for the time being in case we don't have a --

MR. CANFIELD: If that's your proposal, I think this Board needs to know that now. Generally with sites like that we like to have those -- a start and finish product. So what will the site look like. Say Mavis is your first building and that's going to be your first occupant and the other two perhaps are going to be pad sites, then how are they going to be left? At what point am I authorized to give a C of O? Like I said, this is not a phased site plan, it's an all or none type thing. Whatever your desires are, I think now you need to explain to the Board, you know, so we can progress and they can make judgment on what you're submitting and they know what the finished product is going to be like.

MR. McMANNIS: I see. Okay. I'm not

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prepared at this point to talk about the progress of the other tenants. I think at this point I'll go back and find out where we are.

MR. OSTERHOUDT: And then to that point, if we need to talk about a phased approach, if you find, Michael, those tenants might lag a bit longer than you have to get your store going, then as far as a phased approach, how should -- what's the best way to handle that with the Board?

MR. HINES: The Board is going to need a phasing plan that shows each of the uses or the first phase standing alone just in case those other phases don't come. Jerry needs that too for a CO. The rear access drive is going to have to be in, the utilities to support each of the phases will need to be in. I'm assuming there's three buildings, there's a potential for three phases, so each of those need to function independent if two or three don't come, and that's something the Board will review on how that works. Also what it looks like if it doesn't come. A grassed area certainly would be more -- looked on more favorably by the Board than

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leaving it in a dirt or gravel condition. It's a timing issue that you could work out with your tenants. As you move forward you may have a better idea when they're going to build.

I had a question on the architecture. That Mavis building, are you really going to see into it and see the -- the way that it is, you're looking at the people working in the --

MR. McMANNIS: Yes.

MR. HINES: I don't know if everyone else saw that. You're looking through that building like it's open. I didn't know that was a typical --

MR. McMANNIS: We like lots of light. Yes, you will be able to see in and see people working on the cars.

CHAIRMAN EWASUTYN: That's typical to the one at Shop Rite plaza on Windsor Highway.

MR. GALLI: Most of their stores are like that, the new ones.

MR. MENNERICH: The viewpoint that you've taken for this I find confusing compared to the site plan.

MR. OSTERHOUDT: That's a good point. I



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was confused in the beginning, too.

MR. MENNERICH: Route 300 looks like it's running right by Mavis.

MR. OSTERHOUDT: Basically this viewpoint is taken from the other side of 300, kind of looking down almost along the side of Mavis here. So it's really this type of view standing on the opposite side of 300 looking down this way. So the access drive in is off to the right, and that's what you're seeing here.

MR. GALLI: It almost looks like the car is going in the exit.

MR. OSTERHOUDT: When I was first looking at this I was a little confused. This is the main drive right here that you're seeing. So that would be that drive coming right down towards the center of the restaurant.

MR. MENNERICH: So the building to the bottom --

MR. OSTERHOUDT: The Mavis building.

MR. MENNERICH: That building, what you see for signage is which walls?

MR. OSTERHOUDT: Okay. So the signage that you see on this exhibit would be the front

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and then on this north side of the building.

MR. MENNERICH: Okay.

MR. GALLI: The big sign is going to face 300.

MR. HINES: That would be the south side of that building; right?

MR. OSTERHOUDT: North and -- this would be the north face of the building.

MR. HINES: I thought you meant the other tenant building there.

MR. DONNELLY: The rendering doesn't show the stonewall either. Not that it's required, but --

MR. OSTERHOUDT: This exhibit.

MR. MENNERICH: I still have a problem with it because you show the Mavis Discount Tire and then there's one set of parking there and then it's the road. It's not going to look like that. The tire place sits back off the road.

MR. OSTERHOUDT: So these vehicles that you see here, these would be in these spaces. This SUV that you see up towards the store would be in one of these spaces right here.

MR. HINES: I think the rendering is

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not shown to scale. You can tell just by the entrance drive being one lane and it's really three or four lanes across.

MR. OSTERHOUDT: You're right. This is confusing. It might look wide here.

MR. CANFIELD: Route 300 doesn't have -- you're blocking like that, the curb line. That's not the way it is on the site.

MR. HINES: I think the rendering was prepared to show the building rather than the orientation.

MR. WARD: With the wall you won't see as much with the parking anyway.

MR. McMANNIS: In other words, if the wall were in the rendering?

MR. WARD: Right.

MR. McMANNIS: We did go back and forth with the architect. We tried to get it as close as we could.

MR. OSTERHOUDT: It's interesting, though, because when you look at this new exhibit that we just handed out tonight, that stonewall does not show up on there. The rendering that we made with the submission, it does have the wall.

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MAVIS/MIXED USE

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I think something just got lost in translation.

MR. WARD: That's a visual. It looks good with the wall.

CHAIRMAN EWASUTYN: Really what we're looking at tonight is not so much to scale but the ARB with what the proposed Mavis Discount Tire building would look like. Correct?

MR. GALLI: Those pavers aren't going to be along 300.

MR. DONNELLY: It's the building rendering.

CHAIRMAN EWASUTYN: Not the overall site plan.

All right. Any additional questions now for the ARB for Mavis Discount Tire?

(No response.)

CHAIRMAN EWASUTYN: We're discussing also a phased plan for the site plan.

At this point we'll go back to the presentation on the site plan. You say you're working with a traffic consultant?

MR. OSTERHOUDT: Yes.

CHAIRMAN EWASUTYN: I'll turn to Ken Wersted with that in mind.

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Ken, what are you looking for in this traffic report?

MR. WERSTED: I think the primary part is the operation and the site driveway. The project, as we discussed at work session, it will be difficult to pull out of here in the peak times, but they do have the access to go out the back to the mall road and Meadow Hill Road and take a left to go north. They can also come south into the mall and use their signals to get out.

I was talking to Rob before the meeting and he can get a hold of us and we can give him the other projects we have in that area relative to other development, traffic volumes. The last project we had -- the most significant one has been The Marketplace which did a lot of traffic counts through that area. That was originally a 2004 project so some of that data may be outdated and may need more current counts. There is certainly a lot of relevant data we have in the office that we can forward to use as background for the traffic study that they're preparing.

MR. OSTERHOUDT: We're looking at using Atlantic Traffic who I believe has worked with

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the Board in the past. I know they've worked with Ken in the past as well.

CHAIRMAN EWASUTYN: Pat Hines, you're waiting for a SWPPP?

MR. HINES: We're waiting for the additional engineering detail for the SWPPP, the final water and sewer that's being worked out with the Town's Public Works Department, the erosion and sediment control.

We did identify, as discussed at work session, the walkways that have been added per the Board's comments. They're on there.

The stonewall. I couldn't see a stonewall on the landscaping plan. It looks like there may be some coordination between the landscape plan and site plan that needs to be undertaken.

The inner connect to the adjoining property which Mr. Osterhoudt discussed.

The City of Newburgh flow acceptance letter is still required before the Board can take any action.

We did receive County Planning comments with a Local determination.

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The rear access wall retaining wall designs -- or the rear access drive retaining wall designs need to be incorporated into the plans. They can be incorporated generally with a note. They're going to be more than four feet high so they will need a building permit. If you want to provide the design details with a stamped plan to be submitted prior to building permit.

CHAIRMAN EWASUTYN: Jerry, Code Compliance, do you have anything to add at this point?

MR. CANFIELD: No. Just one comment. Should they come back with a phased plan, they're going to need individual architectural reviews for each building separately.

CHAIRMAN EWASUTYN: Similar to what we did with Palmerone Farms and Starbucks. I think that was a 1,750 square foot pad or something like that. It makes sense.

John Ward?

MR. WARD: No comments.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: So are we just going to do the ARB then on the store?

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CHAIRMAN EWASUTYN: The one building.  
Are you okay with that, Frank?

MR. GALLI: Yes.

CHAIRMAN EWASUTYN: All right. Then  
I'll move for a motion to grant ARB approval for  
the Mavis Discount Tire building located at the  
-- what are we calling this, Ken? The Mavis/  
Mixed Use site plan?

MR. WARD: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by  
John Ward. I have 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. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

So signage is another matter that  
you're going to be thinking about. I think Mike  
Donnelly explained that.

Any other questions or comments?



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MR. McMANNIS: I don't think so, no.

CHAIRMAN EWASUTYN: It's probably too early to start on the City flow acceptance letter until you know who your tenants are and the usage. Final approval can't be granted until you have that in place.

MR. OSTERHOUDT: Okay. One other question, Mr. Chairman. The public hearing. Is there going to be a public hearing required for this project?

CHAIRMAN EWASUTYN: I'll poll the Board Members now. Frank, do you think we should have a public hearing?

MR. GALLI: No.

CHAIRMAN EWASUTYN: Ken?

MR. MENNERICH: No.

CHAIRMAN EWASUTYN: John?

MR. WARD: No.

CHAIRMAN EWASUTYN: And myself no.

Let the record state that the Planning Board waived the public hearing for the Mavis/Mixed Use site plan on Union Avenue.

MR. OSTERHOUDT: Thank you.

The next step for us would be to

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determine from a tenant perspective what we need to do from a phasing approach here, --

MR. McMANNIS: If any.

MR. OSTERHOUDT: -- if any, and then from there get the SWPPP and address the other items, Pat, that you had mentioned, the traffic report and get some signage information together for the Board. I think that is our checklist here to move forward with before we come back.

CHAIRMAN EWASUTYN: Anything else?

MR. GALLI: That's it.

CHAIRMAN EWASUTYN: Jerry, can you think of anything else?

MR. CANFIELD: I think it's important, though, if you should choose to come back with a phased plan, I think it would be in the Town's best interest to see the infrastructure as a whole, the stormwater as a whole, the traffic as a whole. You know what I mean? Even though it is a phased plan, the last item is putting up the buildings but the infrastructure is important to be in place beforehand.

MR. McMANNIS: Okay.

MR. CANFIELD: Make sense?

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MR. HINES: A lot of the site is going to have to be done anyway. I think you're going to end up building it and leaving pads. You've got the rear access that has to go in and the utilities. You're not going to dig up your parking lot again. A lot of the site work is going to be phase 1. The other phases may be the buildings.

MR. OSTERHOUDT: That sounds good.

CHAIRMAN EWASUTYN: Michael, at this point when are you looking to put the shovel in the ground?

MR. McMANNIS: As soon as possible. It would be great if we could start late summer. Do you think that's feasible given the -- what you've seen so far?

CHAIRMAN EWASUTYN: I have no idea.

MR. GALLI: It's up to you.

MR. HINES: I think the ball is in your court really.

MR. McMANNIS: Okay.

MR. GALLI: We're just here to look over the information you give us.

CHAIRMAN EWASUTYN: Thank you.

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MR. OSTERHOUDT: Great. Thank you for  
your time tonight.

(Time noted: 7:33 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 29, 2015

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

----- X  
In the Matter of

C.D. BANNERMAN VIEW SUBDIVISION  
(2013-17)

12 Bannerman View Drive  
Section 22; Block 4; Lot 6  
R-3 Zone

----- X

PUBLIC HEARING  
TWO-LOT SUBDIVISION

Date: June 4, 2015  
Time: 7:34 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  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: JONATHAN CELLA

----- X

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

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CHAIRMAN EWASUTYN: The next item this evening is C.D. Bannerman View Subdivision. It's a public hearing for a two-lot subdivision located on Bannerman View Drive. It's in an R-3 Zone. It's being represented by Jonathan Cella.

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 Section 276 of the Town Law on the application of C.D. Bannerman View Subdivision, project 2013-17, for a two-lot subdivision. The subdivision is a proposed two-lot single-family residential subdivision located at 12 Bannerman View Drive. The site is .83 acres in the R-3 Zoning District. The site is designated on the Town's tax maps as Section 22, Block 4, Lot 6. Said hearing will be held on the 4th day of June 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

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given an opportunity to be heard. By order of the  
Town of Newburgh Planning Board. John P.  
Ewasutyn, Chairman, Town of Newburgh Planning  
Board. Dated: May 21, 2015."

CHAIRMAN EWASUTYN: Thank you.

Jonathan, would you give your  
presentation.

MR. CELLA: Good evening. We're here  
for a two-lot residential subdivision, as  
mentioned. The project started before the  
Planning Board in approximately September 2013  
at which time it's gone back and forth.

We've gone to the Zoning Board to  
receive several area variances which were granted  
on April 24, 2015.

We've received Town approval for the  
water -- proposed water line pass for the two  
homes.

The property is located in the R-3  
Zoning District.

We're proposing to build two single-  
family residences. One is currently under  
construction, which they have stopped working on  
until the subdivision gets approved.

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The variances received were side yard, a variance for lot number 1 and a lot width variance for lot number 1 and lot number 2.

The lots will be serviced by Town water and individual septic systems.

Both lots will be incorporated into the private road maintenance agreement.

CHAIRMAN EWASUTYN: At this point we'll turn the meeting over to the public. Is there anyone here this evening who has any questions or comments on the Bannerman View subdivision?

(No response.)

CHAIRMAN EWASUTYN: Then I'll turn to our field of consultants. Jerry Canfield, Code Compliance?

MR. CANFIELD: We don't have anything outstanding.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: Our comments have been addressed. The project had a delay based on the access to the Town water. That's been resolved by the Town allowing two separate laterals to be extended up the road. I believe there's going to be a pump system put in the house that has the



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highest elevation. That's been approved by the  
Town Water Department. With that, we don't have  
any outstanding comments.

CHAIRMAN EWASUTYN: I'd like to turn at  
this point to the Board Members. John Ward?

MR. WARD: No comment.

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: Nothing additional.

CHAIRMAN EWASUTYN: At this point I'll  
move for a motion to close the public hearing on  
the C.D. Bannerman View two-lot subdivision.

MR. MENNERICH: So moved.

MR. GALLI: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

At this point in the meeting we'll turn  
to Mike Donnelly, Planning Board Attorney, to  
give us conditions for final approval for the

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two-lot subdivision.

MR. DONNELLY: I think there are only two. We will note the issuance of the Zoning Board of Appeals' variance and the requirement of the payment of parkland fees. There's one new structure, that means one fee in the amount of \$2,000.

MR. HINES: Mike, I think you'll need the private road access and maintenance agreement.

MR. DONNELLY: I'm sorry. I'll add that.

MR. HINES: It's on an existing private road but apparently it needs to get amended.

MR. CANFIELD: They added the additional lot.

CHAIRMAN EWASUTYN: Then I'll move for a motion to grant the two-lot subdivision subject to the conditions presented by Mike Donnelly.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

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(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself.

Jonathan, nice to see you.

MR. CELLA: Thank you.

(Time noted: 7:39 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 29, 2015

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

----- X  
In the Matter of

DUNKIN DONUTS  
(2014-02)

301 NYS Route 32  
Section 14; Block 1; Lot 43  
IB Zone

----- X

SITE PLAN & ARCHITECTURAL REVIEW

Date: June 4, 2015  
Time: 7:40 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  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: JOSEPH MINUTA

----- X

MICHELLE L. CONERO  
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DUNKIN DONUTS

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CHAIRMAN EWASUTYN: Next is Dunkin Donuts, site plan and ARB. It's located on Route 32 in an IB Zone. Its being represented by Joseph Minuta.

MR. MINUTA: Good evening, Mr. Chairman, Board, Consultants. Joseph Minuta, Minuta Architecture. I'm here representing Dunkin Donuts for the site on Route 300. I have Mr. Michael Mayfesh who is the owner of the Dunkin Donuts.

We were here before you last time and we discussed the height of the walls and how they were being raised a little bit from what we have previously presented. That was to shield the rooftop units. Since then we are better prepared this evening for your architectural review portion of this to illustrate both the color and show also the corporate prototype.

The exterior of the building will be clad in a fibrous cementitious board with the accompanying colors that are illustrated within the palette. The series of class windows, the Dunkin sign and several other materials such as stucco on one portion of it where we have the

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DUNKIN DONUTS

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span through the section.

It's a relatively straightforward approach to the building. Light fixtures all the way around the building, surface mounted. Downspouts coming off of the roof. I think it's to that extent pretty self-explanatory.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: No. It's standard.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: It's okay.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: No.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. CANFIELD: I have nothing at this time.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: We have no outstanding comments on this. Our comments have been addressed. I know Ken has comments for the traffic issues there.

The other issue is we haven't heard back from County Planning. We sent it out on the 11th. They confirmed receiving it on the 13th but

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DUNKIN DONUTS

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they haven't gotten us anything back to date.

CHAIRMAN EWASUTYN: At this point I'll move for a motion to grant ARB approval for the Dunkin Donuts site plan located on Route 32.

MR. GALLI: So moved.

MR. WARD: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

I think you received a copy of the e-mail that we received from Jim Osborne in reference to parking on the site. Ken Wersted is going to discuss that now. I'll let him take the floor now.

MR. WERSTED: We had provided previous comments. The applicant submitted a revised amended traffic impact study and a number of



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those were all addressed.

They provided some backup information from two other stores relative to their transaction data, and that supports, if not shows, that the anticipated trip generation would be slightly less than what ITE would calculate, give or take ten percent less. So the project here, based on the transaction data, would be estimated to generate about 170 trips during the a.m. peak hour from between 8:00 to 9:00 in the morning.

The concern we have has to do with not so much the intersection that's nearby, we think that there's enough capacity there to accommodate traffic, particularly because a lot of this traffic is from people who are already driving by the site. They're on their way to work, they stop in, get a coffee or doughnut and leave. So that's traffic that's already out there to begin with. The difficulty comes when they start coming into the site and the number of parking spaces that are provided. I had looked at some other ITE data that generates or looks at how much parking different land uses and sizes would entail or

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need. For a site of this size -- this particular type of use and size, they suggest that the peak parking generation would be twenty-four spaces in the morning peak hour. We know from the transaction data and just our own experience driving around, that outside of these peak times, you know, that could be quite well enough for parking. After 11:00 in the morning, obviously 4:00 in the afternoon or 8:00 at night, we don't think there's going to be an issue. The nature of the business is there's a large morning component to it. So with that information, obviously with the Town engineer's concern with the area that's in there, cars coming in, if there isn't enough parking, the site just naturally doesn't have any circulation around it. It's very much like coming into the driveway of your house, you pull in, and if you can't park where you need to you've got to make a three-point turn and kind of drive back out. In other situations there are restaurants that have some circulation where you can just drive around the store and kind of circulate a little bit. The issue I think we have here is we don't necessarily feel -- I don't personally

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necessarily feel there's enough parking on the site to accommodate that peak morning rush. We can certainly look at it in more detail if there's some data that you can provide that supports the amount of parking you have. We realize that based on the convenience store designation, there's enough in the zoning, but the nature of the land use itself I think is going to be higher than what you have there for the morning peak hour. So we certainly can look at additional data, if it's provided, and render some more feedback or additional comments. At this point I feel like there's a deficiency there based on the proposed use.

MR. MINUTA: Very well. I guess my response to that would be that you mentioned the three-point turn in your driveway for instance. There is a loading zone that is not occupied unless obviously there's a vehicle there. The loading hours would be designated, obviously, by Dunkin when they receive their deliveries. Should the site be, for whatever reason, filled, then there is room for them to maneuver around and circulate within there to get out. They're not

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doing quite a three-point turn in a confined area.

To the other extent, let's say we're at max capacity and the person is driving by and wants to stop in and they see there's not enough parking there, they'll move on. That's typical of many of the other stores I had conversations with the owner about. As far as the other stores are concerned, the parking counts are very similar in all of the rest. We do have numbers for those. If you'd like us to share those with you, we can certainly do that.

MR. WERSTED: I think it would help. We looked at the trip generation and I think we're comfortable with that. If you have parking lot counts, I think it could be useful.

There are variables as you kind of discussed. As you're coming down Route 32 and you decide it's too busy here, then you continue down 300 and reach a Dunkin Donuts when you get down near the mall. Or if you continue down Route 52 you wind up down near Gidney Avenue and reach a Dunkin Donuts in that area.

MR. MINUTA: Some of the parking

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counts, and this is based on volume -- may I consult my client?

CHAIRMAN EWASUTYN: Can I ask you a question? Can this be something that you could further at a later date? What he's asking for is additional data. I think you've had some people that have done a traffic study on that.

MR. MINUTA: Yes.

CHAIRMAN EWASUTYN: Ken being a traffic engineer, you have a traffic engineer. Can they combine their principles, their theories so he can look at a report rather than going through what we have here this evening?

MR. MINUTA: Sure. I'm happy to do that.

CHAIRMAN EWASUTYN: I think that -- does the Board agree?

MR. MENNERICH: Yes.

CHAIRMAN EWASUTYN: I think that's what we're looking for.

MR. MINUTA: Very well.

MR. HINES: We have a little time. We can't take action tonight because the County and DOT haven't weighed in. So there's some time.

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CHAIRMAN EWASUTYN: Not to interrupt.

It would be more of a formal --

MR. MINUTA: It sounds more appropriate. Thank you.

CHAIRMAN EWASUTYN: I think we always have to look at -- from our standpoint we always have to look at something based upon the potential of Article 78 no matter what it is, that we gave something a hard look and in order. To say we gave something a hard look, we need the supporting documentation, in any court proceeding.

MR. MINUTA: I understand.

CHAIRMAN EWASUTYN: I think for all of our protections.

MR. DONNELLY: Joe, one of things Ken did mention in the work session that may be not precise site data but may be area data is what other alternatives are there for the morning sleep deprived person who you suggested may just drive past. That makes more sense if there's a place one block down where they could go. I think Ken wants to see the whole picture, how can you justify the parking when ITE has it much higher.

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If there are factors that make it work, explain it to Ken or consider shrinking the size of the building so there's more parking and it's closer to what ITE would suggest.

MR. MINUTA: I see. We'll look into that. I'm not quite sure I understood -- you're asking for other locations that there might be that that person might stop across the street at A-Plus or Masies Deli?

MR. DONNELLY: That's what Ken suggested. There's a place right on the other corner. That might explain why your numbers might work.

MR. MINUTA: Okay. Thank you. I understand.

MR. WARD: John, my other thing I mentioned was suppose you had three cars pull in there, it's going to be all backed up no matter how you do. People are going to look to get coffee. They're not going to look in the parking lot and see it's packed. They're going to turn in. If it's packed and you've got to try to turn cars around, it's a situation because of the intersection. So you have to make it work with

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the parking.

MR. WERSTED: I think it would be easier if you're coming down Route 32 to see the parking lot. If you're coming from the west on Route 52, I think --

MR. MINUTA: This is Route 32 here and this is Route 300. Coming down you're going to see -- from this point you'll see the full lot here and from any of these corners -- any of these intersections you'd also see the full lot. This one probably not so much.

MR. WERSTED: Right. When you're coming from the west on Route 300 you may not have as good of a visual viewpoint of the parking lot to know if it's full or not.

MR. HINES: You control your deliveries; correct?

MR. MAYFESH: Yes.

MR. HINES: You don't get outside deliveries. I'm not seeing how big that loading dock is. If you controlled your deliveries to be very off peak, 4 a.m. or something --

MR. MAYFESH: It's just once a week for now.



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MR. HINES: I hope the doughnuts aren't that old. Are they?

MR. MINUTA: It's 9 feet by 30.

MR. HINES: I'm wondering if you could develop that into more parking and control your deliveries. Try to provide a little more parking on the site and for Joe to take a look at that.

MR. MAYFESH: Are you saying get rid of that loading dock spot?

MR. HINES: I don't know. Certainly if you have control of the site. I don't know that they deliver -- I think you deliver very, very early in the morning.

MR. MAYFESH: I really could dictate when they come.

MR. HINES: Maybe that's something you --

CHAIRMAN EWASUTYN: What sites do you own? You always speculate on what you own.

MR. MAYFESH: What I own?

CHAIRMAN EWASUTYN: Are you comfortable disclosing that?

MR. MAYFESH: Sure. I own the one on the intersection of 17K and 84, right -- it's in

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the Shell station. That location there's ten parking spots and it does way more business than what I expect this one to do.

CHAIRMAN EWASUTYN: You have a drive-through.

MR. MAYFESH: I do have a drive-through. There's also a convenience store and pizzeria. There's limited parking but it works because our customers are in and out in two minutes in the morning. If we're going to do forty customers in an hour and the average is only two minutes, they're in, get their coffee and they're out. No one lingers during the morning rush. They linger in the afternoon when it's, you know, less of a -- less traffic count and less customers. I also own the one by Stewart Airport on Little Britain Road. We have about -- that one has a drive-through, too. There's about sixteen parking spots there. Again, much busier than what I anticipate this being. I'm also going to be constructing the one that's across from the Wal-Mart on Route 300.

MR. GALLI: The new plaza?

MR. MAYFESH: The new plaza.

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CHAIRMAN EWASUTYN: They said it might be a Dunkin Donuts.

MR. GALLI: The one near Stewart, that one always backs up on 207.

MR. MAYFESH: That's got a drive-through. In the morning nobody wants to get out of their car.

MR. GALLI: You have to offer them a free doughnut.

MR. MAYFESH: They would rather sit on line for fifteen minutes than actually park, come in, because there's nobody inside in the morning.

MR. GALLI: We were discussing that earlier.

MR. MAYFESH: A friend of mine owns the one that's on North Plank Road which is right down --

CHAIRMAN EWASUTYN: Explain that one to us.

MR. MAYFESH: That one has I think eleven parking spots and it's busier than what this is. It's across from the Shop Rite. It's a very, very busy road. He gets all the traffic that's coming off of 84 that want to venture up

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and find a Dunkin Donuts. It has limited parking. Again, it works because people are just in and out in the morning.

MR. GALLI: They park in the beverage place, too.

MR. MAYFESH: That I can't tell you, you know, how they work that.

MR. GALLI: They do.

MR. MAYFESH: For us it's my determination that there's sufficient parking. It wouldn't have been approved by Dunkin Donuts corporate if they didn't think I had enough parking there to handle, you know, the flow of customers.

CHAIRMAN EWASUTYN: John Ward?

Good point.

MR. WARD: On 17K you have the drive-through and it's supposed to be traffic going around. They're parking in the roadway where it's supposed to be access to go around the building.

MR. MAYFESH: I don't park there. I know who parks there. I don't park there. I've mentioned it many, many times.

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MR. WARD: That's supposed to be the thorough way for people to get in and out.

MR. MAYFESH: I can't dictate to the landlord not to have his people park there. I've had that discussion with him many times because sometimes I want to go around the building and I can't go around. There's people on my drive-through line and three cars parked there. I think he's going to be doing something to get those out of there. Again, it's not me.

MR. WARD: That whole idea --

MR. MAYFESH: Jerry can come and bust his chops.

MR. WARD: The whole idea is if there was a fire or something.

MR. CANFIELD: Can you get a fire truck through there?

MR. MAYFESH: I park up on top on the grass. You've got to do what you've got to do.

CHAIRMAN EWASUTYN: The ball is in your court at this point. How much time do you think would be necessary to compile this data?

MR. WERSTED: I think Joe has some numbers already, and he could probably have

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something to me next week.

MR. MAYFESH: Is it okay if it comes from me, the data? We already compiled it. Joe and I were, you know, together yesterday going over all this. I'll be happy to share in writing with you what we found.

MR. WERSTED: It's our experiences that we kind of build off of. I'll share hopefully a quick story. I was up in Broad Alban going to a zoo with my kids and I said while we're on our way up let's stop at a Dunkin Donuts. There was probably ten or fifteen cars in the drive-through line, all the parking spaces were full. I got inside and it was easily a ten-minute wait. It's probably the only Dunkin Donuts within twenty miles. It was a Memorial day weekend morning and I'm sure everybody was out there. So not to say that that is applicable in this situation, but this situation has other stores in proximity to it so it can change the dynamics of it. Just because you build a store right across -- you know, build a Lowe's right across the street from a Home Depot doesn't mean now there's twice as many home improvers coming out. They're sharing

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in the market that's there. The information you provide from your other stores and from the experiences help go towards supporting the proposal and the project you have.

MR. MAYFESH: Right. I understand. I think John had mentioned it. When the Dunkin Donuts backs up like this, they just leave and go to another one. It's just the way it is. It happens at my stores all the time. There's only so many cars you can get through or customers in an hour. If somebody is really in a rush, they're just going to drive by. If the parking lot is full, they're just going to drive by.

CHAIRMAN EWASUTYN: The reason why the Town of Newburgh Planning Board has representation, an example is someone like Ken Wersted, traffic is his field of study. So our decision making process isn't based upon we like or we don't like. We have professionals that make recommendations that say based upon their experience it will work. Earlier in the meeting he said he's not quite comfortable at this point in time to make a recommendation to the Board, so that's why we're asking you for further

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information, so we can support the decision making. That's always why we're staffed this way. I think it serves the best interest of all rather than working with an arbitrary and capricious decision making process.

Your name again? I apologize

MR. MAYFESH: Michael Mayfesh.

CHAIRMAN EWASUTYN: If you could get this together. Once we hear from Ken Wersted we'll schedule you.

You never tried contacting the County?

MR. MINUTA: I did.

CHAIRMAN EWASUTYN: What did they say?

MR. MINUTA: I actually contacted the County and New York State DOT. Both told me that they were pretty sure they would have something to me by yesterday, but I didn't have either today either.

CHAIRMAN EWASUTYN: I was in the office at late as 4:30 and I said to everyone this evening I'm surprised we didn't get anything.

MR. MINUTA: I understand there's two very large projects that the County is looking at right now, so it's taking up quite a bit of their



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time.

If I may. I'm sure, based on your inquiry Ken, there's going to be some items I'll probably need. Would it be okay if I give you a call next week to go through those and make sure we have everything you're looking for?

MR. WERSTED: The following week would be better. I'll be down in Tennessee working for the week. I'm leaving Monday morning at 6 a.m. and I'll be back on Saturday. It will be very difficult to get a hold of me down there. If you leave me a voicemail or e-mail, if I have some opportunity I'll try to give you a call. More reliably it will be the following week.

MR. MINUTA: Thank you.

CHAIRMAN EWASUTYN: Thanks, Michael.

You closed on the building? You own it, Michael?

MR. MAYFESH: No.

CHAIRMAN EWASUTYN: There's a sold sign on it.

MR. MAYFESH: It's contingent on site plan approval.

CHAIRMAN EWASUTYN: I understand that.

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(Time noted: 8:05 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 29, 2015

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

----- X  
In the Matter of

COMFORT INN  
(2009-13)

5 Lakeside Road  
Section 86; Block 1; Lot 39.21  
IB Zone

----- X

AMENDED SITE PLAN

Date: June 4, 2015  
Time: 8:05 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

----- X

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

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MR. CANFIELD: There's no one here.

CHAIRMAN EWASUTYN: Do you want to discuss it? We'll come to a decision. Whatever we decide on, we'll let the applicant know.

MR. CANFIELD: Sure. The project is the Comfort Inn which is ongoing some internal renovations. It's been before the Board as recent as 2010, 2012 most recently, for some minor alterations. They squared off a portion of the front of the building which at that time dictated it to be an amended site plan because it was enlarging the footprint of the building.

Currently, because the hotel has changed banners, there are new corporate requirements, aesthetic requirements, which entail a different front look to the affect of an added outside seating area which has an outside fire pit, some benches, new pavers, sidewalks, an additional bench area on the west side of the building in the front. There is also additional landscaping which is different from what the original plan called for. It's actually upscale, upgraded in the landscaping. Also the parking lot will be repaved and new parking lot lighting

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submitted. The lighting throws have been submitted. The plans are quite detailed as far as what the new changes will be.

The Code Compliance Department felt that the Planning Board should have the opportunity to review these changes, and we requested that they make a determination as to if it is something that can be handled as a field change and/or an amended site plan.

In the discussions tonight and with review with the consultants and the Board Members, it's my understanding that I think the Board is willing to accept these changes as field changes, which is okay with the Code Compliance Department. Should that be the choice that the Board makes, then the Code Compliance Department will follow through with the enforcement to see that the applicant installs the amenities as displayed on the plan.

CHAIRMAN EWASUTYN: I'll poll the Board Members. Frank Galli?

MR. GALLI: I'm fine with the field change.

MR. MENNERICH: Same.

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MR. WARD: My question was the height of the lights.

CHAIRMAN EWASUTYN: Okay.

MR. HINES: At work session we discussed the height of the lights. There is pedestrian scale lighting proposed along the new landscaping along the front. Those are ten foot high, fairly nice decorative antique looking fixture. The lights in the larger parking area are going to be twenty-three feet high. I think based on the size of the parking lot, it's a rather large expansive parking lot, that's an appropriate size. If they reduce them they're going to have to add more and possibly add some in the center, kind of messing up their existing parking layout. I wanted to bring it to the Board's attention they are twenty-three feet which is higher than the pedestrian scale lighting. I think the parking lot is such a size it's more of a shopping center.

MR. WARD: Are they going deeper?

MR. HINES: The parking lot is staying the same size.

MR. WARD: They have tractor trailer

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trucks back in there.

MR. HINES: They're blocking off that rear area. They're going to fence that back where the dumpster is. Jerry and I talked at work session and we think it's an attempt to stop that from happening.

MR. WARD: They're doing a beautiful job.

MR. HINES: They're going to resurface the entire parking lot and re-stripe it. They're probably not going to want those heavy vehicles. If they're a client staying overnight they would.

CHAIRMAN EWASUTYN: Then I'll move for a motion --

MR. MENNERICH: Pat, you made the point that the location of the property is such that there's really nobody that can see the lights in the parking lot.

MR. WARD: It's set down.

MR. HINES: There's no residences. They probably -- the new brand probably had some safety issues and they want to keep that lit up. They gave us the candle power on the lights and there's nothing shedding off the property. It

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meets your code. I wanted to bring it to the Board's attention they are a little higher than the pedestrian scale but I think they're appropriate.

MR. CANFIELD: One question, John. On the parking lot striping, it just occurred to me, existing what is there is the single line.

MR. HINES: It should be upgraded to the double.

MR. CANFIELD: It should be upgraded to the box configuration.

CHAIRMAN EWASUTYN: I'll move for a motion from the Board Members -- I'll poll the Board Members that we consider the Comfort Inn to be -- we will approve that as field changes?

MR. GALLI: Yes.

MR. MENNERICH: Yes.

MR. WARD: Yes.

CHAIRMAN EWASUTYN: Let the record show it's been considered to be approved as a field change and that the Building Department will coordinate all the necessary actions that need to bring it to standard.

(Time noted: 8:08 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 29, 2015

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

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In the Matter of

LONGVIEW FARM  
(2006-39)

Request for a Six-Month Extension of  
Preliminary Subdivision Approval  
from June 4, 2015 to December 4, 2015

----- X

AMENDED SITE PLAN

Date: June 4, 2015  
Time: 8:08 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  
JOHN A. WARD

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

----- X

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

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

MR. HINES: Longview Farms.

CHAIRMAN EWASUTYN: -- Longview Farms, project number 2006-39. They're asking for a six-month extension of the preliminary approval from June 4th through the 4th of December.

MR. WARD: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward, a second by Ken Mennerich.

MR. MENNERICH: Frank.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Then I'll move for a motion to close the Planning Board meeting of the 4th of June.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 8:08 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  
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