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

----- X

In the Matter of

TRINITY SQUARE
(2006-53)
South Plank Road
Section 60; Block 2; Lot 4.1
B Zone

----- X

SITE PLAN & ARB REVIEW

Date: July 5, 2007
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
KENNETH MENNERICH
EDWARD T. O'DONNELL, JR.

ALSO PRESENT: DINA HAINES
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: ANTHONY COPPOLA & JAMES RAAB

----- X

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

TRINITY SQUARE

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CHAIRMAN EWASUTYN: Good evening everyone. I would like to welcome you to the Town of Newburgh Planning Board meeting of July 5th.

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

MR. GALLI: Present.

MR. BROWNE: Present.

MR. MENNERICH: Present.

MR. O'DONNELL: Here.

CHAIRMAN EWASUTYN: Myself present.

The Town of Newburgh Planning Board is represented by experts who make recommendations on various SEQRA determinations. I'll ask that they introduce themselves at this time.

MR. DONNELLY: Mike Donnelly, Planning Board Attorney.

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

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

MS. ARENT: Karen Arent, Landscape Architectural Consultant.

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

CHAIRMAN EWASUTYN: Okay. At this time I would like to turn the meeting over to Ed O'Donnell.

MR. DONNELLY: Please all join me in saluting the flag of our country.

(Pledge of Allegiance.)

MR. O'DONNELL: This is a relatively large audience. Please disconnect all electronic devices whether they be pagers or telephones. Thank you.

CHAIRMAN EWASUTYN: The first item on the agenda we have this evening is Trinity Square. It's located on South Plank Road in a B Zone. It's being represented by Anthony Coppola and it's here tonight for both site plan and ARB review.

MR. COPPOLA: Mr. Chairman, I can certainly address the architectural review first. We'll start with that. Actually, let me start with the floor plan first.

What we're proposing is a single story -- 11,300 square foot one-story retail building

TRINITY SQUARE

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2 on Route 52 just before the Thruway overpass on
3 the right side or the north side of Route 52.
4 What we've done here is kind of taken a look at
5 the site and developed something that I think is
6 a little bit different than some of our other
7 locations in and around Newburgh. This location
8 to me feels different than some of the other
9 retail buildings we've done that are closer to
10 300, closer to the intersection of 300 and 52.
11 Given the footprint of this building is 174 feet
12 by 62 feet deep, it was long and linear so right
13 off the bat we were thinking of something in
14 terms of the form that was more vertical,
15 something that would break up the horizontal
16 nature of this building which is very long and
17 kind of stretched out over the site.
18 Basically we came up with, in terms of
19 form, a series of turrets, four smaller ones and
20 then one large one on the corner which front on a
21 45-degree angle. These break up this linear
22 length, the 174 foot length. We've stretched the
23 front wall of this so that there's a lot of glass
24 in the front, a lot of store front glass, the
25 upper glass, and raised the turrets so they're

TRINITY SQUARE

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2 actually above the fascia line. They are going
3 to be basically kind of a prominent architectural
4 feature as you kind of see this going along the
5 highway, and also you're going to stop there.
6 Inside the building, that's going to be
7 divided up into probably a maximum of seven
8 retail spaces. It may be closer to three to five
9 but it would be a maximum of seven spaces.
10 Another thing that's a little bit
11 different about this building as opposed to some
12 other buildings we've helped to design is I think
13 we paid a lot more attention to what's happening
14 on the exterior here in terms of the sidewalk,
15 and also there's a large planted area to the east
16 side of the building here. So along this side
17 what we're going to propose, and that's shown on
18 this plan, the site plan, is basically a paved --
19 a patio area that has pavers on it. This patio
20 area will be surrounded by a stonewall on three
21 sides. We had to kick this in a little bit
22 because there's an easement that runs through
23 this property, so we had to adjust that a slight
24 bit. There's going to be a stonewall and then
25 landscaping, as indicated on the site plan,

TRINITY SQUARE

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around that stonewall.

I think we decided instead of tables we're going to have benches along the perimeter of this and then maybe an ornamental fountain or some type of a focus that's going to be in the center of this. This area we think will work off of the retail spaces on that side of the building hopefully. We've also paid attention going across the front of the building to do an extra wide sidewalk. I think it's eight feet wide, maybe ten feet wide in spots. There's benches, planters and light posts which will accent that front. So I think it will be a little bit more interesting than some of the other things we've developed. Those features are shown on the colored plans that we submitted last month, the paved area, the landscaping around that paved area, the stonewall, the benches, the site lights and the planters in the front of the building.

Then what we've done since we submitted this is we've played around with kind of the masting and the rendering. These two renderings have not been submitted to the Planning Board but I'm bringing them tonight. The architectural

TRINITY SQUARE

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2 shown on the renderings is basically the same as
3 what we gave you last month but these renderings
4 help us a lot more with form, with color, with
5 materials. We've kind of tweaked it a little
6 bit, offering something slightly different in
7 terms of colors. Just kind of blending the
8 colors a little better than we did in this
9 rendering. So this gives you a little clearer
10 idea of what we're getting but it shows the same
11 thing. It shows the turret roofs. The roofs are
12 going to be basically an aluminum or a metal, so
13 they'll be shiny, they'll be the four shorter
14 ones and the one larger one on the corner. There
15 will be architectural glass that's going to
16 stretch pretty high vertically, and that goes up
17 above the fascia line there. So these turrets
18 come out on a 45, again trying to break up that
19 174 linear foot of the building. We're bringing
20 these elements out into the sidewalk almost.
21 Then the lamp post, the benches, the planters,
22 we're showing all of that there.
23 So basically just real quickly, in
24 terms of materials, the metal roof, a fiberglass
25 shingle on the main body of the roof which

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stretches back. The peaks of these basically match an architectural split-faced block which will be the main item as far as the exterior material. That will go all the way around the building, all four sides, and then the architectural store front glass, and that will be pretty -- that's going to be a pretty big element of this.

This building I think is entirely retail. The owners are thinking of this as being kind of a service-oriented building which serves a lot of the population that comes from that area of Newburgh, that comes down 52 and into the rest of the Town.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: The signage for each store. In other words, if you're going to have whoever in there, where would they put their sign?

MR. COPPOLA: There's going to be an area here with channel letters right in between there and above here.

MR. GALLI: They're all going to be the same size?

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MR. COPPOLA: Yes.

MR. RAAB: Anthony has on the bottom rendering here.

MR. COPPOLA: Actually, they're there.

MR. RAAB: They would all be uniform.

MR. GALLI: The air conditioning units and those units, roof tops, ground level?

MR. COPPOLA: The condensers we can put all in the rear and the air handlers can be in the attic.

MR. GALLI: On the ground?

MR. COPPOLA: The condensers, they can go in the rear. Really if you look at the site plan, this is a three-sided site. We've got this whole area. The entrance is here. We're going to want to develop this area. Most of the parking is over here. We can definitely keep all the condensers to the rear.

MR. GALLI: Okay.

CHAIRMAN EWASUTYN: Comments from Cliff Browne?

MR. BROWNE: No.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: The split-faced block

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according to what you submitted was going to be
the gray --

MR. COPPOLA: Yes.

MR. MENNERICH: -- color. The color up
there looks like it's a cream color or something.

MR. COPPOLA: It's a little creamier.
That was first done by accident but actually I
like that better. This is what we've submitted.
We could possibly jump to something that's a
little creamier color in here.

MR. GALLI: That looks a lot nicer.

MR. COPPOLA: I think so, too. It's a
little warmer, and I think that was one of
Karen's comments. It's not as industrial
looking.

MR. MENNERICH: I like that better,
what you brought.

CHAIRMAN EWASUTYN: Ed O'Donnell?

MR. O'DONNELL: Does could jump mean
you will jump?

MR. COPPOLA: Yes. Absolutely.

MR. O'DONNELL: That's so noted. Other
than that AJ, very nice job.

MR. COPPOLA: Thank you very much.

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

MS. ARENT: I have one more question, Anthony. I remember on Mid-Valley Mall this became an issue, that the doors needed to have some kind of overhang. It looks like on the same plan it's pretty tight to do that.

MR. COPPOLA: Yeah. That's a good point. We're okay by code up here. It's at least a two to three-foot overhang. We did add an awning here. That's one. The only change we made is because this facade is too high so this has to have an awning there to cover that entrance.

MS. ARENT: And the rear doors as well. The rear access doors at Mid-Valley needed -- that's a code issue that I'm not aware of -- I mean that I don't know whether it applies. You do need an awning. It's very tight with the loading dock there.

MR. COPPOLA: I think the overhang -- we've adjusted the overhang front and rear so that we're covered by code.

MS. ARENT: Okay. It's not shown on

TRINITY SQUARE

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2 the site plans. That should be shown on the site
3 plans.
4 MR. RAAB: We've incorporated it in
5 there.
6 MS. ARENT: Thanks. And then just to
7 put the signage guidelines on your plan --
8 MR. COPPOLA: Sure.
9 MS. ARENT: -- that defines some, you
10 know, aesthetically --
11 MR. COPPOLA: Just the size of the
12 letters?
13 MS. ARENT: Size of letters, and
14 colors, and types of signage allowed for each
15 building.
16 They do have a sign plan, John, on the
17 previously submitted drawing. It's similar to
18 all the other ones.
19 CHAIRMAN EWASUTYN: I noticed that just
20 now. We're acting on that also this evening?
21 MS. ARENT: Yeah. If you can define
22 the colors on this sign too so we don't get like
23 a yellow or --
24 MR. COPPOLA: The same.
25 MS. ARENT: Keep it a similar scheme.

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2 This sign is equal in height to many of the
3 others we've seen. It's thirteen feet high by
4 eight feet wide. It's got a nice stonewall
5 around the base. That's it.
6 CHAIRMAN EWASUTYN: Okay. Having heard
7 from Anthony Coppola as far as the architectural
8 plans for the Trinity Square retail center,
9 agreeing that the final finish of the block will
10 be a cream color, --
11 MR. COPPOLA: Yes.
12 CHAIRMAN EWASUTYN: -- the Board was
13 looking for that tone to be set, I'll move for a
14 motion for ARB approval for the Trinity Square
15 plan.
16 MR. GALLI: So moved.
17 MR. O'DONNELL: Second.
18 CHAIRMAN EWASUTYN: I have a motion by
19 Frank Galli. I have a second by Ed O'Donnell.
20 Any discussion of the motion?
21 (No verbal response.)
22 CHAIRMAN EWASUTYN: I'll move for a
23 roll call vote starting with Frank Galli.
24 MR. GALLI: Aye.
25 MR. BROWNE: Aye.

TRINITY SQUARE

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2 MR. MENNERICH: Aye.
3 MR. O'DONNELL: Aye.
4 CHAIRMAN EWASUTYN: Myself yes. So
5 carried.
6 At this time, Jim Raab, would you come
7 forward for site plan approval.
8 MR. RAAB: Sure. We've incorporated
9 most of the amenities that were brought up during
10 the ARB, especially down here in the patio
11 section as Anthony had referred. We have
12 switched from the tables to the benches in here.
13 We had to make some adjustments, slight
14 adjustments from what you originally got because
15 we had to pull this in because of an easement
16 here. That's pretty much it. We addressed just
17 about everything. I know that Pat's got some
18 comments but I wasn't aware -- you don't have any
19 comments?
20 MR. HINES: I have a couple.
21 MR. RAAB: I didn't think there was
22 anything of any circumstance. We got a flow
23 letter. I think we're pretty much prepared to
24 finish this up tonight.
25 CHAIRMAN EWASUTYN: Okay.

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MS. ARENT: I just need to review the plan to make sure -- I haven't seen the new plan.
CHAIRMAN EWASUTYN: Okay. And you want to look at the final site plans?
MS. ARENT: Right.
CHAIRMAN EWASUTYN: Bryant.
MR. COCKS: The other only site plan issue that came up was the chain-link fence that was requested by Darren Scalzo in his letter. A six foot high chain link. That has to be shown.
MR. RAAB: I wrote that in the same spot.
MR. COCKS: Karen would like it to be PVC coated so it's not ugly.
CHAIRMAN EWASUTYN: Comments from the Board Members. Frank Galli?
MR. GALLI: None.
CHAIRMAN EWASUTYN: Cliff Browne?
MR. BROWNE: No.
MR. MENNERICH: No questions.
MR. O'DONNELL: Nothing.
CHAIRMAN EWASUTYN: At this time I'd like to turn to Planning Board Attorney, Mike Donnelly, for conditions for final approval in

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the resolution.

MR. DONNELLY: One clarification. What do you want to do about the fire department issue that's touched upon in Pat's letter? They wrote the Board a letter in April, April 4th, and they say no hydrants are shown in the plans, concerned with lack of turning radius at entrance/exit and limited sight area coming out of the exit. Have those things been reviewed or where have we gone with those?

CHAIRMAN EWASUTYN: Ken Wersted, do you want to respond to some of those concerns?

MR. WERSTED: I reviewed the sight distances and I think there's adequate sight distance exiting the site to Route 52.

CHAIRMAN EWASUTYN: And the turning radius?

MR. WERSTED: They've also demonstrated with a truck turning movement maneuvering around the building. The fire department has a specific comment about that in terms of what size truck they're using. A standard vehicle, a single unit truck is able to make it around this building.

MR. DONNELLY: The last piece is the

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fire hydrants.

MR. RAAB: I'm pretty sure we added a fire hydrant. We'll add a fire hydrant.

MR. DONNELLY: We'll need then a sign-off letter from Karen on the overhang plans and the cohesive sign plan. We'll need a sign-off letter from Pat Hines on his comments in his June 28th memo, and he'll handle the fire hydrant verification because he mentions the fire department comments within that. The standard ARB condition. The landscape security and inspection fee in the amount of \$28,962. A requirement that you add the six foot high chain-link fence consistent with the comment letter from the New York State Thruway Authority. The standard condition regarding the location of outdoor fixtures and amenities, none can be constructed that are not shown on the plans.

CHAIRMAN EWASUTYN: Okay. Having heard the conditions for final approval for the Trinity Square site plan, I'll move for that motion.

MR. MENNERICH: So moved.

MR. O'DONNELL: Second.

CHAIRMAN EWASUTYN: I have a motion by

TRINITY SQUARE

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2 Ken Mennerich. I have a second by Ed O'Donnell.
3 Any discussion of the motion?
4 (No verbal response.)
5 CHAIRMAN EWASUTYN: I'll move for a
6 roll call vote starting with Frank Galli.
7 MR. GALLI: Aye.
8 MR. BROWNE: Aye.
9 MR. MENNERICH: Aye.
10 MR. O'DONNELL: Aye.
11 CHAIRMAN EWASUTYN: Myself. So
12 carried.
13 MR. COPPOLA: Thank you.
14 MR. RAAB: Thank you very much.
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16 (Time noted: 7:17 p.m.)
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CERTIFICATION

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

DATED: July 18, 2007

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

----- X

In the Matter of

200 STONY BROOK ASSOCIATES
(2006-13)
200 Stony Brook Court
Section 97; Block 1; Lot 49
B Zone

----- X

CONCEPTUAL SITE PLAN & ARB REVIEW

Date: July 5, 2007
Time: 7:18 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
KENNETH MENNERICH
EDWARD T. O'DONNELL, JR.

ALSO PRESENT: DINA HAINES
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: KEVIN MALONE & TOM OLLEY

----- X

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

200 STONY BROOK ASSOCIATES

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CHAIRMAN EWASUTYN: Our next item of business this evening is 200 Stony Brook Associates. It's located on 200 Stony Brook Court in a B Zone. It's being represented by William Pendergast. It's a conceptual site plan and ARB.

MR. MALONE: Hi. My name is Kevin Malone, I'm here on behalf of Bill Pendergast.

MR. OLLEY: Tom Olley also presenting the applicant.

CHAIRMAN EWASUTYN: I'm sorry, Tom. I didn't know you were here.

MR. MALONE: We're here to address the comments from the last meeting. I have a small packet I would like to hand out.

MR. OLLEY: While Kevin is handing those out, if I could just touch on a couple things with the site plan. We did look at the building very closely with regard to that setback issue that we had at the last meeting where we had 39.8 feet where the requirement was 40. We tried to figure out if there was something that we could do without damaging the building architecturally to achieve that. We even went

200 STONY BROOK ASSOCIATES

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2 back, talked to the surveyor to see if the
3 location that they took was on some architectural
4 ornamentation on the building, because there is
5 building coining from the corner coins on the
6 building. The bottom line was our conclusion was
7 that the 39.8 feet stands. So one of the things
8 that we would ask the Board to do for us this
9 evening is just give us a referral to the Zoning
10 Board for that variance.

11 MR. DONNELLY: Side or front yard?

12 MR. OLLEY: It is a front yard. 17K.

13 The other issues with the site plan
14 that were outstanding I'll discuss briefly after
15 Kevin takes care of the architectural issues
16 which was really the focus of coming before you
17 again this evening. I think we've developed a
18 way that we can resolve that but we can't really
19 do anything until we have that zoning variance.
20 That was only concluded in the last -- the
21 determination that there was no way around it
22 with the building structure was only determined
23 in the last two weeks.

24 MR. MALONE: The main architectural
25 issue was the nonconforming structure, and we do

200 STONY BROOK ASSOCIATES

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plan -- we're not encroaching on the setbacks any further.

MR. OLLEY: Maybe if you can just talk about the materials and the architecture in itself.

MR. MALONE: In the packet we included that, the colors on the color rendering.

CHAIRMAN EWASUTYN: Kevin, in the future when you appear before us, we don't accept submittals the night of the meeting without having the opportunity to review it.

MR. MALONE: Then just consider this something to review at a later date.

MR. OLLEY: Actually, we did submit stuff to the Board following the last meeting with the architectural I believe. This I think Kevin just -- or Bill just added the callouts of the materials.

MR. MALONE: Just called out the materials.

CHAIRMAN EWASUTYN: So one of the things we discussed at our last meeting, although it's not part of ARB but we'll take it under consideration, is where you're locating your

200 STONY BROOK ASSOCIATES

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2 dumpster. In this case you're talking about
3 staging garbage cans in the rear of the building
4 I guess.

5 MR. OLLEY: Yes.

6 CHAIRMAN EWASUTYN: They won't be
7 visual from driving down 17K?

8 MR. OLLEY: Well, no. We'll put them
9 on the south side of the building. We'll
10 indicate that on the site plan submissions that
11 we submit to you when we have the zoning
12 variance. What we'll do is --

13 Actually Kevin, if I can just grab your
14 copy of the site plan and throw it up on the --

15 This is 17K at the top of the sheet.
16 Stony Brook Court is towards the bottom of the
17 sheet. What we will do is we'll put a small pad
18 back at the left rear corner of the existing
19 building that we can screen. There's already
20 some very mature landscaping in there. We'll
21 provide for just one of the ninety-gallon garbage
22 containers that the trash haulers provide.
23 That's all that they need. They don't generate a
24 lot of waste. Any medical waste is handled
25 separately. That's kept inside. Anything that

200 STONY BROOK ASSOCIATES

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2 is considered red bag waste, that's handled
3 completely separate. This is just office papers
4 and just the normal run-of-the-mill trash from an
5 office. There's about seven people on staff.

6 CHAIRMAN EWASUTYN: Karen, have you had
7 the time of going back after ARB to look at what
8 they are proposing for the colors and the
9 changes?

10 MS. ARENT: Yeah. I think the building
11 is fine. I need a little time to review the
12 sign. I think it's nice. I just want to check
13 the proposed height and width. It's pretty
14 large. I think it's going to be a nice looking
15 sign.

16 MR. MALONE: We did refer to the zoning
17 for the sizing of that.

18 MS. ARENT: You're also showing two
19 signs on your one property which needs a zoning
20 variance as well. On the site plan there's two
21 signs.

22 MR. OLLEY: We're going to remove one
23 of those signs. We'll just have the one sign.
24 We'll replace it somewhere near one of the
25 existing locations. We just have to find out

200 STONY BROOK ASSOCIATES

1 26
2 which one has the electric there.
3 MS. ARENT: I think the building is
4 fine. It's in keeping with what's there.
5 CHAIRMAN EWASUTYN: The total square
6 footage again you're adding on to this building?
7 MR. OLLEY: It's about --
8 MR. DONNELLY: 1,827.
9 MR. OLLEY: -- 1,800 square feet. I
10 think the existing is about 2,000.
11 CHAIRMAN EWASUTYN: Comments from Board
12 Members. Frank Galli?
13 MR. GALLI: No additional.
14 MR. BROWNE: No.
15 MR. MENNERICH: I only had a question
16 on the roof. Fiberglass shingles and then the
17 one section of it is going to add the standing
18 seam metal roof. Am I looking at the drawing
19 right?
20 MR. MALONE: You can't see it from the
21 rendering I've got. From the side elevation you
22 can see it.
23 MR. MENNERICH: I guess why isn't it
24 all shingle?
25 MR. MALONE: It could be. I would

200 STONY BROOK ASSOCIATES

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imagine a standing seam would be a more desirable roofing than a shingle would be.

MS. ARENT: That's going to your entrance. This shows your main entrance.

MR. OLLEY: That's over the vestibule. Yes.

MS. ARENT: I know that one of the hotels that came in to see us, they say snow melts very quickly off this and falls rapidly in a sheet and they didn't want to use the standing metal seam because of that.

MR. MALONE: It could be used. It's not that much square footage of roof.

MS. ARENT: That might be a concern, that it's over their main entrance. It's probably better safety wise to use shingles.

MR. MENNERICH: I think it's a nice building. I just thought -- it kind of surprised me it didn't have shingles on that section. That's all.

CHAIRMAN EWASUTYN: Kevin, what's your objective at this time?

MR. MALONE: To get a site plan approval.

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CHAIRMAN EWASUTYN: Site plan approval we can't give you this evening because we're referring you to the ZBA.

MR. MALONE: Just to address the comments from the last meeting.

CHAIRMAN EWASUTYN: Mr. Mennerich raised a question as far as the difference in textures of the roof. What are you proposing to go with?

MR. MALONE: I've got to see what the client wants. If you're suggesting fiberglass shingles to match the rest of the roof, I'll run that passed him.

MR. MENNERICH: Okay.

CHAIRMAN EWASUTYN: Ed O'Donnell?

MR. O'DONNELL: Nothing.

MR. DONNELLY: Did we hear back from the County Planning department? This was referred.

MR. COCKS: No.

MR. OLLEY: I think there is a problem on my end. I think I was supposed to get Bryant an extra copy which I did not do. That's my foopha.

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CHAIRMAN EWASUTYN: Bryant, you might as well finish your review. You're suggesting we contact the City?

MR. COCKS: Yes. We need the approval from the City of Newburgh.

MR. OLLEY: I did contact Jim on that and it's -- we have that in process. I don't have a reply back from him yet.

MR. COCKS: Okay.

MR. OLLEY: There was one other question about that that came up at the last meeting, about this tight radius here. We spoke with our client and what we're going to propose to do is actually flip this parking. What that will do is it will move this intersection back away from this intersection. We'll still have the same amount of parking. All we would do since we talked last week, we're getting rid of this parking and we'll just make up the difference of the parking in this way. So now the circulation will be very clean through here so anybody coming down in will just go across in front of the building and then circulate back out. We talked to our client and he's not hung

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2 up on having the spaces directly in front of the
3 door. He does need the access. I think that
4 would resolve that one issue of this tight
5 intersection that Pat raised. I think it was
6 Pat. It was Pat or Bryant that raised it at the
7 last meeting.

8 CHAIRMAN EWASUTYN: Ken, do you see
9 that as being functional?

10 MR. WERSTED: Yeah. I actually have a
11 sketch here. I can look at that and look at the
12 functionality of that when I look at the rest of
13 the site.

14 MR. OLLEY: What we will do is -- Karen
15 just kind of whispered to me as I walked by.
16 We'll also add additional landscaping along the
17 front here just so we can screen the cars, the
18 parked cars from the front.

19 CHAIRMAN EWASUTYN: Any additional
20 comments from the Board Members?

21 MR. GALLI: None.

22 MR. BROWNE: I'm good.

23 CHAIRMAN EWASUTYN: I'll move for a
24 motion from the Board that we refer this to the
25 Zoning Board of Appeals for a front yard

200 STONY BROOK ASSOCIATES

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variance.

MR. MENNERICH: So moved.

MR. O'DONNELL: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich. I have a second by Ed O'Donnell. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. O'DONNELL: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

Tom, would you make it a point at this time getting plans to Bryant Cocks?

MR. OLLEY: Yes. I will send them to him in the morning.

MR. DONNELLY: One other issue. This is a Type II action so it's not subject to further SEQRA review but you may wish to decide whether you want to have a public hearing on this after it returns from the Zoning Board.

CHAIRMAN EWASUTYN: Thank you.

MR. OLLEY: Just procedurally, it's my

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understanding that since we need that ZBA you
can't do anything on architecture either; right?

MR. DONNELLY: I think given the
outstanding issues it would be better to wait.

MR. OLLEY: So we can wrap up the issue
with the roof when we come back in.

Thank you very much.

MR. MALONE: Thank you.

(Time noted: 7:30 p.m.)

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CERTIFICATION

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

DATED: July 18, 2007

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

----- X

In the Matter of

ORCHARD HILLS
(2003-41)

Route 9W & Oak Street
Section 9; Block 1; Lot 45.21
R-3 & R-1 Zones

----- X

RESIDENTIAL SITE PLAN
TWENTY-ONE LOT SUBDIVISION

Date: July 5, 2007
Time: 7:30 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
KENNETH MENNERICH
EDWARD T. O'DONNELL, JR.

ALSO PRESENT: DINA HAINES
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ

----- X

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

ORCHARD HILLS

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CHAIRMAN EWASUTYN: The next item of business is Orchard Hills. It's located on Route 9W and Oak Street, it's in an R-3 and R-1 Zone. It's being represented by Ross Winglovitz. It's a residential site plan and a twenty-one lot subdivision.

MR. WINGLOVITZ: Good evening. Ross Winglovitz with Engineering Properties here on behalf of the Orchard Hills project.

We're requesting consideration from the Board for final approval for a 250-unit condominium project and 22 new residential lots. The project received preliminary approval last year and the Findings Statement I think in June of last year. Preliminary in August of last year. We've since been to all the outside agencies including the Army Corp of Engineers, New York State DEC, New York State DOT and Orange County Department of Health seeking all their approvals. We believe we have them at this point. We just received Department of Health as recently as 4:00 this afternoon. It was a copy that was submitted to the Board and each of the consultants.

ORCHARD HILLS

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I'll entertain any questions from the Board and any discussion that the Board feels appropriate.

CHAIRMAN EWASUTYN: Mike Donnelly had prepared for us a resolution for Meadow Creek involvement, i.e. Orchard Hills.

Do you care to discuss that with us now?

MR. DONNELLY: I did and I had provided a copy to Ross in advance of the meeting. I'm sure that the plan set will need to be updated, but that can occur in the future. What's important is the conditions which are taken from the preliminary approval which we can use as a checklist. There were two issues I was uncertain of. One was whether the condominium portion of the project had received or had -- whether the Board had reviewed the Architectural Review Board materials for that. And then I guess the question, since you're shaking your head no, is are you seeking ARB now or at some future time?

MR. WINGLOVITZ: Some future date.

MR. DONNELLY: The first condition then will be you're reserving ARB. Similarly I had

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2 left out of the resolution but it needs to be
3 added the requirement of ARB approval for the
4 single-family home component of the project
5 because it has more than ten lots, and that will
6 have to be taken up in the future as well. The
7 condition that's number two in the draft relates
8 to the requirement of a developer's agreement. I
9 know, Ross, that you have a sample form and I
10 assume you've been working with Mark Taylor on
11 that issue. Condition two and three relate to
12 that. Specifically though I will add in the
13 middle of paragraph 2 the reference to the
14 stormwater facilities, some of which are off site
15 which will need to be included within the
16 developer's agreement.

17 My memory is that there are several
18 associations, a condominium association and a
19 homeowner's association, and perhaps a second
20 homeowner's association. Who is it that is going
21 to be responsible for maintenance of the private
22 roadways and drainage system.

23 MR. WINGLOVITZ: The prime entity is
24 going to be the HOA. There's going to be a
25 division of responsibility. There's going to be

ORCHARD HILLS

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2 a small parking area here maintained by the
3 condominium. The main roads and all the
4 utilities are going to be the homeowner's
5 association. If we can expand that to say
6 condominium association or HOA as identified on
7 the drawings. I've gone through and taken the
8 list out of the F E.I.S. and put it on the
9 drawings.

10 MR. DONNELLY: I don't have a problem
11 with that in concept, recognizing one of the
12 conditions of the preliminary approval is that
13 the condominium and the homeowner's association
14 bylaws be reviewed by the town attorney to ensure
15 that the issues that were identified in the
16 Findings were properly carried forth into them.
17 I don't know that's been accomplished yet. It
18 will certainly need to be as a condition.

19 MR. WINGLOVITZ: Absolutely.

20 MR. DONNELLY: Has the transportation
21 corporation been formed?

22 MR. WINGLOVITZ: We're in front of the
23 Town Board now. We had a meeting last week.

24 MR. DONNELLY: So that will remain.
25 There will be a requirement for three landscape

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2 securities as was discussed, one for each of the
3 phases of the project. The Oak Street culvert
4 I'm sure will need to be approved still by the
5 town engineer as recited in condition 7. The
6 Board is imposing a condition on the completion
7 sequencing of the recreational facilities.
8 Apparently under 9 and 10 there are still some
9 minor items that need to be cleared up, so we'll
10 leave those conditions.

11 MR. WINGLOVITZ: Under 8, that may be a
12 conflict with what's in the Findings. I don't
13 know how you want to resolve that.

14 MR. DONNELLY: How did we handle that
15 in the Findings? This came from the preliminary
16 resolution.

17 MR. HINES: Based on unit count.

18 MR. WINGLOVITZ: On unit count. It can
19 be and/or, whichever happens first.

20 MR. DONNELLY: I'll have to check and
21 verify how we're to handle that. The concept is
22 the same, it's the implementation that needs to
23 be done.

24 MR. WINGLOVITZ: Yup.

25 MR. DONNELLY: The Army Corp wetlands

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2 delineation. The New York State curb cut or
3 highway work permit at this point will still be
4 needed.
5 MR. WINGLOVITZ: The permit would be
6 needed. The approval has been issued, as has the
7 Army Corp permits been issued as well.
8 MR. DONNELLY: We'll leave them as --
9 MR. WINGLOVITZ: That's fine.
10 MR. DONNELLY: -- checklist.
11 MR. WINGLOVITZ: I'll put them in the
12 packet together.
13 MR. DONNELLY: The water system
14 maintenance agreement with the town engineer, is
15 that being taken up by the Town Board as well?
16 MR. WINGLOVITZ: I'm a little bit
17 confused as to -- I didn't do any on any previous
18 private projects.
19 MR. DONNELLY: I had asked a question
20 when this resolution was going to an earlier
21 draft was whether this was going to be both. If
22 it's entirely private the Town will have no
23 interest.
24 MR. HINES: The Town does have an
25 interest. They want to be able to go in and

ORCHARD HILLS

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2 perform maintenance should whatever homeowner's
3 association or owner doesn't because otherwise
4 there would be a need for a master meter which
5 we're trying to avoid on this project. What it
6 is is we need an easement or some form of
7 agreement that if there's a leak or an issue that
8 the Town has to go in and repair, that they can
9 do that if the applicant does not.

10 MR. DONNELLY: Follow this up with Jim
11 Osborne, Mark Taylor, and if necessary the Town
12 Board.

13 MR. WINGLOVITZ: That's fine. Not a
14 problem.

15 MR. DONNELLY: You will need various
16 approvals from the other agencies. You gave us a
17 letter, and I had a copy of it here earlier.
18 I'll defer to others. The letter says that
19 they've approved it in concept but I don't know
20 that you have the usual approval that we would
21 require to see before we give final subdivision.

22 MR. WINGLOVITZ: They basically have
23 approved it. They actually did at 4:00 this
24 afternoon, or 3:30 when you got the fax. They
25 didn't have time in the afternoon to write the

ORCHARD HILLS

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2 final letter. I think it says they reviewed it
3 and are processing approval, which is basically
4 typing up the paperwork.
5 MR. DONNELLY: What they say is we've
6 received the plans last revised June 27th for
7 both above-mentioned submissions, Orchard Hills
8 being the relevant one here. Our technical
9 comments have been satisfactorily addressed. The
10 approvals are being processed. I'll leave to
11 others what we typically require by way of a
12 Health Department approval before we grant final
13 subdivision approval. I think it is usually a
14 stamp on the plans is what the Board requires.
15 MR. WINGLOVITZ: I will have that
16 probably tomorrow or Monday at the earliest.
17 MR. DONNELLY: I know. I think the
18 timing is unfortunate but I think the principle
19 is important to the Board that it not tonight
20 start being in a position where it grants
21 approvals on letters that say that the approvals
22 are still being processed. I'm not trying to be
23 obstructive but I'm not so sure it satisfies what
24 we usually require.
25 Have they also approved the soil

ORCHARD HILLS

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2 remediation plan for the disturbance areas? Is
3 that part of this approval?

4 MR. WINGLOVITZ: There was an analysis
5 done of the subdivision portion of the site.
6 There was determined to be no impact.

7 MR. DONNELLY: You were to show in
8 condition 16 the school children pick-up areas on
9 the plans. I don't know that that's been done.

10 MR. WINGLOVITZ: That needs to be
11 added.

12 MR. DONNELLY: 17 is what we spoke of
13 earlier, the condominium and homeowner's
14 association bylaws. 18 is the standard condition
15 regarding the payment of fees in lieu of
16 parkland. There will be a stormwater improvement
17 security and inspection fee required. Condition
18 number 20 will require that those facilities be
19 built before any building permits are issued.
20 There is a water main extension security and
21 inspection fee, a private road security and
22 inspection fee, and the standard condition which
23 is on page 14, number 26, that no outdoor
24 fixtures and amenities can be added in the field
25 that are not shown on the plans.

ORCHARD HILLS

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MR. WINGLOVITZ: The water and sewer main extension and fees, that's part of the water department's typical fees? I mean there's no -- these are private improvements so there's no bonding of those.

MR. DONNELLY: They're all going to be rolled into the developer's agreement, so they're recited here. I'm sure you'll cover them all with the Town Board as part of that.

MR. WINGLOVITZ: 23, the Town roads. There are no Town roads.

MR. DONNELLY: The ones I didn't mention I've removed. There's no offers of dedication, there's no Town roads, there's no sewer main extension. 26 will remain, or is there -- I'm sorry. There is a sewer main extension.

MR. HINES: Yes, there is. I think without a proper approval from the Health Department, other than getting the resolution and the few items like the school pick-up areas on the plan and straighten out the condition regarding the recreational facilities, I don't know that the Board is in a position to actually

ORCHARD HILLS

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2 grant you conditional final approval this
3 evening, although it's no more than an inch away
4 from you.
5 MR. WINGLOVITZ: I would beg the
6 Board's indulgence, just to avoid coming back
7 since it is pretty administerial at this point,
8 if the Board would consider waiving that typical
9 requirement because we actually did get at least
10 something from the Department of Health
11 indicating that the approval is being issued.
12 Actually, when I originally requested to get on
13 this agenda I didn't think, A, I would be so far
14 out in July, and B, I actually didn't expect I
15 would be in a position when I originally
16 requested to get on to request a conditional
17 approval. I assumed that we would discuss these
18 items and I would be back a second time. Since
19 it ended up being six weeks from my initial
20 request, just because you guys are very busy, we
21 were actually able to pull almost all of those
22 together in time for this evening's meeting. In
23 the interest of saving everybody's time I would
24 ask the Board to reconsider that and make that a
25 condition of the approval since we do have some

ORCHARD HILLS

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2 affirmative confirmation from the Department of
3 Health, which if anybody knows the Department of
4 Health, that's not easy to get.

5 CHAIRMAN EWASUTYN: Ross, we gave
6 consideration to the time factor that you're
7 discussing this evening and the Board thought
8 what we would do is we would hold off granting
9 final approval until we received the actual
10 stamped plans from the Health Department but we
11 would make it a Board business item.

12 MR. WINGLOVITZ: Okay. That's all I
13 can ask for.

14 CHAIRMAN EWASUTYN: When you receive
15 that, rather than bearing from what is the policy
16 of the Board we'll serve you in that manner.

17 MR. WINGLOVITZ: I thank you for your
18 consideration.

19 CHAIRMAN EWASUTYN: Karen, you had
20 something to say?

21 MS. ARENT: Yes. We need to put the
22 tree replacement note into the resolution, Mike.
23 The trees shall be replaced.

24 MR. DONNELLY: The clearing limits and
25 tree replacement. I thought that was here

ORCHARD HILLS

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already. I'll add it.

MR. WINGLOVITZ: I think you had a general reference to Karen's comments.

MS. ARENT: As well, there's no landscaping on the townhouses yet because the engineers are waiting for the architectural drawings. I don't know whether that could be part of --

MR. DONNELLY: ARB.

MS. ARENT: -- ARB.

MR. WINGLOVITZ: We had done some landscaping plans for the townhouses and then Karen had comments. I said Karen, we're going to get into detailed discussion. I don't know if there's going to be bump outs on these here until the fine architecture is done. I didn't want to invest a lot of time.

MR. DONNELLY: In the conditions reserving ARB I'll specifically note such plans shall include landscape plans for the townhouses.

MS. ARENT: Thank you.

CHAIRMAN EWASUTYN: Karen, the landscape installation bond that was presented, --

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MS. ARENT: I haven't had a chance to review that.

CHAIRMAN EWASUTYN: -- that wasn't itemized.

MS. ARENT: I'm going to have to have that itemized.

MR. DONNELLY: It's going to need to be broken into three phases.

MR. WINGLOVITZ: I could post it per phase of construction basically. Is that how --

MS. ARENT: Yes.

MR. WINGLOVITZ: I'll sit down with you and we'll go through the phases and figure that out.

MS. ARENT: That would be great.

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

MR. COCKS: No. All the comments were addressed at the previous submissions.

CHAIRMAN EWASUTYN: Ken Wersted, Traffic Consultant.

MR. WERSTED: Nothing.

CHAIRMAN EWASUTYN: Pat Hines, Drainage Consultant.

ORCHARD HILLS

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MR. HINES: Our comments have been previously addressed and the resolution is in order.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: Is no parking on the streets in the condo section addressed someplace there?

MR. DONNELLY: All of the Findings need to be incorporated into the condominium and homeowner's association bylaws and they need to be provided for that review. That hasn't been done yet. That sounds familiar, one of them. That's the idea, to check them against the Findings.

MR. WINGLOVITZ: There's a number of them in there I filled out myself.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Ed O'Donnell?

MR. O'DONNELL: Nothing.

CHAIRMAN EWASUTYN: Mike Donnelly, I

ORCHARD HILLS

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have one question for you in the nature of an application. Page 1 states 244 condominium units.

MR. DONNELLY: What is the present count?

MR. WINGLOVITZ: 250.

MR. DONNELLY: So it's 22 single-family homes and 250 --

MR. WINGLOVITZ: Condominium units, yeah.

MR. GALLI: 21 single?

CHAIRMAN EWASUTYN: 22 he's saying; correct?

MR. WINGLOVITZ: Correct.

CHAIRMAN EWASUTYN: The agenda was off by 1.

MR. DONNELLY: Thank you.

CHAIRMAN EWASUTYN: I'll move for a motion from the Board to set this up for a Board business action item once we receive the stamped approved plans from the County Health Department.

MR. MENNERICH: So moved.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich.

ORCHARD HILLS

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MR. BROWNE: Second.

CHAIRMAN EWASUTYN: I have a second by
Cliff Browne. Any discussion of the motion?

(No verbal response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. O'DONNELL: Aye.

CHAIRMAN EWASUTYN: Myself yes. So
carried.

MR. WINGLOVITZ: Thank you.

(Time noted: 7:39 p.m.)

CERTIFICATION

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

DATED: July 18, 2007

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

----- X

In the Matter of

THE MARKET PLACE
(2004-54)
Route 300
Section 60; Block 3; Lot 49.22
IB Zone

----- X

SITE PLAN

Date: July 5, 2007
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
CLIFFORD C. BROWNE
KENNETH MENNERICH
EDWARD T. O'DONNELL, JR.

ALSO PRESENT: DINA HAINES
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: ROBERT WILDER

----- X

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

THE MARKET PLACE

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3 CHAIRMAN EWASUTYN: The next item of
4 business we have this evening is The Market
5 Place. It's located on Route 300 in an IB
6 Zone and it's being represented by Bob Wilder
7 who is here this evening for a site plan
8 review.
9 MR. WILDER: Good evening, Board and
10 Mr. Chairman. I'm Robert Wilder with Wilder,
11 Balter Partners. We actually had a different
12 presentation for tonight which was a short Power
13 Point, and our understanding is we would like to
14 be able to do that. Is that a problem for the
15 Board? Only because it was part of our whole
16 presentation.
17 MR. DONNELLY: What was taken up during
18 the work session, if I may, was the fact that
19 neither the consultants nor the Board have had a
20 great deal of opportunity to look at your newest
21 set of plans. It's not a criticism of your team
22 because we know the work that was put into
23 putting them together, but they came at somewhat
24 of a late hour for the Board to review. The
25 Board felt that it would be better not using the
time this evening to discuss the particulars of a

THE MARKET PLACE

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2 plan they had not had a chance to study, and the
3 task at hand I think was twofold. One was to see
4 if the plans, the current plan set, is consistent
5 with or has incorporated the various findings,
6 and certainly we spent some time at the
7 consultants' meeting and we do see that most of
8 the findings have been added to the note pages,
9 but there's still more work that needs to be done
10 with that. Secondary, for there to be the kind
11 of technical review from the technical
12 consultants of drainage, and water, and sewer and
13 that so the processing of the application can
14 move forward.

15 The one thing that the Board noted and
16 was also mentioned during the consultants'
17 meeting was the impression that the lifestyle
18 center portion of the project seems to have
19 drifted from its original concept to something
20 else that's more, at least in part of it, a strip
21 mall-type presentation. The Board found that
22 something that caught their eye immediately.
23 There were other parts of the plans that in terms
24 of the visual elements don't seem to comply, even
25 on a quick look, with the Findings or with the

THE MARKET PLACE

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2 recently adopted design guidelines of the Town
3 Board. Now I'll try to leave to others if
4 there's any time to get into that what those
5 things are but they have to do with slopes and
6 locations and changed locations of buildings,
7 particularly the building most in the front where
8 it meets Route 300. While if when the
9 consultants spend more time with the plans and
10 their memos we can detail that, the Board thought
11 time would be better spent having the consultants
12 do that review, make those comments, bring them
13 to the Board's attention and put you back on the
14 agenda when the discussion could be a meaningful
15 one. That was what was discussed.

16 MR. WILDER: Everything you say is
17 correct except the presentation we're making
18 tonight really is very different than all the
19 things you just discussed. We're not here to
20 discuss all the merits of the technical comments
21 that our engineer is working on with Pat Hines or
22 working on with Karen or whatever. It's a very
23 different presentation. It's more of a visual
24 presentation to show really the life of the
25 lifestyle center because everybody today has been

THE MARKET PLACE

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2 looking at a plan like this which is definitely a
3 site plan, whether it's the exact same plan or a
4 slightly different plan. It's more important
5 that people understand what a lifestyle center
6 is. We've taken the opportunity over the last
7 six months to a year to visit half a dozen of
8 them. We just wanted to explain it to the Board
9 on a visual basis. We're not talking about
10 really the hard consulting comments. That was
11 the purpose of our presentation.

12 CHAIRMAN EWASUTYN: And I think that's
13 where the Board was in agreement, the visual
14 concept that we have visualized in the last year
15 or so has differed greatly from what we're seeing
16 now, and that's where we're going to turn to our
17 consultants to have them discuss with you some
18 concerns that we have and to come to an agreement
19 as to what it is visually the layout of this site
20 will look like. We have some concerns as far as
21 the slopes and the location of the proposed Cosco
22 building, the location of the tanks, the
23 servicing of the pumps. We have some concerns as
24 far as the visual impact along the Route 300
25 corridor, and even the off ramp onto 84. At this

THE MARKET PLACE

1 58
2 point the Board does not feel that they are
3 looking at and considering the same plan that
4 we've been reviewing for quite some time now. I
5 don't want to take a lot of time talking myself.
6 I'm going to turn to Frank Galli, Planning Board
7 Member, and begin discussing with the Board
8 Members so you get a sense of the direction we're
9 looking for.

10 Frank Galli.

11 MR. GALLI: The concern I had was the
12 visual effect when you come off of the ramp and
13 you're looking into the building now changed from
14 when we originally saw the plan. Now you're
15 seeing a massive row of center parking and
16 buildings on each end of it and receiving in the
17 middle. Before we had the lifestyle center it
18 was like a little main street U.S.A. type of
19 thing.

20 MR. WILDER: Can I address that
21 concern? Again, the problem is without being
22 able to give you a visual presentation it's hard.
23 I can just tell you that what was done here, all
24 the access into this lifestyle center, into this
25 main street has not changed at all from this

THE MARKET PLACE

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2 point forward. This lifestyle center is in the
3 range of 150,000 to 190,000 square feet. The road
4 and all the design of the road, the grades, the
5 grading and the parking is fundamentally the same
6 from this point forward. So you're coming down,
7 you're coming in, making a right-hand turn in
8 here, you're going through the main street and
9 you're coming out here which is identical,
10 identical to what we've been presenting,
11 virtually identical to what we have in the
12 F.E.I.S. plan. The change we made was really in
13 this section here because these buildings --
14 there used to be a crosswalk here, which is on
15 the visual presentation, too. This is the only
16 tool you're letting me use. Basically this was a
17 four-way intersection here which basically the
18 intersection has a few issues. Any time you have
19 a four-way intersection without traffic lights by
20 definition has a little bit of an issue. What
21 we're finding in a lot of the lifestyle centers,
22 the successful ones which we went to a half a
23 dozen of them, the smaller shops want to be
24 anchored, much the same way as any mall. The
25 malls twenty years ago, they wanted a Sears on

THE MARKET PLACE

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2 one end, a Penneys on the other end and the small
3 shops. Much of the same way while it's a
4 slightly different architectural look, they want
5 to have larger anchors. Not 100,000 foot anchors
6 but maybe 50,000 foot. The Barnes & Nobles of
7 the world, the Dick's Sporting Goods, the A.C.
8 Moores, the Pier Ones which are larger than --
9 which still fit into a lifestyle center but they
10 tend to be the larger tenants, not the smaller
11 ones. The purpose of that is to anchor them in
12 this area out in front. We just basically took
13 these buildings and pulled them apart and have a
14 bigger parking lot. Why do we do that, because
15 to some extent the tenants, these national
16 tenants have their own criteria. They pretty
17 much tell you where they will go and where they
18 won't go and what their criteria is. We find
19 from the larger tenants, I'm talking about
20 15,000 square feet or 12,000 feet and up, want
21 the parking out front rather and the parking
22 behind the building where you have to get out of
23 your car and walk around and get in. We actually
24 have made a modification here again which we
25 brought you which shows more landscaping in here

THE MARKET PLACE

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3 where we've tried to get a different scale, a
4 lifestyle kind of main street kind of scale, by
5 reducing the parking in here and putting a
6 forty-foot wide landscape corridor through here
7 which will change the look. As a matter of fact,
8 when you come off the exit here, 7N, as you come
9 off here and you're making a right-hand turn
10 you're actually looking into the fronts of these
11 buildings. The idea that you're looking into the
12 backs of the buildings isn't really necessarily a
13 correct comparison. We'll prepare site studies.
14 At this point what you see -- you're really
15 looking into the front. As you leave you're
16 looking into the front of these buildings at an
17 angle. The idea you're looking into the backs of
18 the buildings, it's not fair and it's not
19 correct.
20 MR. GALLI: I think the one statement
21 you did make was correct. Your tenants have a
22 criteria. Our Town has a criteria also. When you
23 change things around and you give us one day to
24 look at it --
25 MR. WILDER: Whether we give you
one day or six years, your point is well taken.

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2 If the Town won't accept it I agree with you.
3 We're not -- we agree with you.
4 So the lifestyle center has not changed
5 that dramatically but this piece has changed. If
6 the belief is that this piece can't be addressed,
7 we'll push these buildings back together again,
8 and if at a later date a tenant comes in here and
9 says this is what we want, we'll come back to the
10 Board and say we would like to have this tenant
11 here, this is the criteria, and the Board will
12 decide if they want that tenant or they don't
13 want that tenant. All the rest of this is
14 virtually the same as the F.E.I.S. site plan.
15 This building is the same, the road coming in
16 here. We'll talk about the Cosco building in a
17 second. The J.C. Penney building, Dicks will be
18 the same. This area between the F.E.I.S. and
19 today, because of the buffer laws as you know
20 requires 150 foot setback, the E.I.S. said 150
21 foot setback. This now has 180 foot setback. So
22 it's 30 feet greater than the buffer law. We
23 also as a requirement, and I think it was either
24 the buffer law or the Findings, I can't remember
25 which, we extended the ten-foot high sound

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2 barrier fence further to -- I'm calling it the
3 south and north although it's not exactly south
4 and north. We wrapped it around the corner here
5 and extended it out here.

6 MR. GALLI: That wasn't one of our
7 issues. Another issue we had was if we're at the
8 Cosco --

9 MR. WILDER: Let me finish. I want to
10 get to that. The only two areas we believe we
11 changed that have not been addressed in the
12 Findings are this area and the Cosco situation.
13 I agree with you. With respect to the Findings
14 Statement, we've actually put the Findings
15 Statement as requested by the Board on the plans.
16 The entire Findings Statement is now on the plans
17 and we believe that we've addressed all the
18 issues relative to the Findings Statement.

19 I'm just putting aside for a second
20 Cosco is a big building and this is a big
21 building but this is an 850,000 square foot
22 center. I don't want people to have the
23 impression we've made all these changes when in
24 fact we've really I believe addressed the two
25 issues.

THE MARKET PLACE

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MR. GALLI: That's all we're addressing, two issues.

MR. WILDER: That's fine. The other thing we put on the plan, we got close to DOT approval on the three what I'll call access entry points, one here where you have the round about, which I think was a requirement of the Findings Statement, it was part of our F.E.I.S., as well as working out the other two entrances and all the engineering and design virtually done for those.

I'm trying to think of what else. We've actually increased or moved some of the landscaping around in the buffer zone as required by the new buffer law and as set forth in the Findings Statement. So I think for the most part there have been no changes.

Let's talk about the Cosco building because that's an important element to this project. Cosco at this point -- we actually had a consultants' meeting and we invited Cosco because we don't want to get stuck between Cosco and the Town. On the one hand we're trying to do what the Town and the Town Planning Board wants

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2 us to do. On the other hand we're trying to do
3 what Cosco wants us to do. Cosco at this point
4 was very adamant that they wanted their -- they
5 call it a fueling facility, I call it a gas
6 station because it is what it is, in this
7 location. We have, since the beginning of our
8 negotiations with Cosco, tried to move it back
9 here. We have not been successful. As a result
10 of putting it out here and the requirement Cosco
11 has for parking in this area, as a result the
12 grades in some areas here are greater than two on
13 one. Where they are greater than two on one we
14 agree with Karen and the consultants that we're
15 going to have to add a retaining wall. It's our
16 only solution. If you're greater than two on one
17 all the geometry on this road going out just
18 can't be changed. We have DOT and Interstate 84
19 ownership over here. The grade as you know is
20 quite steep in here. We had to level it out.
21 All the geometry really can't be changed. The
22 other thing we can change is putting a retaining
23 wall in around 300 feet in this area to deal with
24 the grade so there's no rip rap in there, or B,
25 move the gas station back here. At this point

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2 Cosco says they're not prepared to move the gas
3 station. We received today -- today I think --
4 from Karen a memo requesting that, you know, they
5 strongly consider. I don't know if those were
6 Karen's words but it was clear from the memo
7 that's what Karen was saying. We immediately
8 sent it on to Cosco and said to Cosco it would be
9 very helpful if you would move the gas station
10 back here. Aside from where this building is,
11 this building really hasn't changed, whether we
12 moved it back or forward. What really happened
13 here is Cosco requested or required that we add
14 more parking here. The only way to do that is by
15 having the grades steeper than two on one here,
16 and we realize that's a Town concern. The size
17 of the building, the shape of the building, the
18 location of the building is really pretty much
19 the same as in the F.E.I.S.

20 CHAIRMAN EWASUTYN: Okay. Cliff
21 Browne?

22 MR. BROWNE: I understand you're a
23 sales guy, a successful sales guy too. We're not
24 here for a sales pitch. I'm not here for that.
25 When this plan came in, it's different than what

THE MARKET PLACE

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2 we saw, it's different than what the public saw.
3 I don't appreciate that part at all. We did not
4 review that. The public hasn't reviewed that.
5 In your opinion it hasn't changed. In our
6 opinion it has changed. We're the Board, okay.
7 When you left last time from here the direction
8 was to address the Findings, get them on the
9 drawing, come back with a revised plan. You
10 revised it but with stuff that was not in the
11 Findings. Your issue with your possible tenants
12 is not my issue. My issue is representing the
13 Town to make sure that what you put out there is
14 good and proper. This is different than what
15 you've been presenting. I don't want you to try
16 to sell me something like this yet. Our
17 consultants haven't had a chance to look at this.
18 It's different. I'm not saying it's bad. It's
19 different. We haven't seen it yet. As far as
20 the setbacks and the things along 300, it's
21 different. What I'm seeing here I don't like.
22 From your perspective it's not different. Mine
23 it is. Just leave it at that. I don't like that
24 part. I don't like the gas station. For you to
25 constantly change your drawings based on your

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2 possible tenants, that's not my problem. Not my
3 problem, it's your problem. You have to address
4 that with your people and have them comply to
5 what we need. It's that simple. Thank you.

6 CHAIRMAN EWASUTYN: Ken Mennerich?

7 MR. MENNERICH: I have the same two
8 concerns that have been mentioned already. I
9 think new visual simulations are going to be
10 needed if that front part of the project is going
11 to be changed because that lifestyle center, the
12 main street effect was to soften the effect of
13 the large box stores that are in the background.
14 Now it looks like we're going to have big stuff
15 in the front and then even bigger stuff in the
16 back with a bunch of little stuff in the middle.
17 I have a concern about the overall visual impact
18 of it, and also on the gas station. The gas
19 pumps certainly should be in the back. That's
20 what our Town design guidelines call for and
21 that's what I think it should be.

22 MR. WILDER: Okay.

23 CHAIRMAN EWASUTYN: Ed O'Donnell?

24 MR. O'DONNELL: There's not much left
25 to say. These folks have said everything. What

THE MARKET PLACE

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2 I would like to mention is I think it's extremely
3 important that we follow the rules and the
4 procedures. To give these folks a set of plans
5 two days ago and expect them to review them and
6 provide us with their technical comments is
7 totally unreasonable. I really don't want to
8 hear technical comments from you, I want to hear
9 it from them, then I can make a valued judgment
10 as to what's right for our Town and what isn't.
11 Until that happens I'm not prepared to listen to
12 you. I haven't listened to you up there because
13 I don't want to hear you. I want to hear from
14 them. They're the guys that count.

15 CHAIRMAN EWASUTYN: Okay. Karen, what
16 do you feel you need at this point? What
17 direction do you want to provide Mr. Wilder?

18 MS. ARENT: I think that we should
19 review the F.E.I.S. and the Findings Statement
20 and just to design the project so that we have --
21 to minimize the visual impacts along Route 300 in
22 accordance with the Findings Statement as well as
23 to review that proposed gas station because it's
24 even written right on the front cover of the
25 submitted documents that an alternative location

THE MARKET PLACE

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2 will be studied. We need to do that before we
3 can move forward on the plans. So I think that
4 if you have, you know, something -- it's
5 difficult to determine how far to proceed without
6 reviewing -- if there's going to be a revised
7 concept drawing we almost should meet again and
8 review the revised concept drawing before your
9 consultants proceed ahead with all the major
10 changes. We should review it in terms of the
11 visual impacts. If you're presenting a new
12 concept like this one along with the concept,
13 revise that sheet that's in the F.E.I.S. with all
14 the different line-of-sight profiles so the Board
15 can make an educated decision about how you're
16 mitigating the impacts and if it's the same as
17 the way in which it was presented in the F.E.I.S.
18 or hopefully better.

19 CHAIRMAN EWASUTYN: Bryant Cocks, would
20 you like to add anything at this time?

21 MR. COCKS: Just the fact that, you
22 know, this is a very different project,
23 especially in the front. Route 300 is a very
24 busy road in the Town of Newburgh that a lot of
25 people drive by every single day and now they're

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2 going to see two very large buildings very close
3 to the street. It wasn't what we studied before.
4 I think we have to take a good look at it because
5 if it doesn't conform with the Findings Statement
6 it's not allowed. I think we have take a look at
7 the Findings. If it doesn't conform they're
8 going to have to make revisions.

9 CHAIRMAN EWASUTYN: Pat Hines.

10 MR. HINES: I haven't had a chance to
11 review the technical items that were recently
12 submitted. We will be reviewing them and working
13 with the applicant's engineer. I know they have
14 been working very hard in getting the information
15 out. The holiday week didn't help them. We'll
16 take a look. If things are going to change we
17 would rather have them change now before we
18 undertake another series of technical reviews.
19 If that's going to change, the Planning Board
20 should be on board with the changes prior to
21 going through an exercise and reviewing a set of
22 plans that may once again change.

23 CHAIRMAN EWASUTYN: Mike Donnelly,
24 would you speak on behalf of the Planning Board
25 to give Bob Wilder a summary of what we're

THE MARKET PLACE

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2 looking for and the direction we're going in?
3 MR. DONNELLY: I think I'm hearing two
4 things. One is the Board does not want this
5 evening to look at this piecemeal. I think they
6 want a chance for the plans to be digested, to
7 have the technical memos delivered to them and
8 for the Board Members to have a chance to study
9 that plan with those consultants' memos so they
10 can formulate their own views and thoughts and
11 evaluate the changes and the solutions that you
12 have proposed. Number two, I'm hearing that the
13 issues that have hit the Board in terms of
14 immediate response without full study are those
15 of a visual nature, and I think the Power Point
16 presentation, not even knowing what's in it, I
17 think it will be helpful but it's just not the
18 right time. I also think it would be helpful
19 insofar as the two areas of concentration, the
20 forward part of the lifestyle center and the
21 Cosco building. However it is that you propose
22 it, that you have the appropriate visual analysis
23 that's similar to the visual analysis that was
24 done in the F.E.I.S. on the proposal as it then
25 stood so the Board can see the effect from the

THE MARKET PLACE

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2 important public view sheds that flow from the
3 changes that you've made. I think when those
4 consultants' memos are in and those additional
5 visuals are prepared, I think it would be the
6 right time for you to make the presentation of
7 what you propose and why so the Board can
8 consider whether it's consistent with the
9 Findings; and if it isn't consistent with them
10 what needs to be adjusted, tweaked or changed,
11 either in the Findings or in your plans, to allow
12 those things to move forward. You're hearing I
13 think the gut knee-jerk reaction of the Board,
14 the incomplete analysis of the consultants. The
15 Board needs some time, as do the consultants, to
16 digest this. I think you would be well served in
17 trying to supplement what you've submitted
18 already with whatever changed visual analysis you
19 would like to propose, and at that time I think
20 the slide show so to speak that you want to
21 propose that shows other lifestyle centers would
22 be helpful to the Board as they move forward.
23 CHAIRMAN EWASUTYN: Okay.
24 MR. WILDER: Thank you.
25 CHAIRMAN EWASUTYN: You're welcome.

THE MARKET PLACE

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(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.

DATED: July 18, 2007

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

----- X

In the Matter of

LANDS OF FINNIGAN
(2007-21)

71 Fifth Avenue
Section 70; Block 1; Lot 3
R-3 Zone

----- X

CONCEPTUAL SKETCH PLAN
TWO-LOT SUBDIVISION

Date: July 5, 2007
Time: 8:10 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
KENNETH MENNERICH
EDWARD T. O'DONNELL, JR.

ALSO PRESENT: DINA HAINES
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
KENNETH WERSTED

----- X

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

LANDS OF FINNIGAN

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CHAIRMAN EWASUTYN: The next item of business is the lands of Finnigan. The applicant's representative, Mike Aiello, called the Planning Board office to say that he would not be available this evening.

I'd like to move for a motion to reschedule the lands of Finnigan to our meeting of August 16th.

MR. GALLI: So moved.

MR. BROWNE: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. O'DONNELL: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

(Time noted: 8:12 p.m.)

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CERTIFICATION

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

DATED: July 18, 2007

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

----- X

In the Matter of

MINKA SUBDIVISION
(1999-49)

Union Avenue
Section 14; Block 1; Lot 48
R-1 & R-2 Zones

----- X

CONCEPTUAL SKETCH PLAN
EIGHT-LOT SUBDIVISION

Date: July 5, 2007
Time: 7:12 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
KENNETH MENNERICH
EDWARD T. O'DONNELL, JR.

ALSO PRESENT: DINA HAINES
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: MARK OLSON

----- X

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

MINKA SUBDIVISION

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CHAIRMAN EWASUTYN: The next item of business we have this evening is the Minka subdivision. It's a conceptual sketch plan for an eight-lot subdivision located on Union Avenue. It's zoned R-1 and R-2 and it's being represented by Mark Olson.

MR. OLSON: My name is Mark Olson with Hennessy, Olson Architects. This project has been in front of this Board a couple of times in the past. We've reduced it, we've changed it and we have pursued wetland mitigation with the DEC. We have a design now that Bob Torguson had prepared for us that we're working with the DEC on.

It is an eight-lot subdivision. The zoning as it stands is half acre I believe in the R-2 and then the RR I believe is two acres. We don't have anything here that is less than two acres on the whole site. We're looking to do this as sensitively as possible.

We've had several meetings with the DEC to discuss the crossing. We think that we've come to an agreement with them at this point. We've gone to Lanc & Tully for stormwater

MINKA SUBDIVISION

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2 management and erosion control, all part of the
3 package. I realize there were some comments from
4 Mr. Hines with reference to some of the content
5 in the set. A lot of that is being addressed as
6 we speak.

7 CHAIRMAN EWASUTYN: Okay. I'll turn to
8 our consultants for their comments. Pat Hines.

9 MR. HINES: Our first comment is it
10 looks like there's a reference for Health
11 Department approval for the septic system to be
12 sought as the percolation rates are in excess of
13 what would be permitted for residential houses.

14 MR. OLSON: There are two lots. I
15 believe it was lot 8 and lot 3 where we've
16 actually gone back and done shallower perks to
17 investigate alternative type systems. We're
18 coming up good with that. It may not be
19 necessary.

20 MR. HINES: We'll look for that in the
21 future.

22 The roadway cross section needs to be
23 added.

24 You have an application in to the DEC?

25 MR. OLSON: It's in.

MINKA SUBDIVISION

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MR. HINES: You realize the project has a 99 job number and we were hoping you would have a permit next time we saw you.

The plans need to be stamped by the appropriate professional, a surveyor, et cetera.

There's no well shown on lot 8.

MR. OLSON: The intent on lot 8 is actually to tie in to the municipal water line in Union Avenue.

MR. HINES: Is the parcel in the water district?

MR. OLSON: I believe it is.

MR. HINES: And why are we using wells in the rest of the site?

MR. OLSON: So as not to involve running a new water line all the way down.

MR. HINES: We're going to need to check with Jim Osborne on that. I don't know if that's allowed, to have wells in the water district.

MR. DONNELLY: Most ordinances --

MR. OLSON: It was a suggestion at a workshop that we had, you know, in '05 I think that we investigate looking in to providing wells

MINKA SUBDIVISION

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2 rather than extending the water. 82
3 MR. HINES: I don't know if -- it was
4 suggested by who?
5 MR. OLSON: I think it was Osborne
6 himself.
7 MR. HINES: Okay. Just check with him
8 on that.
9 The grading needs to be cleaned up on
10 the front of the first lot. It states 200 to
11 400.
12 The sizing of the pipe crossing the DEC
13 wetlands needs to be addressed.
14 The stormwater report prepared by Lanc
15 & Tully, are you still using that?
16 MR. OLSON: Yes.
17 MR. HINES: I need to get another copy
18 of it.
19 MR. OLSON: I was under the impression
20 you had one.
21 MR. HINES: I probably did. The file
22 is not updated. I need to see that again.
23 MR. OLSON: Sure.
24 MR. HINES: That's all we had.
25 CHAIRMAN EWASUTYN: Okay. Bryant

MINKA SUBDIVISION

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Cocks.

MR. COCKS: Our first comment was just regarding the change in the lot count. It was originally twenty-four at one point, we did lead agency and it was at five, now it's an eight-lot subdivision so we're probably going to have to recirculate for lead agency because of the change.

It doesn't seem to need any variances.

The bulk tables need to be revised to show actual dimensions for each lot.

We're going to need an engineer's and surveyor's seals and signatures on the plans.

We need a signed owner's consent note.

We're going to need to see snow storage easements in the cul-de-sac.

I like how the lot layout was designed so that really no one is going to be looking in other people's houses. They're kind of angled away from each other. I just made the comment we liked where the houses were laid out on each lot.

I just made the comment Pat is going to be reviewing the wetlands but it's going to be a major issue since they're so extensive on the

MINKA SUBDIVISION

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site.

We'd like to see some type of entryway. I mean there's a lot of cars on Union Avenue, a lot of people pass by it. We would like to see some kind of nice landscaping, a rock wall or something coming in.

The Babcock lot is also very close to the proposed private road. We're asking to see any kind of screening. That was about it.

CHAIRMAN EWASUTYN: Karen Arent.

MS. ARENT: On the Babcock lot that Bryant spoke about, there's a stonewall that runs along that property line and your grading plan is proposing to take out that stonewall. We want to make sure that stonewall remains.

Lot 2 should coincide with the stonewall adjacent to the wetland mitigation area. This stonewall should remain intact, and since it creates a visible property land demarcation it doesn't make sense for the other lot to have it. There's big wetlands between it. It would make sense to add it to lot 2.

The gray dashed line, it appears that's the clearing limit line and it's very jagged and

MINKA SUBDIVISION

85

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2 doesn't seem like it would be easy for machinery
3 to operate the way that line is shown on the
4 drawings. If you could consider the actual
5 practicality of that line and maybe smooth it out
6 and make it more easy to observe. We're also
7 going to ask you to fence that line before
8 construction begins.

9 MR. OLSON: Mm'hm'.

10 MS. ARENT: And put those notes on the
11 drawing.

12 Also include a note on the drawing that
13 includes tree replacement for the amount of trees
14 being removed inadvertently.

15 Street trees should be shown on the
16 drawing.

17 CHAIRMAN EWASUTYN: Comments from Board
18 Members. Frank Galli?

19 MR. GALLI: I think he has his work cut
20 out for him. Good luck.

21 CHAIRMAN EWASUTYN: Cliff Browne?

22 MR. BROWNE: On the issue with the
23 wells versus the Town water, if that's a Town
24 requirement is that something that Jim Osborne
25 can just say okay to or --

MINKA SUBDIVISION

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MR. HINES: I don't know. I'll have to look at that. My initial reaction is if it's in the water district it's going to have to have water.

MR. DONNELLY: Most municipalities prohibit it. Maybe there's a different approach in our code. We'll have to look.

MR. BROWNE: And I might have missed it. Was there anything addressed with the adjacent property to the entryway going in?

CHAIRMAN EWASUTYN: Babcock.

MR. BROWNE: Okay. All right.

MR. HINES: They're going to preserve that stonewall.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Ed O'Donnell?

MR. O'DONNELL: Nothing.

MR. DONNELLY: I'm looking at the map to see if this requires a referral to Orange County.

CHAIRMAN EWASUTYN: I was thinking the same thing.

MR. DONNELLY: It looks like it's near

MINKA SUBDIVISION

1 87
2 87 but I can't tell how close.
3 CHAIRMAN EWASUTYN: Do you know how
4 close you are to Route 87?
5 MR. OLSON: We're prior to Chapel,
6 so --
7 CHAIRMAN EWASUTYN: Bryant, can you
8 scale it out?
9 MR. DONNELLY: The other issue is
10 whether you want to redesignate yourself.
11 CHAIRMAN EWASUTYN: We should do that.
12 MS. ARENT: Unfortunately the location
13 maps aren't to scale. It looks close.
14 MR. HINES: It is pretty close.
15 CHAIRMAN EWASUTYN: I'll move for a
16 motion to --
17 MR. HINES: You don't want to get
18 caught a year down the road here.
19 CHAIRMAN EWASUTYN: -- declare our
20 intent for lead agency, to grant conceptual
21 approval and to circulate to the Orange County
22 Planning Department.
23 MR. GALLI: So moved.
24 MR. O'DONNELL: Second.
25 CHAIRMAN EWASUTYN: I have a motion by

MINKA SUBDIVISION

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Frank Galli. I have a second by Ed O'Donnell.
I'll ask for a roll call vote starting with Frank
Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. O'DONNELL: Aye.

CHAIRMAN EWASUTYN: Myself yes. So
carried.

Would you provide Bryant Cocks with the
necessary plans to circulate to the Orange County
Planning Department and also for intent for lead
agency?

MR. OLSON: Certainly.

CHAIRMAN EWASUTYN: Thank you.

MR. HINES: When you or Bob Torguson
are doing the wetlands permit, can you copy us on
that?

MR. OLSON: cc the Planning Board?

MR. HINES: The Planning Board, yeah.

(Time noted: 8:22 p.m.)

CERTIFICATION

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

DATED: July 18, 2007

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

----- X

In the Matter of

MANSION
(2007-20)
Route 17K
Section 94; Block 1; Lot 58
IB Zone

----- X

CONCEPTUAL SITE PLAN

Date: July 5, 2007
Time: 8:22 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
KENNETH MENNERICH
EDWARD T. O'DONNELL, JR.

ALSO PRESENT: DINA HAINES
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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

MANSION

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CHAIRMAN EWASUTYN: The last item of business we have this evening is the Mansion located on Route 17K in an IB Zone. It's a conceptual site plan being represented by Charlie Brown.

MR. BROWN: I'm here on behalf of my client, Keith Lipstein. The proposal is for a cabaret steakhouse. The property is actually two lots. It fronts on 17K right between the Auto Auction entrance and our application for the JCM Granite which is right next to this. It will be a topless steakhouse. Sixty percent restaurant as far as the area, forty percent --

MR. DONNELLY: What kind of steakhouse?

MR. BROWN: Topless. We met with the DOT. We would have limited access at the entrance. It will be a right turn out, no left turns out.

We're proposing to bring Wells Street up to Town specs which would be a continuation of what our proposal is there for JCM Granite.

We're here before the Planning Board today to actually get a response on the proposed use because my client has an option on the

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property. If it's something that's not permitted by zoning or if the Planning Board thinks inappropriate, he would not exercise his option.

CHAIRMAN EWASUTYN: Mike, do you want to bring us along on the parking issue?

MR. DONNELLY: One of the issues that we spoke about earlier is you proposed to use an area on the other side of a paper street. It raises two issues. One is that another applicant also proposes to use that area for parking for his project, and that needs to be clarified. The second is if he is not going to and you are, that would make the primary use of that site parking, and parking is not a use. You would need to either purchase that and attach it to your land or you couldn't utilize that as part of your required parking. The last issue is since that paper street doesn't seem to be used, we think it would make sense for you to approach the Town Board and see if they might be willing to abandon that and convey that land to you because it could be better utilized for your site. I forget the name of the project.

MR. HINES: JCM Granite.

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MR. BROWN: I think that's on the right side. I read Bryant's comments. JCM is over here. We have no proposed --

MR. COCKS: I thought it was the lot in back.

MR. BROWN: JCM also fronts on 17K.

MR. DONNELLY: Who is the owner of the other portion of the lot? Is it your client?

MR. BROWN: He has an option on both lots.

MR. DONNELLY: So they could be merged if you did that?

MR. BROWN: Correct.

MR. DONNELLY: That would solve the primary use on the other land. It might make sense if this moved down the road to see if the Town would abandon the roadway.

MR. BROWN: There's no chance it could be continued through? Actually, the Auto Auction, I checked that today, their guard booth is right about right there.

MR. DONNELLY: I would think it might make sense for you to pay a visit to the Town Board.

MANSION

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MR. BROWN: Okay.

CHAIRMAN EWASUTYN: Ken Wersted, you had some comments to make as far as traffic.

MR. WERSTED: At my initial look at this I was surprised to see that the site driveway was so close to the intersection. You said that DOT has already looked at it?

MR. BROWN: They'll allow us a right turn out. They can enter from both directions, exiting would be right out only.

MR. WERSTED: Okay. That was my largest concern in terms of getting in and out of the site was it's so close to the signal that sometimes it's hard to turn out.

MR. DONNELLY: I was looking at the use issue. I assume Bryant looked at that.

CHAIRMAN EWASUTYN: Karen, do you want to begin reviewing the new Town guideline standards for this?

MS. ARENT: The building is located -- the front of the building at least is located without parking between it and the road which is in accordance with the guidelines. Before I realized what kind of actual use it was I thought

MANSION

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2 maybe since it had valet parking it was going to
3 be something where you might want a garden or
4 some kind of space in the back, but perhaps --
5 MR. BROWN: My client has no problem
6 doing extensive landscaping.
7 MS. ARENT: It would be nice to see
8 maybe that road abandoned and moving the parking
9 back to give you some room to make it beautiful
10 and to locate the large trees at the wetlands
11 that could possibly be saved and put them on the
12 inventory.
13 MR. BROWN: Sure.
14 MS. ARENT: That's about it.
15 CHAIRMAN EWASUTYN: Karen, they're
16 going to be limited as far as screening or even
17 carrying the same visual effect that the Auto
18 Auction has with their berms and their stonewalls
19 due to the fact they have wetlands, that they
20 wouldn't be able to plant in front of the
21 property.
22 MS. ARENT: It's pretty thick but we'll
23 have to -- it would be important to try to save
24 as much of the existing vegetation as possible.
25 They are showing the stormwater area where it

MANSION

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2 would be difficult to screen for parking,
3 especially from -- you're going to have to
4 provide screening of the parking from traveling
5 west on Route 17K because you don't have that
6 much space. The proposed parking is by the
7 property line. Maybe some of those --

8 MR. BROWN: Along here?

9 MS. ARENT: Yes. So you'll have to
10 look at providing screening in there. Maybe you
11 could reconfigure some of the parking and try to
12 get more green space around the building, more
13 green space to screen the parking. I think from
14 this direction the -- when you travel east the
15 building will screen most of that parking. The
16 Auto Auction site, that's fairly wooded. As long
17 as we can preserve as much of that vegetation as
18 we can I think we'll be okay there. It's when
19 you're traveling west is where there's going to
20 be a big view. That needs to be screened.

21 CHAIRMAN EWASUTYN: Bryant and Mike,
22 have you had a chance to look at this?

23 MR. DONNELLY: Charlie listed it as D6
24 on the table. Right?

25 MR. BROWN: Which is a restaurant.

MANSION

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MR. DONNELLY: The issue is whether the cabaret is --

MR. COCKS: They don't have adult uses defined. Restaurants are allowed. I'm not sure about the whole adult use component of it.

MR. BROWN: That's why we're here tonight. I didn't see it anywhere in the code either.

MR. HINES: You just broke it to us tonight.

MR. GALLI: The Town has a ban on adult uses in certain areas.

MR. DONNELLY: I don't see the narrative here. We're going to need to look at that. I don't know, since we haven't had these, where the uses are zoned in the Town. Typically there's an area where they are zoned.

MR. COCKS: There's no adult use definition, there's no section on this.

MR. BROWN: It's really not addressed at all in the Zoning.

MR. COCKS: We just looked and didn't see it either.

MR. HINES: The restaurant use is

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definitely allowed.

MR. DONNELLY: I'll have to get back to you. We haven't had one for me to look at the ordinance. I know you have an issue with timing but I can't help you there. I wouldn't want to give you the wrong answer and cause you trouble. I need to look at it.

MR. LIPSTEIN: I need to exercise the option tomorrow.

MR. BROWN: How soon would we be able to get an answer on that?

MR. DONNELLY: I can get an answer to the Board next week as to what the ordinance says. It may be if it's unclear it needs to go to the Zoning Board for some clarification. I can't tell you what the letter is going to say but I can get the letter done next week.

MR. HINES: There are other issues with the Town road and paper street going through there.

MR. BROWN: We wouldn't have a problem --

MR. HINES: If the Town doesn't do it you don't have the parking.

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MR. DONNELLY: Unless they merge the parcels and they own them all they can do it. It would be unfortunate to have them split the way it is.

MR. HINES: How would they merge them with a Town road between them?

MR. DONNELLY: The Town would have to consent to its utilization or abandon it. It would have to be solved one way or the other.

MR. GALLI: Can't you call the building department and ask them if it's allowed, if you can have a topless restaurant?

MR. DONNELLY: I want to look at the ordinance and see. I don't know Jerry would know the answer off the top of his head. He doesn't receive that call that often.

MR. BROWN: Pleasure Island is in the IB Zone, which this is also.

CHAIRMAN EWASUTYN: I don't know if that's IB anymore.

MR. BROWN: I thought they went from IB to B.

CHAIRMAN EWASUTYN: From IB to B it went to?

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MR. DONNELLY: It might be nonconforming and protected. I don't know. I never had occasion to study the ordinance on that.

MR. BROWN: Pleasure Island was in the IB which is now a B. The Blue Moon is in a B Zone.

MR. HINES: They may have been there before the ordinance.

MR. O'DONNELL: You don't want to get it right? You want us to make a call tonight and be wrong? What do you want to do? The guy told you he would write you a letter next week telling you what the use is going to be. Is that not good enough?

MR. BROWN: My client is on a very short time.

MR. O'DONNELL: You should have came here earlier. Send us a letter. He can't make the ruling unless he researches it.

MR. BROWN: Okay. Thank you.

(Time noted: 8:32 p.m.)

CERTIFICATION

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

DATED: July 18, 2007

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

----- X

In the Matter of

DRURY HEIGHTS
(1994-41)

Preliminary Approval

----- X

BOARD BUSINESS

Date: July 5, 2007
Time: 8:33 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
KENNETH MENNERICH
EDWARD T. O'DONNELL, JR.

ALSO PRESENT: DINA HAINES
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
KENNETH WERSTED

----- X

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

DRURY HEIGHTS

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CHAIRMAN EWASUTYN: At this point in the meeting we're going to refer to our Board business agenda, and that's the discussion of the Drury Heights preliminary approval.

Mike, you prepared a resolution for us.

MR. DONNELLY: Yes. As you know, when this was last on I had not prepared the resolution and the Board traditionally has them before them when they do this. We met at the consultants' meeting and we went over the status of the other agency approvals and I prepared this resolution as a draft. I think we'll need to hear from your consultants as to whether any parts of it are inaccurate. I certainly need a revised plan set on page 2, but that's not a particularly difficult thing to have. This is based upon the return of this land to its R-3 zoning status.

The resolution is one for preliminary subdivision approval because there are certainly other agency approvals that are required. The crux of the resolution conditions begin on page 4. Karen told us at the work session that there are some outstanding items per her memo of

DRURY HEIGHTS

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2 February 20, 2006. While that sounds like a long
3 time ago, recognize that for the period of time
4 when the ordinance had been vacated there was no
5 reason for the applicant to move forward to
6 resolve those. So they would have to be resolved
7 before final approval.

8 The driveway access has to be approved
9 by the Orange County Department of Public Works.
10 If any of my conditions are incorrect, correct me
11 as I go.

12 We had talked at the work session about
13 the need to have detailed plans of the sidewalk
14 connections. Brian Brooker said there are
15 several alternatives and he would provide those
16 as part of the final plans. We need an Army Corp
17 sign off for permits as the case may be. Most
18 importantly we need Orange County Department of
19 Health, realty subdivision, water main extension
20 approval, from the DEC we need sewer main and
21 stormwater SPDES. The Town Board will need to
22 create and approve a drainage district. I think
23 that application may have been made but it has
24 not been ruled upon. Street trees on the final
25 plans. Town Board approval of the roadways. The

DRURY HEIGHTS

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2 creation of sewer, water and lighting districts.
3 A requirement of a developer's agreement to
4 incorporate the various on-site and off-site
5 improvements. I believe there was a proposed
6 homeowner's association and I think in the
7 Findings we had a requirement that they be
8 reviewed by the town attorney.

9 Jan.

10 MS. ULMAN: There were a couple of
11 things that were to be an alternative. Either
12 the Town Board might choose to accept dedication
13 or they might want a homeowner's association. So
14 if the condition could be either or. The same
15 actually with the districts. They may want us to
16 have outside user status, or be part of a
17 district, or create districts to give the Town
18 Board the alternatives.

19 MR. DONNELLY: In 13 I'll put if
20 required by the Town Board.

21 MR. HINES: Weren't there portions of
22 the land that clearly the Town wouldn't be
23 interested in accepting until --

24 MS. ULMAN: It was my understanding
25 that the question was whether there was going to

DRURY HEIGHTS

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2 be a homeowner's association at all. So if the
3 condition could read either the homeowners or the
4 land dedicated to the Town and then just put the
5 alternative in the condition, then it would cover
6 all bases.

7 MR. HINES: That's fine.

8 MR. DONNELLY: We can work on that.

9 MS. ULMAN: And the same thing with the
10 districts versus outside user and which
11 districts, because again it was not certain what
12 districts, either for water or sewer I believe.
13 That was another question.

14 MR. DONNELLY: Which number was that?

15 MS. ULMAN: Mr. Demuro said that was
16 mostly -- actually, I don't have --

17 MR. HINES: The question as to whether
18 it's Colden Park Sewer District or Crossroads.

19 MS. ULMAN: I don't have the final
20 draft. I only have an earlier draft because I
21 think -- I know you were out of town so it was a
22 little bit difficult. There were a couple issues
23 I wanted to go through with you. You were of
24 course out of town. Not your fault at all.
25 There's no way you could have. There was one

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2 other thing -- there were a couple other things
3 you may or may not have already dealt with. I'll
4 wait until you get to them, if you get to them.

5 Did you get all my --

6 MR. DONNELLY: It did fax this to you
7 but maybe it was too late in the day.

8 MS. ULMAN: I probably left.

9 MR. DONNELLY: I sent it --

10 MS. ULMAN: I appreciate that. I might
11 just not have seen it.

12 MR. DONNELLY: The next one says this
13 approval is conditioned upon the applicant
14 obtaining approval of the Town Board to supply
15 sewer service to the project or entering into an
16 out-of-district user agreement -- I'm sorry, and
17 entering into an out-of-district user agreement
18 with the Town Board. We'll simply defer to the
19 Town Board on all of those. We'll need a
20 landscaping plan, I think in particular for the
21 entrance way is what we talked about.

22 MS. ULMAN: That changed to an or?

23 MR. DONNELLY: I'm sorry. It should be
24 and. I'm just saying we'll defer -- I'll put in
25 front of all of these if required by the Town

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Board, --

MS. ULMAN: Okay.

MR. DONNELLY: -- that way we can leave open the possibility we'll defer to them.

MS. ARENT: Mike, you need a landscape plan that addresses the landscaping proposed in the F.E.I.S., or is it the D.E.I.S.? In the Environmental Impact Statement.

MR. DONNELLY: 16 was a requirement -- by the way, last year there was the issue of how to handle the pending litigation. The Town Board feels it does not need to enter into any stipulation and that condition 16 simply says that the applicant shall, and I don't think this is any problem for you, before requesting final subdivision approval from this Board notify the Town Board in writing of its intent to seek final subdivision approval so they're put on notice.

MS. ULMAN: I would actually prefer that you leave that out.

MR. DONNELLY: Well I think we're going to keep it in. All you have to do is copy them on your letter to us and it's satisfied. We don't want to see the ball drop.

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MS. ULMAN: I mean it's an unusual condition. It's not really related to subdivision.

MR. DONNELLY: Rather than enter into a stipulation with other counsel who is appointed by the insurance company, all we want is a notice of provision. Copy them on your letter of transmittal to us. That's all we're asking for.

MS. ULMAN: It's not really -- I mean we're not getting --

MR. DEMURO: It's just a copy to them.

MS. ULMAN: We're not getting the same notice in return that Exiter got in exchange. There's no reason for it.

MR. DONNELLY: I wouldn't have any problem with asking the Town Board to give you that same notice.

MR. DEMURO: I can't see a notice being any problem.

MS. ULMAN: It doesn't seem like a fair condition.

MR. DEMURO: Okay.

MR. DONNELLY: Then those conditions will be incorporated into the final approval

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2 showing the clearing limits in the field. The
3 ten-lot ARB, that will be required. MR. DEMURO:
4 I'm sorry. What was that?
5 MR. DONNELLY: You have more than ten
6 lots in the subdivision, you have to comply with
7 the architectural review provisions --
8 MR. DEMURO: Right.
9 MR. DONNELLY: -- of the ordinance. A
10 street scape and recreational space plan shall be
11 included in the final plan submission. We
12 discussed that in the work session.
13 MS. ULMAN: I think that was going to
14 be deleted because that wasn't related to us.
15 MR. DONNELLY: I think --
16 MS. ARENT: There is a recreation
17 space.
18 MR. DONNELLY: You hadn't proposed
19 whether it was a playground or picnic. We just
20 want to see a proposal.
21 MS. ARENT: They have a field, an open
22 field.
23 MR. DONNELLY: Is anything missing?
24 MS. ARENT: Only who is going to take
25 care of that.

DRURY HEIGHTS

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MR. DONNELLY: That will be in the homeowner's association. You're correct, we don't need that condition.

There will be a landscape bond, a stormwater improvement security, a water main extension security, a sewer main extension security, a Town road security, there will be offers of dedication for the roadway, and lastly the imposition of payment of fees in lieu of parklands.

MS. ULMAN: I would like to request that be just clarified to state that it was done for each phase because the project --

MR. DONNELLY: Which part?

MS. ULMAN: The bonding. The project is going to be done in phases so the bonding will be in phases.

MR. DONNELLY: I don't have a problem if that's what you're proposing.

MR. HINES: We don't have a phasing plan.

MS. ULMAN: It was my understanding that there was.

MR. DEMURO: With did make a phasing

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plan.

MS. ULMAN: There was a phasing plan.

CHAIRMAN EWASUTYN: There might have been five phases.

MR. DEMURO: I believe so.

CHAIRMAN EWASUTYN: There were five phases proposed for this. I remember, he's right, there were phases proposed.

MR. HINES: They'll get preliminary approval and final on each phase then.

MR. DONNELLY: Preliminary on the whole thing.

MS. ULMAN: The bonding is for the phases.

MR. HINES: So will the final approval then.

MR. DONNELLY: You would come in for final on each phase, so we can handle the bonding at that point. We're just announcing these things will be required later and we'll take --

MS. ULMAN: Leave it the way it is then.

CHAIRMAN EWASUTYN: Can you help me with something?

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MS. ULMAN: Excuse me. Yes.

CHAIRMAN EWASUTYN: For the record would you give your name? The Stenographer is recording what you're saying.

MS. ULMAN: Jan Ulman, Attorney for the applicant. I've given you my card.

CHAIRMAN EWASUTYN: Thank you.

MR. DONNELLY: Those are the conditions.

MR. DEMURO: Can I just have a moment with my attorney?

CHAIRMAN EWASUTYN: For the record would you give your name?

MR. DEMURO: Lane Demuro, I am the applicant.

(Pause in the proceedings.)

MS. ULMAN: So the condition is staying the way it is and we'll worry about it at final.

MR. DONNELLY: That's simply announcing things. We'll take care of the bonding phase by phase when you come in for final approval.

MS. ULMAN: The other thing I wanted to know, and I don't know if you want to deal with it here or later, the tax lot numbers are not

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correct.

MR. DONNELLY: I would appreciate any correction you have on that.

MS. ULMAN: Just one of them is incorrect. It's the tax lot numbers were changed when the land swap was --

MR. DONNELLY: Give me the new ones.

MR. DEMURO: One is 89-1-4.42 and the other one is 89-1-6.

MS. ULMAN: That you've got.

MR. DONNELLY: Fine. Have Brian send me an updated plan set because I'm sure I need a full plan set to be recited in here. If he gives it to me in an e-mail, spreadsheet, however he wants to do it.

CHAIRMAN EWASUTYN: Final comments from our consultants. Pat Hines?

MR. HINES: I have none.

CHAIRMAN EWASUTYN: Bryant Cocks?

MR. COCKS: We have no comments.

CHAIRMAN EWASUTYN: Karen Arent?

MS. ARENT: No comments.

CHAIRMAN EWASUTYN: Ken Wersted?

MR. WERSTED: None.

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- 2 CHAIRMAN EWASUTYN: Final comments from
- 3 Board Members. Frank Galli?
- 4 MR. GALLI: None.
- 5 MR. BROWNE: It's been a long time.
- 6 MR. MENNERICH: None.
- 7 MR. O'DONNELL: None. I had a lot more
- 8 here when we started.
- 9 CHAIRMAN EWASUTYN: Mike, would you
- 10 like to add anything further at this point?
- 11 MR. DONNELLY: No.
- 12 CHAIRMAN EWASUTYN: I'll move for a
- 13 motion to grant preliminary subdivision approval
- 14 for Drury Heights subject to the conditions of
- 15 the resolution of approval by our Attorney, Mike
- 16 Donnelly.
- 17 MR. GALLI: So moved.
- 18 MR. O'DONNELL: Second.
- 19 CHAIRMAN EWASUTYN: I have a motion by
- 20 Frank Galli. I have a second by Ed O'Donnell.
- 21 Any discussion of the motion?
- 22 (No verbal response.)
- 23 CHAIRMAN EWASUTYN: I'll move for a
- 24 roll call vote starting with Frank Galli.
- 25 MR. GALLI: Aye.

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MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. O'DONNELL: Aye.

CHAIRMAN EWASUTYN: Myself yes. So
carried. Thank you.

MR. DEMURO: Thank you very much.

MS. ULMAN: Thank you, Mr. Chairman,
Members.

(Time noted: 8:45 p.m.)

CERTIFICATION

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

DATED: July 18, 2007

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

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In the Matter of

QUARTERLY SITE INSPECTION

August 2007

----- X

BOARD BUSINESS

Date: July 5, 2007
Time: 8:45 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
KENNETH MENNERICH
EDWARD T. O'DONNELL, JR.

ALSO PRESENT: DINA HAINES
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
KENNETH WERSTED

----- X

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

BOARD BUSINESS

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2 CHAIRMAN EWASUTYN: It may be too early
3 tonight, maybe it isn't. We have one other
4 meeting in July. I would like to know by our
5 next meeting what Saturday would be available for
6 us to go on a quarterly site inspection. If you
7 want to do something in the evening let me know.
8 I would like to try and get together in August.
9 Dina, would you remember to put this
10 under Board business one more time.
11 MS. HAINES: The next meeting. Okay.
12 CHAIRMAN EWASUTYN: At this point I'm
13 going to move for a motion to enter into
14 executive session and discuss pending litigation.
15 MR. GALLI: So moved.
16 MR. O'DONNELL: Second.
17 CHAIRMAN EWASUTYN: I have a motion by
18 Frank Galli. I have a second by Ed O'Donnell.
19 I'll ask for a roll call vote starting with Frank
20 Galli.
21 MR. GALLI: Aye.
22 MR. BROWNE: Aye.
23 MR. MENNERICH: Aye.
24 MR. O'DONNELL: Aye.
25 CHAIRMAN EWASUTYN: Myself. So

BOARD BUSINESS

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carried.

(The Planning Board went into executive session from 8:45 p.m. until 9:14 p.m.)

CHAIRMAN EWASUTYN: I'll move for a motion to resume the regular meeting.

MR. GALLI: So moved.

MR. O'DONNELL: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by Mr. O'Donnell. I'll move for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. O'DONNELL: Aye.

CHAIRMAN EWASUTYN: And myself. So carried.

The last thing I'll move for is a motion to close the Planning Board meeting of July 5th.

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by

BOARD BUSINESS

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Frank Galli. I have a second by Ken Mennerich.
I'll ask for a roll call vote starting with Frank
Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. O'DONNELL: Aye.

CHAIRMAN EWASUTYN: Aye. So carried.

(Time noted: 9:15 p.m.)

CERTIFICATION

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

DATED: July 18, 2007

