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

----- X
In the Matter of

THE POLO CLUB
(2006-09)

Route 300 south of Jeannie Drive
Section 39; Block 1; Lots 1, 2.12 & 78.1
R-3 Zone

----- X

AMENDED SITE PLAN

Date: September 1, 2011
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
JOSEPH E. PROFACI
THOMAS P. FOGARTY
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ

----- X

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

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THE POLO CLUB

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MR. BROWNE: Welcome to the Town of Newburgh Planning Board meeting of September 1, 2011. 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.

CHAIRMAN EWASUTYN: Present.

MR. PROFACI: Here.

MR. FOGARTY: Here.

MR. WARD: Present.

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

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield, Code Compliance Supervisor, Town of Newburgh.

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THE POLO CLUB

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

MR. COCKS: Bryant Cocks, Planning
Consultant.

MS. ARENT: Karen Arent, Landscape
Architectural Consultant.

MR. BROWNE: Thank you. At this time
I'll turn the meeting over to Joe Profaci.

MR. PROFACI: Please rise to salute the
flag.

(Pledge of Allegiance.)

MR. PROFACI: If you have any
electronic devices, phones, pagers, please turn
them off. Thank you.

MR. BROWNE: Thank you. Our first
order of business is The Polo Club, project
number 2006-09. It's an amended site plan being
presented by Ross Winglovitz.

MR. WINGLOVITZ: Good evening. Ross
Winglovitz from Engineering Properties here on
Behalf of Meadow Creek Development regarding The
Polo Club, as Cliff had mentioned.

We were here on this project for an
amended site plan back in May of 2009. We worked

1 through the site plan. The amendment was -- it
2 was originally a clubhouse and recreation in this
3 location. We relocated the recreation and
4 actually made it smaller. It was a very large
5 clubhouse. We made it into a cabana and pool
6 with a play area. We kind of reworked it and
7 spread buildings out a little bit around the
8 site. We now have 138 units in lieu of the 133
9 or 130 we had previously.

11 One of the issues also was there was an
12 emergency access -- that was kind of the last
13 issue that we talked about. There was an
14 emergency access that we had an easement
15 agreement for in this location. That agreement
16 never came to fruition. We proposed an
17 alternative emergency access to the loop road.
18 We had brought a figure in on eight-and-a-half by
19 eleven, I think, and went around the Board. What
20 we did submit at this point was the overall plan
21 showing that emergency access and a detailed
22 landscaping plan for the emergency access.

23 The other thing that we dropped the
24 ball on was the Board directed us at that point
25 to prepare a draft amended findings statement.

1
2 For some reason we dropped the ball and went off
3 and started pursuing our approvals which we were
4 in the middle of and never did that. When we
5 went back and looked at our records, we realized
6 that. I had contacted Michael and prepared that
7 draft and circulated it.

8 I attended a work session last week
9 with the professionals discussing the draft
10 findings and submitted the plans that you have
11 before you this evening. So we're here for any
12 discussion you may have regarding the matter.

13 CHAIRMAN EWASUTYN: Comments from our
14 consultants. Jerry Canfield?

15 MR. CANFIELD: I have nothing
16 outstanding. The relocation of the emergency
17 access is acceptable. As Ross had indicated,
18 with the loop road system it does not create any
19 problems.

20 CHAIRMAN EWASUTYN: Pat Hines, Drainage
21 Consultant?

22 MR. HINES: We don't have any
23 outstanding comments. Just to advise the
24 applicant that window to build under the previous
25 design regulations from the DEC is coming to a

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close, I think it's March. Either you need to get going or that may impact your project once again. That's all we have.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

MR. COCKS: We worked with Ross on the amended findings statement. We think it addresses our comments from the work session. I think that's ready to be approved. Other than that, I have no comments on the site plan at this point.

Architectural drawings will need to be provided at some point.

CHAIRMAN EWASUTYN: Karen Arent?

MS. ARENT: The landscaping looks fine.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: Nothing additional.

MR. BROWNE: Nothing more.

MR. MENNERICH: Ross, have you started the process for getting the amended sewer flow acceptance letter?

MR. WINGLOVITZ: Not with the City, if that's what you're talking about. What we've

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been working with is the Town Board regarding that large trunk main that's going to service this project. That's kind of been the big hitting point on this project, and Driscoll is working out the easements for that. There were easement acquisitions involved. That's a twelve-inch line coming up from Algonquin Park, all the way up to the project on the opposite side of the street. That's been the primary focus. We haven't been back to the City yet but we will as part of that process.

MR. MENNERICH: Thank you.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: I have no questions.

MR. FOGARTY: Ross, the only concern I have is that you've increased it from 130 to 138 but you've reduced the amount of recreation. That was a nice community center. Just go over again the thinking behind that.

MR. WINGLOVITZ: Quite frankly, in today's economy, for projects to support that kind of recreational amenity is very expensive. When we re-evaluated the ability of this project to support that very large clubhouse, we didn't

1 think it was economically feasible. That was why
2 we scaled it back to the pool/play area and
3 cabana and bathroom area at the rear of the site.
4

5 MR. FOGARTY: And where that community
6 center is, is that where the two new units are
7 going?

8 MR. WINGLOVITZ: Where the clubhouse
9 was is two new buildings. Yup.

10 MR. FOGARTY: Fine. Thank you.

11 CHAIRMAN EWASUTYN: John Ward?

12 MR. WARD: No comments.

13 CHAIRMAN EWASUTYN: Mike Donnelly,
14 Planning Board Attorney, can you work with us at
15 this point?

16 MR. DONNELLY: You'll need to take two
17 actions. The first is to issue the amended SEQRA
18 findings statement, and you can even roll it into
19 a single resolution. You would also need to
20 approve the amended site plan as proposed. I had
21 taken the resolution from 2008 granting
22 preliminary approval and reworked it to
23 correspond to what's happened here.

24 I do have questions of the applicant on
25 two of the conditions. Condition number 20 which

1 related to the clubhouse required that it was to
2 be constructed before issuance of the CO for the
3 thirty-third residential unit. I take it since
4 the clubhouse is gone, that condition goes away
5 as well.
6

7 MR. WINGLOVITZ: Is that your
8 preliminary approval draft?

9 MR. DONNELLY: There's no clubhouse now
10 so there's no requirement that it be completed.

11 MR. HINES: It probably should still
12 read the recreation facility --

13 MR. DONNELLY: That's next. All other
14 recreational facilities before the forty-fourth
15 unit. So that piece will remain.

16 MR. WINGLOVITZ: Okay. That would be --

17 MR. DONNELLY: Secondly, we had, in
18 condition 23, a condition relating to the
19 emergency access easement which was to go to the
20 Hudson Valley Movers Property. Is that not where
21 it is now?

22 MR. WINGLOVITZ: Correct. That was the
23 agreement that I was talking about that never
24 came to fruition.

25 MR. DONNELLY: We need an easement now

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or we don't need an easement?

MR. WINGLOVITZ: We no longer need an easement.

MR. DONNELLY: So that condition can go away because it's property that you own?

MR. WINGLOVITZ: Correct.

MR. DONNELLY: Other than that and the change in the history of the project, I believe the resolution conditions remain as is. I don't think we need to go through them, there are quite a few.

CHAIRMAN EWASUTYN: So if we understand you Mike, the two actions this evening, which can be called at the same time, are for an amended site plan and also an extension of preliminary approval.

MR. DONNELLY: No. I'm sorry. And amended SEQRA findings and amended site plan approval.

CHAIRMAN EWASUTYN: Then I'll move for a motion to grant amended SEQRA findings and an extension of the preliminary site plan approval for The Polo Club.

MR. DONNELLY: It's not an extension.

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THE POLO CLUB

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You're granting a new amended approval.

CHAIRMAN EWASUTYN: A new amended preliminary approval?

MR. DONNELLY: Yes.

MR. WARD: So moved.

MR. FOGARTY: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

MR. WINGLOVITZ: Thank you very much.

(Time noted: 7:05 p.m.)

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

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7 I, Michelle Conero, a Shorthand
8 Reporter and Notary Public within and for
9 the State of New York, do hereby certify
10 that I recorded stenographically the
11 proceedings herein at the time and place
12 noted in the heading hereof, and that the
13 foregoing is an accurate and complete
14 transcript of same to the best of my
15 knowledge and belief.
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23 DATED: September 20, 2011
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STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH PLANNING BOARD

----- X
In the Matter of

GOLDEN VISTA
(1999-33)

Meadow Hill Road
Section 60; Block 1; Lot 9
R-3 Zone

----- X

AMENDED SITE PLAN

Date: September 1, 2011
Time: 7:05 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: STANLEY SCHUTZMAN

----- X

MICHELLE L. CONERO
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Wallkill, New York 12589
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MR. BROWNE: The next item we have on our agenda is Golden Vista, project number 1999-33, an amended site plan being presented by --

MR. SCHUTZMAN: Stanley Schutzman.

MR. BROWNE: Thank you.

MR. SCHUTZMAN: Good evening, Mr. Chairman and Members of the Board. I hope you all fared well with this recent storm.

I'm here tonight on behalf of Meadow Hill Holdings, LLC. The Board will recall that on July 21st of this year the Planning Board approved a resolution of conditional final site plan of my client's amended site plan application which approved the residential development of 161 apartment units of which 18 were deemed affordable under the provisions of the Town Code of the Town of Newburgh. Thereafter the Town Board amended its Zoning Code so as to allow a senior housing component to be substituted for an affordable housing component, which this Board had previously approved in connection with my client's project. The applicant is now requesting that the Planning Board modify and

1
2 revise the July 21, 2011 authorizing resolution
3 to provide for the same 161 unit residential
4 development but deleting the provision for
5 affordable housing and instead substituting for
6 those 18 units, 18 units of senior housing.

7 Based upon my earlier discussions with
8 Mark Taylor and with Mike Donnelly, I believe
9 that no further action or submission for the
10 Planning Board to consider this request is
11 required on behalf of the Town Board, and that no
12 further submission is required by the Planning
13 Board. Based upon my discussions today with the
14 Town Attorney and my review just now of the draft
15 resolution that Mike Donnelly had provided,
16 there are one or two small points that just need
17 some clarification. I'm here to ask the Board if
18 we can adjourn the Board's consideration of this
19 request to the next available meeting.

20 CHAIRMAN EWASUTYN: Mike Donnelly,
21 Planning Board Attorney?

22 MR. DONNELLY: I see no reason why, if
23 the applicant requests that adjournment, that you
24 should not grant it.

25 CHAIRMAN EWASUTYN: Can we set the date

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GOLDEN VISTA

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as being our next available meeting, which would be the 15th of September?

MR. SCHUTZMAN: Yes. I believe that these minor things should be clarified by then.

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

MR. GALLI: I just have one comment. On the 18 senior units, how are they going to be distributed around the site?

MR. SCHUTZMAN: It's going to be different. The way it was originally structured was that the affordable units were going to be integrated within each. The applicant believes, as a matter of marketability, that no senior housing unit is going to want to be next to a unit that might have small children. So it's anticipated that the senior buildings will stand alone.

MR. GALLI: Okay.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: No questions. Thank you.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No.

MR. PROFACI: No.

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GOLDEN VISTA

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MR. PROFACI: Just a quick one. Why the switch from affordable units back to senior housing?

MR. SCHUTZMAN: There were a number of considerations, including my client's discussion further with the Town Board and the Town Board's discussion of the concerns with the community, and the expressions of concern which the Planning Board heard during the public hearing as well. The applicant determined to re-evaluate things based upon looking to be more in tune with the comments of the community.

MR. FOGARTY: Thank you.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: You answered my question about the units being in one. Thank you.

CHAIRMAN EWASUTYN: Okay. Then I'll move for a motion to reschedule the Golden Vista amended site plan to our next meeting, which is scheduled for the 15th of September.

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by Ken Mennerich.

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GOLDEN VISTA

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Any discussion of the motion?

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So
carried.

MR. SCHUTZMAN: Thank you. See you in
two weeks.

(Time noted: 7:10 p.m.)

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

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

DATED: September 20, 2011

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

----- X
In the Matter of

SCHERR SUBDIVISION
(2011-18)

24 Sloane Road
Section 43; Block 5; Lot 13.2
R-1 Zone

----- X

CONCEPTUAL SUBDIVISION PLAN

Date: September 1, 2011
Time: 7:10 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
JOSEPH E. PROFACI
THOMAS P. FOGARTY
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: GREGORY SHAW

----- X

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

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2 MR. BROWNE: The next item on our
3 agenda is the Scherr Subdivision, project number
4 2011-18. This is a conceptual subdivision plan
5 being presented by Gregory Shaw.

6 MR. SHAW: Good evening. The
7 application before you tonight is a property that
8 is owned by Barbara Scherr. It is her residence
9 on Sloane Road. It is a 13.8 acre parcel, it's
10 in the R-1 zone requiring a minimum of 40,000
11 square feet per lot. The parcel has road
12 frontage not only on Sloane Road but also River
13 Road.

14 Just to help you with the geography,
15 its frontage on River Road is opposite Strawberry
16 Lane and Pinnacle Boulevard, which I'm sure
17 you're familiar with.

18 Access to the property will be from
19 Sloane Road. Anyone who has been passed the site
20 can look at the topography of River Road looking
21 west and see that it's just totally inaccessible.

22 What we're proposing is to subdivide
23 the parcel into a lot for the existing home and
24 create three new lots. The lots are going to be
25 1.92 acres in size; 3.6 acres in size; and 5.9

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acres in size. Quite substantial.

We are proposing to access those parcels by an individual driveway on the southerly side of the property. To the north side, due to sight distance limitations, what we are proposing is to have a common driveway which would access both lots 2 and 3, realizing full well we'll have to put together a maintenance agreement for that shared lot. Again, that's primarily for sight distance purposes.

With respect to utilities, the land is serviced by the Town of New Windsor water system. It is within the district, so each lot will have water service to it. Each lot, consistent with the homes in that area, will also have a subsurface sewage disposal system.

We have gone in and have explored the soil with test pits and perk tests and found it is suitable for a sewage disposal system. That design information is reflected on the drawings before you. So we feel confident that this property can support the three lots indicated.

Thank you, Mr. Chairman.

CHAIRMAN EWASUTYN: You're welcome.

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2 I'll turn to our Consultants for their comments.
3 Jerry Canfield?

4 MR. CANFIELD: During the work session
5 I advised the Board Members about the lack of
6 numbers available for 911 addressing. I advised
7 the Board that we also had spoken to Mr. Shaw
8 earlier today to speak with his applicant with
9 respect to potentially naming the driveway, the
10 common driveway.

11 Have you been able to address that,
12 Greg?

13 MR. SHAW: I spoke to her briefly
14 before the meeting and I told her that's
15 something that we're going to have to do. As we
16 spoke there doesn't seem to be too many options.
17 To give it a road name and to go for a street
18 sign, that may be the easiest way out.

19 MR. CANFIELD: That's the only
20 outstanding item I have.

21 CHAIRMAN EWASUTYN: Thank you. Pat
22 Hines, Drainage Consultant?

23 MR. HINES: We've provided the water
24 system notes to Mr. Shaw to add to the plans as
25 they're connecting to the Town system.

1
2 We had some comments on the regrading
3 of the, I believe it's lot 2, there's a
4 depressional area in front there, and to pick up
5 the water that's coming from an adjoining
6 property which can be accomplished by modifying
7 the topography.

8 We asked that the limits of disturbance
9 be calculated, and a stormwater SPDES permit will
10 be needed for the DEC. It's between 1 and 5
11 acres disturbance so it's only an erosion and
12 sediment control plan required.

13 We're suggesting that lot 3 have a
14 temporary grading easement because we don't know
15 in what sequence the driveway and lots will be
16 constructed.

17 That's all we have.

18 CHAIRMAN EWASUTYN: In response to
19 that, Mr. Shaw?

20 MR. SHAW: I'm pretty much in agreement
21 with Mr. Hines. If there's any issue, we can
22 resolve it. They're all minor issues.

23 CHAIRMAN EWASUTYN: Bryant Cocks,
24 Planning Consultant?

25 MR. COCKS: The only zoning issue

1
2 that's outstanding is just for the applicant to
3 show the 10,000 square foot buildable area
4 requirement to comply with Local Law 9 of 2010.

5 Other than that, it meets all the
6 zoning requirements. No variances will be
7 necessary.

8 The note for the parkland fee deferral
9 needs to be removed. That's expired.

10 MR. SHAW: That's fine.

11 MR. COCKS: The Town of Newburgh
12 Highway Department will need to approve the two
13 new driveway locations, and in the EAF we'll just
14 have to discuss the endangered animal life.

15 Other than that, I have no further
16 comments.

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

19 MR. GALLI: No additional.

20 MR. BROWNE: No.

21 MR. MENNERICH: No questions.

22 MR. PROFACI: No.

23 MR. FOGARTY: I have no questions.

24 MR. WARD: I had one question. Why are
25 you going with a slate driveway?

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MR. SHAW: Why am I going with what?

CHAIRMAN EWASUTYN: Shale.

MR. WARD: A shale driveway.

MR. SHAW: Shale. There's a big push by the DEC to decrease impermeable surfaces. It's nothing more than that. Shale will drain a little bit better than a macadam pavement will. I understand from the Board's point of view, macadam stands up better than shale. We just felt that shale would be more appropriate. It's just that simple.

MR. WARD: That's what I figured.

Thank you.

CHAIRMAN EWASUTYN: All right. I'll move for a motion from the Board to declare a negative declaration on the -- this is a three-lot subdivision; correct?

MR. COCKS: Four.

MR. SHAW: Four lots.

CHAIRMAN EWASUTYN: -- four-lot subdivision and to set the 6th of October for a public hearing.

MR. PROFACI: So moved.

MR. FOGARTY: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

Thank you.

MR. SHAW: Thank you.

MR. DONNELLY: Do you want to consider conceptual approval as well?

CHAIRMAN EWASUTYN: Good idea. Thank you.

I'll move for a motion to grant conceptual approval for the four-lot subdivision of the Scherr property.

MR. FOGARTY: So moved.

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MR. GALLI: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. Thank you.

MR. SHAW: Thank you again.

(Time noted: 7:17 p.m.)

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

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

DATED: September 20, 2011

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

----- X
In the Matter of

MAGYAR/BUDGET TRUCK RENTAL
(2011-04)

5465 Route 9W
Section 9; Block 1; Lot 3
B Zone

----- X

SITE PLAN

Date: September 1, 2011
Time: 7:17 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
JOSEPH E. PROFACI
THOMAS P. FOGARTY
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: FRANK VALDINA

----- X

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

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2 MR. BROWNE: Our next item of
3 business is the Magyar/Budget Truck Rental,
4 project number 2011-04. It's a conceptual
5 subdivision being represented by Frank
6 Valdina.

7 MR. VALDINA: Good evening, ladies and
8 gentlemen. The land before you is basically the
9 same as has been presented to you before. Any
10 revisions have been in keeping with the comments
11 of the Planning Board Consultants.

12 I have reviewed the latest consultants'
13 comments which I have recently received. If the
14 Board doesn't object, I would like to go through
15 those item by item and see if we can't clarify
16 this project and keep it moving forward. The
17 primary reason is because we're getting close to
18 the end of the construction season, it will be
19 here before we know it, and my client would like
20 to at least get the building ordered and move the
21 project.

22 I'll respond to the comments I received
23 in my office. The first ones were from the
24 Landscape Architect, Karen. Basically it
25 indicates it needs -- I know I'm getting old and

1
2 my memory is fading. I was under the impression
3 at the last meeting that this issue had been
4 discussed, and I was under the impression that
5 the Board had indicated we could discuss this
6 between ourselves and get it resolved so we don't
7 have to keep this as an ongoing issue.

8 Apparently that wasn't the case. We have added
9 trees along the north property line, we added
10 trees, and bushes, and shrubbery along the curb
11 line on the northeast quadrant, and trees on the
12 southwest quadrant. There is a row of hedges
13 which somehow never got on to the previous plans.
14 They're existing. What I would like to do -- as
15 far as moving the plants further from the curb,
16 that's no problem. We can go a minimum of five
17 feet from the curb, even eight feet for the
18 trees. Again, the question is I'm not really
19 sure as to what additional landscaping your
20 consultant has in mind for this project.

21 As far as the comment pertaining as far
22 as the details of construction, which I think is
23 just a matter of opinion, we can address that as
24 far as whatever additional information she may
25 need.

1
2 She indicated also possibly, or to
3 consider two types of species of trees in the
4 front in case the one species dies or something.
5 The thing is it's the applicant's responsibility
6 to replace them anyway. Being in the landscape
7 business, they're not going to want dead trees
8 along the front of the property. She had
9 mentioned something about the trees between the
10 fence and property line. We had shown them
11 inside the fence. They can very easily go on the
12 outside of the fence. We can pull them a little
13 closer together to screen -- this is the back of
14 the residential house. We can get them a little
15 closer in here so it will provide better
16 screening between the back of the house and this
17 project.

18 On her second comment it indicates no
19 buffer between commercial properties. I think I
20 need direction there because the Planner had
21 indicated, since these properties were owned in
22 common, he didn't feel there was a need for any
23 buffering. These are both ongoing operations,
24 we're just addressing the site, dressing it up
25 and putting a building to move the two existing

1 facilities from the existing structure into a new
2 building.

3
4 I mentioned the planting media. That
5 we can address.

6 The height of the stockpiles is covered
7 on a note on the plans indicating it does not
8 exceed the height of the fence which is in
9 accordance with the Town regulations. If the
10 additional screening is -- the Board feels is
11 warranted to screen the trucks and the
12 stockpiles, the proposal would be to have vinyl
13 inserts in the front portion of the fence and
14 black vinyl strips to make them basically vision
15 proof.

16 She also mentioned something about the
17 pylon sign. It may be better to address it --
18 dress it up and put stone around it. My client
19 had felt the addition of stone pillars was a nice
20 addition. Before we keep adding to the plan, the
21 more it delays it and the more the expense is,
22 which I know is not necessarily a legitimate
23 consideration for you, it's how the site looks is
24 the primary consideration. In that tone I would
25 suggest that we eliminate the pillars and put the

1 stone around the base of the pylon sign.

2
3 The lighting plan, I had drafted one up
4 when I saw the comments. We have shown the
5 lighting fixtures on the building. They throw
6 the light down. They are adjustable so you can
7 reduce the extent of the throwable light. This
8 can be done on a more formal plan. This is the
9 building, here's the fixtures. There's eight
10 fixtures on the building. This red line is very
11 roughly 25 foot candles. This black line
12 represents a tenth of a foot candle. This covers
13 a good majority of the parking lot. This covers
14 a good majority of the site in the back. When I
15 say these are directable, what these do in the
16 front -- we can lean them down so they don't have
17 a throw out too far in front.

18 Pat Hines pertaining to the stormwater
19 management report, that's being revised at the
20 present time, and all the questions and comments
21 will be addressed based on the review comments.

22 The shared water service, I think that
23 was a new one to him, too. I thought that had
24 been resolved last time. Since the Town Board was
25 involved with it, I was under the impression the

1
2 plans were okay. Since the Town Board is making
3 the determination as to the allowance of that,
4 that the onus would fall on them as to whether
5 the Town came back. That's my interpretation of
6 what was discussed, and it's in the minutes.

7 On the comments of Bryant, the first
8 comment is to forward the plans to Orange County.
9 I furnished him with the plans, he submitted
10 them. I don't know if anything came back yet or
11 not.

12 The engineer's seal and the surveyor's
13 stamp, they will all be on the final plans prior
14 to stamping. It's better than him keeping
15 constantly stamping and resigning plans.

16 An owner's consent note. To be honest
17 with you, that's a new one on me. I wasn't aware
18 it was required for site plan. I know it is for
19 subdivisions but I wasn't aware of its
20 requirement. We'll see that it's added to the
21 plans.

22 The sign. We've shown the dimensions
23 of the sign. We do meet the square footage
24 requirements set forth under the regulations.
25 There is proposed a sign on the building which is

1
2 four by eight. That's under consideration in the
3 square footage of the sign, and we still don't
4 meet the maximum required. The sign on the
5 building would be one sided, the one on the pylon
6 would be two sided.

7 Again talking about the comment about
8 the fence, it's around the back portion of the
9 site. There are plastic slats in the front. We
10 propose them in the front if the Board requires
11 additional screening from the storage area. The
12 reason there hasn't been anything proposed in the
13 back is the proposed homes are at least fourteen
14 feet above the site and it's a heavily wooded
15 site. They really wouldn't be able to look past
16 the fence anyway. They would be looking over it.
17 The houses basically face in a southeasterly
18 direction based on the plan that I've seen, on
19 the approved subdivision plan.

20 As far as the DOT approval, I believe
21 she left a message with the Planning Board
22 Chairman pertaining to conceptual approval.

23 CHAIRMAN EWASUTYN: I don't know.

24 MR. VALDINA: Well she said she called
25 the office and left a message. I checked before

1
2 I got here and she said conceptually she doesn't
3 have any problem with the location of the access.
4 Of course we do know we have to get an actual
5 opening permit, highway access permit before we
6 start construction there.

7 Those are the only comments I had
8 received.

9 CHAIRMAN EWASUTYN: Okay. At this
10 point I'm going to turn to our consultants to
11 hear their comments. I'll start with Jerry
12 Canfield.

13 Jerry, any comments at this point?

14 MR. CANFIELD: I have nothing at this
15 time.

16 CHAIRMAN EWASUTYN: Pat Hines, Drainage
17 Consultant?

18 MR. HINES: As Mr. Valdina stated,
19 we're awaiting receipt of the stormwater
20 pollution prevention plan.

21 The other comment we have is regarding
22 the Health Department and the Town of Newburgh
23 with the shared water service. I don't know what
24 the status of that is, I wasn't at the last
25 meeting when the conversation was held, but I do

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believe both of those agencies need to approve the shared water service.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

MR. COCKS: Just in regard to the pylon sign, is it going to be backlit? What type of sign is it going to be?

MR. VALDINA: It's going to be a two-sided sign.

MR. COCKS: I didn't know if it was a wood pylon with the --

MR. VALDINA: Steel columns with the light internal.

MR. COCKS: Okay.

CHAIRMAN EWASUTYN: We'll need to see that detail.

MR. VALDINA: The detail of the sign is on the plan.

CHAIRMAN EWASUTYN: I think what he's saying is the pylon too is normally something we see a detail of.

MR. COCKS: Just say what type of sign it's going to be, how it's lit.

MR. VALDINA: That's on the plan.

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CHAIRMAN EWASUTYN: Karen Arent,
Landscape Architect?

MR. CANFIELD: John, just one question.
Perhaps for Frank. On the sign, what's on the
plans just says the rental sign and then
underneath it says landscape. Is that what the
sign is going to be?

MR. VALDINA: That's not the verbiage
on the sign. Basically the current sign is on
the building. There isn't any on the current
pylon sign. This is the sign we're proposing,
Budget Truck Rental and boxes, moving supplies.
It's two sided.

MR. CANFIELD: That's their corporate
sign then?

MR. VALDINA: Yes. Yes.

MR. CANFIELD: Just for information --

MR. VALDINA: And the other sign is
just -- the signs will be identical. This is an
existing sign he has. Basically just the name of
the firm and telephone number.

MR. GALLI: That's going to be
underneath the Budget sign?

MR. VALDINA: Yes.

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2 MR. CANFIELD: So the corporate sign is
3 also the four-by-eight that you referred to on
4 the building?

5 MR. VALDINA: On the building. That's
6 correct.

7 MR. CANFIELD: Okay. Just for
8 information, and perhaps in assistance of
9 Bryant's comment, it's been past practice that we
10 do see, you know what I mean, detailed signage.
11 I think that's what Bryant is looking for, just
12 to clarify that. What's here, the detail that's
13 on the print is kind of open ended, you know what
14 I mean. If it's going to be a corporate logo,
15 perhaps that's what it should say. I think
16 that's what we're looking for.

17 MR. VALDINA: Mm'hm'.

18 MR. CANFIELD: That's all I have, John.

19 CHAIRMAN EWASUTYN: Thanks.

20 Karen Arent, Landscape Architect?

21 MS. ARENT: The landscape plan needs a
22 little more work. For example, there's no shrubs
23 at all shown on the -- when you're looking at
24 the plan, on the left side, the left side,
25 there's no shrubs at all in that grass island,

1 just some trees. The fence in the back, there's
2 no shrubs to soften that. The whole side of the
3 building, which will be visible when you're
4 driving north on Route 9W, there's no landscaping
5 at all to soften that side of the building. Then
6 to screen -- you still have to screen parking
7 from Route 9W but you don't have to use a
8 stonewall because your parking is now in the side
9 yard. You still have to have enough landscaping
10 to screen that to make it an aesthetically
11 pleasing site.
12

13 The reason why we always ask for more
14 than one species of tree in the front of the
15 property is that when devastating disease -- in
16 the past it was Dutch Elm Disease, now it's
17 Emerald Ash Borer. When that wipes out all of
18 the trees on the site, it's a tragedy, especially
19 if the trees are really big. If you have two
20 species, then you still have something left.
21 That's a standard requirement in most towns, to
22 provide two species of trees. And then there
23 needs to be -- the landscaping should be between
24 the fence and the property, the side property, to
25 help screen the fence too because that's -- and

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it will also help protect the landscaping from all the storage of materials.

The buffer between the commercial properties is a design guidelines thing. That can be waived by the Planning Board if they so choose.

The planting detail needs to be more specific and show appropriate planting technique. When people plant in asphalt, which we have had them do, it's nice to have detail to say you can't do that, you have to do it according to the detail on the drawing. It helps to make sure that the plants are planted in really good soil. Even though your clients are landscapers, it does help to have the detail on the drawing.

And then the screen fence detail is fine.

My comment about the stone pillars wasn't -- and the side wasn't to add more stone. Visually to have a sign right in front of your stone pillar at the entrance, I didn't think it would look as nice as if you had -- if you combined them. So combining them like you suggested will help make the site look a lot

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nicer.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: The size of the poles for lighting, Frank?

MR. VALDINA: They're six by eight.

MR. GALLI: Are there going to be any free-standing poles in the driveway or just all on the building?

MR. VALDINA: No.

MR. GALLI: Just on the building?

MR. VALDINA: This facility operates basically from --

MR. GALLI: Daytime.

MR. VALDINA: Daytime. 7 in the morning until 6 at night.

MR. GALLI: The water connection part of it on Pat Hines' comment, we're waiting for the Town Board to approve it and the County Health Department to approve it?

MR. VALDINA: Well, the County Health Department just got thrown out at the last meeting. That was the first that there had been an indication pertaining to that. I had met with

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2 Jim Osborne, Town Engineer, pertaining to this
3 and it's contingent upon getting a variance on
4 the sprinkler ordinance, which application has
5 been made, and hopefully the hearing is going to
6 be this month. I'm waiting to hear back on that.
7 Anyway, the conversation I had with Jim was that
8 if the variance is granted, and in order to allow
9 utilizing the single connection, it requires Town
10 Board approval. We went through the various
11 ways, where the valving would be and so on. This
12 way it can only be shut off -- the lateral
13 itself, you can shut off each individual service.
14 It will have three valves on it. This way if one
15 doesn't pay the bill, you can always shut that
16 building down and go from there.

17 As I mentioned earlier, there are, to
18 my knowledge, more than one of these instances in
19 the Town right now. It's strictly been taken
20 through Town Board action.

21 MR. GALLI: If the fire bureau waives
22 the sprinkler thing, then the Town Board will
23 consider approving the single water line. So
24 they have to do that at a meeting?

25 MR. VALDINA: Yes. That would take a

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Town Board action.

MR. GALLI: So that's two months out.
The fire bureau meeting is in September. By the time they meet, you're probably in the first week in October for the fire --

MR. VALDINA: Their first work session.

MR. GALLI: The first work session. If they approve it does the County have to approve it also, Pat, or just them?

MR. HINES: I believe the County needs to approve the shared connections.

MR. GALLI: Also with the Town? Okay.

MR. HINES: Yeah.

MR. GALLI: In other words, they both have to approve it?

MR. HINES: They both have jurisdiction there, yes.

MR. GALLI: If the Town approves it and the County doesn't approve it, then what?

MR. HINES: Then it would not be a permitted use.

MR. GALLI: Okay. So they both have to agree on it?

MR. HINES: I believe so, yes.

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MR. GALLI: I want to get that straightened out up front. If he comes back again and he says he has Town approval and we haven't heard anything from the County and we're waiting for the County to approve, that's another meeting.

MR. HINES: I would suggest they approach the County at this time to see if it's even approvable. Mark Edsall was here at the last meeting and he had a similar condition on a site in New Windsor. He's the one that raised the issue that it wasn't approvable in New Windsor.

MR. GALLI: It's an issue that can be held up for a couple months between the County and the Town. That's the reason I'm raising the question now, so we're not here next month at the same meeting and now we're talking about the County approving it if the Town already did.

The light poles and the -- we already mentioned that.

The slat in the fence. I don't have a problem if the back fence isn't slatted because that's a pretty big hill. Going up that hill,

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2 people can see over it, they're not going to see
3 behind it. The one in the front I would like to
4 see slats.

5 That's the only comments I have, John.

6 CHAIRMAN EWASUTYN: Cliff Browne?

7 MR. BROWNE: One thing that kind of
8 stuck out in your presentation was the adjustable
9 lights. I think that's inappropriate.
10 Essentially your clients can have it adjusted for
11 the inspection and then move it any way they want
12 to. I think that's improper.

13 MR. VALDINA: What is shown is the
14 maximum. They're adjusted closer in. They won't
15 go out any further. The way they were designed,
16 the configuration is such that the outer line is
17 as far as it will go. You can't adjust them up
18 to go beyond that point. It will be adjusted
19 down to pull that line in which will be done in
20 the front to --

21 MR. BROWNE: Karen, is that
22 appropriate, what he's --

23 MS. ARENT: They're adjustable. Most
24 lights are adjustable.

25 MR. VALDINA: The shielding keeps it

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from going too far.

MR. BROWNE: Is that --

MS. ARENT: I think that's fine.

Right, Jerry? Wouldn't you think?

MR. CANFIELD: There is a maximum
throw.

MS. ARENT: If you're illustrating the
maximum throws. We haven't seen the lighting
plans so we don't know if the maximum throws are
acceptable. If they're acceptable, that would be
the worst-case scenario. If that's the worst-
case scenario, that's acceptable, how ever you
adjust it is going to be fine.

MR. BROWNE: That was one of the issues
I had. From our discussions during work session,
our consultants are lacking information. If
they're lacking information they can't inform us
properly. My understanding is that with your
background, you should be probably one of the
people that would be able to supply everything
right upfront. I'm hearing difficulties having
that happen.

The sign pylon. I want to see the
signs. I want to see a picture of the signs. I

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2 want to see the detail, I want to see the
3 materials, the colors, everything the way it's
4 going to be, not I think it's going to be or that
5 would be nice. That's not acceptable. You
6 should know that.

7 MR. VALDINA: You're getting into two
8 areas. You're getting into a site plan where you
9 have an Architectural Review Board. If you're
10 combining the two --

11 MR. BROWNE: From my position one can
12 affect the other. I don't want to be in a place
13 where we approve one thing and you come along and
14 say I can't do that because. No. I want to see
15 it all. I want to see everything in detail, all
16 the numbers, everything exactly the way it's
17 going to be, not gee it would be nice if, or
18 maybe this, or I really don't understand that.
19 That's not acceptable. You should know that.
20 I'm sorry.

21 MR. VALDINA: That's your opinion.
22 You're entitled to it.

23 CHAIRMAN EWASUTYN: Ken Mennerich?

24 MR. MENNERICH: Frank, the waivers for
25 the sprinkler, is that pretty normal procedure

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that they get the waivers every time?

MR. VALDINA: No. No. Jerry can probably answer that better than I can. I don't go to the fire bureau meetings any more. I used to go at one point in time.

MR. CANFIELD: If I may. The waiver for the sprinkler system is a process that is determined by the fire bureau, the Town of Newburgh Fire Bureau. This applicant is a good candidate for that waiver system because of the cost of bringing water, the sizable main that's needed to install the sprinkler system in this building from the other side of the main. We have the depth because of the DOT drainage culvert system that's on the west side of 9W. It used to be an open ditch but over the years they put in a closed drainage system, closed ditch system. The size of the building is not all that great. Typically the fire bureau takes into consideration the actual fire protection needs, the risk analysis, the hazard analysis of what's here. This occupancy, in fire determination terms or commodity terms, would be what's known as a moderate or low hazard. The fire

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2 probability is quite low. So taking into
3 consideration the size of the building, which is
4 a relatively small building, the fire hazard is
5 relatively low versus the cost of bringing water
6 to the system. It makes it a very good
7 candidate. I can't tell you that it's a home run
8 and they will definitely get a variance. I can
9 only speak of the past experiences that the board
10 and candidates like this have been favorable to
11 granting a variance. It meets the criteria I
12 would say, so to speak. It's typically up to the
13 board to determine which way it is, which way to
14 go.

15 MR. MENNERICH: Concerning the -- thank
16 you, Jerry. Concerning the ten-foot wide
17 landscape buffer between commercial properties,
18 personally I don't have a problem if the Planning
19 Board decides to waive that. I think that's
20 reasonable.

21 The other thing is Karen's comments
22 about the two varieties of trees I think has some
23 merit in that, you know, when they -- you do get
24 some kind of disease, the trees could be well
25 established, it could be years down the road. I

1
2 can't see where that would be a big expense
3 problem for the developer, one variety of trees
4 versus another.

5 Is that acceptable to your client?

6 MR. VALDINA: I'm sure it will be.

7 MR. MENNERICH: Okay.

8 MR. VALDINA: Like I indicated, their
9 main concern at this point is getting all the
10 issues resolved, getting the project to the point
11 where they feel secure and they can order the
12 building, because it's going to take roughly six
13 to eight weeks for the building to come in and
14 we're getting close to the end of the
15 construction season. They would like to at least
16 get it going this year, this construction season.

17 MR. MENNERICH: The other outstanding
18 item, I guess on Karen's comments, was relative
19 to some of the landscaping and specific spots,
20 kind of a pretty technically detailed thing. It
21 seems like there could be a meeting of the minds
22 on what needs to be done there.

23 MR. VALDINA: If it's agreeable with
24 the Board, if the Board will allow us to meet
25 with Karen and get that issue resolved to our

1 mutual satisfaction, then it's up to the Planning
2 Board. We can't take it upon ourselves to sit
3 down and meet. I think it may expedite and
4 resolve that issue once and for all.
5

6 MR. MENNERICH: Okay. I think that's
7 all I had.

8 CHAIRMAN EWASUTYN: Frank,
9 understanding you have a deadline, the Planning
10 Board has never granted any kind of approvals
11 until we hear from Pat Hines as far as getting
12 the stormwater pollution prevention plan. I had
13 sent you something the other day. Your response
14 back was I'm looking to work that out with Pat.
15 Pat is still without having it in front of us.
16 It's an element that -- I agree with everything
17 Ken Mennerich has said to date. There are
18 certain details. Again, trees. We shouldn't be
19 spending the time. We can't move in any
20 direction until you generate this report.

21 MR. VALDINA: We have comments back
22 from the report that was submitted, which I
23 understand --

24 CHAIRMAN EWASUTYN: That letter goes
25 back -- that letter goes back a month or so ago.

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2 We still don't have anything. Part of the
3 meeting tonight is, right, to discuss some of the
4 -- we'll call it the simple points that need to
5 be addressed. This isn't a simple point, not
6 having that report. It just isn't.

7 I'll pass it on to Joe Profaci.

8 MR. PROFACI: My only comment or
9 observation, and Ken had already mentioned it,
10 was that I have no problem with the removal of
11 the buffer between the two commercial properties.
12 That's all I have.

13 CHAIRMAN EWASUTYN: Tom Fogarty?

14 MR. FOGARTY: Frank, I should have
15 mentioned this the last time. On the plans you
16 show there's two locations where there are
17 propane tanks.

18 MR. VALDINA: Yes. The propane on the
19 south property is going to be moved to the north
20 property.

21 MR. FOGARTY: There's one tank. Is
22 that the one that's right next to the -- it looks
23 like it's right next to where there are parking
24 areas. This one here.

25 MR. VALDINA: This one is going to be

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relocated to this area. This is in accordance with the code, how far it has to be from the property line and so on.

MR. FOGARTY: Are these parking areas here?

MR. VALDINA: Yes. These are for the vans and so on.

MR. FOGARTY: I just wondered, should the tank be that close to the parking area? I don't know if there's any guidelines.

MR. VALDINA: I don't know if there's any.

MR. CANFIELD: Tom, it can be. The separation requirement is minimal. The most important thing there is bollards, vehicle protection, to stop vehicular damage.

MR. FOGARTY: Okay. Good.

Frank, is there a free-standing pylon sign on this property?

MR. VALDINA: Not right now. There is one on the south lot.

MR. FOGARTY: Is there a new one being proposed?

MR. VALDINA: Yes. It's on sheet 4 in

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the upper right-hand corner.

MR. FOGARTY: All right. How tall is that?

MR. VALDINA: The maximum height is 20 feet. This one I think is a little higher. If we're putting trees in front, we have to get it above the trees, too.

MR. FOGARTY: I mean I'm a big -- I hate those tall signs. It's almost like the person who has the tallest sign thinks he's going to --

MR. VALDINA: We're not going 35 feet high.

MR. FOGARTY: Keep it as short as you can.

MR. VALDINA: That's what we attempted to do.

MR. FOGARTY: Cutting into this -- splitting the water line, is that going to provide enough water to both of those facilities?

MR. VALDINA: As far as for their domestic consumption, yes. It's a one-inch service and the pressure there is quite substantial. I don't recall right now what it

1
2 is. I did an analysis. They use very little
3 water.

4 MR. FOGARTY: Is that the reason -- is
5 that the reason why you don't want to have to
6 sprinkler the building, because --

7 MR. VALDINA: No. Not because of its
8 capacity. No. The primary reason -- actually
9 there's two. One, as Jerry said, it's very
10 expensive because we have to go under the 60-inch
11 pipe. There's groundwater. We can't open cut
12 the highway. DOT already said that's out. That
13 means we're going to have to jack 80 feet or so.
14 On the other side there's a 10-inch
15 high-pressured gas main. At the point we're
16 looking at the two cross further south, maybe two
17 feet. Two feet apart, if that. The gas line is
18 marked out. The water department indicated where
19 their water opening is. We're dealing with, I
20 think in the summertime it's about 600 pounds, in
21 the winter about 1,200 psi on that gas main. We
22 also have a danger consideration there. So it's
23 these two factors. If we could open cut, you
24 know, it would resolve that issue. In
25 conjunction with the agreements which would be

1
2 required for the access, I've been in touch with
3 my client's attorney and he will prepare those
4 declarations. He already has the descriptions.
5 I just have to make up a map and provide them so
6 he can proceed and file. Until this water issue
7 is resolved, there's no sense doing that.

8 MR. FOGARTY: Thank you.

9 CHAIRMAN EWASUTYN: John Ward?

10 MR. WARD: About the buffer in between
11 the properties, I'm against it because we're
12 looking at this as a project. I don't care if the
13 owner is for both of them. You have to look at
14 the future if they sell it. It's a different
15 property. That's one issue.

16 At the same time, with the sign, 20
17 feet you're saying above the trees, that's
18 defeating the purpose of what we're trying to do
19 for going down 9W. It's not like you're on
20 Interstate 84 trying to advertise. A low sign,
21 lit up would be plenty visible along 9W in that
22 area. It's open space.

23 MR. VALDINA: We have a problem with
24 that. The problem being because of that drainage
25 system, the sign is so far back off the road, you

1
2 can't put it within that drainage easement. By
3 the time you go from the edge of pavement, the
4 shoulder, to the property line, the easement,
5 we're way back. Even as it is, it's shown quite
6 a distance back from the road, and the reason we
7 went up is to make it visible. I mean it is a
8 business.

9 MR. WARD: And stormwater management, I
10 think there's major issues there that you have to
11 get it approved.

12 MR. VALDINA: I understand that. I
13 understand that has to be acceptable to Pat's
14 office.

15 MR. WARD: Very good. Thank you.

16 MR. VALDINA: To be honest with you, I
17 thought I would have it by now. The storm
18 affected more than just the field.

19 MR. GALLI: You're surrounded by water
20 out there.

21 MR. VALDINA: Everybody was.

22 MR. MENNERICH: Frank, on the sign. If
23 you moved it further up the highway, you wouldn't
24 have the problem with the trees, would you? Just
25 move it to the right.

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2 MR. VALDINA: Well basically -- we
3 might be able to cut that down. The trees are a
4 little bit behind it. We might be able to reduce
5 it. I'll check with my client and see. I mean
6 maybe we can cut it down to 15 feet. Maybe cut 5
7 feet off the top, if that would meet the wishes
8 of the Board.

9 MS. ARENT: Sometimes when the signs
10 are lower they're better visible because the
11 trees can be pruned up. If you keep the sign
12 high, the trees are going to grow and be up there
13 blocking the sign. If it's lower than where the
14 canopy of the tree starts, you see it better.
15 The trees will block the sign, even like at 15
16 feet. When the trees are up and start getting
17 wide you can start pruning off the lower branches
18 so that you can maintain the visibility of the
19 sign. If you put up a big sign and the trees
20 grow and get wide, you have to cut the whole tree
21 down in order to see the sign, or cut all one
22 side like they do for telephone wires, to see the
23 sign. So sometimes it's better to think about a
24 lower sign so the trees won't interfere with the
25 visibility.

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MR. PROFACI: Just look at the Lowe's sign. It's invisible going north on 300.

MR. VALDINA: Which sign?

MR. PROFACI: Lowe's. When you're on 300 it's behind the trees. You can't see it going north.

MR. GALLI: Coming from Cosimo's heading --

MR. VALDINA: They're up on a hill, too.

MR. PROFACI: And it's high. It's way up there.

MR. VALDINA: They say basically it will be similar to the one that's on the adjoining property but not as high. That was the only thing. We'll see about cutting it down 5 feet lower.

MR. FOGARTY: That would be good.

CHAIRMAN EWASUTYN: Where are you going from here, Frank, as far as -- I think -- you can check the records, I don't think the Board has ever been able to take an action until we have the sign off from Pat Hines as far as the drainage report. Before we get on to the ARB, I

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would like to stick with the site plan.

I'll move for a motion from the Board to allow a meeting between yourself and Karen Arent, the Landscape Architect, to come up with a reasonable design plan. I'll move for that motion.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself.

Understanding that there is -- there will be time associated with that, so there will be billing associated with that, with the

1
2 understanding that you'll accept the fact that
3 your client will have to pay for the service.

4 MR. VALDINA: Yes.

5 CHAIRMAN EWASUTYN: Thank you.

6 I don't know how we can help you as far
7 as any formal action, again, until you submit to
8 Pat Hines a stormwater pollution prevention plan
9 and then he finds it to be in compliance with the
10 new MS-4 regulations.

11 MR. VALDINA: Like I say, the basic
12 concern at this point is getting to be the
13 instructions --

14 CHAIRMAN EWASUTYN: Frank, Frank,
15 understanding the basic concerns of your client,
16 there's some basic standards of procedure that
17 have to be complied with with the Planning Board
18 that we apply to every applicant that comes
19 before the Town without any exception. There's
20 no exceptions to this. We're not arbitrary and
21 capricious and we're consistent in our policy.
22 I'll have Pat explain it to you one more time for
23 the record.

24 Pat.

25 MR. HINES: As you're saying, it's a

1 standard -- one of the things -- one of the boxes
2 we need to check is that the stormwater
3 management is approved because the Town, as an
4 MS-4 community, has the regulations put on there
5 by DEC, and DEC can take an enforcement action
6 against the Town if we were to approve something
7 that wasn't consistent with their design
8 guidelines.
9

10 MR. VALDINA: I understand all that.
11 I'm not objecting or commenting on that aspect of
12 it. That's part of the process and I'm aware of
13 that.

14 CHAIRMAN EWASUTYN: Okay.

15 MR. VALDINA: The only concern --

16 CHAIRMAN EWASUTYN: The only concern
17 that you have, go ahead.

18 MR. VALDINA: The actual site plan as
19 far as stormwater management, I don't feel there
20 will be any impact that would affect the building
21 itself. Some of the site work, maybe, you know,
22 the location of pipes and elements of that nature
23 which we will address in accordance with what the
24 stormwater management plan requires.

25 CHAIRMAN EWASUTYN: Okay. I'm

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basically just talking about the building itself.

MR. GALLI: ARB?

MR. VALDINA: Excuse me?

MR. GALLI: ARB?

MR. VALDINA: Basically. See, the reason that they are hesitating on ordering the building I think basically has to do with the colors. If there's a problem with the colors that they selected, then if they order the building, then they're up the creek.

CHAIRMAN EWASUTYN: Okay. Are you saying you're looking for ARB approval this evening based upon the colors so they can order the building?

MR. VALDINA: If that is agreeable to the Board. I have the application filled out. This is the plan that's been provided by the building supplier.

CHAIRMAN EWASUTYN: Why don't you walk through it. Why don't you begin discussing that with us.

MR. VALDINA: Do you want a copy of the application first?

CHAIRMAN EWASUTYN: That's something

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you would have to turn in as far as the approval.
You're talking about the ARB --

MR. VALDINA: The ARB application.

CHAIRMAN EWASUTYN: I think, Frank,
just as a matter of record, when you made your
resubmission you should have put a note in there
that you're before the Planning Board for site
plan and ARB approval. We would have set it up
on the agenda that way.

MR. VALDINA: I misread the
regulations. Under the regulations it says you
can come in to the meeting with it and so on.

CHAIRMAN EWASUTYN: It doesn't say
that.

MR. VALDINA: In between --

CHAIRMAN EWASUTYN: Let's not --
Cliff.

MR. BROWNE: Before we get off on to
this, I have a comment I wanted to make. When
you get together with Karen with the --

MR. VALDINA: Landscaping.

MR. BROWNE: -- landscaping and so on,
there was a comment made about the properties
behind this being high and looking down. Will

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you address that as well as the whole thing? I want to be comfortable that there won't be any impacts to those kinds of things. We were told there were trees there. I'd like some verification of what --

MS. ARENT: I'll make sure there's trees.

MR. BROWNE: Thank you.

MR. VALDINA: Your Planner had commented and indicated that the trees -- that he didn't feel the buffer would accomplish --

MR. BROWNE: That's one more thing.

MR. VALDINA: That's in his comments.

CHAIRMAN EWASUTYN: Tom Fogarty?

MR. FOGARTY: Ken had mentioned the idea of getting rid of the buffer. I'm unclear in my own mind what it would look like with the buffer versus without the buffer. Maybe that can be shown.

MR. VALDINA: The way it is now. If the buffer they're talking about is between the two properties, the south one and the north property, they're both commercial, both owned by the same party.

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MR. GALLI: If you drive by that's what it will look like.

MR. VALDINA: It will be a lot cleaner.

MR. BROWNE: I agree with John Ward's comments. There's always the issue that it can be sold separately and now you're stuck with a situation where it doesn't really comply unless there's a provision in the final statements that force when it is ever subdivided or -- not subdivided rather but sold, then that buffer must be installed. I mean I would go with something like that.

MR. DONNELLY: I don't think there's a way to make that happen.

MR. PROFACI: I disagree with that. They're always going to be commercial properties, and therefore I don't see the need for it ever needing a buffer. I don't see the need for a buffer between two commercial properties. I've never seen the need for that.

MS. ARENT: We can figure out a nice solution so that if you just want to maybe rearrange the fence a little so there's some landscaping on the Route 9W side to kind of --

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2 where the propane tank is, maybe if a fence went
3 around that, that would give you a relief of the
4 two commercial properties when you're driving
5 down Route 9W, and then by just leaving the fence
6 and having no buffer for the rest of the way. I
7 think the concept behind the buffer is to just
8 get more greenery interspersed between commercial
9 properties throughout the Town. What we had
10 addressed we could probably make a nice
11 compromise by just adding some landscaping in the
12 front, if you wanted it, and just leaving the
13 back all natural.

14 MR. BROWNE: Rather than designing it
15 now, is that something that can be addressed and
16 we can talk about that the next time?

17 MS. ARENT: If you want, that can be
18 shown and then see if that will be acceptable to
19 you.

20 CHAIRMAN EWASUTYN: I agree with Cliff
21 Browne. I think we're now putting some time into
22 designing a project during the course of the
23 meeting and it's really not the purpose. I think
24 we may have to stop at this point and just hope
25 that it will be a reasonable meeting and people

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won't lock in on it as far as their way or no way at all.

Frank, do you want to make the ARB presentation?

MR. VALDINA: Thank you. As indicated on the plan, this building is a 60-by-60 building. This is the center partition. In the front there's going to be just the bathroom, a small office and a counter. The rest of the area will be display for blankets and elements used for moving supplies. The back is just going to be for minor maintenance on the trucks. No lift, no heavy maintenance. Just oil changes and things of that nature. This is the front of the building.

The main panels are going to be wood panels. These lines are just accents. There's ribs on the panel. I have a piece of panel in the car. I couldn't carry it in with everything else I had. The color of the sides of the building are going to be called light stone.

CHAIRMAN EWASUTYN: You can start with Frank Galli.

MR. VALDINA: It's a little more

1
2 greenish than this light stone color (handing).
3 It's not too far off from it. The ribs will not
4 be that visible. Of course back there you can't
5 see them anyway.

6 The entrance way is going to be a dual
7 aluminum door. The windows on the front side
8 will be fixed with the white vinyl trim. The
9 fascia is going to be a Hawaiian blue as
10 indicated on here. On the south elevation, the
11 south side of the building where the office is,
12 you have two sliding windows, and you have two on
13 the opposite side which is on the other side of
14 the building. Also on the north side there's
15 going to be an overhead door which is going to be
16 a 14-by-14 insulated door. The color is going to
17 be white. In the back of the building, again you
18 have two overhead doors, the same size,
19 insulated. Then you have a 3-by-7 exit door.
20 There was a question as to whether there was a
21 back door. There is a back door.

22 The roof is going to be again metal
23 with a Galvalume roof. This actual color is
24 similar to what the existing facility is.

25 The ribbing is similar to the one

1
2 that's across the street on Cedar Hill property.
3 It sits up on the hill. It's a tan-ish building.
4 Even the existing building has the same type of
5 material. The panels will be insulated and there
6 will be sheet rock on the inside.

7 CHAIRMAN EWASUTYN: Any comments from
8 anyone in reference to the ARB presented by
9 Frank?

10 MR. GALLI: Is the sign going to be
11 over the door?

12 MR. VALDINA: The sign is going to be
13 over the door. Centered on the door.

14 CHAIRMAN EWASUTYN: Any idea at this
15 point what color the lettering will be for the
16 signage?

17 MR. VALDINA: The standard corporate
18 sign, the blue with the red and white.

19 MR. FOGARTY: Frank, what color is the
20 roof?

21 MR. VALDINA: The fascia is white and
22 blue. It's what they call a Galvalume roof.
23 It's sort of a galvanized color. It dulls as
24 time goes on. It has an oxidized film on it.
25 That's what basically reflects the heat so we

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don't have to get too involved with the air conditioning and so on.

CHAIRMAN EWASUTYN: Any other comments from Board Members?

MR. PROFACI: The Galvalume, does it come in colors other than galvanized metal?

MR. VALDINA: I honestly don't know.

MR. PROFACI: I think that would look hideous, quite frankly. Just plain galvanized metal?

MR. VALDINA: This is the front of the building here. You will see it this way.

MR. PROFACI: Right. You'll still see the sides.

MR. GALLI: Driving north and south on 9W.

MR. VALDINA: I did an analysis. Roughly you see this site maybe for four seconds at 55 miles-an-hour.

MR. FOGARTY: Frank, could you see if they come in colors?

MR. VALDINA: I can see.

MR. FOGARTY: See if there are any other options.

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2 MR. BROWNE: With the landscaping that
3 you're going to work out, I assume you're going
4 to be softening the front of that with
5 landscaping, et cetera.

6 MS. ARENT: There's no room in front.

7 MR. VALDINA: There's some landscaping
8 in the front of the building and around that
9 north side. We can move that around the south
10 side.

11 MS. ARENT: We'll work on that. We can
12 work on that. It won't be right next to the
13 building but it will be out --

14 MR. BROWNE: From the highway.

15 MS. ARENT: -- from the highway. We
16 can work on it from the highway.

17 CHAIRMAN EWASUTYN: Karen, do you have
18 anything else to add on the ARB?

19 MS. ARENT: The ARB really needs to
20 show the sign on the building so we know the
21 exact size and where it's going.

22 The metal roof is a concern, especially
23 if it's what I think galvanized is. It's going
24 to be very reflective, very noticeable.

25 CHAIRMAN EWASUTYN: How does the Board

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2 want to handle the ARB in front of us this
3 evening? Does the Board want to consider
4 granting ARB with certain conditions, that the
5 signage on the building be shown and presented to
6 Karen, that the applicant consider other colors
7 and that -- how does the Board want to proceed on
8 that? Do they want to offer any kind of approval
9 now or do they want to make it -- do they want
10 the applicant to come back with some of the
11 details?

12 MR. GALLI: The only thing -- I'm not
13 worried about the sign because we know basically
14 it's a corporate sign, it's going to be so big
15 above the door. Unless I actually saw a sample
16 of the roof part. I mean galvanized metal to me,
17 it oxidizes. I'm not worried about the pleasing
18 part of it, I'm just worried about reflection,
19 just the way it looks driving down the road. The
20 building itself, I don't have a problem with the
21 steel building. I'm just not too sure about the
22 roof part. I don't know if it comes in colors.

23 Jerry, have you ever seen the one over
24 in the cemetery? I mean you live -- not in the
25 cemetery but you live right there.

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MR. CANFIELD: I came back for tonight's meeting.

MR. GALLI: The roof part. I mean is it -- maybe I'll drive out there tomorrow and take a look at it.

MR. VALDINA: I don't think you can see the roof, to be honest with you. I think the trees are -- it's up on a hill and there's trees around it. You can see it's tan.

MR. CANFIELD: Are you talking about the workshop?

MR. VALDINA: I don't know what building it is. Just before River Road.

MR. CANFIELD: Across the street from this?

MR. VALDINA: Yeah.

MR. CANFIELD: It's the workshop.

MR. GALLI: I don't have a problem with the building. Maybe if the roof wasn't facing north and south. I know you only see it for a little bit, but --

MR. VALDINA: If it was facing the other way you would see more of it.

MR. GALLI: The building itself I don't

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have a problem with.

MR. VALDINA: You have the color chip.

MR. GALLI: I don't think it shows the
roof.

MR. VALDINA: Just pick a color that
you feel may be comparable and I'll see if they
have it.

CHAIRMAN EWASUTYN: Why don't you just
come up with something that would be a reasonable
color --

MR. GALLI: Yeah.

CHAIRMAN EWASUTYN: -- and make that
part of your --

MR. VALDINA: The light stone.

MR. GALLI: Then I won't have a problem
with ARB.

CHAIRMAN EWASUTYN: I don't think it's
the Planning Board's position to pick colors. I
mean it's --

MR. VALDINA: I'm not saying pick the
colors.

CHAIRMAN EWASUTYN: We're looking for
something that's harmonious.

MR. GALLI: If Pat feels that the

1
2 stormwater isn't going to affect the size and the
3 placement of the building -- really the placement
4 can be moved. It's only a building. The actual
5 size of the building, I don't have a problem
6 approving ARB.

7 CHAIRMAN EWASUTYN: Pat, do you think
8 the stormwater pollution prevention plan would
9 prohibit the siting of this building based upon
10 the square footage that Frank is proposing?

11 MR. HINES: No. I believe we can work
12 around that.

13 MR. GALLI: I just want to see
14 something different on the roof.

15 MR. FOGARTY: If we approve ARB will
16 that give the owner the opportunity to order this
17 building?

18 MR. VALDINA: As soon as we come to an
19 agreement on the color of the roof. Yes.

20 CHAIRMAN EWASUTYN: Can we allow Karen
21 to work with Frank to say that the color is
22 harmonious?

23 Mike, can you give us conditions of
24 approval for ARB from what you've listened to
25 this evening?

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MR. DONNELLY: Sure. The standard condition would be the same, we both require that the applicant submit a completed Architectural Review Board with color samples and what not. Finally, that you receive a letter from Karen approving the selected roof color.

CHAIRMAN EWASUTYN: And the signage on the building.

MR. DONNELLY: Okay.

CHAIRMAN EWASUTYN: Right, Frank?

MR. GALLI: Right.

CHAIRMAN EWASUTYN: Frank, are you in agreement with that?

MR. VALDINA: Yes. Are you talking to this Frank?

CHAIRMAN EWASUTYN: I've been trying to talk to you for weeks now.

Then I would move for that motion subject to the conditions stated by Mike Donnelly in the resolution for ARB approval for the Magyar/Budget Truck Rental.

MR. GALLI: So moved.

MR. FOGARTY: Second.

CHAIRMAN EWASUTYN: I have a motion by

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

There's a meeting on the 15th, which you may not be able to have your report done by then. The next meeting would be the 6th of October, Frank.

MR. VALDINA: If you don't mind, let me check and see what the status of that report is, how quickly we can get it to Pat and how quickly he can review it and --

CHAIRMAN EWASUTYN: Just keep in mind I'm concerned about -- I'll work with you. We've been accommodating you. We're getting close.

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This being a holiday weekend, by Tuesday memorializing the agenda for the 15th.

MR. VALDINA: I understand.

CHAIRMAN EWASUTYN: I think in all fairness, Pat will work with you but there's a timeframe that he would want to receive it and have time to review it.

MR. VALDINA: And by the time I sit down with Karen and get the landscaping and --

CHAIRMAN EWASUTYN: Let's hear from you as far as when you think this could work so we can set it. Okay. We'll give you until Tuesday to respond to us and we'll have to memorialize the agenda.

MR. VALDINA: Mm'hm'.

CHAIRMAN EWASUTYN: Whatever date that is, today being the 1st. All right. I think you got ARB approval. We're getting close to --

MR. VALDINA: Just a point of information, interest. This is the facility down the street. Look at that (handing).

MR. GALLI: Whose facility?

MR. VALDINA: That's the other place going south. Screening and what have you.

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CHAIRMAN EWASUTYN: That's why we're saying to you when we're looking to improve the standards of Route 9W --

MR. VALDINA: I understand that. Split wood right on the right-of-way.

MS. ARENT: Patty Cake Playhouse you can take a picture of.

CHAIRMAN EWASUTYN: Frank, this is costing your client, every statement.

All right. I'll move for a motion now to move on to Board Business, please.

MR. GALLI: So moved.

MR. MENNERICH: Second.

(Time noted: 8:17 p.m.)

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

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

DATED: September 20, 2011

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

----- X
In the Matter of

DRISCOLL SUBDIVISION
(2005-46)

Request for an Extension of Conditional
Preliminary Subdivision Approval

----- X

BOARD BUSINESS

Date: September 1, 2011
Time: 8:17 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
JOSEPH E. PROFACI
THOMAS P. FOGARTY
JOHN A. WARD

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

----- X

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

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2 MR. BROWNE: Our first item of Board
3 Business is the Driscoll Subdivision, project
4 number 2005-46. The applicant is requesting an
5 extension of conditional preliminary subdivision
6 approval which will run from September 29, 2011
7 to March 29, 2012.

8 CHAIRMAN EWASUTYN: I'll move for the
9 motion to grant conditional preliminary approval.

10 MR. PROFACI: So moved.

11 MR. MENNERICH: Second.

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

16 MR. GALLI: Aye.

17 MR. BROWNE: Aye.

18 MR. MENNERICH: Aye.

19 MR. PROFACI: Aye.

20 MR. FOGARTY: Aye.

21 MR. WARD: Aye.

22 CHAIRMAN EWASUTYN: And myself yes. So
23 carried.

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25 (Time noted: 8:18 p.m.)

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

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7 I, Michelle Conero, a Shorthand
8 Reporter and Notary Public within and for
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23 DATED: September 20, 2011
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STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH PLANNING BOARD

----- X
In the Matter of

LANDS OF ZAZON
(2004-29)

Request for an Extension of Conditional
Final Subdivision Approval

----- X

BOARD BUSINESS

Date: September 1, 2011
Time: 8:18 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
JOSEPH E. PROFACI
THOMAS P. FOGARTY
JOHN A. WARD

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

----- X

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

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LANDS OF ZAZON

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MR. BROWNE: The next item of Board Business is Lands of Zazon, project number 2004-29. The applicant is requesting an extension of conditional final subdivision approval which will run from September 19, 2011 to March 19, 2011.

MR. PROFACI: 12.

MR. BROWNE: 12.

MR. GALLI: So moved.

CHAIRMAN EWASUTYN: I have a motion by --

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: -- 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. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

(Time noted: 8:19 p.m.)

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

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23 DATED: September 20, 2011
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STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH PLANNING BOARD

----- X
In the Matter of

LOCAL LAWS 7 and 8 OF 2011

Discussion by Michael Donnelly and Bryant Cocks

----- X

BOARD BUSINESS

Date: September 1, 2011
Time: 8:19 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
JOSEPH E. PROFACI
THOMAS P. FOGARTY
JOHN A. WARD

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

----- X

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

CHAIRMAN EWASUTYN: One more

1
2 time, I think a round of applause for Karen
3 Arent.

4 MR. BROWNE: We did the next item
5 during work session.

6 We'll move on to the last item,
7 discussion: Michael Donnelly and Bryant Cocks
8 will discuss Local Laws 7 and 8 of 2011. This is
9 a Local Law change of the zoning district
10 designation of two parcels.

11 MR. DONNELLY: I'll start quickly. The
12 cover letter from Mark Taylor I think explains
13 most of it, as does the report from
14 Transportation, Land Development and
15 Environmental Services.

16 What are proposed are two separate
17 zoning map changes that are grouped together for
18 discussion at the same time. Bryant can tell you
19 a little bit about where they are. I don't know
20 if we've had too many map changes. We've had
21 text changes before.

22 The procedure is sort of the same.
23 Implicated first is the master plan, the
24 comprehensive development plan. The Town Board
25 will need to ensure that either this is

1
2 consistent with that comprehensive development
3 plan or they'll need to modify that plan so that
4 this will be consistent with the plan as
5 modified.

6 Secondly, of course they have to follow
7 the procedures for enacting and changing the
8 zoning map. They have written to you and asked
9 you for a report. Section 185-60 of your code
10 has a specific recitation of the factors you are
11 supposed to review, and when it involves a change
12 in the map, then you are to report on whether the
13 uses permitted by the proposed change would be
14 appropriate in the area, whether there are
15 adequate public school facilities or other public
16 services that exist, whether the proposed change
17 is in accord with any existing or proposed plans
18 in the vicinity, and whether the proposed
19 amendment is likely to result in an increase or
20 decrease in the total zoned residential capacity
21 of the Town.

22 The report of Transportation, Land
23 Development, Environmental Services concludes
24 that because adjoining both of the areas that are
25 to be zoned from commercial to residential of two

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2 different types is immediately alongside an
3 existing residential zone, that this is in fact
4 consistent with the comprehensive development
5 plan. I'll let Bryant describe the areas,
6 specifically what is proposed.

7 I will note that one of these I think
8 is -- at least one is in conjunction with a
9 specific proposal for a residential development.

10 MR. COCKS: One of the parcels is
11 pretty much across the street from Stewart Avenue
12 senior housing, and I believe that's the one Mike
13 was just talking about, a potential apartment
14 complex in that area. It's a pretty big parcel.
15 They'll be able to fit significant -- I think
16 it's going to be bigger than the senior
17 development from the size of the parcel. We
18 haven't seen any kind of plan yet.

19 The other one is on Patton Road and
20 South Plank Road, that intersection. That's
21 going to go to R-2. We haven't heard anything
22 about what that is actually going to be. That's
23 another potential for some additional lots, most
24 likely single family but at this point we don't
25 know.

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2 CHAIRMAN EWASUTYN: Okay. We received
3 a copy of the change the other day and made it a
4 point of running off eight copies for you to
5 review. So what I was thinking, if it's all
6 right with you, if you can look through it. If
7 there's anything that stands out in your mind, if
8 you would e-mail Bryant Cocks, he'll put that
9 together and then he'll work with Mike Donnelly.
10 On the meeting of the 15th we could leave it out
11 there to discuss further, and then we have until
12 I think the 19th of September --

13 MR. DONNELLY: That's the public
14 hearing.

15 CHAIRMAN EWASUTYN: If we could get
16 something back to the Town Board maybe on the
17 16th or something. All right.

18 Questions at this point we'll take.

19 MR. FOGARTY: Can I assume that
20 somebody has already gone to the Town Board and
21 has moved for this to take place?

22 CHAIRMAN EWASUTYN: You have two
23 letters in your file, one from Dominic Cordisco
24 who represents the applicant on Stewart Avenue.
25 They're ready -- once the Town Board approves

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this, they're ready to make an application before us. The other one --

MR. MENNERICH: The one on Patton Road and Route 52 is actually right across the street from our house. They had a Town meeting at the Orange Lake Firehouse where people were invited and they showed the possible residential layout. If you're familiar with the site, you know --

MR. FOGARTY: Swampy.

MR. PROFACI: There's a house there on the corner.

CHAIRMAN EWASUTYN: Opposite.

MR. MENNERICH: Going west.

MR. PROFACI: You're talking about the east side?

MR. MENNERICH: The west side going up the hill, up Patton Road. It's very steep. It's steep in that area. It really wouldn't be an area for business-type development because of the terrain anyway. So at that meeting I'd say most of the comments were positive by the public that was there. We'll see what happens at the public meeting before the Town Board.

MR. GALLI: They're looking to put

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rentals in there, --

MR. MENNERICH: They didn't say that.

MR. GALLI: -- not individual houses?

MR. MENNERICH: No. Individual houses are what they were talking about at that public meeting.

MR. GALLI: If they change it to an R-3, it can be multiple housing; right? If they change it to an R-3 it could be multiple housing?

MR. COCKS: The one for the Patton Road is going to R-2.

MR. GALLI: So that can be two family. I'm just concerned that the Town is getting to be like over apartment sized. I mean they change all the zoning and then the people come out and scream and then all of a sudden the Planning Board did it, not us.

MR. COCKS: Single-family, clustered housing, affordable housing, conversion to multi family.

MR. GALLI: We're right back to where we were with Meadow Hill. We just went through that fight. I mean --

MR. COCKS: Detached or semi-detached

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two-family dwellings, just one per lot.

MR. GALLI: The one over near Stewart Avenue, that's the one where they have Stewart Gardens now. That's a nightmare. They want to put more apartments over there? That's behind Conklin. Across the street.

MR. PROFACI: Greenhouse.

MR. GALLI: It used to be Greenhouse. I think they call it Stewart now.

MR. PROFACI: They changed the name.

MR. GALLI: They change it every year.

MR. BROWNE: Is there any way this could be considered spot zoning? Probably not but --

MR. COCKS: Not really because they're next to the adjacent residence. It's not like one single lot in the middle of a zoning district. It's right on the border.

MR. BROWNE: I was thinking that but --

MR. GALLI: I'll just go on record that I'm against it personally. I just think we're getting into zoning more and more of apartments and that kind of cluster and getting away from individual homes and changing zoning for this and

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2 that. I just feel the way we just did with
3 Meadow Hill, we're going to be in the same
4 predicament again. I think people might be okay
5 until they see what's actually going there, then
6 they're going to be out here screaming. I mean
7 the one across the street, it started off
8 seniors, it's no longer seniors. There's a lot
9 of couples living there with kids in that complex
10 on Stewart Avenue.

11 CHAIRMAN EWASUTYN: Interesting.

12 MR. MENNERICH: That's the market
13 that's selling.

14 MR. GALLI: I realize that, Ken. But
15 what happens -- I'm not going to put it down, but
16 New Windsor where you have Forge Hill, all the
17 garden apartments over there, Oakwood and all the
18 ones on 94, Temple Hill, Vails Gate Heights
19 Drive. Before you know it you've got -- you know
20 what it turns into.

21 MR. PROFACI: I'm kind of opposed to
22 the whole idea of just somebody coming in, a
23 developer wanting to build something, and we just
24 change the zoning map for him. That's what the
25 whole variance process is all about. We put the

1 zoning into place and it should be adhered to,
2 not because you have a project, go in to Town
3 Board and ask for a change in zoning. I don't
4 see the point to zoning if you're doing that.
5

6 MR. GALLI: I don't either.

7 MR. BROWNE: I agree.

8 CHAIRMAN EWASUTYN: Having heard the
9 thoughts of some of the Board Members, do you
10 want some of these comments to be reflected in
11 the letter that will be eventually sent on to the
12 Town Board or do you just want to make it a point
13 of opening discussion right now?

14 MR. PROFACI: I would like to read
15 through it.

16 CHAIRMAN EWASUTYN: Fine. Thank you.
17 Great.

18 MR. PROFACI: I read some of it but not
19 all of it.

20 CHAIRMAN EWASUTYN: I just got it
21 yesterday and put it all together. I did call
22 Mark Taylor and said Mark, I need an easier way
23 of doing this. Bryant Cocks is going to e-mail
24 Mark all our e-mail addresses. I asked Mark if
25 he could still provide us with a certain number

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of hard copies because I know you all like hard copies anyway. You can print them yourself. We just received it.

MR. WARD: At the next meeting we can discuss it.

CHAIRMAN EWASUTYN: And put it all together. Get your comments to Bryant beforehand so we can come up with a draft letter to the Town Board.

(Time noted: 8:30 p.m.)

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

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22 DATED: September 20, 2011
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STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH PLANNING BOARD

----- X
In the Matter of

STARBUCKS COFFEE COMPANY
(2011-09)

Alteration of Outside Seating

----- X

BOARD BUSINESS

Date: September 1, 2011
Time: 8:30 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
JOSEPH E. PROFACI
THOMAS P. FOGARTY
JOHN A. WARD

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

----- X

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

CHAIRMAN EWASUTYN: There's one

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2 other -- this came up, we'll call it the last
3 minute. Something came up this afternoon at
4 4:25 which kind of overwhelmed me, and I
5 discussed that with Karen. Not overwhelmed
6 me in the concept but overwhelmed me in that
7 a letter was already going out to an
8 applicant stating an opinion which I thought
9 was in advance.

10 MS. ARENT: Joe Matina reviewed the
11 Starbucks drawings and there are some differences
12 in what was approved and the drawings that he
13 reviewed.

14 CHAIRMAN EWASUTYN: He was reviewing
15 the drawings that were approved, and then just
16 subsequently he received another set of drawings
17 where they're proposing something different.
18 It's not like a change -- go ahead.

19 MS. ARENT: Yes. They called it the
20 amended -- what was it? Amended drawings or
21 whatever.

22 MR. CANFIELD: Originally they
23 submitted a building permit application for a
24 shell only, which is not uncommon. It's
25 typically done with strip malls. That's how they

1
2 approached this. Then shortly thereafter they
3 issued a building permit application for the
4 buildout and an alteration. The alteration is
5 what's different.

6 MS. ARENT: Yeah. It includes outside
7 seating for 36 people, and I forget the exact
8 number that the original was but it was maybe 10
9 or something.

10 MR. CANFIELD: 15 or 16.

11 MS. ARENT: Now there's outside seating
12 for 36, there's additional canopies and tables.
13 The exterior signage design and locations have
14 changed.

15 MR. PROFACI: How big is the building?
16 6 by 6?

17 CHAIRMAN EWASUTYN: The building is
18 1,750 square feet.

19 MR. GALLI: I just have one question.
20 Karen, is it going to take away from any of the
21 parking?

22 MS. ARENT: No, but the question is --
23 the issue would be outdoor tables requiring more
24 parking spaces. I don't know how that affects --

25 MR. GALLI: It's a Starbucks. People

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hang out there in the morning. I'm not a Starbucks person.

CHAIRMAN EWASUTYN: Back to your presentation as far as green infrastructure. You said people like a place where they can hang out. Here's this balancing thing. Do we have something in the Town where people can hang out, are we creative to accept that or do we limit on the fact that we preach something but we don't want to practice it.

MS. ARENT: Joe wants to make sure this is okay with everybody.

CHAIRMAN EWASUTYN: As long as they don't take parking spaces, what's the difference?

MS. ARENT: They're not taking any parking spaces.

MR. GALLI: If they don't take more parking, I don't care what they do with the building.

MR. COCKS: They require additional parking because now it's more seating.

MR. DONNELLY: You compute the parking as a function of both size of the building and number of seats.

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MR. GALLI: The problem is when you pull in -- if I pull in there and I can't get a parking space, I turn around and I leave.

CHAIRMAN EWASUTYN: Mike Donnelly always said this.

MR. GALLI: I'll go to the Verizon and I'll leave and I'll go to the Verizon down the street. I don't care. If I can't get a parking space, you know what, I'm leaving. That's what people will do. If that's how they want to run their businesses, that's fine. I mean people aren't going to park on top of one another just to go there. If there's no parking spots they're going to leave. If they want to be packed 24/7 and they have extra seating and they can't fill it because of the parking, that's not my problem. My problem is if they don't take any more parking away and they want to do that to their building, that's their problem.

MR. PROFACI: Karen, that's a lot of space, I believe, to be used for a seasonal use. Do you know what I mean?

MR. HINES: It's probably got different peaks to --

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MR. PROFACI: It's only like three or four months a year that you're going to be able to use that space.

MS. ARENT: It's okay because they're just taking away two very skinny planters in order to put it in.

MR. PROFACI: For 36 people?

MS. ARENT: Yeah.

MR. HINES: They had some already.

MS. ARENT: They're making it more efficient. They had some already and then they had some planters but they weren't anything spectacular because they're so thin. They're just taking those away and putting in more tables.

MR. PROFACI: I like the idea of the outside tables.

MS. ARENT: That part I think is -- personally I think it's fine. Joe just wants to make sure that everybody is aware of this change.

MR. MENNERICH: Shouldn't it be an amended site plan, though?

MS. ARENT: That's, I guess, the big question.

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MR. GALLI: Why?

MR. MENNERICH: They're changing the sign, it's not what we approved. They're adding outside equipment that wasn't on what we approved.

CHAIRMAN EWASUTYN: If the equipment is similar to what we approved, then they're just adding more of the same equipment.

MR. MENNERICH: Where do you draw the line? They come in with 2 tables and they want to put in 20 tables, they want to put in 40 after the fact. I think we've got to be consistent. If we're going to be hard nosed about what the zoning is, we should be a little more careful about what we're allowing people to add.

MR. CANFIELD: There's another question, John, as well. There's three actual points, and Joe's question was, to this Board, basically the changes that are proposed, does it constitute an amended site plan that you may want to look at again? They are: The additional tables which reflect the parking, the signage has changed somewhat, and additionally they have added these large canopies, contrasting in color,

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2 that were not on the original. So the appearance
3 of the building is somewhat different also.

4 MR. GALLI: So we need to see ARB.

5 MR. CANFIELD: Basically that's the
6 question to this Board, do you want to see it
7 again for amended ARB or amended site plan?

8 MR. FOGARTY: I do.

9 MR. GALLI: I don't want them to go
10 through a big blown thing. I mean I think we
11 ought to see it and review it. I'm worried more
12 about the ARB than the actual site plan. The
13 building structure is the same, it's in the same
14 footprint. I realize they added tables. We have
15 to change something on the plan as far as the
16 maximum of the tables or something. If they're
17 going to start changing the canopies and stuff
18 like that, then I would like to see that.

19 MR. CANFIELD: I think the tables and
20 the lack of or lesser amount of plantings and
21 planters in the front perhaps may be able to be
22 covered all under ARB if the Board chooses.

23 MR. DONNELLY: If the tables are in the
24 same location as before and there are merely more
25 of them, I don't know if that's a site plan

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STARBUCKS COFFEE COMPANY 111

element. The only hesitancy I have is if parking -- required parking is computed based in part, I may be wrong, in this zone on the number of seats in the restaurant, do they still meet the parking requirements? We can ignore that if we think because it's seasonal it's not a big deal. I don't see a need for site plan unless it triggers the need for more parking and it's not met or if the tables are moved to a different area. ARB for the canopies and changes I think would be appropriate.

CHAIRMAN EWASUTYN: Then I'll move for a motion to see if the Board wants to have this back for an amended ARB approval.

Frank Galli?

MR. GALLI: Yes.

MR. BROWNE: Yes.

MR. MENNERICH: Yes.

MR. PROFACI: Yes.

MR. FOGARTY: Yes.

MR. WARD: Yes.

CHAIRMAN EWASUTYN: And myself yes.

Okay.

So who wants to speak -- Jerry, do you

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want to speak with Joe Matina?

MR. CANFIELD: I'll follow up on that.

MR. GALLI: Can we have Bryant check to see if the additional seating isn't affecting the parking?

CHAIRMAN EWASUTYN: Like Mike is saying, it's a seasonal use.

MR. GALLI: I have no problem with that.

MR. PROFACI: One other thing, Jerry. If Joe or you, or whomever, can take a look at it, I'm just thinking from a safety standpoint, you have this island in the middle of parking and I don't know what they're planning to do around these tables, if there are bollards or whatever, to prevent cars from crashing into people sitting at tables, if they lose control or whatever. It's just a thought. I don't know how they -- it's in the middle of the parking lot.

MR. CANFIELD: The planters were there before.

MS. ARENT: The planters were there.

MR. CANFIELD: Now they removed the planters.

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MS. ARENT: Maybe we have to think about the bollards.

MR. CANFIELD: Right.

CHAIRMAN EWASUTYN: Anything else?

MR. FOGARTY: Who wants to eat in the middle of a parking lot?

CHAIRMAN EWASUTYN: You go into Manhattan and the novelty of Manhattan is people eat in the street. Who wants to eat on the street when it's 95 degrees? I can't fathom that.

I'll move for a motion to close the Planning Board meeting of the 1st of September.

MR. GALLI: So moved.

MR. WARD: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

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MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself.

(Time noted: 8:40 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: September 20, 2011