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

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In the Matter of

DIANE TAYLOR SUBDIVISION
(2006-54)

North side of Holmes Road
Section 20; Block 4; Lot 76.22
AR Zone

----- X

PUBLIC HEARING
FIFTEEN-LOT SUBDIVISION

Date: November 6, 2008
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DINA HAINES
BRYANT COCKS
PATRICK HINES
KAREN ARENT
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: THOMAS B. OLLEY

----- X

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

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DIANE TAYLOR SUBDIVISION

MS. HAINES: Good evening, ladies and gentlemen. I would like to welcome you to the Town of Newburgh Planning Board meeting of November 6, 2008. At this time we'll call the meeting to order with a roll call vote starting with Frank Galli.

MR. GALLI: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. PROFACI: Here.

MS. HAINES: The Planning Board has experts that will provide input and advice to the Planning Board in reaching various SEQRA determinations. I ask that they introduce themselves at this time.

MS. CONERO: Michelle Conero, Stenographer.

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

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

MS. ARENT: Karen Arent, Landscape Architectural Consultant.

MR. WERSTED: Ken Wersted, Creighton,

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DIANE TAYLOR SUBDIVISION

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Manning Engineering, Traffic Consultant.

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

MR. PROFACI: Please join us in saluting the flag.

(Pledge of Allegiance.)

MR. PROFACI: Please turn off your cell phones, pagers.

MS. HAINES: The first item of business we have tonight is the Diane Taylor subdivision. It is a public hearing on a fifteen-lot subdivision. It's located on the north side of Holmes Road in an AR Zone and being represented by Tom Olley.

I'll ask that Ken Mennerich read the notice of hearing.

MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to Section 276 of the Town Law on the application of lands of Diane Taylor subdivision for a fifteen-lot subdivision on premises Holmes Road in the Town of Newburgh,

1 designated on Town tax map as Section 20; Block
2 1; Lot 76.22. Said hearing will be held on the
3 6th day of November at the Town Hall Meeting
4 Room, 1496 Route 300, Newburgh, New York at 7:00
5 p.m. at which time all interested persons will be
6 given an opportunity to be heard. By order of
7 the Town of Newburgh Planning Board. John P.
8 Ewasutyn, Chairman, Planning Board Town of
9 Newburgh. Dated October 7, 2008."

11 MR. GALLI: The public hearing notice
12 was published in The Sentinel on October 31, 2008
13 and in The Mid-Hudson Times October 29, 2008.
14 The applicant's representative sent out
15 twenty-eight registered letters, twenty-six were
16 returned. The mailings are in order.

17 CHAIRMAN EWASUTYN: I'll soon introduce
18 Tom Olley who represents the applicant on this
19 fifteen-lot subdivision. Tom will give a
20 presentation and describe the plans for this
21 project. When Tom is done with his presentation,
22 then we'll ask for comments from the public. At
23 that time I wish that you raise your hand, give
24 your name and your address and you could raise
25 your questions.

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Tom.

MR. OLLEY: Thank you, Mr. Chairman.

This morning we received one other card.

MS. HAINES: Thank you.

MR. OLLEY: I just want to turn it back in to bring it up to twenty-seven.

As the Chairman introduced me, my name is Thomas Olley, I'm a professional engineer with offices over in Walden. I represent the applicant in this subdivision, Diane Taylor.

The application that is before the Planning Board is for a fifteen-lot subdivision of twenty-three and-a-half acres. As the secretary had stated, it's located on the north side of Holmes Road. Frozen Ridge Road is about a half mile to the west of the site, so it's off to the left of the page. The sharp turn in Holmes Road as it starts to head north to Lattintown Road is just at the very right of the page. As I said, it's twenty-three and-a-half acres. A number -- many years ago it was actually -- it was a landing strip, an airport known as Middlehope Airport.

What is being proposed is about a 1,700

1 foot Town road that would loop through the site
2 with two entrances onto Holmes Road. Of the
3 fifteen lots, fourteen of them will be
4 residential lots. The fifteenth lot will be a
5 municipal lot that will contain a stormwater
6 detention basin, or stormwater management basin,
7 so we can comply with the New York State DEC and
8 the EPA regulations on stormwater pollution
9 prevention. That will be located near the bend
10 in the road.
11

12 All of the lots conform to the
13 requirements of the underlying zoning district
14 which require one-acre minimum lots.

15 The lots will be served by individual
16 wells and individual septic systems. We've gone
17 out and done all of the necessary soil testing so
18 that we can present the plans to the Orange
19 County Health Department for their approval
20 following this Board granting a preliminary
21 subdivision approval.

22 There is a water main that is located
23 in Holmes Road, and for those residents that live
24 on Holmes Road you probably know that you can't
25 tap into it because the Town does not have

1
2 adequate chlorine contact time for the water that
3 leaves the Delaware Aqueduct tap and flows over
4 to the water tank near the intersection of Frozen
5 Ridge and North Fostertown Road. Because of that
6 we have to drill individual wells. Through the
7 process with the Health Department, the Health
8 Department will require us to drill two wells on
9 the site to demonstrate to them that there is
10 adequate water supply and that there will be no
11 adverse effects to the surrounding properties.

12 The drainage detention basin that I
13 described before, as I said, will be located near
14 this bend in the road that we're proposing. And
15 what we will do is we will set up a drainage
16 district that will include all of these lots,
17 just the fourteen residential lots on the
18 proposed project site, and a special improvement
19 district will be formed so that only they are
20 responsible for the maintenance of those
21 facilities.

22 As I said, all of the lots do conform
23 with the existing, underlying zoning code.

24 The final thing that I would like to
25 point out is that in the northwest portion of the

1
2 property there is a low, wet area and it's under
3 the jurisdiction of the Army Corp of Engineers.
4 It's a Federal wetland. We're only proposing
5 about five hundredths of one acre disturbance of
6 that wetland, and that is for the purpose of
7 being able to run a water line from the well to
8 one of the houses and to slightly increase the
9 land that would be available for a backyard. So
10 we're going to disturb something on the order of
11 about 2,500 square feet of -- 2,000 square feet
12 of wetlands in order to do that.

13 At this point I would be glad to
14 entertain any questions. The procedure for this
15 Board, they ask that all the questions be
16 directed to the Chair and then I will answer
17 those that he or the Board Members choose.

18 CHAIRMAN EWASUTYN: Thank you. If you
19 would give your address.

20 MS. DeROSA: Elyssa Fried DeRosa, 5
21 Summer Drive. Can you tell me specifically where
22 the wetlands are located?

23 MR. OLLEY: They're -- how do I
24 describe it? As you come down the hill on Holmes
25 Road and you look off to the left, you have that

1 long clearing that goes to the northeast. That
2 wetland backs up in the most northwesterly corner
3 of our property. So it's over in this area,
4 where I'm holding my hand.
5

6 MS. DeROSA: Where is that in relation
7 to Summer Drive?

8 MR. OLLEY: Summer Drive is the new
9 road --

10 MS. DeROSA: Yes.

11 MR. OLLEY: -- to the north?

12 MR. HINES: It would be on top of the
13 page.

14 MR. OLLEY: There is a -- there's
15 actually two streams that -- one very large
16 stream where the bridge is located, it's way down
17 on the right-hand side of the page, then there's
18 a smaller drainage ditch that passes right
19 through, about the middle of that property. So
20 we are further uphill towards White Birch Lane.
21 I'm not sure how to describe it with respect to
22 your property but it's all the way at the west
23 end of ours.

24 CHAIRMAN EWASUTYN: Sir.

25 MR. CALLI: My name is Ed Calli, I live

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at 104 on the far west side. The swamp you're actually representing is much bigger than what you're showing. It comes out closer to that first house you have on the map. I've walked that woods many times. I know the previous owner of the property, Tom, a very good friend of mine. I was there when your guys were digging the perc test. Where they dug one, it didn't pass, it failed. They moved ten feet away and it passed. You're only talking here, what, twenty-five feet from the swamp. Where that house is is where the swamp is at.

And on top of that, come there in the springtime. The runoff from my house, okay, comes right down through there, all right. My footing drain just runs and runs and runs, four inches of water coming out.

MR. OLLEY: The wetlands that we have located on the map have been delineated according to the Federal regulations, the Federal manual for delineating wetlands. I don't have an acreage on that but it is -- it's a very significant sized wetland. I'm not -- let me see if I can tell you very quickly based on the size

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of the second lot.

With respect to the location of the septic test and the percolation test, there are actually two different sets of tests that were conducted on the site. One was the percolation test, the other was the deep test, and if either failed then we did not locate a septic system in that location. We had to do at least two tests, two deeps and two percs, in each location that we are proposing a septic system, and I can assure you that we had two passing tests of each for any of the septic systems that were located here. And in fact, the project, since it's initial presentation to the Board, has gone from a sixteen-lot subdivision to a fourteen-lot subdivision in part because of areas that we found that were not suitable for septic systems. All of the septic systems that are designed are standard in-ground septic systems where we found suitable soils. There are no shallow absorption systems. We're certain that they can be built as standard systems. And further, the Health Department will also verify -- after this Board reaches a determination on the preliminary

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subdivision, they will go out and they will -- they'll verify those test results. With respect to the size of the wetland, this lot, lot number 12, is about -- is a little over four acres. So we're showing a wetland area that's pretty close to four acres in size. As I said, it's been delineated in accordance with the Federal standards for delineating it, which have three different prongs. It can have -- we look at the soil, we look at the vegetation and we also look at the location of either surface or groundwater that's within eighteen inches of the surface. So I'm confident with the delineation of the wetlands to be accurate, and we've had them surveyed and it is fairly large. It's in the neighborhood of about four acres out of the twenty-three and-a-half acre site.

MR. CALLI: The other question I have, the lots on the far west side, I think that little square you're showing just below your finger -- right there -- is that the septic?

MR. OLLEY: Yes.

MR. CALLI: The septic is in the back.

MR. OLLEY: That's where it was shown

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on the filed maps.

MR. CALLI: No. My well is out in front.

MR. OLLEY: Okay. After the meeting if you could show me where on the map. We want to show it accurately.

MR. CALLI: My concern is back in the swamp area there's an artesian well that was drilled many years ago by Ericson. My concern is what is going to happen to the water table in the area, you know? That's the biggest concern I'm having right now.

MR. OLLEY: Mm'hm'.

MR. CALLI: And on top of that the runoff. There's runoff that comes out of my house. And then in the back, which is Ham Staples' development, the way everything is -- how would you say -- the lay of the land all comes back into the swamp. When you have runoff from the snow, that swamp grows in size like you would not believe. You plan on putting houses here. You've got a high water table, you have a lot of water coming down through there.

UNIDENTIFIED SPEAKER: There's a brook

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that runs in the back, too. That's not shown on there.

CHAIRMAN EWASUTYN: Pat, do you have anything to add to this?

Pat Hines reviews drainage for us, meaning the residents of the Town and the Planning Board.

Pat.

MR. HINES: We've looked at the stormwater management plans for this site. The drainage for the site is being conveyed to the stream more on the right-hand side or the east side of the parcel.

As far as the wetlands go, we've asked for a copy, and I do have in front of me the Federal jurisdictional wetlands delineation that was performed by the wetland biologist, and it does conform to the areas that they're showing on the site for the Federal wetlands.

I did make note of your well and septic change and will continue to review that as the project moves forward.

There is a large wetlands area. I did approximate it about four acres also. They are

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avoiding impacts to the Federally regulated wetland. It's not big enough to be regulated by the DEC. They've identified the disturbance to be under that which would require a permit.

There is proposed grading to raise the finished floor elevations of the houses on lots 13 and 14 in order to provide some additional elevation difference between the existing wetlands and the site. Each of those houses is shown in excess of eight feet higher than the locations where the Federal jurisdictional wetlands were identified.

MR. CALLI: Which lots are 13 and 14?

MR. HINES: The first one and the second.

MR. OLLEY: These (indicating).

MR. CALLI: So if you're going to raise the land what's it going to do with the runoff on my property?

MR. HINES: Your property is tributary to the wetlands. It's going to come and go where it always did. There is a stream depicted on the map and it is clearly shown in the rear of lot 12, which is the third lot shown there. It's

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tributary to the Ham Staples/Summer Kim Corporation parcel.

MR. CALLI: Right where that house is, like I said, the water just runs down through there in the springtime. It just flows.

MR. HINES: It looks like from the topography it would go in the area where your shed is along the property line.

MR. CALLI: No. Not at all. I'll show you the bare ground from the water running so much through there.

CHAIRMAN EWASUTYN: At this point -- this gentleman.

MR. COSTANZO: Joe Costanzo, 78 Holmes Road. While we have you to talk with here, this property here where Ed lives, we've already -- we've already discussed the fact that the septic and the well are in opposite spots. I don't know how you're going to flip the septic to the side of the wetlands, but that's not this issue.

You just mentioned that you were going to raise the property here to accommodate these two lots? Is that correct?

MR. HINES: Just in the vicinity of the

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houses, yes. There is proposed grading there.

MR. OLLEY: Just to clarify, Mr.

Costanzo is pointing to both lots 13 and 14. Lot 14 is not being raised.

MR. COSTANZO: So would it be these

two?

MR. HINES: No.

MR. OLLEY: 12 and 13 over in this

area.

MR. COSTANZO: That's not what Mr.

Hines just said.

CHAIRMAN EWASUTYN: All right. Mr.

Olley represents the project.

MR. COSTANZO: All right. If you raise

these two properties -- okay. This is my house

right here, which, by the way, I had to purchase

flood insurance when I moved in last year because

I'm in a flood plain and they re-surveyed the

whole area after Katrina from what I'm told.

This would put this house approximately four-

and-a-half to six feet above my basement door.

There's a drainage easement from the Town that

goes across Holmes Road right here right now.

Every time it rains this entire area up to my

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property line is filled with water. It goes around the trunk of the cluster of apple trees, so on and so forth.

When Ms. Taylor started this project, okay, I just happened to move into the neighborhood from Rockland County and, you know, she chopped up the whole property, took land from me, whatever. That's a whole issue.

My pool is located twelve feet from the pipe leading from the distribution tank to the leachfield which is right on the side of where my garden used to be before they cut the property off.

MR. HINES: That's your septic system you're referring to?

MR. COSTANZO: No. That's the proposed septic system they want to put in, not to mention the septic system they want to put right up against the back side of my neighbor.

This drainage easement, which you're going to pass the responsibility off to the homeowners to maintain, is a huge issue as far as I'm concerned, if anything the Town should adopt it, okay, because this will never be maintained

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properly.

CHAIRMAN EWASUTYN: Pat, do you want to explain how --

MR. HINES: Yes. The method that the Town currently utilizes for the stormwater management ponds, the Town is going to own them through the establishment of a drainage district. That's a taxing entity that is able -- they will do the operation and maintenance. There's enough of them being formed in Town. They're going to contract that use out through the Town and then the costs for the operation and maintenance will be billed to the individual lot owners in their tax bill. The individual lot owners will not be performing that maintenance, they'll be paying for the Town or the Town's contractor to do that work.

MR. COSTANZO: Okay. It's a tremendous amount of impervious surface that you're creating here. Ed just slightly mentioned what's going on here.

The elevation off the subdivision that's up behind Ham Staples' house is tremendous. The amount of water that winds up

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down here is infallible. In the spring, coming out of the winter thaw runoff, what have you, okay. I don't know who is okay with all this but it just doesn't -- it just doesn't flow. Not to mention -- I mean I'm glad we have an architectural landscape review person here. The corner of my pool and the foundation corner of this house is approximately about sixty feet. If anything -- I mean I don't know who let them take all the land right up to the back side of my property, but if I ever have an issue with my pool I now have to get permission by the proposed house that's being built here, by the homeowner, to fix my pool. Maybe you can put me in touch with the person who says it's not a flood zone and maybe he can write a letter so I don't have to pay \$1,200 a year for my flood insurance.

MR. HINES: I can tell you, represented on this map the flood plain is located on the east side of the lot. That's the purpose of these public hearings, I'm making notes, we'll check into that. If the flood plain did get re-delineated it will have to be shown on the map.

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MR. COSTANZO: Has there been an environmental impact study done on this whole parcel of land?

MR. HINES: The Planning Board had concluded its environmental review prior to scheduling the public hearing. That's a matter of procedure. There was a long form Environmental Assessment Form submitted with supplementary information that the Planning Board reviewed prior to scheduling the public hearing.

MR. COSTANZO: Okay. So the DEC has cleared the fact that there's no Box Turtles on this property? The boxes that are set up by the DEC now, the bird houses, that's all cleared and they're done with their study there? There's several bird houses on the property.

MR. HINES: The DEC has had no involvement with this project. There is no permitting authority for them.

MR. COSTANZO: Maybe they just don't know yet that this is a proposed project on this property.

MR. HINES: They probably won't know that because they're not issuing any permits or

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have any jurisdiction for the subdivision. What type of boxes are you referring to?

MR. COSTANZO: There's bird boxes tagged DEC with a phone number that are being monitored.

UNIDENTIFIED SPEAKER: Been there for years.

MR. COSTANZO: The septic issues. The septic systems are clearly an issue. I mean these are leachfields abutting our properties here.

MR. HINES: I just want to point out that because this is a major subdivision the Town does not review the septic systems. That goes under the jurisdiction of the Orange County Health Department. After the project receives preliminary approval from the Town, the applicant will then have to go to the Orange County Health Department and they will review the soil testing, the deep tests and the percolation tests. They'll actually go back out in the field and repeat a certain number of them. They won't do all of them, they'll pick and choose on the map which ones they're going to check. If there are

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2 discrepancies they'll continue. They'll also do
3 potable water testing. They'll have to install
4 probably, as Mr. Olley said, two wells and do
5 water quality and water quantity monitoring on
6 those two wells. They may even reach out to some
7 of the neighbors in order to test the impact of
8 those wells with the surrounding wells during
9 that testing. That's something later on in the
10 process that needs to get done prior to them
11 coming back to this Board for a final approval.
12 They'll have to have in hand permits from the
13 Health Department. The Health Department
14 standards for septic systems are ten foot
15 separation from the property line. The wells are
16 fifteen feet. We have done a cursory review of
17 them and found that they do meet those separation
18 requirements from the property lines with the
19 exception of what we heard here with the well and
20 septic being flipped from the filed map. That
21 Mr. Olley will certainly have to check.

22 MR. COSTANZO: Okay. So this existing
23 drainage easement that goes across Holmes Road,
24 where will it go if you put a house here?

25 MR. HINES: It will continue to drain

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the depression on that lot. That depression is not being regraded. That pipe is shown right where you're indicating the pipe crossing the road.

MR. COSTANZO: Here?

MR. HINES: Right there. That will continue to flow as it is. The majority of the runoff that you had said was coming from the rear has to cross the proposed Town road, and that's going to have a closed pipe drainage system that will collect the runoff -- any runoff coming towards your house from the other side of that road will be picked up and conveyed over to that detention pond. Understand that road will now act as a barrier for water heading towards your house from the other side because there will be conventional storm drainage pipes put in there.

MR. COSTANZO: Okay. And a traffic study was performed?

CHAIRMAN EWASUTYN: Ken Mennerich -- excuse me. Ken Wersted, Traffic Consultant.

MR. WERSTED: We looked at the traffic for the project. For a project of this size the key issue here is basically the access from the

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site development out onto Holmes Road. We had asked them to locate -- obviously there are site driveways -- to measure the sight distance that's available so for cars pulling out of the proposed Town road from the development can they see in each direction and so forth. The distances that they have are adequate enough for traffic out there. It meets those standards for sight distances looking out on the road.

MR. COSTANZO: Once again, the elevation from here to your proposed entrance is not line of sight. I mean it's a deadly -- I mean cars come down this road 65 miles-an-hour sometimes. I mean it is huge. We all know the size of the hill coming off Frozen Ridge down Holmes. You can't see from here to here. So what are you going to pull out of the development at 55? I mean I don't know. It doesn't seem to really work.

These are just issues I hope everybody considered and I hope the Board here has our best interest at heart. Thank you.

CHAIRMAN EWASUTYN: The gentleman in the back.

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MR. DeROSA: Nick DeRosa, 5 Summer Drive. Mr. Olley, is it?

MR. OLLEY: Yes, sir.

MR. DeROSA: Can I ask you a quick question? That access to your right, which would be the east side, how close is that to the curve on Holmes? Can you show me where the curve is?

MR. OLLEY: The curve is here.

MR. DeROSA: That's a grade there.

MR. OLLEY: To answer your question, it's about 500 feet away.

MR. DeROSA: That's a grade there. I agree with Mr. Costanzo I think who was just speaking. That's a grade there. People -- if you can find somebody going 40 miles-an-hour there, I'd like to see them because 40 miles-an-hour is the minimum speed people go around that turn. I'm telling you that close to that grade -- you're going around the turn, you're going to be up higher. To come down on that is going to be very, very dangerous. I'm telling you we're going to be hearing screeching brakes constantly. Bad place to put access. Very, very, very bad place to put access. I'm

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not even talking about the winter. That's number one.

Number two, my concern also is the drainage. Since I live on Summer Drive, it's downhill from everything including the entire Summer Kim subdivision. So I'm in a flood plain, too. Even though you have to -- when you're on Summer Drive you have to look up at my house, I'm in a flood plain because of that property back there, and it concerns me because if they start to clearcut that, I already get runoff from that property. It comes right over the west side of my property, down onto the road which is still dirt, and then finally it makes its way into the stream that's next to our house. That's a concern of mine.

And the third concern of mine is again water. Summer Kim development, I'm not sure how many lots are up there.

UNIDENTIFIED SPEAKER: Too many.

MR. DeROSA: No kidding. There are four houses that are built that are empty. There are many, many lots. To add this, on top of what's going to happen at Summer Kim I think is

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going to be a real problem for the water table.

My concerns simply are the egress and ingress there, the drainage, which when they clearcut those woods there, there's going to be a problem. Obviously the water table is a concern of mine also. If you take an aerial view of what's going to happen at Summer Kim and this on top of it, it's scary to me.

CHAIRMAN EWASUTYN: Tom, do you have anything you want to add to that?

MR. OLLEY: Most of the Summer Kim and the land that makes up that does not flow onto this property or in this direction. There's a small area in the northwest corner that does flow down to the wetland that Mr. Calli had referred to before. But a very substantial portion of the Summer Kim Corp land actually is intercepted by the stream that we show through the middle of the property and the stream that flows down towards the Lattintown Road portion of Holmes Road. So the development of this site, as Mr. Hines said, is going to be pretty much contained within the drainage system that is going to be constructed on this parcel. We have to do that. That is

1 part of the regulations. As part of the
2 regulations we can not discharge at a greater
3 rate than what happens naturally today. So that
4 is why we have to build the detention basin. I
5 can't tell you how big or how many lots are in
6 Summer Kim Corp but that's not part of this
7 review. I can tell you that we can't discharge
8 any more water over there than what goes there
9 today. We have prepared a stormwater management
10 study that analyzes how much water comes onto
11 this site, how much water goes off of this site
12 and what will be the effective change by adding
13 fourteen houses, fourteen driveways, the Town
14 road and changing the vegetative cover from what
15 exists today to a combination of lawns and woods.
16 So those things are looked at very carefully.
17 The Town uses the firm of McGoey, Hauser & Edsall
18 to review that and they have asked very specific
19 questions, have reviewed our work, and I can
20 assure you that it meets all of the standards
21 that we have to comply with.

22 I do want to just jump back to a couple
23 comments that Mr. Costanzo had made. When we
24 were talking about filling of houses, we clearly
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pointed out it's 12 and 13 -- lots 12 and 13 that we're filling. Mr. Costanzo still referred to lots 1 and 14 as being filled. They are not being filled. There will be some minor grading in the back but that is -- we're not going to be raising this up any higher than it is today.

The other thing that -- I think it was just as it was stated, I don't think that Mr. Costanzo was trying to misrepresent anything, but when this lot line change was done all of this land was owned by Mrs. Taylor. Mr. Costanzo may have been in contract to buy it but it was all under the control and ownership of Mrs. Taylor. So nobody took anybody's land. I just want to make that clear.

The lot line. Originally the pool was on this parcel. There were three different parcels. The house and garage were actually split between two parcels and a couple years ago Mrs. Taylor did a lot line change that was approved by this Board that really cleaned up all of the lot lines and made sure that the pool was entirely on the house lot and the garage was on the house lot. So there was some housekeeping

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that was done.

CHAIRMAN EWASUTYN: Sir.

MR. CORRADO: Michael Corrado, 60
Holmes Road. I own this here. This is my
driveway. Where is the septic system for this
house here?

MR. OLLEY: It will be behind the
house.

MR. CORRADO: My well is right here.
It's going to runoff.

MR. OLLEY: No, it isn't. It's going
to go to the east.

MR. CORRADO: This water from there,
where is it going to go?

MR. OLLEY: It will be carried in a
storm drainage pipe down the roadway to the
stream.

MR. CORRADO: The one off from here is
going to go to my house.

MR. OLLEY: No, sir.

MR. CORRADO: This point is low. Don't
tell me no because I know it. I've been there
twenty-four years and I know. Once you put all
this in here I'm going to be flooded.

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MR. OLLEY: The topography flows to the east. The water will flow the shortest path downhill, and from that house location it will flow to the stream. In fact, that house location that we're showing is a couple feet below the elevation of your house. About the same elevation to two feet below it.

MR. CORRADO: And also the traffic from these houses is going to make my house look like the New York State Thruway here.

MR. OLLEY: Mr. Corrado, you have an easement --

MR. CORRADO: Yes, I do.

MR. OLLEY: -- for your driveway across the lands of Mrs. Taylor. So Mrs. Taylor has the right to build on her land and she will not interrupt your easement. She will maintain your access into your house.

MR. CORRADO: I'm talking about the water that's going to flood my house and all the traffic that's going to come here. There's too many houses. Way too many houses.

UNIDENTIFIED SPEAKER: That's the biggest problem is way too many houses.

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MR. CORRADO: The cars come around this turn at 60 miles-per-hour. Every other day there's one in the ditch. Somebody is going to come out here and get killed.

CHAIRMAN EWASUTYN: As far as the speed that people travel on the Town road, that is -- we as a Planning Board can't control the traffic. If people -- if it's a posted 40 mile-an-hour road and people drive in excess of that -- we all realize that that's pretty common throughout our Town, and probably most towns, because everyone today is in a hurry either to get to work or get home from work. We can't control the speeds or the traffic on the roads. What Ken Wersted had looked at was based upon the posted speeds on those roads as far as sight distance, visibility. It's a concern throughout the Town. I think the Town is considering posting speeds of 30 miles-an-hour.

Ma'am, give your name and address.

MR. CORRADO: My name is Dora Corrado, I live at 60 Holmes Road. Answering what you were saying, that you can't control the speed of the Town. I mean you have it posted at 30

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miles-an-hour, whatever it is. The question is that you can post anything you want but if people speed, which they do all the time, and that entrance or exit exits right within the reach of that -- this is the problem is the entrance and the exit. The speed is individual. People want to speed, they want to die, that's their business. What I'm saying is that spot for that driveway, that entrance and exit, whatever it's going to be, it's wrong. It is too close to the curve. It's just not the right place for that to be. Not only because my house is there but just -- there are two driveways across the road -- yeah, across the street. Those are new houses that they built awhile back and they're right -- actually there's three driveways I think. Three, right? They're smack right in front of ours like -- so it's really a very bad curve. I can't explain it any other way.

The houses are way too many for that area. You can see a few houses, maybe six, seven houses, ten houses. This is the way I feel personally. You stick fourteen houses plus a water tower, whatever you're going to put there

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DIANE TAYLOR SUBDIVISION

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and all that, I mean you're going to create just a mess back there.

And then like the gentleman was speaking before, the exit and the entrance to that road is in the wrong area.

CHAIRMAN EWASUTYN: Thank you.

MS. CORRADO: That's really what I want to say. We can't stop progress but do it the right way. That is wrong. That map is --

CHAIRMAN EWASUTYN: Thank you. The lady in the back.

MS. WIEST: My name is Patti Wiest and I have lived on Holmes Road for fifty-six years of my life, okay. I have been there fifty-six years. I'm fifty-six years old. I have ridden my horses on this property for fifty-six years, okay. They are totally right about this flood. You can't even take a horse back there. My horse goes all the way up to his belly. You can't go back there. If they had done a study in the wintertime with the snow. On Summer -- whatever that place is over -- the next door place, that crap place, I'm sorry Mr. DeRosa. That other place over there, okay, they said they were going

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to have runoff ponds. Oh, yeah. They have runoff ponds. You know how long they lasted. One storm, they then they shored them back up and they lasted one more storm, and then when the melt was, there's no more ponds over there. They don't work anymore. Not at all. You're saying you're going -- where is the septic going to be? Over here and here?

MR. OLLEY: Right where you pointed.

MS. WIEST: Right where I live? Isn't that lovely. I am so happy. It's going to come down the back; right?

CHAIRMAN EWASUTYN: Understand -- sir, sir -- this is a public hearing. It's a formal public hearing. It's not a theatrical stage where people come on board and begin to just entertain everyone.

MS. WIEST: I'm not trying to entertain, I'm just trying to tell you --

CHAIRMAN EWASUTYN: Ms. Wiest, I have the floor now. If you have questions, you have comments --

MS. WIEST: I do have a question.

CHAIRMAN EWASUTYN: Thank you.

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MS. WIEST: My question would be you're going to have this come off and it's going to go here. This is all downhill here. It's nothing -- it's nothing but shale hill. It's been that way forever. If you're going to have -- this is where the septic are going to be. It's all going to go down into my mother's property which is low. And my brother's property is low. It's the low part of the land.

UNIDENTIFIED SPEAKER: Where the stream is.

MS. WIEST: Where the stream is. When the stream flows in the wintertime it covers that part of that land, and it has for fifty-six years. It's never changed. It's always been that way. It comes off of the pond that's across the street and it comes down and it goes and it floods the back of my mother's house, and it has done it for fifty-six years. There's never been a year that it's missed.

So I mean I understand you did your studies and I understand, you know, that's all fine and good, but doesn't the studies go for a period of time so you can see the seasons go

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because the seasons change the way the stream flows. In the summer there's no stream, but in the winter -- when you come out of my house, the back door, you open the door and you hear it roar. It roars.

So I mean this is too many. I don't want her not to have her money and I want her to make as much money as she possibly can off of her land. It's her land and she can do with it whatever she pleases. This many houses is way too many. The topographical stuff coming off the top of that hill on Holmes Road, Summer Hill land, the water that comes off of there is tremendous. I never believed Larry Cosman when he told me. I put in pipes for my horses and he said there's no way they're going to hold. And you know what, he was right. He helped me put in pipes. The pipes I finally ended up putting in are at least this big around and there's four of them. Do you know one bad, bad winter when we had the runoff they even washed out and I had to redo them again.

Sorry for entertaining you, I didn't mean to do that.

CHAIRMAN EWASUTYN: We understand your

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question about drainage. As far as the number of homes that are shown on the subdivision, I'll have Bryant Cocks, our Planning Consultant, discuss with you what the current zoning is and what is permitted by law for the property.

Bryant.

MR. COCKS: This is an AR Zone of the Town. The minimum lot size is 40,000 square feet. I believe they're allowed almost up to twenty lots. Even in the original proposal they had sixteen. Now they actually, because of the septic areas, dropped it down to fourteen house lots. So they're well under the amount of houses allowable for this size property.

CHAIRMAN EWASUTYN: I'd like to give someone an opportunity that hasn't spoken yet and then if there's no one else we'll go back. Sir.

MR. COMPETIELLO: Nunzio Competiello, number 66 Holmes Road. Just a comment about the road in and of itself. From that 20 mile-an-hour hairpin turn approximately one mile to North Fostertown junction, this is one of the most dangerous one miles I've seen, not only in the Town but just about anywhere. Three reasons.

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DIANE TAYLOR SUBDIVISION

You have a 20 mile-an-hour hairpin turn. I hear constantly the squealing of brakes coming due east from North Fostertown down. The road this way, a tremendous hill coming down. My own vehicle, if I'm not jamming on the brakes coming down that hill I'll be doing 60 plus. Not a lot of people unfamiliar with the area know that. I've seen them fly up and down the road. I know we can't change that, probably nothing is going to change that, but it's a fact of life. It's something we've lived with in the past. The number of pets that we've lost on the road, myself and my neighbors. I'm not going to go into that. We haven't lost any children, thank God, but we do have to understand point three. My home is approximately here. When I look due west where North Fostertown is, at night I will occasionally see car lights from approximately a mile away. What happens here is they tend to disappear on me and I wonder did he turn in, where did he go? Well I'll tell you where he went. Nobody seems to realize the dips that are involved in this road. It's something like -- picture a camel's hump, it's up, down, up and

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down. So I'll see those lights and then I won't see them. I'll see the lights again and I won't see them. Easy to pull out at night. I can stay away from that. But during the daytime, especially for an unseasoned driver, maybe somebody who doesn't live on the road, they're going to have to deal with that. One minute the car is there, the next minute it's gone. I'm afraid. This is a road that's not exactly crying for additional driveways. When they redeveloped the eighty acres or so here we got a number of additional driveways onto this road. I think that's enough.

When I see how many houses we're thinking of putting in here I think we're going to have a real issue. Not to be facetious or anything but it seems to me like if we had a shoehorn, how many more houses would you like to fit back here. They're not exactly in character with our neighborhood. Years ago we came up here from the city a long time back and we came up here for a certain way of life and it seemed like two or three acres was the norm in terms of distance between homes. Eighty acres, I told my

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wife they develop these acres I'm out of here. I don't want to wake up, look out and see Staten Island. I'm from that way. We decided that if they're going to do that we're leaving, it's not worth it.

What happened, to make a long story short, was they developed it in a very different way. What I consider to be a proper way. They took eighty acres of land and they put eleven or twelve houses on it. Everybody has a nice amount of acreage. There's distance between the homes, we have our privacy. Everybody seemed really happy with that. I was myself. I would hope and I would ask the Planning Board to take into account that this neighborhood is structured in such a way we have a certain distance between our homes. This seems a bit out of character with what we're used to. Not only the way the homes have been laid out over the years but even after the development. Eighty acres and change and eleven or twelve homes, this is what I think most of us would agree to. We're not against development. Development is a part of life. It's not something we can change or are trying to

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change. We just want to keep our neighborhood intact, have it look somewhat the way it has looked over the years. If we want to put fifteen houses, fourteen houses and twenty-two acres, maybe that's something for the City of Newburgh. I don't know if it's for us. I disagree with it and I hope they change their mind, not only for the danger of the road but just for the way our neighborhood is and the way it looks. We would like to keep it that way.

I would propose a minimum of two acres and change between homes. I don't want to see fifty homes in my backyard. It looks nothing like the rest of our neighborhood.

CHAIRMAN EWASUTYN: Is there anyone here this evening who hasn't had an opportunity to raise their questions or comments? We discussed drainage. We discussed the traffic safety. We discussed the community character. Is there anyone else who hasn't spoken who would like to speak?

MR. CALLI: I just want to point out up here the drainage and my house. It's a pond. I guarantee if you go there today there's a pond

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out front.

Mr. Olley, just so you know, my footing drain comes out right here and comes down here. If you come down here, water runs down through here. You'll see the property rises here. After this it comes down into the swamp here. Right now it will be all wet right here and then it runs down and then the stream comes back. I've got pictures from the air and it's showing it's wet right now right here. So I think what happens is even though you did your perc test, somebody needs to walk the land to see what's back there, okay. That's my concern, though. Where is this water going to go? If you're going to build this, do something here. This water in the front of my house is going to sit right in here, this low spot right here, okay. The other runoff I have is in the back right here. I'll admit there's two of them, all right. This one is the main one. My neighbor Rick advised me on that one there.

CHAIRMAN EWASUTYN: Pat, did you happen to take the time to look at that?

MR. HINES: I'm making notes as the

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people are speaking. I have a couple issues I would like to take a look at.

The drainage easement that was mentioned by the gentleman who owns the lot that was formerly Diane Taylor's, there's no easement shown there. Actually it's on lot 1. I want to take a look at that. The drainage that's tributary to lot 14 I think we need to take a look at. The flood plain issue that was mentioned. I know there has been some new flood plain mapping. I want to make sure that mapping hasn't affected some additional lots. It's interesting to note the gentleman had to buy flood insurance. He's well away from the flood plain depicted on this map. I will get with Jerry Canfield's office and make sure those modifications haven't included additional lots.

I will reach out to the DEC regarding if there is an ongoing study of the blue bird nesting. I think that's important to note before that's disturbed. At least let the DEC know this is occurring. Because there are no DEC permits needed with the exception of the stormwater permit that will be received prior to grading,

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they have not had indication of this subdivision occurring.

I'm hearing the traffic issues. I'm sure Ken will look at those. Those are the notes that I've made.

The septic systems need to be depicted as they were shown where the people had mentioned that there were differences in the maps. So those are some issues that we're going to be taking a look at.

CHAIRMAN EWASUTYN: Thank you. Joe Costanzo.

MR. COSTANZO: Sorry. Your name again?

MR. HINES: Pat Hines.

MR. COSTANZO: Do you know who did the survey for this subdivision?

MR. HINES: The surveying?

MR. COSTANZO: Yes.

MR. OLLEY: Dan Yanosh.

MR. COSTANZO: Who?

MR. OLLEY: Dan Yanosh.

MR. COSTANZO: He surveyed my property. He's the one that told me it's in a flood plain. How do you not know?

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CHAIRMAN EWASUTYN: Okay. Joe, I think the interesting point that we're raising now is you raised a comment. Pat Hines, who does work for you, he works for the Town, is going to question that now. So it's not meant to argue with one another, it's just to raise questions, to have everyone speak and then to follow up and find out what the current status is, whether it be easements, whether it be flood plains, whether it be adequate location of wells and septic. That's the purpose of the public hearing and that's what we're doing now. We're collecting information and we'll take it a step further.

MR. COSTANZO: I appreciate that. I apologize for my tone of voice.

CHAIRMAN EWASUTYN: That's fine. I get like that myself. I understand what you're saying.

MR. COSTANZO: I don't understand how that can be. I mean he has to know that.

CHAIRMAN EWASUTYN: None of us understand it. That's the point. That's why it's a question, that's why it's a concern and that's why we're going to try to find an answer.

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The purpose of a public hearing isn't necessarily to have the answers, it's to hear from the public, as was said earlier, to find out any areas that we may not have considered in the review, and that's what we're doing. Sometimes you don't want quick answers. We're not here to give you quick answers.

MR. OLLEY: If I just may, just one general comment about flood plains. Pat said FEMA is going through -- Federal Emergency Management Administration is going through a series of updates of the flood maps, and ours -- our location was taken from the most current maps that were available to us. If there's something that's ongoing that's before the Town to be considered, because they have to have a public comment period on that, and there's changes, we'll certainly incorporate them. But I also want to just point out for the Board's benefit and also to the public is that a mortgager may require flood insurance even if you're not in the flood plain and you're close to a flood plain unless you get a certification that you're above it and it gets approved by FEMA. So it may just

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be that because of the proximity to the flood plain, there is a flood plain and the fact that your property was once part of this larger piece, it may just raise a red flag and that's why they're requiring it. We'll work with Mr. Hines, we'll make sure that what we're showing on the map as being a flood plain is depicted accurately. I can assure you of that. The issue of whether or not you're in a flood plain and have to provide or are required to have flood insurance isn't really a black and white thing in all cases.

CHAIRMAN EWASUTYN: Mr. Calli.

MR. CALLI: When perc tests are done is there any time in the year that they're supposed to be done or that they are done? If you do it in the dead heat of summer when they have a drought they will pass a lot easier than if you do it in March, April.

CHAIRMAN EWASUTYN: Good question. Tom, would you like to answer that?

MR. OLLEY: There isn't a specific time that perc tests are required to be done or are -- or are forbidden to be done. We had perc tests

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that were done in the summer months but also in the late spring on the parcel. So we did have both, you know, wet and dry periods. But as I said, we also look at the deep tests. We look at what is the makeup of the soil. As you know, on this site you have a combination of shale outcrops on the -- maybe not outcrops but at least shallow shale and you can see some areas where it's very close to the surface where it was stripped off for the landing strip.

In the area of the wetlands you have some very heavy clay soils, and we took a look at that to see if there were layers there that would prevent the proper functioning of a septic system. And then there's also some pretty decent soils on there. If we don't have four feet of soil before the rock or before groundwater we haven't proposed a septic system there. When we look at the groundwater we look for evidence of groundwater, too. There's a term called mottling. What that is, many times in the heavier more clay types of soils that are present there you'll actually see staining. What that is evidence of is water that's been flooding into

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that zone in the soil. So we look for that because we don't want a septic system that's in that. As a design professional I don't want to have somebody coming back and saying my septic system doesn't work, because Mrs. Taylor will have sold off the lots, the builder will be gone and the only guy that's around is they go over to the County and they see that name on the map and then they come back and say hey, my septic system doesn't work. So we're very careful about that. We don't do the tests in the middle of the winter. We try not to do too many of them in the summer -- in the dead of summer, in August, but we do have some we did in August here because we went back out and we did testing. The vast majority of them were done in June and into July before everything got really baked out. I can tell you that if you look at the weather records, for eons, even more than the fifty-six years Mrs. Wiest talked about, June can be a very wet month in this area. We have a prolific number of storms, rainstorms in the month of June, and it's not until July or late August that it really dries out. As I said, we look for other evidence

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there. We don't want the systems to fail. We're not out there trying to jam in every last lot because we know that it has to work.

Just with the -- you mentioned an artesian well that was out here. I didn't mention this before but that's a very good indication that everybody in that area does benefit from a good groundwater source. We do look at -- the Orange County Water Authority has done mapping of groundwater recharge, and we look at that and we consider that when we lay these things out. We're about 1.8 units to the acre, 1.7 units to the acre, and even in the worst areas --

MR. HINES: Acres per unit.

MR. OLLEY: Acres per unit. Thank you, Pat. Even in the worst areas of the County the -- even in those worst areas the recharge for the groundwater at worst is -- we're talking about a density of 2 acres per unit, and we know that this isn't one of the worst areas. This is a good area. There's plenty of water in this area. So we're not overlapping the aquifer. Even with the number of units in the -- to the north and

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the Summer Kim property, it's not overtaxing the aquifer. The Health Department, believe me, looks at that very closely.

MR. HINES: I think that's important to mention. There is going to be another system of checks and balances. The Health Department is going to review on-site wells and redo some of the septic testing.

MR. CALLI: Does somebody from the Town actually walk the property to see what it is instead of just looking at maps?

MR. HINES: Often times people from my office do. Based on what I heard tonight I will go out myself and look.

MR. CALLI: I'll be home tomorrow if you want to stop by.

CHAIRMAN EWASUTYN: Any additional comments from the public before I turn it over to our consultants? Mr. DeRosa.

MR. DeROSA: One last comment. Sir, just about what you talked about you can't control the speed on the road, and I understand that. It certainly wasn't my intent to insinuate you could control the speed on the road. You're

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going to assume everybody is going to go 40 miles-per-hour. The problem is even if you do 45 you're still basically in the speed limit. My point is that -- I'm talking about cars coming west. The other gentleman talked about cars coming east. Cars coming west, you don't reach the brow of that hill until you're very close to that driveway. If you're doing 40 or 45 miles-an-hour even in dry weather it's hazardous. I understand you can't control the speeds of the people that don't do 45. Most people don't. My point is if you build that there knowing what the existing conditions are, you're creating a hazard. You're creating a hazard that's going to take somebody's life. I can't control the speeds. You can't control the speeds. I understand that. But we know what they are and that's the problem. I live down the street. Summer Drive is on the other side of that turn. I have a better sight distance, but you know what, you have to be very careful pulling out of Summer Drive because the crest of the hill, somebody could be just beyond the crest of that hill and if they're going 40, 50 miles-an-hour

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it's going to be a problem. Going in the other direction the crest of the hill is much closer to that driveway. To my mind it's extremely hazardous. I know you can't control the speeds but we know what the conditions are. To put that there now knowing what the conditions are to me is absolutely foolish. Somebody is going to lose their life.

When I bought my house and my neighbor bought his house, he has over two acres, I have two-and-a-half acres, then all of a sudden Summer Kim is all one-acre lots. Had I known that I wouldn't have bought. Now I'm surrounded by one-acre lots. I would have lived in Meadow Hill if I wanted that. No offense.

CHAIRMAN EWASUTYN: Ken Wersted is our Traffic Consultant. He represents the Town Planning Board. He'll give a second look at the location and advise the Planning Board accordingly.

Mrs. DeRosa.

MS. DeROSA: Who looks at the character of the properties surrounding this area compared to what's being planned to put in there? Who

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looks and says this is not -- for the Town? Who looks and makes the decision that this is going to fit in with what the neighborhood is and not take away from the serenity and the beauty of the landscape, from the wildlife that is living in there? I mean I understand that this is a privately owned -- this is privately owned property but does somebody take that into consideration?

CHAIRMAN EWASUTYN: The Town Board does. The Town Board.

MS. DeROSA: But who sitting here takes that into consideration?

CHAIRMAN EWASUTYN: The Town Board does. The Town Board is the body that adopts the zoning regulations for the Town of Newburgh. So it's the Town Board that established this. As Bryant Cocks had said earlier, it's in the AR zone. The minimum lot size would be one acre. The Planning Board is responsible for working within the standards of the subdivision regulations and the zoning regulations. If an applicant comes before us with something that the Town Board adopted as being permissible, then

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that's the guidelines that the Planning Board has to work under. It would be arbitrary and capricious for us to say -- we would have no foundation to say that it should be this way or that way. The Town Board establishes that and we're here to, I wouldn't say enforce but to work within that greater picture that you're describing.

There are two things. Ken Mennerich will speak and I'll further it. There's a regulation, I'll have Bryant Cocks speak on that as far as ARB and the number of lots and what's associated with that.

Bryant.

MR. COCKS: The Town also enacted, as part of the zoning code, that any development of over ten new houses has to be reviewed by this Board architecturally. So this Board will take into account the surrounding character, what the style of houses are going in to make sure that, you know, something of quality is actually produced by each applicant in a development this size.

CHAIRMAN EWASUTYN: Ken Mennerich has

1 something he would like to add.

2
3 MR. MENNERICH: The Town Board, before
4 they get to the zoning document, they went
5 through a comprehensive plan and that really
6 looks at the character, the different parts of
7 the Town and what types of uses within the Town.
8 There was a lot of public input into that
9 process. So a lot of the issues you were
10 mentioning really get covered under that
11 comprehensive plan which was finalized a couple
12 years ago. I guess it's reviewed continually.
13 It gets updated every so many years.

14 CHAIRMAN EWASUTYN: Joe Costanzo.

15 MR. COSTANZO: Do you follow some type
16 of guidelines in a situation like this, where
17 proposed properties abut the existing properties
18 as far as landscape?

19 CHAIRMAN EWASUTYN: The code does not
20 require buffering from residential to
21 residential. The code does call out for
22 buffering residential projects from commercial
23 projects but not from buffering residential to
24 residential. There are cases where if there
25 seems to be a direct impact the Board would give

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that consideration, but by code it's not required. I think that's the word I was looking for earlier.

Mr. DeRosa, there's a code that we have to work within and that's what we're bound by.

At this point I would like to turn the meeting over to our consultants for their final comments. Pat Hines.

MR. HINES: I had given comments earlier of what we're going to follow up on. We did review the project with regard to stormwater management. There is a compliant stormwater management plan. The Town of Newburgh does have stormwater management regulations. We are what's called an MS-4 town so those regulations are reviewed by the DEC prior to them being adopted, and we do have the requirement that we do review each project with regard to stormwater management, both water quality for making sure the water isn't contaminated from the site and is treated prior to discharge and water quantity to control the volume of runoff from the site to make sure that it does not exceed rates which currently discharge from the site. The site has

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a stormwater detention facility that provides both those water quality and water quantity controls. We've gone through several versions of that, given Mr. Olley comments which he has addressed, and that plan is now in an acceptable form.

As I mentioned, we did take a cursory review of the septic systems with regard to separation distances. The County will be looking at them based on their design requirements because this is a major subdivision. If it was less than five lots that burden would fall on the Planning Board to review the septic systems. I will take a look at those items that I did mention.

I will go back out and look at the site specifically for those drainage issues and a couple of the other issues we mentioned as a follow up, and I'll be reporting back to the Planning Board on those at a later date.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant.

MR. COCKS: To expand upon the bulk table requirements with the 40,000 square foot

1 minimum for each lot, the Town also set up
2 different setbacks. All fourteen new house lots
3 are going to meet all the setback requirements
4 for front yard, side yard, rear yard, percentage
5 of coverage. So this applicant has met all the
6 Town Board's requirements for the zone. We've
7 reviewed all these and as of this time we have no
8 further comments.
9

10 The applicant will have to put just a
11 note on the plans for staking of foundations
12 prior to excavation.

13 CHAIRMAN EWASUTYN: And what is the
14 purpose of doing that, Bryant?

15 MR. COCKS: That's required by the
16 building inspector, Tilford, and the code
17 compliance department. That's just to make sure
18 the house locations are in the spots that are
19 depicted on the plans right now so that they're
20 not shifted around in the different areas of each
21 lot.

22 CHAIRMAN EWASUTYN: Thank you. Karen
23 Arent, Landscape Architect.

24 MS. ARENT: One way that the Town
25 protects the character of the neighborhood is by

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preserving as much vegetation as practical on these projects. Mr. Olley put notes on the drawing that requires -- first he put a disturbance limit line which is a line that shows where the trees can be cut to, and then they're supposed to put orange safety fencing along that line to keep the machines out of there to try to preserve wherever there's existing trees. So that's one way that the -- they'll be a little bit buffered. If there are trees between you and this neighbor and he's able to preserve them, then they'll be preserved.

CHAIRMAN EWASUTYN: I'm going to make sure I use your last name correctly, so give me a minute to think. Ken Wersted, Traffic Consultant.

MR. WERSTED: Mr. Competiello gave a pretty good and accurate description of how Holmes Road fluctuates in terms of its elevation as you head east and west, from his driveway and from the east entrance of this site, that's approximately the bottom of the hill. When you look to the east, you look up on the hill which crests right about at the corner of the ninety-degree curve. That's about 520 feet away in that

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DIANE TAYLOR SUBDIVISION

direction. When you move west from that eastern location into the area of the Hall property which is about in the middle of the four properties there, you start to get closer to the camel's hump if you will which is opposite approximately the former Diane Taylor house. At that point it crests. So those houses that are in there -- in between there, you know, do have difficulty looking in that direction, to the west, because of that crest in that hill. If you move that driveway or, you know, if you move the location further to the west you wind up limiting your sight distance. It gets shorter because of the crest of that hill. When you move further to the west where the western driveway location is you are beginning to go up the larger hill towards Frozen Ridge Road. From there when you look to the east you're up higher so you're basically looking over that small crest of the hill in front of the former Diane Taylor house, and then you can see further to the east towards the -- towards the ninety-degree turn. When you look to the west, you're obviously looking up the hill then. There are existing residences in here that

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have locations that aren't the best, but obviously they're limited by where they can actually come out due to their property lines. The project itself, though, has a little bit more flexibility, particularly on the west end because it has a larger frontage.

The numbers that are provided here are acceptable for between 47 and 53 miles-per-hour. So recognizing that the speed limit is 40, people are doing faster than that, the distances that are provided are still acceptable for I'll say a reasonable amount of people who are driving faster than the speed limit. When you get somebody who is driving through the area at 60 miles-an-hour, you know, we have to have -- we'd have to take out the curve and make a straight road all the way down to 9W. It's really not practical for those people who are just blatantly exceeding the speed limit. So we have to work within some reasonableness. I think we are in this case. Again I'll go up there and I'll verify the numbers that have been provided by the applicant, particularly near the curve and also at the western driveway location.

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CHAIRMAN EWASUTYN: I'll turn to the Board Members for their comments. Frank Galli?

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No additional.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: I just want to say I have taken a lot of notes of the concerns and it is going to be very interesting to hear what you find, Ken, with respect to the sight distances.

CHAIRMAN EWASUTYN: I'd like to make a motion from the Board to close the public hearing subject to the applicant waiving the sixty-two day decision time to have our consultants review their concerns as far as the easement that Joe had raised, the drainage as it related to lot 14, the flood plain, the possibility of DEC, Ken Wersted looking at traffic, some issues as far as septic locations. If the applicant is willing to waive the sixty-two day decision time.

MR. OLLEY: Mr. Chairman, the applicant agrees to extend that sixty-two day period until the consultants can respond back to the Board.

CHAIRMAN EWASUTYN: Okay. Then I'll

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DIANE TAYLOR SUBDIVISION

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move for a motion to close the public hearing on the fifteen-lot subdivision for Diane Taylor subject to the applicant waiving the sixty-two day decision time.

MR. MENNERICH: So moved.

MR. GALLI: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

Pat, I'll leave it up to you if you want to leave your card or something for someone to contact you.

MR. HINES: I can do that. I normally don't like to bring residents out in the field with us, though. I think it may bias some of our opinions. We'll look at it as objectively from

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DIANE TAYLOR SUBDIVISION

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what we've heard. If someone wants to call me in the interim for some additional information.

MR. OLLEY: Mr. Chairman, not that we're intending to deny anybody access, but I don't have permission of the --

CHAIRMAN EWASUTYN: Understood.

MR. OLLEY: -- property -- of the applicant to allow other people to go on the property.

MR. HINES: I'm not bringing anyone with me.

CHAIRMAN EWASUTYN: We don't have the authority to do that either. The courts have decided that. We have been challenged recently on a decision where the public has asked us to permit someone on the property, the Planning Board, because of advice from our counsel who couldn't be here this evening who is sick, advised us we didn't have the authority. It went as high as Supreme Court and the Supreme Court ruled that we were correct in not having the authority to allow others on other's property. We had that ruling.

MR. CALLI: I understand.

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DIANE TAYLOR SUBDIVISION

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CHAIRMAN EWASUTYN: Thanks ever so much
for your time.

(Time noted: 8:16 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: November 28, 2008

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

----- X
In the Matter of

LANDS OF BARRY WHITE
(2008-02)

421 Fostertown Road
Section 17; Block 1; Lot 40
R-2 Zone

----- X

PUBLIC HEARING
TWO-LOT SUBDIVISION

Date: November 6, 2008
Time: 8:16 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DINA HAINES
BRYANT COCKS
PATRICK HINES
KAREN ARENT
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: TIMOTHY GANNON

----- X

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

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LANDS OF BARRY WHITE

MS. HAINES: The second item of business we have tonight is the lands of Barry White. It is a public hearing on a two-lot subdivision, it's located on Fostertown Road in an R-2 Zone. It's being represented by Michael Miele.

I'm going to ask Ken Mennerich to read the notice of hearing.

MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to Section 276 of the Town Law on the application of lands of Barry White for a two-lot subdivision on premises 421 Fostertown Road in the Town of Newburgh, designated on Town tax map as Section 17; Block 1; Lot 40. Said hearing will be held on the 6th day of November at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7 p.m. at which time all interested persons will be given an opportunity to be heard. By order of the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman, Planning Board Town of Newburgh. Dated

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LANDS OF BARRY WHITE

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October 15, 2008."

MR. GALLI: The public hearing notices were posted in The Sentinel on October 31, 2008, in The Mid-Hudson Times on October 29, 2008. The applicant's representative sent out fifteen registered letters, fifteen were returned. The notices are in order.

MR. WHITE: Good evening. I'm Barry White. I'm represented this evening by Tim Gannon, my surveyor. Mr. Miele is not available.

As you may recall from our last meeting, there were several issues raised by --

CHAIRMAN EWASUTYN: It's a public hearing. What you're here for tonight is to put up a copy of the map, very similar to what Mr. Olley did, and for the public describe what it is you're proposing to do there, --

MR. WHITE: Very good.

CHAIRMAN EWASUTYN: -- and any comments the public has we'll hear.

MR. GANNON: What I was told is that Mike had submitted an updated map. This is not the most recent. The map that he gave you has the changes. The location of the well is

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different. Right here it's shown right by the road. Where it's being moved is back behind the dwelling.

Also he had sent in for the driveway permits, and my understanding is that they would be here by the end of the week, so maybe tomorrow.

The perc tests I guess were not on the originals -- the perc test results were not on the original plans but here it shows thirty-three minutes passing.

CHAIRMAN EWASUTYN: Okay. It's a little different of a presentation. Let's walk through it as to what you're proposing, not what the comments are. Where the property is located, what the size of the property is, where the current house is, how many lots you're proposing. Just kind of walk us through --

MR. GANNON: I'm sorry.

CHAIRMAN EWASUTYN: -- like we're here to learn.

MR. WHITE: Thank you. The property as it exists presently is a little in excess of five acres. It consists of a residence, three-bedroom

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home, and a barn. Our objective is to reduce the size of the property that the house and the barn are situated on to approximately 1.8 acres and leave the rest of the land for potential future use. Frankly at this time I don't foresee any motion to speak of in terms of developing the balance of the land. The entire purpose of doing this is to produce a more economically scaled package for sale. I've had the property for nearly two years. I've had great difficulty in finding a buyer that was willing to buy it along with five plus acres. So our intention simply is to reduce the size of the parcel that the house and barn is situated on and I would retain ownership of the balance of the land. There's no plan at this time to develop the balance of the land.

CHAIRMAN EWASUTYN: Thank you.

Is there anyone here this evening for the public hearing that Mr. White had presented? Would you please raise your hand and give your name.

MR. SMITH: I'm Vincent Smith, I live just east of this land. I'm just concerned about

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if they ever do develop with the driveway through here, if they just put in the proper drainage. My house is right here. There's Fostertown, here's my property. Here's the proposed driveway there. As long as it's graded right so all the water goes to the west side. That was my only concern with it.

Plus the traffic is very fast there. It's dangerous pulling out there.

There is a lot of big, nice maple trees there, too.

That's my only concern, they put the right drainage in when they develop it.

CHAIRMAN EWASUTYN: This doesn't fall under the threshold for --

MR. HINES: It doesn't exceed the threshold to require a drainage study, however because it is accessing a County roadway the County highway details and permits will require the installation of an appropriate culvert at the access point of the County roadway. Just upgrading of the culvert for your driveway. The County will be looking at drainage for the County road, the driveway and the existing topography.

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MR. SMITH: There is a stonewall, too.

MR. HINES: That's shown on the plans.

MR. SMITH: It's a nice stonewall.

MR. HINES: There have been notes added to the plans that state that the stonewall can only be disturbed as shown for the driveways and that where -- other locations where they're to be impacted they're to remain. If they are impacted they're to be reconstructed. So the stonewalls are to be preserved on the site.

MR. SMITH: That's our only concern, just with the drainage up there. The land is higher so --

MR. HINES: Yes.

MR. SMITH: They have to bulldoze some land so it's graded to the west there to put the driveway in.

MR. HINES: Actually it's going to be graded to the east.

MR. SMITH: It grades to the east. It's lower there towards our property. They can do it flat or any way they want. That's our only concern, just we don't get any runoff down on our property. If there's no drainage problem I don't

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LANDS OF BARRY WHITE

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really care if they divide the land.

CHAIRMAN EWASUTYN: Mr. Smith. Anyone else?

(No response.)

CHAIRMAN EWASUTYN: Okay. Comments from Bryant Cocks first.

MR. COCKS: We had a bunch of comments that we sent out to Mike's office. We were supposed to get a revised plan back. I know Pat got a revised plan dated October 2nd. We were never in receipt of that plan. Mike has all of our comments. I resent them today also. The revised plans should be sent over to us to make sure everything has been addressed.

CHAIRMAN EWASUTYN: Pat Hines.

MR. HINES: Our previous comments have been addressed. The project was held up for some period of time regarding the existing well which is shown along the frontage along the County roadway. It turns out apparently that's not the well that serves the existing structure and that well has now been shown to be abandoned in accordance with the appropriate requirements. There is a well located in the rear of the

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existing structure which serves the house on lot 1, so that issue has been resolved.

There's a piece of land to be dedicated to the County. We are awaiting, as the applicant's representative said, a report from the County regarding the driveway access and the dedication parcel. We don't have that yet.

Additional percolation tests have been provided on the plan sheet that I received in addition to those which are shown on the plan before the Board right now, and those are showing a stabilized percolation rate with rates that are close enough to be considered stabilized. Our previous comments were that there was a twelve and fourteen minute difference between the percolation rates that were shown between the runs.

All our comments have been addressed with the exception of getting that letter from the County for approval of the driveway access and road dedication.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: No additional comments.

CHAIRMAN EWASUTYN: Ken Mennerich?

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MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: Nothing additional, John.

CHAIRMAN EWASUTYN: Bryant Cocks, as you started to say, there's maps that haven't been presented to Bryant, may not be complete at this time. What the Board would like to do is close the public hearing, waive the sixty-two day decision time, you'll provide the necessary maps with the revisions that Bryant Cocks, Planning Consultant, has been waiting for, you'll resubmit to Pat Hines one more time. When we hear back from them we'll do this as a Board business item as far as taking formal action if you're in agreement with that.

MR. WHITE: Yes. That's fine. Thank you.

CHAIRMAN EWASUTYN: I'll move for a motion to close the public hearing on the two-lot subdivision for Barry White, waive the sixty-two day decision time subject to the applicant's engineer or surveyor providing Bryant Cocks with the revised subdivision maps that address all his previous comments, and also revised maps that

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LANDS OF BARRY WHITE

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reflect the comments of both Bryant and Pat
Hines.

MR. PROFACI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by
Joe Profaci. 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. MENNERICH: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself yes. So
carried.

Thank you.

MR. WHITE: Thank you.

(Time noted: 8:28 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: November 28, 2008

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

----- X

In the Matter of

JNM REALTY
(2006-37)

North side of Route 9W, north of Old Post Road
Section 9; Block 1; Lot 14.11
B Zone

----- X

SITE PLAN
ARCHITECTURAL REVIEW

Date: November 6, 2008
Time: 8:28 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DINA HAINES
BRYANT COCKS
PATRICK HINES
KAREN ARENT
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: ANTHONY COPPOLA

----- X

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

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JNM REALTY

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CHAIRMAN EWASUTYN: Anthony Coppola,
would you give your presentation.

MR. COPPOLA: Mr. Chairman, this is our
third Planning Board meeting for this proposed
project for JNM Realty for Jason Siegel. Our lot
is basically on 9W in the northern part of the
Town.

Just as kind of a little bit of
history, we had started this project in 2006 and
presented our first plan to the Planning Board
probably during that year before your design
guidelines were I think in full effect. We
received concept approval then. At the second
Planning Board meeting, I think that was about
four months ago, there was a lot of discussion
about the plan that was approved on a concept
basis and working towards incorporating some of
the intent of the design guidelines at this
meeting. So that's kind of what we've been
working on since the last meeting, developing the
architecture of the building, looking at kind of
the visual impact of this building along Route
9W, the cars being in front, and kind of
explaining some of the things that we've done to

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address that.

So first just briefly with the architecture, what we've done is I looked real close at the facade and how we're parking in front of the building and tried to minimize to a certain extent the cars that were directly in front of the building. So we've basically introduced a thirty-foot wide kind of a mini-plaza right in the center of the building, done a little bit of landscaping and put a fountain there as a focal point, and again tried to minimize the number of parking that's directly in front of the building.

There is a retaining wall that you're going to see along 9W. That retaining wall basically retaining four feet of earth but we have it set three feet above the grade behind it, basically again to shield at least most of the cars, the front end of those cars from 9W. What you would see from 9W in terms of the retaining wall is approximately seven feet, the four that's being retained, the three above the grade, the guardrail and then landscaping behind it.

That cultured stone is the same

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cultured stone that's on the building. Visually that's one of the things that we worked on, looking at that. That material, that was something that was brought to our attention at the last Planning Board meeting. And again the fact that we have, you know, a good portion of our parking in front of the building, how we could best minimize that impact and kind of work towards the spirit of the new design guidelines. So those were the things we looked at and are now part of our plan.

Just a couple of the details on the site. The site plan is basically the same as it's been since the beginning. We're proposing two buildings. The main retail office building is now slightly smaller than it was before, 9,260 square feet. The satellite building is 3,000 square feet. We've developed the architecture and the material in the vocabulary for the larger building. We really can not do the smaller building until we have a use set for that. So we would basically come back at a point -- at a future point in time and do the architectural review for that project. Whether it's a bank or

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coffee shop or whatever, it's going to have a different look and feel. And also I think we can revisit some of the things that are immediately around that site in terms of landscaping, again depending on what's appropriate for that use.

So for each of these buildings there is a proposed drive-through shown on the site plan. We've aligned our access driveway basically all the way through so the way the vehicles would again work, there's going to be a light at this corner and we're going to have a right-in and right-out access and then basically a drive-through. If you wanted to go south on 9W you would have to drive through and go back to the light. So there's parking in front and the back of the building. There's basically a large cut in the earth here so there's substantial two nine-foot high retaining walls in the rear, and they're basically located and shown that way so that we maintain our full thirty-foot buffer all the way around the residential adjoining lots.

Another thing I just wanted to mention is a question about the phasing here. Again the intent is this building, the smaller building,

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number 2, would be built at a later time than the main building. Basically what's shown on the plan and what's noted on the plan is there would be basically a straight line of the edge of the pavement there, so that drive that cuts through the property here, that would be installed and everything to the right side or to the south side of that would just basically be grass. So we would topsoil that and install grass there. And then of course none of that parking, none of the sidewalks or the curbing immediately around that building, or the landscaping immediately around that building would be installed. There is some landscaping down at the -- where the monument sign is. That would be installed. Basically you would just have grass from that edge of pavement to the corner of the property.

That monument sign last time was kind of oversized. We reduced that, brought that down to scale.

That's probably most of our changes since our last time.

CHAIRMAN EWASUTYN: Okay, AJ. I think first and foremost when we started reviewing this

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this evening we looked at the rendering as far as the proposed retaining wall along the front and there were some questions as to what the actual height is. I think you're now saying it's seven feet.

MR. COPPOLA: I did look at Karen's comments and I can understand there was confusion there. Basically the grade is mostly the same at the bottom of the wall. The grade shoots up two feet, so there's a difference there of two feet, but basically it's retaining -- 196 at the bottom of the wall, 200 is the pavement on top and then it extends another 3 feet.

MS. ARENT: That's not what's shown on the grading plan. You're showing 190 at the bottom of the wall.

MR. COPPOLA: I think it's difficult to read there. We'll clean that up. On that section -- there is a section drawing that shows 194 at the bottom. It's the section detail.

MS. ARENT: You have to make the grading plan so it's legible because it's not shown the way it's described, and especially not in the corner where you're showing the wall.

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MR. COPPOLA: Okay.

MR. HINES: I had the same comment.

MR. COPPOLA: I think there's too much information on there. That needs to be cleaned up. I agree with that. We'll clean that up.

MS. ARENT: Because your 190, 194 contour is right next to the entrance. So you're not showing --

CHAIRMAN EWASUTYN: All right. We'll take it through a review. We'll start with Ken Wersted, our Traffic Consultant. Ken.

MR. WERSTED: When we started looking at this we were looking at the boulevard coming up Cortland Drive. Obviously it's not there now. What caught my eye on this plan was the short thirty-foot section has a little bit of an odd shape that encroaches into the lane. I went back to the Orchard Hills plan because that's being proposed to be constructed as part of that project. It doesn't have the short bubble on there that encroaches into the lane. It's just a small difference between your plans and their plans. It's almost inconsequential because you're not proposing to build it.

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In looking at that we were concerned about the length of that small island. It's only thirty feet long and it doesn't preclude somebody turning left from Cortland Drive into the JNM site but it does make it a little more difficult. Because that island is so short we felt that it doesn't provide any great benefit, so if that could be removed and be as part of the Orchard Hills project, I think that would be an improvement in that area. I can't really say what impact that has on this project. It's more of a note to the Board in terms of a feature. It really only comes to light when you have both projects here.

The other comment we had had to do with the sidewalk around building number 1. The handicap parking spaces are in the lower right-hand corner of building number 1. There's no curb ramp shown there. I'm assuming that's where one would be, in between the two handicapped spaces. If a handicap person in a wheelchair needed to get to the far left-hand side of that building they would have to follow along the sidewalk that goes in front of the building. It

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looks like some of the architectural columns there encroach on the foot clearance. You're narrowing it down to four feet and in the back of the building it looks like it narrows to about three feet.

One question I have is will these potential tenants have access from the front and back? Could you have one business in the front and one business in the back that share, you know, kind of a slice of the building?

MR. COPPOLA: Well I don't think so because -- I mean it's possible but I think that -- in the beginning we actually looked at a two-level building. That we really didn't want. We figured we really didn't want to have store fronts in the back. So there's parking in the back. There will be a small entrance in the back but basically these stores are going to be front to back.

MR. WERSTED: So there really isn't any reason for a handicap person to park in front of the building and have to go around to the back.

MR. COPPOLA: No.

MR. WERSTED: So again, our comment, I

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guess mainly with the front columns, is there are some areas that neck down to a pretty small passageway.

We looked at the truck access previously and looked at it again based on Bryant's comments. Our previous comment that a single unit truck has fairly good access around the site is still consistent. A small tractor trailer has fairly good access around building number 1. It is limited around building number 2, particularly on the south side as it tries to turn the corner around the drive-through island. At that point the trailer would clip that small island. Whether a tractor trailer needs to get through there or not, I think it probably is unlikely that they would have to travel through that. There is a note on the plans on the upper side of building number 1 that says tractor trailers are not permitted on site between the hours of 9 a.m. to 5 p.m., basically your major daytime business hours. So if there happens to be tractor trailer deliveries, they'll have to make those deliveries earlier in the morning or in the evening, basically just to prevent the

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conflict of cars there and also the tractor trailers trying to make deliveries. There is a loading zone at the upper left-hand corner of building number 1 which could accommodate a single unit truck, but a tractor trailer would have to either use up several of the parking spaces in the back or block vehicles in. So I think the note is good to limit those deliveries to off-peak times.

Bryant had a comment about the dumpster access and the trucks. I looked at that a little bit and in my notes I have a some slight revisions that change the angle and position of the dumpster area. That would probably help garbage trucks gain access. So you can consider that one in the plans.

Lastly, we received the traffic study update from Phil Grealy. I believe it was dated February. The update basically covers the different uses here.

Originally the project was a 3,000 square foot bank and a 10,000 square foot pharmacy. The traffic generated by the pharmacy would be comparable to that of the retail office

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building, so overall the impact is the being addressed.

That was all of our comments.

CHAIRMAN EWASUTYN: Thank you. I'll come down the line. Karen Arent, Landscape Architect.

MS. ARENT: One of my concerns is that the only building that's shown for architectural review is the larger building. For SEQRA it's difficult to make an assessment as to the community character if the other building is not shown. And also because of the design guidelines it's hard to show something that's not in accordance with the guidelines and not know that it's going to be mitigated to the greatest extent practical.

Another concern I have is that the retaining wall is very high and the effect that it has on the street scape wasn't accurately portrayed in that drawing that was submitted. That was one of the requests during the last meeting, was to show from the street what effect the big wall will have because there's a couple of options with the wall. Maybe you could put a

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free-standing wall close to the parking spaces to reduce the overall appearance of height from the road and have the retaining wall out seven feet so you could have planting between the free-standing wall and the retaining wall. I think that it's a little scary to say that the plan meets the intent of the design guidelines with such a large wall out front. So I don't think that was accurately portrayed to the Planning Board so that they can make an educated decision as to what exactly this is going to look like from the street.

And then if the Planning -- if the wall is acceptable to the Planning Board, it should curve on the ends so it blends into the grades nicer. And then maybe another option is to move the wall back so you can plant in front of it. In any event, there should be planting in front of it to try to soften it. You can undulate the bed. You can go out into the DOT right-of-way as long as you have plants that are less than thirty inches high. Anything that would help the street scape. All that needs to be portrayed in some kind of drawing so the Planning Board can make an

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accurate assessment.

We were just wondering if you ever considered making one building instead of two to try to limit the asphalt on the site, maybe get a site that flows better.

The other comments are specific to details on the site. That's it.

CHAIRMAN EWASUTYN: Let's take two important questions. You said earlier in your presentation that proposed building number 1, at a later time you would come in and that could have a different look and feeling.

MR. COPPOLA: Well --

CHAIRMAN EWASUTYN: And just -- fine. I want to hear from you. Back to Karen's issue as far as the SEQRA determination and the visual impact. Do you see a compatible design, or when you say different in look and feel would it be that different in feel that --

MR. COPPOLA: It's not going to have a different look and feel but it's going to be a different building than if it's a bank or coffee shop, I mean in terms of the glass and in terms of how it's presented on the corner. So it's

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difficult -- I mean if I were to design it now you're going to get kind of a generic building type that would be either or but probably not either, and then we would probably still come back anyway. We're going to use the same materials. That's kind of the intent. So whatever the vocabulary, the materials that we're showing for building 1, the cultured stone, the hardy plank, the shingles and roofing, we'll incorporate probably some, maybe not all of them but at least some of those materials into the second building.

CHAIRMAN EWASUTYN: What do you feel your responsibilities are as far as meeting your client's desires and the overall guidelines for the neighborhood that the Planning Board would look for you to comply with?

MR. COPPOLA: Well I mean we want -- I would want to design a building that's appropriate for the use of that building. I guess the Planning Board is questioning how that vocabulary is going to all come together and what's going to be presented to the site. We can give you a design now but probably we'd come back

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anyway because it's just not -- when he gets somebody specific for that, I mean probably chances are I probably -- we'd be back anyway.

MR. SIEGEL: The hope was to maintain flexibility.

CHAIRMAN EWASUTYN: For the record your name is?

MR. SIEGEL: I'm sorry. It's Jason Siegel. I'm hoping to retain the flexibility to try to appeal -- once the first building is built and occupied, it's my hope to be able to appeal to a higher-end type user, and not knowing who that user is it's, in our minds, impossible to create something because even if we keep the character of the buildings the same, not knowing the end user makes it difficult to present something that's going to be realistic, something we're not likely to come back and have to change. Part of it is an attempt to be flexible and part of it is an attempt to hopefully not spend money and time I don't have to to present something that almost certainly is going to be changed once we find an end user.

MR. COPPOLA: We can certainly design a

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building for you to review. I mean that's not a difficult thing to do.

CHAIRMAN EWASUTYN: Let's put it up for discussion with the Planning Board Members. Frank Galli?

MR. GALLI: Well to me, to look at a building and change it a year from now, we're just looking at the square footage. Like Anthony said, you can put a building up there and we can look at it. It's not going to be the building that's going to be the end use. I mean if we know the footprint of the building I think and we know -- we definitely have to get him back in order to review it. That I think we need to do. You know, if we know the footprint, I'm pretty satisfied with that. The footprint part of it as far as, you know, a box looking a certain way, I'm okay with that and then coming back with the final ARB to know exactly what's going to be in there before we approve it on that section of it.

CHAIRMAN EWASUTYN: In terms of Bryant and Pat Hines, at a certain point in time we'll give consideration to approving this site plan. The site plan would show the building that we're

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discussing now that doesn't have a tenant, can't be designed. When we approve this site plan is there a responsibility for the applicant to come back for that individual building?

MR. HINES: Not for site plan approval. You will already have approved that site plan as a two-phase site plan. You'll have them come back for architectural review. You're looking to strike a balance as to how this doesn't meet your design guidelines and what the building is going to look like.

MR. GALLI: What I'm looking at is when he comes back -- in other words, if we approve the site plan for a 3,000 square foot retail building with the footprint, you say we approve the site plan, you said then he only has to come back to see what it looks like. That's what I'm trying to get at as far as that's why he has to come back, for us to look at it. He can't come back and say I want to put a 3,500 square foot building in now.

MR. HINES: No. That would require an amended site plan.

MR. GALLI: He can design the building.

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MR. HINES: I want to caution you it's not your normal procedure and you may have people coming forward again saying I don't know who my tenant is but I want to get the building done. You can have many of these. Normally before you approve a site plan you do the architectural review. There may be able to be certain components or a narrative or something that makes it tie into the existing building already as a method to make sure that you have some basis for the building that you're going to see in the future. I don't think anyone wants someone to design a building and throw it away. I don't think that serves anyone's purpose.

MR. GALLI: For instance, at the last meeting we approved -- we looked at a building, how it was going to look, and he might be out of business by the time that place is built which can make a change drastically.

MR. HINES: But I think you have a design for that building. They're going to be hard pressed -- they already modified that building away from its national chain franchise use. I think they'd be changing the sign is what

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you would be looking at. I think you've set the tone for the whole development by that architectural review you did. You may be able to strike some balance with that, color schemes, architectural features, scale of the building. That type of thing may be able to be developed now to address the SEQRA issues without having to put Anthony through an exercise of designing that 3,000 square foot bank that's not going to be there.

CHAIRMAN EWASUTYN: Jason, right now we're allowing the Members to have their time.

Ken Mennerich.

MR. MENNERICH: I guess my concern is we know that with this site you can't really meet the intent of the guidelines. Building number 2 is actually closer to 9W than building number 1. Actually I think it would be more visible along 9W. So I can see your point about the use but I think it's very critical to know that this building is going to be of an architectural style similar to building number 1. How we get that tied in I'm not sure of, but I think because we know this isn't going to meet the design

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guidelines we have to be a little more cautious in getting a full representation for the whole site. That's all.

CHAIRMAN EWASUTYN: I think we're looking for a balance. Maybe what Pat Hines was saying earlier, I'm going to refer to Joe Profaci, that if you could give us, with Karen looking at it also, a narrative letter as to how you see this being very -- being compatible to the existing building as far as materials, as far as the roof. Karen could probably add to that. The architectural elements that would make it somewhat cohesive.

Let's hear from Joe also.

MR. PROFACI: I think I'm in agreement with Ken in that that building is probably more visible than the other building and we have to have some notion that there is going to be a cohesiveness and style and so on, otherwise you might as well just leave it off and build your building and come back for another site plan review when you're ready to build another building completely.

MR. COPPOLA: Okay.

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CHAIRMAN EWASUTYN: We'll work on that. Just the other question that Karen mentioned so we know we have a response, did you ever consider adding additional square footage to building number 1 and then not having this free-standing building, and what was your decision on that?

MR. COPPOLA: Well, the overall guiding design constraint right from the beginning was traffic on the site, dealing with what was happening with the other development and the fact that we were going to have kind of this bisecting drive-through. So that came on the site right at the beginning, and that really split the entity in two.

MS. ARENT: I think that's only because you were showing two buildings; right? You can drive around the building on the site. So I think it was only because you were showing the two buildings that it was --

MR. COPPOLA: I think that's probably -- maybe I was speaking to half of that point. That's something maybe in the beginning that you had wanted us to consider was a smaller pad. I think that was right in the beginning of the

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JNM REALTY

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process we included that, too.

MR. SIEGEL: Is it --

CHAIRMAN EWASUTYN: Is it your turn?

MR. SIEGEL: Is it okay to talk?

CHAIRMAN EWASUTYN: Only for three
minutes.

MR. SIEGEL: I'll keep it under that, I
assure you. It was really -- again this is my
first attempt at doing any commercial
development. It was really a function of trying
to provide a site that would be as flexible as
possible. I mean I knew I was going to be the
first one going into a corridor that really
doesn't have a lot of high-end commercial
construction and it would be an uphill battle to
seek quality tenants. So my plan from day one
was to try to create a site that was as flexible
and appealing as possible, and that also allowed
me, given market conditions being uncertain, to
go ahead and build a first building, and if it
takes another three years or five years from the
area to warrant a national type tenant for the
second building, put myself in a position to do
so. I agree with you a hundred percent about the

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architecture. I have no issue whatsoever to some kind of restrictive language that requires me to build the second building in the spirit of the first building. The reason for not showing it was purely a function of not knowing exactly what it should look like because we don't know who the user is. It's certainly not my intent to do anything that's out of character with the first building, and I don't have any issue with that type of restriction being part of the approval if that's something that can be done.

MR. PROFACI: If you get a national tenant that has a specific prototype of building --

MR. SIEGEL: I've looked into that and even if they do have a prototype, usually it's for footprint. If you go to a McDonald's in Cape May it's not going to have the big sign. Being that I would have to come back for an architectural review, it would be my understanding it would be within your power to stop me from doing so at that point if you felt it wasn't in character with the rest of the site. Is that not true?

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CHAIRMAN EWASUTYN: Okay.

MR. PROFACI: It is.

CHAIRMAN EWASUTYN: I think the other avenue that we have to consider also is since the first presentation that the applicant made, and as AJ had presented thereafter, the guidelines came into play and this got caught in the conceptual approval and the catch 22. There's another change in this area where now the Town has adopted an overlay district that allows for a use that's rather intense, and this would sort of be right in the middle of all of that. So what he's trying to propose in a reasonable sense with some kind of language would be to design a second building that would be compatible to what we'll call the comprehensive avenue that this project will have. I think we have a balance here we have to consider. We really do. That's changed now. We may not have the same thread going through this corridor that we once thought that we would.

Karen, anything you want to add to that?

MS. ARENT: No. I think that's it.

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JNM REALTY

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The other thing that I don't know if you had a chance to look at or to consider is how much economically, because of all of the site improvements that you have to do, how much that's costing to put that other building on the site and just to look at like if that wasn't there you wouldn't need these big walls in the back, you wouldn't possibly need the big retaining wall in front and you wouldn't need that special pavement. So I was just -- I was just thinking that maybe to look at that angle just to make sure it's worth putting on that extra building because of all the site improvements that you have to do that are very expensive.

MR. SIEGEL: That's a good point. It's something that I'll look into.

MS. ARENT: Just consider that.

MR. SIEGEL: I'll look into it.

MS. ARENT: Also just, Anthony, to really work on that wall because I think that we have to come up with a better option.

MR. COPPOLA: Let me just actually throw out a question. Right now the wall is closer to 9W. The landscaping behind the wall on

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JNM REALTY

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the building side, there's no landscaping on the bottom. So I mean we're trying to stay out of the right-of-way. I think you're suggesting pushing the wall --

MS. ARENT: First I thought pushing the wall back. Now I think if you put a secondary wall close, and it could be from the standing wall, it should really match the second wall. If you put a wall close and a wall further back and plantings in between, that might work better than having one very tall --

CHAIRMAN EWASUTYN: How much space do you lose, though, in that area?

MS. ARENT: Two feet.

CHAIRMAN EWASUTYN: A planting area of approximately two feet in width?

MS. ARENT: No. A five-foot wide planting area. I mean just look at the detail and maybe pushing it back, maybe you can get more soil in front. It's just a very high wall as shown on the plan. Figure out a way -- maybe it's not even a wall we should be using to screen the cars because it's three feet taller making the wall that much higher. But my other concern

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is if it's just plants how are we going to ensure that the plants live?

CHAIRMAN EWASUTYN: The sample that you have there now, is that a sample of the wall, the material for the wall?

MR. COPPOLA: Yes. The building and the wall. It's the same cultured stone that would be applied to the concrete foundation -- the concrete retaining wall.

CHAIRMAN EWASUTYN: We're not really sure of the overall height of the building because of the grade of the wall; correct?

MR. COPPOLA: I think there is a little discrepancy on the plans, but I looked at everything again and the section shows it's retaining four feet. It's 196 at the bottom, 200 behind the wall and then 203 at the top of the wall.

MS. ARENT: That means you're going to be grading in the DOT right-of-way.

MR. COPPOLA: I don't think so. I'll look at all that again.

MS. ARENT: It looks like you're grading in the DOT right-of-way. Anyway --

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MR. COPPOLA: I understand.

CHAIRMAN EWASUTYN: Okay. I think what we're finding out now is there's a clarification that needs to be met and that we can probably talk about it for awhile but there really has to be something else done sitting down and working on it.

MS. ARENT: Anthony, you can even show a couple options to the Board of different ways to mitigate the parking.

CHAIRMAN EWASUTYN: I don't know if it's a question of mitigating the parking that you originally raised. The question was mitigating the visual impact of the wall. Let's stay with what we're focused on.

MS. ARENT: But the reason why the wall is so high is to mitigate the view of the parking.

CHAIRMAN EWASUTYN: Okay. All right.

Bryant Cocks.

MR. COCKS: One thing I was concerned about when you guys were talking about the development of the smaller building was that they're showing a drive-through directly at the

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JNM REALTY

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corner that's going to be the most visible on this whole site. They don't have a tenant for it, but I'm just scared when you come back in, if it's a bank, that's going to be the most visible thing on the site just as it's laid out. You know, you're not going to be able to park anything there. If you put the drive-through behind it you end up losing those parking spaces. I think that just has to be looked at. I don't think the Planning Board is going to want to see a drive-through looking up in that site every time they go by.

Do you guys have anyone secured for the larger building? They're also showing a drive-through on that. That's hidden. That was the intent of the design guidelines, to keep that tucked back so no one will be able to see it.

MR. SIEGEL: We don't have a definite tenant at this point. A lot of the national tenants have slowed down.

MR. COCKS: Another concern is, as we said, this 3,000 square foot building is put on the plans and it's supposed to go however long it takes, what's that area of the site going to look

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like? Is it just going to be flat with grass as if it's never developed, there's not going to be anything there ever and, you know, there's no landscaping there? Just what's the site going to look like having this nice building here then is it just going to be a grass lawn area? I mean I think we would have to look at that and study if this is going to be a phased plan.

CHAIRMAN EWASUTYN: Okay. Pat Hines.

MR. HINES: We have a lot of technical comments. We're looking for the finished floor elevations of each of the structures to be set on the plans.

There's a water main separation issue with the proposed septic and the existing water main that Taconic will have to look at.

The drainage facilities are located too close to the septic system. There's a fifty-foot separation requirement. There are ways around that by using water tight piping, but that will have to be looked at.

There are some more septic comments that I know your engineer has.

I need the lighting plan and the

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utility plan to be separated so that someone can read the utility plan without the lighting points all over it.

You're proposing to use a porous pavement, a proprietary product. In the parking areas we're going to need some details for the operation and maintenance of that so that that material will continue to work and remains on the site into the future. Those notes will be needed with the maintenance submission to the code enforcement department annually. There's an under drain system required for that that needs to be shown on the plans with the discharge points.

There's some coordination between the stormwater management plan versus the stormwater management report and the inverts and orifice sizes, et cetera that are used in there.

That's the extent of our comments. I know Charlie Brown has them and can work on those.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: No additional comments.

CHAIRMAN EWASUTYN: Ken Mennerich?

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MR. MENNERICH: No further questions.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: Nothing more.

MR. COCKS: John, I just had one more comment.

Anthony, what was the reasoning behind the sign being parallel to Route 9W instead of being perpendicular The way you guys have it shown?

MR. COPPOLA: I know. I think that was just left over from the larger sign. We'll take a look at that. It probably does make more sense to rotate it ninety degrees.

MR. COCKS: Okay. You have my comments. Everything else can be addressed.

You also mentioned that you met with Jerry Canfield regarding the widths of all the aisles.

MR. COPPOLA: Yes. I believe it was just the rear entrance that was changed to twenty-six feet. None of these are required to be thirty feet because we're under the -- the building is under thirty feet. I think it was -- I think it's just this that he requested. We'll

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get that confirmation.

MR. COCKS: I was just concerned with the one way around the drive-throughs, if that was going to be an issue. As long as we have a letter from him later on saying that everything is okay --

MR. COPPOLA: Okay.

MR. COCKS: -- once everything is finalized.

MR. COPPOLA: We met with him right after the last Planning Board meeting.

CHAIRMAN EWASUTYN: Anthony, how would you like to address the concerns of the consultants and the Planning Board as it relates to the outbuilding I'll call it? Frank Galli had agreed that the footprint of the building was going to be the footprint of the building. At a later time we would want to see some kind of cohesive standard that may be able to be defined in a narrative letter and that the Board could consider.

Bryant Cocks raised a concern that until that building is erected you're going to have an open area that may be grass, but there

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again just a greater visual opening to the site itself. If there's some kind of planting you could do to soften that.

Karen is talking about if there are any alternatives that could be present as far as a design for the retaining wall along the front of the property, at least to tie the corners in to the existing topography.

How would you be able to address all those things? Give us an idea how you would like to address them.

MR. COPPOLA: Sure. Sure. My thought really is for the 3,000 square foot building we'll just do the elevations and that will address what it's going to look like, it will address the drive-through on that side. We'll take a look at maybe adding some additional landscaping around the building. So I mean instead of me doing a narrative, which God knows what that could be, we'll just do elevations.

The retaining wall, I'll take a much closer look at that. I think I understand Karen's intent about the visual impact of a seven-foot high wall. I don't know the answer

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JNM REALTY

but we'll take a look at that and come up with something that makes -- that addresses her concerns and the Board's concerns.

CHAIRMAN EWASUTYN: Bryant, is this the time -- I know we need a majority which we don't have this evening, but is this -- would you share a copy, not at this point, of the letter you received from the Orange County Planning Department with Anthony Coppola at a later date?

MR. COCKS: Yeah. There was actually two. We sent it in 2006 when we declared lead agency and they sent back with no comments. The site changed enough that we referred it again, because it was two years later, to the County and now they have a couple comments. Instead of giving it a local determination, this time they gave some comments that needed to be addressed before this could be approved. One of them was crosswalks inside the site and across Cortland Drive to Apple Valley. Another was recommending sidewalks to be installed on the southern border of the project site along Cortland Drive. I'm not sure if the County realized this wasn't their property. Cortland Drive is a private road so

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they have no right to build anything on there.
They're requesting us to address these comments
before it can be approved. So either they would
have to abide by these or the Planning Board
would have to have five out of the seven override
the County's comments if you will.

CHAIRMAN EWASUTYN: I would make a
recommendation to the Board that you provide a
copy to Anthony Coppola and that you also contact
Megan Tanner, who is our representative for the
Orange County Planning Department, to give her
the status of ownership of certain properties and
come to a determination on this.

Is that all right with the Board?

MR. GALLI: Mm'hm'.

MR. MENNERICH: Yes.

MR. PROFACI: Yes.

CHAIRMAN EWASUTYN: Karen, the
suggestions made by Anthony Coppola --

MS. ARENT: It sounds good. If you
want to discuss anything, just call.

MR. COPPOLA: We'll do that.

MS. ARENT: The last thing I want to
request is for you to spend a lot of money on a

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wall that's too tall when there could be, you know, a better way that's maybe even less costly and more visually appealing.

MR. COPPOLA: We'll look at it. Sure.

I guess my last question is back to the architectural review for the first building. I mean I was prepared to do that tonight.

CHAIRMAN EWASUTYN: I know you were. Let's tie it all together, you do have to come back, --

MR. COPPOLA: Okay.

CHAIRMAN EWASUTYN: -- and that way we'll have an idea of the retaining wall, how that will sit with the building and how all that blends architecturally and visually, if that's all right with you.

MR. COPPOLA: That's fine.

CHAIRMAN EWASUTYN: Thank you.

MR. COPPOLA: Thank you.

(Time noted: 9:15 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: November 28, 2008

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

----- X

In the Matter of

HUDSON HEALTH PLAN
(2008-18)

1401 Route 300
Section 30; Block 3; Lot 41.21
IB Zone

----- X

CONCEPTUAL SITE PLAN

Date: November 6, 2008
Time: 9:15 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DINA HAINES
BRYANT COCKS
PATRICK HINES
KAREN ARENT
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: MICHAEL NAISE

----- X

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

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HUDSON HEALTH PLAN

MS. HAINES: The next item of business we have tonight is the Hudson Health Plan. It is a conceptual site plan located at 1401 Route 300 in an IB zone and it's being represented by Charles Wallace.

MR. NAISE: I'm not Charles Wallace.

MS. HAINES: Okay.

MR. NAISE: My name is Mike Naise, I'm with Cubellas Associates. We're the architectural firm representing our client, Hudson Health. This is a project that started awhile ago. I believe we were here about three months ago for our first presentation. Several comments and issues came up at that point.

Just a quick overview. It's an office space for Hudson Health Plan, about 5,000 square feet that is in the Newburgh Mall on the back side of it right next to Bon Ton. We presented it the first time and, as I said, there were several issues that came up pertaining to the exterior of the space. Subsequent to that we met at the work session, we had a work session with the committee over here, and addressed or commented on a lot of these issues and a letter

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was sent out on what we had to address. I believe we've attached all those issues.

I think we -- part of one of them was we have a glass door that we're installing in place of where there's a hollow metal warehouse type door existing. So that's coming out and this is going to be the entrance into the Hudson Health office space with a small canopy over it, and the only signage on this side would be a decal that's on the glass door. Around the back side, on the same side as the Bon Ton's signage, is a sign with the company logo, that's this here, which we've fall under the permitted -- I believe Kate from the Newburgh Mall did a study. We fall below what's allowed on the total mall signage. As far as the height of it, I know part of the requirement was that the sign had to be a smaller or less of a height than Bon Ton's sign, which we fall within that too. It's a box that's lit from behind with the Hudson Health logo. It's 48 inches high by 64 inches long and it has these box letters that are attached to the front, and these are the colors. So that's the sign that we presented .

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And then we have the canopy that goes over the front of the entrance door, the glass door, and this is kind of superimposed on the existing building.

We show a little landscaping here but that's not accurate on the photo. That was just kind of superimposed. This is the canopy that's going to be going over the glass door.

In addition, we have -- we've added landscaping planting beds that -- originally we had smaller planting beds here and Karen had recommended that we enlarge those, and she was helpful enough to recommend some plants and we've done that. We've shown in the elevation, we've shown on the plan here, these come out to eight feet. We had to keep clear of this exit door that comes out the rear of the existing hair salon and we have a sidewalk that connects this existing cement sidewalk with the entrance mall around to the entrance of Hudson Health, and then there will be a striped walkway just -- we're going to restripe all of this. A striped walkway that comes out and meets this striped walkway that goes into the front of the mall.

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These are all existing fire lanes that will be restriped, and permission was granted I believe from the fire marshall or fire inspector that we could encroach on this this amount as long as we restriped the existing, what's there. So that's it.

I want to get some comments.

Do you have anything you want to add, Kate.

MS. LAKE: You did great.

CHAIRMAN EWASUTYN: I think we discussed at work session and it's my understanding they had completely addressed all the prior comments from our consultants. We'll hear from our consultants.

Karen Arent.

MS. ARENT: All my comments are addressed.

CHAIRMAN EWASUTYN: Okay. Bryant Cocks.

MR. COCKS: All of our previous comments are addressed. As they mentioned, they were working with Karen and Jerry to finalize the planter bed widths and the fire lanes. We are

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just going to have a note for the signage that even though it's internally illuminated it's still not recommended in the design guidelines and the Planning Board would be able to discuss whether it would be allowed since it actually matches the rest of the site.

Just one other thing. When you guys do submit for final site plan, just make sure that it's a full set site plan with all your seals and signatures on it. That was it.

CHAIRMAN EWASUTYN: Pat Hines.

MR. HINES: We have no outstanding comments.

CHAIRMAN EWASUTYN: I'll move for a motion to grant conceptual approval for the Hudson Health Plan.

MR. MENNERICH: So moved.

MR. PROFACI: Second.

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

(No response.)

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

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HUDSON HEALTH PLAN

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

The Planning Board has discretionary approval of whether or not they want to have a public hearing for a site plan. I'll poll the Board Members if they want to have a public hearing for this. Frank Galli?

MR. GALLI: No.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: No.

CHAIRMAN EWASUTYN: And myself no.

The only other thing before we could take action on this this evening is this has to be referred to the Orange County Planning Department. It has not. So I would suggest that sometime today -- not today. Of course the next day or two you get plans to Bryant Cocks so he can submit to the Orange County Planning Department, and then once we hear back from them

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HUDSON HEALTH PLAN

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-- would the Board prefer doing this under Board business to finalize the plans or would they prefer to do this at an actual agenda meeting?

MR. GALLI: Board business.

MR. MENNERICH: Board business if Orange County Planning has no objections to it. If they have some sort of objections to it, then I think we should hear it.

MR. GALLI: Right.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: The same exactly.

CHAIRMAN EWASUTYN: Okay. Anything else?

(No response.)

CHAIRMAN EWASUTYN: So we'll do it under Board business provided there's no --

MS. LAKE: Thank you.

MR. NAISE: Would you require the same set we sent originally?

MR. COCKS: Whatever your latest revision is, the full set they need. That needs to be signed and sealed.

MR. NAISE: The pictures and everything we submitted to you?

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MR. COCKS: Yes.

(Time noted: 9:23 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: November 28, 2008

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

----- X

In the Matter of

U-HAUL

Route 9W
Section 9; Block 3; Lot 32
B Zone

----- X

CONCEPTUAL SITE PLAN

Date: November 6, 2008
Time: 9:23 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DINA HAINES
BRYANT COCKS
PATRICK HINES
KAREN ARENT
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: CRAIG MARTI

----- X

MICHELLE L. CONERO
10 Westview Drive
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U-HAUL

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MS. HAINES: The last item of business we have tonight is U-Haul. It is a conceptual site plan located on Route 9W in a B Zone. It's being represented by Craig Marti.

MR. GABA: Good evening. My name is Steve Gaba, I'm an attorney representing the applicant tonight. This is our initial appearance on a request for amended site plan approval. The project is the U-Haul facility on Route 9W of approximately 4.85 acres located in the B District.

Presently what we have here is U-Haul rental facility and some storage, self-storage facilities. We're proposing to upgrade that to a U-Haul moving and self-storage facility. The project involves construction of a new building on the site and some improvements to the on-site facilities. So we have with us tonight our engineer, Craig Marti. He's going to walk you through basically what the site looks like now, what we're proposing to add to it, and we'll go for the Board's comments.

MR. MARTI: Thank you, Steve. The

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U-HAUL

existing site consists basically of a series of self-storage building units located along Route 9W with the narrow ends facing the roadway and a separate building which contains the office and some light retail sales related to the storage and moving industry. They sell cardboard boxes and moving tape and packaging equipment.

The existing self-storage units are located on the southerly portion of the site. Sometime ago, I believe it was early 2001 or early -- around the year 2000, the U-Haul facility approached the Board and obtained a variance to store up to twenty trailers and twenty trucks that are used as far as the rental business, U-Haul rental business is concerned on an adjoining lot which is owned now by both with the concurrent owner of the Galaxy.

The proposal is to, as Steve indicated, build a new building, a two-story building with the upstairs portion to be a climate controlled facility.

The drainage associated with the new building will be picked up, stored primarily schematically as shown as subsurface retention

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U-HAUL

basins, retention areas which we will need to size according to the final site plan layout and in relation to the impervious surface.

I acknowledge Mr. Hines' review letter and comments of the necessity of the required drainage report. I would be willing to go through that with him as we've done in the past on other projects.

The proposal to modify the existing building basically consists of new facades on the front which would be consistent with and complimentary to the look of the new building along with some landscaping and some visual impact improvements along Route 9W consisting of stonewalls and some landscaping plants behind that.

The Planning Board's consultants have submitted to us or to the Board review comments pertaining to the site plan as it's been presented. We look forward to working through those concerns and considerations that they've outlined in their review comments, and we would appreciate any comments from the Board such that, in conjunction with the consultants, we can move

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U-HAUL

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and advance the design of the project towards compliance and ultimate approval by this Board.

CHAIRMAN EWASUTYN: Okay. What is in compliance and what isn't in compliance? I think that's the first thing we have to address as far as variances that may be needed.

MR. GABA: A prior variance was granted but I do not believe that the prior variance trumps the nonconforming use nature of the storage sheds. I believe ultimately a variance will have to be sought from the Zoning Board, in all likelihood, for expansion of a nonconforming use. The extent of that, again we're going to have to look back at the prior variance that was granted. There are a number of bulk requirements which we may need variances for, or we may need variances to a lesser degree than is shown on the sketch plan. It's something we have to work with the consultants to tweak the plans to see if we can either obviate those area variances all together or at least minimize the amount that's sought. The particular area variances are lot coverage, lot surface coverage and there's an issue of the buffer. I think we're up against

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U-HAUL

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the residential district here. The existing storage sheds are within the required buffer area but I believe they're grandfathered actually in regard to them. I know there are some cases where this Board refers these types of applications to the ZBA just for determination that the plans are not going to require a variance for the existing nonconformity with the buffer. I do not believe the new building requires any variances in regard to the buffer area. I believe that covers it as far as -- I'll defer to the consultants on it.

CHAIRMAN EWASUTYN: We will defer to the consultants. I think we discussed, and Bryant will kind of put that together for you as to the step-by-step process to refer to the ZBA, which I think would be the first action.

Do you agree, Steve?

MR. GABA: Well Mr. Chairman, I think what we would -- certainly before this Board acts that's got to be the first action taken. But again, I think if we work with the consultants regarding the physical layout of the plan and what would be acceptable to them and what

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U-HAUL

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wouldn't -- I think there's a couple bulk requirements that we can meet and we can obviate the need for variances all together on that. Of course we defer to the Board. What we would suggest is that since this is an initial approval, you hold off on concept approval, send us to a workshop, we'll revise our plans in accordance with the comments we received. Send us for a workshop, see how many variances we actually need on this, and then we'll come back to this Board after the workshop and everybody will have a clear concept of exactly what relief will be required.

CHAIRMAN EWASUTYN: I'm not saying no.

I just want to explain to you some correspondence that I'm hearing back from the consultants, and we as a Board sometime in the month of December will address that based upon what we'll call the behavior of the consultants' meeting. The purpose of the consultants' meeting is not to design projects. The purpose of the consultants' meeting is in fact to work out technical items. What I'm hearing back from the consultants is, again there's just recent discussion about that,

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U-HAUL

that we're going to have to redefine these because too much of the decision making is being put on the shoulders of the consultants where it should be something that is really meant to be for the Planning Board. It's always really been the policy of the Planning Board to not refer something to a consultants' meeting until we conceptually approve the project.

So early on when we reviewed this project, and it's up for discussion. Early on when we reviewed this project today I thought we were going to follow what would have been the standard guidelines, we would formalize a letter as to what variances were needed so that when we send it to the ZBA the ZBA knows exactly what they're looking at as it relates to that site plan and then it would come back to us. I think we may have even done something similar with Building Blocks. And that's I think the foundation that we may work off of here, but I'll refer to our consultants and bring it up for discussion for Board Members. The consultants' meetings are kind of drifting away from what was meant to be whereas people come in here, they

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U-HAUL

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give us a presentation like yourself. We really don't know exactly what you're proposing. You're going to go ahead and discuss it with them, come back and we're left out of the loop. It doesn't seem to work well that way.

Do you want to say something?

MR. GABA: I think we want to go to the same place exactly what you're talking about. How we get there procedurally is a little bit of a problem for us. What we're proposing is, I think at least in broad brush strokes clear enough, here's what's there now, here's what we want to put on here. There's some issue with regard to setbacks and lot coverage with regard to this building, and paving, and parking and things associated with it. If we can talk with the consultants and figure out exactly what -- how much we can get of what we want in compliance with the bulk requirements, like I said we can maybe eliminate some of these variances, or at least minimize them. How you give us concept approval without that laid down I'm not sure.

CHAIRMAN EWASUTYN: I don't know if we can actually give you concept approval for

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U-HAUL

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something that needs variances. I think we're hoping that you would assist us. Bryant has some areas that he thinks require variances. I'll let Bryant speak to that, Pat may want to add to it, Karen. This may be the forum to bring it all down and then come back with a formal letter as Mike Donnelly would suggest, or Mike would put the formal letter together to refer you to the ZBA. Mike unfortunately can't be here this evening because his mother needs attention and he went down to Long Island for that. Let's try and talk about it and come up with a sense of direction.

Bryant.

MR. COCKS: First of all, the site plan and the narrative just need to be coordinated. Square footage of the buildings and acreage of the site, the numbers were different on both of them.

As was mentioned, there was a use variance granted for this. With the new building they would have to go back. I'm not sure what bulk table requirements the ZBA actually said to use when they approved this, so we also need to

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U-HAUL

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see what they used before because the applicant is currently showing I think three different uses and two different zones right now. We're also going to have to ask the ZBA to determine what bulk table requirements were even used in the beginning. It's kind of hard to know what they were doing because as of now the front yard, rear yard, one side yard, they're all in non-conformance right now from what the self-storage center would be in the allowable zone, the IB. So I think we're going to have to coordinate with them. I can try to go and get the resolution from the use variance, see if it's on file.

MR. GABA: We can provide a copy of that.

MR. COCKS: Okay. Once we determine what bulk requirements they actually used, I think then we can sit down and try to figure out what variances they'll need.

As mentioned, since this was approved, buffering and setback laws have been enacted and that's going to need to be shown on the plans to show exactly where the fifty-foot vegetative buffer is and the 175 foot rear yard setback

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U-HAUL

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which is due to the total square footage of the building. So that needs to be shown on the plans just to determine what we're going to need.

There was one other -- well, there's a bunch of other issues. One other main thing I was concerned about was the 2008 New York State Fire Code and the requirement for twenty-six foot wide drive aisles throughout the site. I know up in the top corner it's only twenty-four and that's where there's campers and trailers that are going to be parked. So that's definitely going to be an issue up there which is going to cause the site to need to get revised.

The parking calculations. It looks like they used one space per 150 square feet. I was asking Ken Wersted to take a look at the actual IT manual to see if we can maybe lessen the parking requirements if that much is required. That would probably save some space on the plans, too. We're asking those larger parking spaces up there, are they going to be storing boats and campers and larger vehicles on site? You're not going to?

MR. MARTI: No. Those spaces would be

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U-HAUL

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for a limited number -- they're actually rental trucks, U-Haul trucks. The intent is not to store recreational campers and boats and that type of storage, no.

MR. COCKS: Okay. Another thing with the existing buildings right now, Section 185-35 regarding self-storage unit states that the storage unit buildings should be twenty-five feet away from each other. Right now a couple of them aren't in compliance with that. The proposed building is going to be about thirty feet away from the nearest existing building, so at lowest that would be in conformance.

185-35 also states that the building facade facing the street must be masonry in nature. I know you have some of those features on there. I see a couple stone columns. Also there is what looks like some metal paneling on there. That would have to be addressed because it's actually in the zoning and not in the design guidelines. With the design guidelines they try to keep the parking out of the front yard which is currently right where most of the parking for the cars is located. If you guys are going to

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U-HAUL

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redesign the site, then it might be helpful to pull them maybe on the top on the side yard next to the larger spaces and try to get them out of the front yard so at least that can be in conformance. It would also clear up room for landscaping and screening of the building.

The vegetation or the proposed plantings, I don't know if that's going to be enough on site. Karen is going to address that, though. Those are all the issues we had.

CHAIRMAN EWASUTYN: I think why I'm pausing is there's some technical items we're going to be discussing, there's some visual items that Karen is going to be discussing, Ken has looked at traffic.

Steve, you're an excellent attorney so I bring it back to you in Mike's absence. What I think is we need to have an understanding of what's practical on this site, and, you know, I'll turn to the Board Members. Site plan issues. I think what the Board realizes is that to the maximum extent practical that you could develop this site is your goal for the site. What we don't understand is what is allowed and

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U-HAUL

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what variances may be needed for them. There needs to be an interpretation.

MR. GABA: Well, if you're adverse to a work session, which I can understand, perhaps the way to approach this is let us go back, get a hold of and submit the variance that was granted, we'll address these comments, we'll resubmit to this Board and we'll come back for your next meeting and hopefully we can hash these issues out. The only thing I would ask is perhaps we could informally contact some of your consultants and Mike Donnelly just to make sure we're on the same page in terms of -- so we don't show up and not understand where each other is coming from.

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

MR. GALLI: I just have a couple questions.

CHAIRMAN EWASUTYN: Go ahead.

MR. GALLI: The existing building, the office now, is that going away? I don't see it on your pictures. If you flip back to the first page, the office building, where is it?

MR. MARTI: The old office building is

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U-HAUL

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actually the building that's located here. It's located at the existing entrance way now. As it's shown here there's actually two buildings. The front face we see is actually the front of that existing office building, and the continuation as you see it going into the picture here is actually a building that's located directly behind.

MR. GALLI: What is that going to be used as now? Storage?

MR. MARTI: I would envision additional storage.

MR. GABA: I think our plan is to have all the offices in the main building.

MR. GALLI: A second issue I had, and Bryant brought up, is the parking. The parking up on 9W and the parking actually where the trailer parking is and the truck parking, if you could relocate that more toward the back of the building. Do you see where you have an additional six spaces and you have that open area toward the back part of it? If you can somehow eliminate that and get it toward the back of the building. I don't know if you have to shrink the

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U-HAUL

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building a little or compact the building a little.

MR. GABA: Do you mean all the spaces?

MR. GALLI: Definitely the trailer and the truck.

MR. MARTI: The ones in the front here?

MR. GALLI: Right. They're the most noticeable.

MR. MARTI: We could probably with some regrading here. If we ultimately relocate the discharge point -- as Pat mentioned on the drainage, the current drainage district is here and flows basically along the property line. So ultimately it will be going in the same place that it goes now. With that change we may be able to consider some regrading and refilling in this area to accommodate the shifting of those spaces. We'll take a look at that.

CHAIRMAN EWASUTYN: Karen had a comment. I don't want to interrupt Frank. Maybe you can see whatever you can do to preserve or show the existing trees in that area.

MR. GALLI: I was going to bring that up next. The existing trees and stuff, when

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U-HAUL

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you're heading south on 9W from Marlboro into Newburgh, past the site it's very well screened. There's nice trees there, it's all well covered in that hole. Now by eliminating those spaces you can save that landscape also.

MR. MARTI: Right. We can identify the trees. We'll do the normal delineation of the trees like we would do on a subdivision project like with anything that's significant. We can inventory it and show it on the map.

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

The actual colors of the building, were they going to be bright red? I've seen bright red on the pictures.

MR. MARTI: The reddish/orange color here.

UNIDENTIFIED SPEAKER: The color is called Sears Sunset. It's more of an orange type of color.

MR. GALLI: Maybe at the next meeting you can actually bring a sample of the actual color so we can see it. I'll tell you, as I see it right there it's -- I mean I know you want to

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U-HAUL

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stand out but it stands out more than I want to see going down the road. It's ugly looking to tell you the truth.

MR. GABA: We'll show you what it is. We'll show you the color and you can get a better idea.

MR. GALLI: That's all I have.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: A little addition to what Frank was saying. The trees that are on the north side, if they can't be saved because that's where the building is going to be, if you shift the truck and trailer parking like Frank was talking about, that would leave you room up towards 9W to put in landscaping.

Also, as far as the process, to proceed the applicant's legal representation, the way he suggested makes sense to me.

CHAIRMAN EWASUTYN: Does it make sense to you?

MR. GALLI: Yes. I'm sorry.

CHAIRMAN EWASUTYN: That's fine.

Thanks.

Joe Profaci?

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U-HAUL

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MR. PROFACI: I have nothing to add but I am perfectly comfortable with what Mr. Gaba suggested.

CHAIRMAN EWASUTYN: Okay. Is there anything that the consultants may want to add? Karen, do you want to add anything at this point?

MS. ARENT: Just to make you aware that the design guidelines mention to use landscape buffers a minimum of ten feet wide and stonewalls between highway road frontages and building parking areas and adjacent properties. So you need at least ten feet of screening if not more.

CHAIRMAN EWASUTYN: And just for the record, the gentleman in the back had spoken earlier. So we can have that for the Court Stenographer. I think you made a comment.

MR. GABA: Your name.

MR. POLLACK: My name is David Pollack, I'm a representative from U-Haul.

CHAIRMAN EWASUTYN: Thank you.

MS. ARENT: John, there's also a building very close to the property line that you should show, the north property. According to your area photograph, the house is almost like

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U-HAUL

150

within a couple feet of the property.

MR. POLLACK: You might be talking about the trailers.

MR. MARTI: Dave, she's talking about the building on the adjoining property to the north. We do have an overall aerial photograph showing the relation to the surrounding community. We can add that.

MS. ARENT: If you can show where that is, that would be helpful.

CHAIRMAN EWASUTYN: At this time I would like to think we have a good understanding and we're working in the direction that will satisfy the Planning Board and the applicant. Again, Mike will be back in his office on Monday.

MR. GABA: We'll work on a resubmittal. Thank you.

CHAIRMAN EWASUTYN: Thank you.

(Time noted: 9:46 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: November 28, 2008

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

----- X

In the Matter of

GREINER
(2002-33)

Request for an Extension of Preliminary Approval

----- X

BOARD BUSINESS

Date: November 6, 2008
Time: 9:46 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DINA HAINES
BRYANT COCKS
PATRICK HINES
KAREN ARENT
KENNETH WERSTED

----- X

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GREINER

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MS. HAINES: The first item on Board business is Greiner. We received a letter from Greg Shaw dated October 13th. It was in response to the letters that the Planning Board office sent out requesting a status report.

He's requesting an extension of the preliminary approval. The extension will be valid through May 5, 2009.

CHAIRMAN EWASUTYN: I'll move for that motion, to grant an extension to the preliminary approval for the lands of Greiner to May 5, 2009.

MR. GALLI: So moved.

MR. PROFACI: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Yes. So carried.

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GREINER

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(Time noted: 9:47 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: November 28, 2008

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

----- X
In the Matter of

WILDFLOWER VISTA
(2004-42)

Request for an Extension of Preliminary Approval

----- X

BOARD BUSINESS

Date: November 6, 2008
Time: 9:48 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DINA HAINES
BRYANT COCKS
PATRICK HINES
KAREN ARENT
KENNETH WERSTED

----- X

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WILDFLOWER VISTA

MS. HAINES: The next item is Wildflower Vista. We received a letter from Greg Shaw dated October 13th, again in response to a letter requesting a status report.

He's requesting an extension of the preliminary approval. The extension will be valid through May 5, 2009.

CHAIRMAN EWASUTYN: Again I'll move for a motion to grant an extension of the preliminary approval to Wildflower Vista to the period of May 5, 2009.

MR. MENNERICH: So moved.

MR. PROFACI: Second.

CHAIRMAN EWASUTYN: I have a motion by Joe -- Ken Mennerich and a second by Joe Profaci. Any discussion of the motion?

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself yes. So

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WILDFLOWER VISTA

157

carried.

(Time noted: 9:49 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: November 28, 2008

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

----- X

In the Matter of

CHESTERFIELD COURT SUBDIVISION
(2006-21)

Request for an Extension of Preliminary Approval

----- X

BOARD BUSINESS

Date: November 6, 2008
Time: 9:50 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DINA HAINES
BRYANT COCKS
PATRICK HINES
KAREN ARENT
KENNETH WERSTED

----- X

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

1
2 MS. HAINES: The third is
3 Chesterfield Court Subdivision. We received
4 a letter from Lou Powell dated October 20th.
5 He's requesting an extension of the
6 preliminary approval granted on September 6,
7 2008. An extension will be valid through
8 May 5, 2009.

9 CHAIRMAN EWASUTYN: I'll move for that
10 motion, to grant an extension of preliminary
11 approval for Chesterfield Court to May 5, 2009.

12 MR. GALLI: So moved.

13 MR. PROFACI: Second.

14 CHAIRMAN EWASUTYN: I have a motion by
15 Frank Galli and a second by Joe Profaci. Any
16 discussion of the motion?

17 (No response.)

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

20 MR. GALLI: Aye.

21 MR. MENNERICH: Aye.

22 MR. PROFACI: Aye.

23 CHAIRMAN EWASUTYN: Myself. So
24 carried.

25 (Time noted: 9:51 p.m.)

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DATED: November 28, 2008

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

----- X

In the Matter of

NEWBURGH PLAZA
(2005-35)

Discussion by Ken Wersted

----- X

BOARD BUSINESS

Date: November 6, 2008
Time: 9:51 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DINA HAINES
BRYANT COCKS
PATRICK HINES
KAREN ARENT
KENNETH WERSTED

----- X

MICHELLE L. CONERO
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NEWBURGH PLAZA

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MS. HAINES: The next thing we have is a discussion by Ken Wersted regarding Newburgh Plaza in regards to a letter from Phillip Grealy dated October 21, 2008.

CHAIRMAN EWASUTYN: Ken, for the record we further checked our escrow account and we did have that \$10,000. At one point we originally discussed it and we weren't quite sure if we had collected it with final site plan approval but we did.

MR. WERSTED: The letter from John Collins Engineers is in response to my letter of earlier in October that I wrote with the direction of the Board asking Phil Grealy and the applicant, the owner of the site, to basically summarize what improvements are out there based on studies that have been done for projects and what potential there is to use those monies towards either the after study that those monies were originally collected for or to put them to some other use based on the fact that the other studies done for adjoining properties and adjoining projects basically identified some improvements that are needed out there. So Phil

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2 Grealy had responded to my letter noting and
3 summarizing what those improvements are, and I
4 believe he spoke to them at one of our meetings
5 in October.

6 Those improvements included
7 interconnecting the signal, the new signal that's
8 going in at the Hampton Inn and Chili's with
9 Route 17K. That's being funded by the Newburgh
10 Realty project. A signal connection from Route
11 300 to the Lowe's/Adams Fairacre Farms traffic
12 signal. That would be completed by the Shoppes
13 at Union Square. The widening of Orr Avenue
14 heading eastbound at Route 300 and Little Britain
15 Road, that would be funded by the Shoppes at
16 Union Plaza. In addition, there is widening on
17 Route 300 northbound for a right turn at Old
18 Little Britain Road, and that's being funded by
19 the other project which is South Union Plaza.
20 Upgrades to the traffic signal equipment in that
21 area including the intersection of Old Little
22 Britain Road and Route 300 as well as the signal
23 improvements at the Wal-Mart and the Route 300
24 intersection, those improvements will be
25 accomplished by the South Union Plaza project and

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also the Shoppes at Union Square.

There are two options that Phil Grealy had proposed. One was to use those monies towards some of the pedestrian connections that the Board is envisioning in that area, particularly across the Route 300 roadway both at Wal-Mart and at the Orr Avenue/Little Britain Road connection. That could be a candidate obviously for those monies. We know that there's been some study of the Route 207 and Old Little Britain Road intersection further east of all these projects, and they have previously identified the need for a signal there. Neither of the projects there are really going to have a large impact down at that intersection.

There is a project down there, Britain Commons obviously that's just up the road, and they'll have to go through and do their traffic analysis. They might find that they will have impacts at that intersection and will have to fund some improvements.

So really we have money here with, I imagine, the applicants' permission to use it in some other fashion, to use them on a number of

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different projects that we have here.

CHAIRMAN EWASUTYN: What would your recommendation be to the Planning Board and then we'll poll the Planning Board Members to see if they're in agreement, and I think we'll formalize that in a letter back to Phil Grealy so he has a sense of direction and he can advise his client as to how we propose working with that money to improve the Town.

MR. WERSTED: Is there a certain timeframe we have to use the monies for by? I ask that because if we -- we might find Britain Commons has their study come in and they have to do some certain improvements down there and that project would fund those improvements. I think it would be important to use these monies in this area. I don't think it would be right to use it on some project up on Gardnertown Road or something. I think it should be used in those areas just to benefit those projects and benefit the mall or the owner that put the money up for it.

With that said, I don't have a specific recommendation which one would be better. I

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NEWBURGH PLAZA

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think if the DOT would allow for the pedestrian connections, I know that's something the Board has been struggling with and trying to implement. That would be a good start to use them for that.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: I think we should be hearing from the DOT probably in the near future whether they want pedestrian connections and stuff. If we can hold that money, I think that would be a good use of it as long as we're not waiting years out. We've seen what they did with 9W already which is a sign that they're changing. Maybe we could hold on and use it for that particular project.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I agree with Frank. If the DOT does allow the crosswalks and what not, I think the first priority for the money should be for that. If that falls apart, then the other alternative is okay.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: I'm perfectly fine with that.

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NEWBURGH PLAZA

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CHAIRMAN EWASUTYN: Okay. Do you have any comments, the consultants?

(No response.)

CHAIRMAN EWASUTYN: Why don't you get back to Phil Grealy and in a written form let him know what we decided this evening, we'll wait until we hear back from the DOT. We'll hold that money. We may in fact wind up holding it even further if that doesn't -- we're trying to work with the money effectively.

MR. WERSTED: Yup.

(Time noted: 10:00 p.m.)

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

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

----- X
In the Matter of

THE MARKETPLACE
(2004-54)

Project Update

----- X

BOARD BUSINESS

Date: November 6, 2008
Time: 10:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DINA HAINES
BRYANT COCKS
PATRICK HINES
KAREN ARENT
KENNETH WERSTED

----- X

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THE MARKETPLACE

CHAIRMAN EWASUTYN: Pat, just an update on The Marketplace.

MR. HINES: We met with The Marketplace, had a pre-construction meeting with the Wilder, Balter Partners and their contractor whose name slips me right now but it's something like Joe's Lawns.

CHAIRMAN EWASUTYN: Shawn's Lawn.

MR. HINES: They're a rather large company out of Connecticut and they're doing the initial clearing and erosion and sediment control and some of the stormwater management work. Subsequent to that I'd written a proposal to the Town Board which they accepted at their work session last week. I think I'm meeting with the Town Board as much as you guys now. The Town Board has accepted the proposal from my office to provide the site monitoring and construction oversight. In addition we added some support in there for the building department and the water and sewer department should that be needed if it gets busier than they can do their work. That includes the blasting monitoring, the well monitoring program which people from my office

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THE MARKETPLACE

are working right now to collect the data that have been collected. There were some neighbors at the Town Board work session who had some questions, so I was able to pass out some cards to them. They haven't contacted me but they had some concerns about the wells again. We're working with the Town to put that information together. I believe they're going -- their mobilizing soon and going to start work soon.

I think as John mentioned earlier, there's a ceremonial ground breaking two weeks from yesterday I think it is. Two weeks from tonight actually. I think they're going to start the clearing and grading operations soon thereafter. My office is on board and we're going to be working with the Town to implement those 38 pages of Findings.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank?

MR. GALLI: You said they initiated the well testing of the neighbors?

MR. HINES: The neighbors that were here the night of the work session tell me there's been personnel at their houses

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THE MARKETPLACE

representing them collecting data. I don't have any of that data yet.

MR. GALLI: I would just be curious, not tonight but in the future when they finish that data, if anybody turned it down.

MR. HINES: There have been people that have turned it down already. I do know that. I don't know who. It was mentioned that night that some people had declined the testing procedures. I'll let you know as soon as I know that information.

MR. GALLI: I was just curious.

CHAIRMAN EWASUTYN: I was wondering just the opposite, if more people signed up.

MR. GALLI: That's what I would hope. Why would you deny something for free?

CHAIRMAN EWASUTYN: Ken?

MR. MENNERICH: If you had a bad well already and you don't want the Town to know.

CHAIRMAN EWASUTYN: Joe?

MR. PROFACI: Nothing else.

CHAIRMAN EWASUTYN: If you could keep us informed. It's such a long process in going through SEQRA with, it would be nice to know

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actually how it works out in the field.

MR. HINES: It was actually a long process. They originally presented a contract that was kind of a three-party contract that we would be working for the Town and them and I told them I wouldn't enter into that agreement where I was working for Wilder, Balter and the Town. The Town has an agreement with them to fund the escrow and my firm will be working directly with the Town.

MR. GALLI: Good.

MR. MENNERICH: That's the best way.

CHAIRMAN EWASUTYN: Thank everyone for their time. We'll meet one more time before Thanksgiving.

(Time noted: 10:04 p.m.)

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

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DATED: November 28, 2008

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

----- X

In the Matter of

MINARD SUBDIVISION

Request for Removal from the 11/20/08 Agenda

----- X

BOARD BUSINESS

Date: November 6, 2008
Time: 10:04 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DINA HAINES
BRYANT COCKS
PATRICK HINES
KAREN ARENT
KENNETH WERSTED

----- X

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

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MS. HAINES: We got a letter from

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Charlie Brown requesting that Minard

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subdivision be taken off the November 20th

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Planning Board meeting. It was a public

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hearing. Do you want me to read the letter?

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CHAIRMAN EWASUTYN: Go ahead.

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MS. HAINES: It was dated

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November 3, 2008. It reads, "Dear Chairman,

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on behalf of the applicant James Minard I am

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requesting that the above-referenced project

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be removed from the November 20, 2008

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Planning Board meeting. The reason for this

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request is that we are awaiting the

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completion of the survey. On completion of

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the survey I will contact you to reschedule

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the public hearing. I apologize for any

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inconvenience this may cause you. If you

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have any questions or concerns, please do not

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hesitate to contact me at the above number.

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Very Truly Yours, Charles T. Brown, PE,

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Taconic Design Engineering, President."

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CHAIRMAN EWASUTYN: Dina, was this

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noticed in the newspaper yet?

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MS. HAINES: No.

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MINARD SUBDIVISION

CHAIRMAN EWASUTYN: Okay. Thank you.

I'm sorry for speeding along. We thought we would have a public hearing subject to them resubmitting. They're not ready. We'll just hold that off until they're prepared with that information. That was primarily the topo. That was a large subdivision or a large acreage that involved a small subdivision.

MR. HINES: It's one of those issues why we ask for those stamped plans early on. The surveyor probably had not done the work yet when the plans were submitted to us.

CHAIRMAN EWASUTYN: Thank you. I'll move for -- any other comments?

(No response.)

CHAIRMAN EWASUTYN: Again, one more time, Happy Birthday, Bryant.

MR. COCKS: Thank you.

CHAIRMAN EWASUTYN: I'd like to move for a motion to close the Planning Board meeting for the 6th of November.

MR. MENNERICH: So moved.

MR. PROFACI: Second.

CHAIRMAN EWASUTYN: I have a motion by

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MINARD SUBDIVISION

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 10:08 p.m.)

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