

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

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In the Matter of

NYC DEP DELAWARE AQUEDUCT REPAIR  
(2011-15)

Roundout-West Branch Tunnel  
Section 8; Block 1; Lot 15.2  
B/AR Zones

- - - - - X

CONCEPTUAL SKETCH PLAN

Date: December 15, 2011  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: CHRISTOPHER VILLARI

- - - - - X

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

MR. BROWNE: Good evening. Welcome to the Town of Newburgh Planning Board meeting of December 15, 2011. At this time I'll call the meeting to order with a roll call vote starting with Frank Galli.

MR. GALLI: Present.

MR. BROWNE: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Here.

MR. PROFACI: Here.

MR. FOGARTY: Here.

MR. WARD: Present.

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

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield, Town of Newburgh.

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

MR. COCKS: Bryant Cocks, Planning  
Consultant.

MS. ARENT: Karen Arent, Landscape  
Architectural Consultant.

MR. BROWNE: At this time I would like  
to turn the meeting over to Joe Profaci.

MR. PROFACI: Please join us in a  
salute to the flag.

(Pledge of Allegiance.)

MR. PROFACI: Please turn off any  
electronic devices you may have. Thank you.

MR. BROWNE: The first item of business  
we have this evening is the New York City  
Delaware Aqueduct Repair, project number 2011-15.  
It's still a conceptual site plan. It's being  
presented by New York City Department of  
Environmental Protection.

MR. VILLARI: Good evening. Thank you,  
as always, for having us in your continued  
partnership on this very long road we've been on.

Earlier today we delivered the drawings  
for the site plan application along with a site

1 plan narrative. So at this point, like I said at  
2 the previous meetings, we're going to change  
3 gears a little bit. We hope that the Planning  
4 Board will now come back to us with comments to  
5 address in the future revisions of the site plan.  
6 As part of that we recognize that to help orient  
7 you with the site we would like to invite the  
8 Planning Board to join us at the shaft 5-B site  
9 over on 9W on a date that's convenient for you.  
10 We recognize that in the next couple of weeks we  
11 have the holiday season, with Christmas followed  
12 by New Years, but following that, on a Saturday  
13 if you'd like, January 7th or 14th, we'd be happy  
14 to have you.

15  
16 CHAIRMAN EWASUTYN: Okay. We'll take  
17 the time. Even when we do have our quarterly  
18 site inspections, we kind of poll each other and  
19 we respond within a week's time as to what's  
20 convenient. We'll do that accordingly and let  
21 you know.

22 MR. VILLARI: Okay. That's great.

23 CHAIRMAN EWASUTYN: If they opt to do  
24 it on a weekday, is there a possibility you're  
25 available on the weekday?

1  
2 MR. VILLARI: Yes. If you have the  
3 time. Like I said, we made Saturdays available,  
4 taking into consideration the Members may be busy  
5 during the day.

6 I also am holding this, I forgot to  
7 hand it to you. As always, I have the roll call.  
8 I'm joined here this evening by Phil Simmons from  
9 the Permit Resource Division. For the Members of  
10 the Board, here's who is in attendance.

11 As was originally supposed to be today,  
12 the Draft Environmental Impact Statement was  
13 supposed to be published today, unfortunately  
14 there was some last second modifications where  
15 the commissioner wanted to make sure that he had  
16 reviewed it before going out. So right now it's  
17 our intent to publish it on the internet on  
18 Monday and have the mailings go out the same day.  
19 So it would be received by the Board -- actually,  
20 you know what I'd like to do is make sure the  
21 Chair and I have had an opportunity to schedule  
22 the arrival of the DEIS. But it will be  
23 published on the internet on Monday and available  
24 for download.

25 CHAIRMAN EWASUTYN: I had spoken to

1  
2 Bryant earlier, excuse me for interrupting, and  
3 Bryant will e-mail you tomorrow the procedure for  
4 submitting that.

5 MR. VILLARI: Excellent. We're happy  
6 to follow the procedure.

7 In addition to that, the process of the  
8 pre-application meetings we've held with both the  
9 Board and the Planning Board's consultants, a  
10 number of comments have been received and we have  
11 developed comments -- responses to those  
12 comments, which I guess maybe I could schedule  
13 with you for delivery.

14 CHAIRMAN EWASUTYN: Sure.

15 MR. VILLARI: Again, they could also go  
16 out as early as tomorrow or Monday if need be.

17 I think we covered everything. We'd  
18 like to thank you very much for having us.

19 CHAIRMAN EWASUTYN: We'll notify you in  
20 the course of the next week or so as far as what  
21 date we'd like to visit the site.

22 MR. VILLARI: Excellent. I will tell  
23 you now, though, it is an active construction  
24 site. If we do go on a Saturday, there will be  
25 drilling as part of the geotechnical boring

program. So we'll work to provide a number of hard hats and vests. If you have steel toed boots, we recommend that you wear that on that day.

Okay. Thanks very much.

(Time noted: 7:07 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: January 9, 2012

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

- - - - - X  
In the Matter of

THE MARKETPLACE AT NEWBURGH  
(2004-54)

Route 300 and Route 52  
Multiple Section, Block & Lot numbers  
IB & R-3 Zones

- - - - - X

AMENDED SITE PLAN

Date: December 15, 2011  
Time: 7:08 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JOHN BAINLARDI

- - - - - X

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



MR. BROWNE: The next item of business is The Marketplace at Newburgh, project number 2004-54, an amended site plan. It's being represented by John Bainlardi. Say your name for me.

MR. BAINLARDI: Bainlardi.

Good evening. My name is John Bainlardi, I'm the development manager for The Marketplace at Newburgh project. With me tonight is Bob Wilder of Wilder, Balter Partners.

Just a summary of where we were at the last meeting. We made a presentation for a third amended site plan application which essentially looks to achieve four basic goals. One is to defer construction of the third access point out to Route 52 at Fifth Avenue when the project square footage exceeds 400,000 square feet. Second was to redesign the interior access points, internal access points to the village center component of the project to permit two-way traffic. Previously this entrance was only an ingress only. And the main goal there was to provide a more convenient point of access to the front portion of the project for convenience type

of tenants, such as pharmacy, bank and so on. The third objective was to lower the grade of the front portion of the project, the village center component, by approximately 21 inches on average across that acreage. The objective is of reducing the required fill and reducing the infrastructure costs. And then lastly was to include a proto- typical pharmacy building here at the front portion of the village center project out at Route 300.

I believe you have before you this evening a draft amended findings statement for your consideration and a draft resolution. We're willing to take any questions you may have in follow up to last week's presentation.

Thank you for your consideration.

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

MR. GALLI: No. None yet.

MR. BROWNE: No.

MR. MENNERICH: No.

MR. PROFACI: No.

MR. FOGARTY: I just had one. By not lowering that area, how does that impact the

1 drainage for the project? Does it impact it at  
2 all?  
3

4 MR. BAINLARDI: No. The drainage --  
5 remind me, Pat. I don't know if we ended up  
6 having to modify any of the --

7 MR. HINES: The catch basins, the rims  
8 and inverts have been modified. The stormwater  
9 management facilities, the two large ponds that  
10 are part of the whole treatment for quality and  
11 quantity, they remain the same. Obviously by  
12 lowering the site some of the pipes became a  
13 little lower. Some of the inverts or rims on the  
14 catch basins changed. The site still has a  
15 divide where some of the water goes to the pond  
16 closer to Meadow Avenue and the other part of the  
17 site goes down towards where the original Route  
18 52 access drive is proposed. This is the second  
19 time the lifestyle center has been lowered. It  
20 was lowered approximately two feet during one of  
21 the previous site plan amendments, and it's now  
22 lowered again. It's a cost savings measure. And  
23 I think that also as construction phasing,  
24 because the other large big box stores aren't  
25 being built, there's no need to generate fill

1 from those areas at this time so there's no need  
2 to move that fill around this site. They're able  
3 to build this without moving that large quantity  
4 of fill.  
5

6 The drainage still functions as  
7 originally designed going to the same areas.  
8 There's been some changes in the infrastructure  
9 to get it there, though.

10 We have a plan. There's an 11 by 17  
11 plan that codes in the various infrastructure  
12 improvements that need to be in place prior to  
13 any of the buildings getting COs addressing  
14 water, sewer, drainage and the roadways that need  
15 to be constructed at this first construction  
16 phase to make sure it stands alone.

17 MR. FOGARTY: Thanks, Pat.

18 CHAIRMAN EWASUTYN: John Ward?

19 MR. WARD: Karen is going to cover what  
20 I had to say when she gets there. Thank you.

21 CHAIRMAN EWASUTYN: Jerry Canfield?

22 MR. CANFIELD: The reduction or the  
23 elimination of the one access point at this time  
24 has been reviewed by the local jurisdictional  
25 fire department, which is the Orange Lake Fire

District. They have no issues with it. The sequencing, like Pat had referred to, the sequencing chain of events, the construction sequencing notes are accessible -- acceptable at this point. We have nothing outstanding.

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

MR. HINES: The only other thing that wasn't addressed is a portion of the Route 52/Fifth Avenue access drive will be constructed along with a 40-foot section of the box culvert that in the original design was 125 feet to support that roadway, and that will provide gravity sewer flow to the existing crossroads sewer district. It will function for this phase. If the access drive or when the access drive is constructed, it continues to remain in place and they just need to extend the culvert out and raise the grades. We reviewed that and found that acceptable also.

CHAIRMAN EWASUTYN: That's a separate component of the development?

MR. HINES: Yes.

CHAIRMAN EWASUTYN: Bryant Cocks,

Planning Consultant?

MR. COCKS: My only comment was that along with the first and second amended site plan, this does need to be referred to Orange County Planning Department.

The Planning Board also discussed, since they do have a thirty-day timeframe for review, they'll send it to the DOT to see if they have any comments.

CHAIRMAN EWASUTYN: Karen Arent, Landscape Architect?

MS. ARENT: With the reconfiguration of the buildings, the sidewalk in front of them got smaller and the green space in between the parking lot got smaller, so it would make sense to take that green space and put that space -- and add the space to the sidewalk or landscaping or something. In other words, get rid of the thin green space between the parking area and the lifestyle center and -- or make it smaller and then add to the sidewalk spaces in front of the buildings on both sides. So to consider that.

MR. BAINLARDI: Okay.

CHAIRMAN EWASUTYN: At this point I'll

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refer to Mike Donnelly to review --

MR. GALLI: John, I have one question.

John, on the abandoned house on 52, is that going to be -- anything going to be done during construction or is that going to stay the way it is?

MR. BAINLARDI: Currently it's vacant. We had a tenant in there for approximately five years. They recently moved out. So we took some effort to secure --

MR. GALLI: It looks good.

MR. BAINLARDI: I think we would -- until we're certain that we're going to construct that entrance way and there's the potential that we could potentially use that building as part of construction.

MR. GALLI: And any on the back road?

MR. BAINLARDI: On the back road, all of those houses have been demolished on the -- that would be the western side.

MR. GALLI: Right.

MR. BAINLARDI: On the eastern side we kept the two homes that were previously the Lampro homes, and those are occupied. We have

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tenants in those --

MR. GALLI: Okay.

MR. BAINLARDI: -- houses. When the road eventually comes through, those will have to come down because the road goes right through those.

MR. GALLI: The one on the end looks like it's ready to be demolished.

MR. BAINLARDI: On the --

MR. GALLI: East side.

MR. BAINLARDI: I think it looks pretty good. We spent some money to re --

MR. GALLI: That's all I had on that. Maybe it's someone next to it.

CHAIRMAN EWASUTYN: Mike, do you care at this point to --

MR. DONNELLY: Yes. As you know, we recognized during the work session that this has not yet been sent to the Orange County Planning Department. This development is within 500 feet of the trigger location. We did send the earlier proposals for amendment to the Orange County Planning Department, and I believe we should be consistent and send this to the Orange County



1  
2 Planning Department for a report as well. Until  
3 the Orange County Planning Department reports,  
4 you are without jurisdiction to act. They have  
5 thirty days to do that.

6 As Bryant mentioned earlier, because of  
7 the change in the number of entrance ways in the  
8 first phase, it makes sense, since we have to  
9 wait for the Planning Department to report  
10 anyway, to have Ken Wersted, your Traffic  
11 Engineer, discuss with the DOT whether they have  
12 any comments about the change in the entrance way  
13 phasing. With that in mind, you can't take  
14 action tonight.

15 I did prepare a resolution for you. I  
16 don't believe there's anything troublesome in it.  
17 One of the things the Planning Board did discuss  
18 briefly at the work session, is there a  
19 commitment, as this moves forward, to try and  
20 retain as much as possible of the original  
21 lifestyle concept, and the resolution pays  
22 particular attention to recognize the need for  
23 architectural review and to have a cohesive  
24 balance in what that layout is. From the  
25 discussion, the Planning Board wishes to

1  
2 emphasize that to you as you come forward in the  
3 future with specific development proposals for  
4 that area that go beyond what's already before  
5 us.

6           So you'll need time for the Planning  
7 Department to report. I suspect, given their  
8 past reports, this will be a matter of Local  
9 determination. As of right they have thirty  
10 days. We do have the holiday time in here. I  
11 don't know if that slows things down. You should  
12 pick a date with that in mind.

13           One other issue you did not discuss,  
14 this had public hearings, obviously, at the  
15 beginning. You chose not to hold any public  
16 hearings on the earlier amendments. If you're  
17 inclined to follow that practice, I believe you  
18 should vote to waive the hearing on this  
19 amendment as well.

20           CHAIRMAN EWASUTYN: Okay. I'll move  
21 for a motion to poll the Board Members to see if  
22 they want to hold a public hearing on the amended  
23 site plan for The Marketplace.

24           Frank Galli?

25           MR. GALLI: No, I don't want to hold

one.

MR. BROWNE: No.

MR. MENNERICH: No.

MR. PROFACI: No.

MR. FOGARTY: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: Myself no.

So the motion was carried not to hold a public hearing.

At this point I'll move for a motion to circulate to the Orange County Planning Department and the Department of Transportation.

MR. PROFACI: So moved.

MR. GALLI: Second.

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

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So  
carried.

If you would supply Bryant the  
necessary materials for that, he'll circulate for  
that.

We haven't adopted our schedule for the  
new year because that will be under the  
reorganization meeting. Tentatively we'll say  
that we will look to set you for the second  
meeting in January. I can't announce that date  
at this time. Okay.

MR. BAINLARDI: Thank you. Happy  
holiday.

(Time noted: 7:20 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: January 9, 2012

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

- - - - - X  
In the Matter of

ALL GRANITE AND MARBLE CORP.  
(2011-14)

Brookside Farm Road  
Section 97; Block 1; Lot 20.2  
IB Zone

- - - - - X

CONCEPTUAL SITE PLAN

Date: December 15, 2011  
Time: 7:21 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: ANDREW FETHERSTON

- - - - - X

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

MR. BROWNE: Our next item of business is All Granite and Marble Corporation, project number 2011-14. It's a conceptual site plan being presented by Justin Dates of Maser Consulting.

MR. FETHERSTON: Good evening.

Mr. Chairman, should I take the Board through the plans?

CHAIRMAN EWASUTYN: Excuse me?

MR. FETHERSTON: I'll take the Board through the plans?

CHAIRMAN EWASUTYN: Thank you. I appreciate that.

MR. FETHERSTON: Okay. This is All Granite and Marble Corp's site plan. I'll stand over here. Our southern border is Brookside Farm Road. Quassaick Creek is on the west side. The off ramp from eastbound I-84 to Route 52, which is over here, is our northern border. The property is about 3.6 acres. It's currently undeveloped. It's in the IB, interchange business, zoning district. There's approximately a third of an acre of wetland in this location. We have a minor encroachment into those wetlands

1                   ALL GRANITE AND MARBLE CORP.                   24  
2                   for grading. We also have a minor encroachment  
3                   into the flood plain of the Quassaick Creek.  
4                   We received a jurisdictional determination on  
5                   that wetland that was issued back in September of  
6                   2011.

7                   The proposal is to develop the site  
8                   with a 39,000 square foot manufacturing and  
9                   retail office space building.

10                  We originally came before the Board, we  
11                  showed the required 68 parking spaces. In  
12                  discussing with my client, and because he has a  
13                  number of these facilities, he's very familiar  
14                  with the parking needs. What we did was we cut  
15                  it down to 45 spaces is what we're proposing.  
16                  Having had experience before the Board with this  
17                  particular site for another -- a different  
18                  application, we were aware of some of the  
19                  concerns that were posed before. We pulled some  
20                  of the parking places away from Brookside. We  
21                  concentrated on the spaces that were closest to  
22                  Brookside and also farthest away from the  
23                  building. We still wanted to maintain this for  
24                  our access location. It happens to be right at  
25                  the high point of the road. So the sight



distance is good.

There's a second -- so this is the parking area for the customers. The loading area and the service area is on this side of the building.

What we did was we, at the request of the client -- they gave us great direction because they have these facilities, they know exactly what they need here. The furthest ramp going in is actually going to be -- the furthest door is actually going to be a drive-in ramp to drive right into the building. There will be two four-foot loading docks, and we -- I talked to the traffic consultant today. He was in my office for a little while and we spoke about the size of the truck. Because of the weight of the materials that are brought in and out, the largest truck that comes in here is something that just carries a small shipping container. That's the type of vehicle that comes in, makes a delivery and goes out. They're not stored on the site. There's a fourth dock, again a different style. This one is only a two-foot high dock for pick-up trucks.

We addressed stormwater on the site.

We do have some comments which we have no problem addressing in a subsequent submittal. We did address the green redevelopment type stormwater requirements from New York State, bio-filtration for the parking areas, rain gardens for the roof.

The loading dock area, under DEC standards, is what they call a hot spot. So we're -- we have a device there to separate and capture oils that may drip from the vehicles. Sediments, gross floatables, trash would be captured in this device for easy cleaning to keep the stream clean.

Let me see. There is a -- there's a sewer service for Pepsi Co. This was part of a large -- some members of the Board probably recall it. This was part of a large subdivision with Pepsi Co. Pepsi's sewer service actually comes into our site, goes under Quassaick Creek and then goes down the trunk line. We're proposing to -- the trunk line also comes down this way for the Town of Newburgh. We have all that stored on the site. We're not in the sewer district so we have to seek getting into the

sewer district.

There is a fire hydrant and water service, we believe more than sufficient for our site. I had a -- I met with Jim Osborne on this one and he just suggested when we're going for construction we will dig a test pit and see exactly what the best connection should be at that time. That's what we put on the plan.

We are in the water district, we're not in the sewer district. We have to work that out.

We also provided site landscaping and lighting plans. My landscape architect is here as well.

I'd like to bring Tony up to speak about the architecture for the building. Robert is here also, the owner. He can speak about the other facilities.

MR. GARRETT: Good evening, Board Members. Anthony Garrett, the project architect. We've done three other facilities -- actually, five other facilities, two were existing buildings. But three other facilities for All Granite. We're relatively familiar with the operations.

1                               This is a two-story building. The  
2  
3       lower level, which is really warehousing and  
4       fabrication, it's about a 29,000 square foot  
5       footprint. We're trying to work with the site.  
6       The loading is on the western side of the site.  
7       It's lower, it's more conducive to bring the  
8       materials, the slabs in from the loading dock on  
9       the west side.

10                           There are some employee facilities also  
11       located on the lower level, and a fabrication  
12       area where they cut the slabs, fabricate the  
13       counters, et cetera.

14                           The fabrication area totals about 5,000  
15       square feet. The slab storage area is about  
16       15,000 feet. And then there's -- I'm sorry, I  
17       did the math wrong. It's about 20,000 square  
18       feet and then there's about 2,000 square feet of  
19       locker rooms, toilet rooms and the utility spaces  
20       in the building.

21                           The upper level of the building  
22       occupies the eastern approximately forty percent  
23       of the building. It's 9,000 square feet. It's  
24       got direct access to the parking area. That  
25       would be the showroom, some customer service

1 areas, some offices, and again the toilet and  
2 infrastructure facilities.  
3

4 The main entrance is directly adjacent  
5 to the parking lot, and there's an employee  
6 entrance located at the southeast corner of the  
7 building. Actually, we enter in an intermediate  
8 landing. I bring that up because the floor-to-  
9 floor in the lower level is fairly significant.  
10 We need 26 feet of floor-to-floor height. That's  
11 to accommodate overhead cranes which pick up  
12 slabs, move them throughout the facility to the  
13 fabrication area, et cetera. Most of the public  
14 would be entering the building at this level  
15 here.

16 It's a retail, small retail operation.  
17 Expectations would be, you know, five to ten  
18 customers a day. Most of those would be on the  
19 weekends. The employee count is about fifteen to  
20 twenty people. The highest employee counts are  
21 really during the week as opposed to the weekends  
22 because most of the retail customers are working  
23 to pay for the granite, although it's very  
24 inexpensive. Very good deals on granite. No  
25 super deals for Board Members. Of course not.

1  
2           Anyway, there's a wide open area where  
3 they set up kitchen displays, they set up wares  
4 that people can see.

5           As I mentioned, the floor-to-floor is  
6 26 feet and then the upper level is 18 feet to  
7 the roof height.

8           This is the third building that we've  
9 done for All Granite.

10          These will be a little easier to look  
11 at. The facade facing -- there are two -- three  
12 main facades on the building. This is an  
13 artist's rendering of the facade facing Route 84.  
14 One of the nice things with the building is  
15 because they're in the stone business, we can  
16 clad major components of the building in the  
17 stone veneer. So although this is an industrial  
18 building, we finished the building with a very  
19 high-end material. It's a combination of the  
20 granite. We do a lot of day lighting inside the  
21 facility for sustainable features as well as  
22 proper display of the granite. It's better to  
23 see it under daylight as opposed to artificial  
24 light.

25          For the upper portion of the building

1 we use a light-weight material. It's a gun metal  
2 gray siding. I keep saying we use it because the  
3 facility in Ridgefield Park, again, is a very  
4 similar palette of materials, and I think you'll  
5 notice there's a branding feature. This curbed  
6 area with a large curtain wall, that's typical.  
7 We include that on all the facilities. It gives  
8 us some presence. We have a lot of presence --  
9 we want to have a lot of presence facing Route  
10 84. There's another facility in Pennsylvania  
11 which is just about ready to begin. Again  
12 similar curbed elements, the same granite  
13 materials.  
14

15 There's also a monitor that we include  
16 on top of the building. That monitor is a light  
17 monitor. It brings in daylight. It also acts as  
18 a screen for rooftop equipment. We try and  
19 camouflage the equipment behind that monitor as  
20 well as a parapet which surrounds the building.  
21 The parapet varies in height from about two to  
22 four feet, which is usually adequate to screen  
23 any of the rooftop equipment. The main rooftop  
24 equipment is located over the showroom office  
25 area. The granite warehouse has very little

1  
2 equipment, exhaust fans, et cetera. There is  
3 dust collection inside the building. It's  
4 contained within the building. There are no  
5 emission issues to deal with.

6 Just back to the lower level plan for a  
7 moment. We were before the Zoning Board for a  
8 variance. I think you've seen that in the  
9 reports. I'd like to compliment the Zoning Board  
10 Members. They scrutinized our application. They  
11 were particularly concerned with how we deal with  
12 the water saws in the fabrication area. We have  
13 a double containment vessel. It's concrete. We  
14 have a steel liner and we apply an epoxy coating  
15 to that. We test the metal lining so that it's  
16 water tight, and we have double containment.  
17 We've been approved for use in suffolk County,  
18 New York, which is a sole source aquifer.  
19 Article 7 is one of the most stringent Hazmat  
20 wastewater codes in the country. We've met the  
21 standards, and that would be the same technology  
22 we'd be using here.

23 Back to the prettier pictures. I had  
24 to throw in the one thing about the containment.  
25 This is looking from the southeast corner of the



1 building, the main entrance. You'll notice that  
2 we integrated a different color on the building.  
3 This is a red brick, similar to what's on the  
4 Pepsi Co building. We've met with Pepsi. It was  
5 suggested, strongly suggested, mainly because  
6 it's in the CNRs, that we include some brick  
7 elements to relate the two buildings. So the  
8 facade facing Brookside Farms Road, it was very  
9 appropriate to integrate those brick materials.  
10 We also found it to be a very constructive  
11 suggestion because we think it helps  
12 differentiate materials and break up the long  
13 facade facing Brookside Farms Road. That  
14 combined with the change of heights, we think  
15 successfully mitigates any massing concerns that  
16 the Board may have there along the building with  
17 about 200 feet of frontage along Brookside Road.  
18 Also the angle of the building helps with that as  
19 well.  
20

21 I don't think I really have anything  
22 else on direct. If anybody has any questions, if  
23 you care to look at the rendering, I'll pass them  
24 around.

25 CHAIRMAN EWASUTYN: Questions from

Board Members on the architectural presentation?

MR. GALLI: It's nice looking.

CHAIRMAN EWASUTYN: Ken?

MR. MENNERICH: No.

MR. PROFACI: No.

MR. FOGARTY: I just had the one. I know that there was an encroachment on the wetlands, and that was explained during -- it's a very small section. I understand that. This is the first I heard about the encroachment in the Quassaick River flood plain. Can you just kind of maybe explain that?

MR. FETHERSTON: I calculated about 3,000 cubic feet of fill material to be placed in that flood plain, just right into the fringes of it. The memos that we got back were to apply for a permit, which I'll be doing with Jerry's office I believe. That needs to be coordinated. We haven't discussed it yet. I need to do that. I need to discuss that.

MR. FOGARTY: That will be coordinated with Jerry?

MR. FETHERSTON: Absolutely. Yeah, absolutely.

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MR. FOGARTY: Thank you.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Where is the facility in Ridgefield Park? What highway or whatever?

MR. DASCIA: It's actually right on the border of the Hackensack River. It's on Mount Vernon Street.

MR. WARD: I'm in the area all the time.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: In the warehouse part of it where the trucks back up, that's where the cutting and stuff is going to be done? That's all contained inside?

MR. GARRETT: The cutting is contained inside.

MR. GALLI: What kind of containment are you going to have outside? Is that going to be epoxy also, like blacktop with epoxy on top of it with a curb type epoxy enclosure?

MR. FETHERSTON: On the outside of the building?

MR. GALLI: The parking lot. You said the loading docks are going to be -- any oil

spills or something like that doesn't run into the creek.

MR. FETHERSTON: Right. I didn't mention that the loading dock area, this whole rear area we're going to pave with concrete. It's going to have heavy vehicles and turning motions. That's been decided to pave with concrete. There's a catch basin back there. It's a bathtub. Everything goes into the center, into that drain and into a storm ceptor swirl type chamber. Sediment drops to the bottom, oil gets trapped in it because it floats, and then the cleaner water flows through. It's an approved type of device for a -- for what they call a hot spot. You don't want the water to go directly into the soil. This is cleaning it before it goes to the creek.

MR. GALLI: Is there any chance of anything running out of the building, like a broken line or anything like that?

MR. GARRETT: No. The containment in the building is a bathtub that's recirc'd. It is not discharged into the sewer. It's basically every so often, you know, it gets maintained, the

dust gets shoveled out, but it's not a direct discharge into the sewer.

MR. CORDISCO: If I may, I think the containment you were describing --

CHAIRMAN EWASUTYN: For the record, sir, your name?

MR. CORDISCO: Dominic Cordisco of Drake, Loeb. I apologize. I think the system you were describing is a secondary containment system. So you have one shell within another.

MR. GARRETT: Yes. It's a double wall containment. There's a primary containment and a secondary concrete vessel to keep the water within that.

MR. GALLI: That's all I had, John.

CHAIRMAN EWASUTYN: Andrew, just as a minor note, as on your detail sheet with the concrete apron, you showed a 6 by 6 by 10 wire mesh. You talked about a 4,000 psi concrete. I was surprised to note that you didn't show chairs to be used with that.

MR. FETHERSTON: Okay. All right.

CHAIRMAN EWASUTYN: I think structure -- I mean --

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MR. FETHERSTON: Lift it up.

CHAIRMAN EWASUTYN: I sometimes build  
and I can only build by using chairs. That's a  
standard spec when I do build.

MR. FETHERSTON: I'll put that on.  
Sure. Absolutely.

CHAIRMAN EWASUTYN: Additional  
comments?

MR. PROFACI: No.

MR. FOGARTY: Nice building.

CHAIRMAN EWASUTYN: Do you have a  
presentation you were going to speak on?

MR. DASCIA: I think everything was  
said. Unless the Board has questions. Tony  
presented our other buildings.

CHAIRMAN EWASUTYN: Final questions  
from our consultants. Jerry Canfield? You'll be  
meeting with Andrew Fetherston; correct?

MR. CANFIELD: Yes, that's correct. On  
the flood plain development permit.

In the past it's typical that we make  
the applicant aware of the need for it. In the  
past the Board has perhaps conditioned a  
resolution making mention of that. It is a

1  
2 separate permit, though, in the process as the  
3 project develops.

4 I don't have anything additional other  
5 than some of the comments we spoke of in the  
6 consultants' meeting beforehand. I know Pat is  
7 going to talk about the water line. We had some  
8 concern about that in relation to the site. I  
9 have nothing additional.

10 CHAIRMAN EWASUTYN: Pat Hines, Drainage  
11 Consultant?

12 MR. HINES: Our first comment has to do  
13 with the land banking of the 23 parking spaces,  
14 which we don't have a problem with. We discussed  
15 at work session the trigger mechanism for that,  
16 and we have language we've used in resolutions in  
17 the past making that a coordinated effort  
18 apparently between the Planning Board and the  
19 building department to require that be  
20 implemented should it be needed based on the  
21 site. The concern is the -- I guess it's the  
22 easterly most land banked area. It's shown as  
23 being graded for the parking. We were discussing  
24 at work session whether that curbing should be  
25 run across there, that grading be modified, that

1  
2 it not be done at this time. It may save you  
3 some retaining wall, it may save you some grading  
4 and it may limit the disturbance on the site if  
5 it's not needed. We're suggesting you take a  
6 look at possibly running the curb across there  
7 now, showing it land banked and leaving that area  
8 in it's natural state or less disturbed and it  
9 will save you -- it looks like at least a quarter  
10 of that retaining wall may not be required then.

11 MR. FETHERSTON: Absolutely agreed.  
12 It's a great savings. This section of the  
13 retaining wall, quite a few feet of it would not  
14 need to be built. We'll build the curbing, and  
15 if at such time somebody needs the parking, they  
16 can build the wall and remove that curbing.  
17 That's a great idea.

18 MR. HINES: Our second comment just  
19 noted the 100 year flood plain and the need for a  
20 permit.

21 Jim Osborne's letter dated November  
22 29th suggested that the water mains on the Pepsi  
23 parcel continue to be owned by Pepsi and may not  
24 have been dedicated yet. So there may be an  
25 issue you need to work out with Pepsi to connect



1 to their water mains. Coordinate that with Jim  
2 Osborne's office also. I don't know the status  
3 of the dedication of those but it looked like in  
4 his letter they may still be private. That needs  
5 to be worked out.  
6

7 The next comment is the hydrant. I  
8 didn't see the hydrant on the map. You can  
9 coordinate with Jerry Canfield's office regarding  
10 whether that's close enough or if there needs to  
11 be one on your site.

12 The comments regarding the stormwater  
13 management is more of a change to the narrative.  
14 We don't have a technical problem with the  
15 report. The green infrastructure has been shown  
16 but the report needs to be rewritten to make sure  
17 you're not at the 5 percent increase in the flow  
18 to the stream. More than 5 percent. We don't  
19 believe the detention is required there because  
20 it's located in close proximity to the stream and  
21 the stream has a tremendous water shed above  
22 that. It's more of a change in the narrative to  
23 address that comment rather than a technical  
24 issue there.

25 I suggested at the work session that

our office was okay with a negative declaration based on our comments and the review to date. That's all we have.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

MR. COCKS: Yes. With the land banked parking spaces, I saw on the lighting plan one of the lighting fixtures is actually in the area of that land bank, right in the corner of the entry drive there. If those spaces are going to be land banked, I don't know if that light in that location is necessary. You may want to take a look at that. It might not be needed. You might be able to eliminate that and save some money on that.

The Orange County Planning Department did submit advisory comments on September 6th but they did not want to make a Local determination until a fully engineered site plan was sent to their office. We are going to have to send that back to the Planning Department.

The Thruway Authority did send an approval letter.

As mentioned, the wetlands were

verified.

The Town of Newburgh Highway Department will need to have an approval letter, but that's usually a condition of site plan approval.

Just a detailed signage chart on the ARB drawings and on the site plan. That was it.

MR. FETHERSTON: Okay. Karen Arent?

MS. ARENT: The materials are labeled on the architectural drawings. I'm assuming with such great care to design the building as you described, most of the canopy units will be screened.

MR. GARRETT: Yes.

MS. ARENT: Is a free-standing sign going to be proposed for the property? If it is, it should be shown on the site plan with detail, along with the signage chart that Bryant talked about.

The tree protection notes should be put on the erosion control plan. You have a silt fence pretty much surrounding the tree protection areas. Just write notes to make sure that there's no material or construction equipment, et cetera in those areas.

Just make sure that there's topsoil and seeding over the land banked parking areas.

The parking area isn't really screened from Brookside Road, so if you could just see if you could put some landscaping to screen it better.

And a few more shade trees would be nice just to continue down that thin portion of the site because the road is kind of bare there. Whatever you want to put, it would be nice to see.

And from the aerial photograph there appears to be what Pat mentioned may be an old cul-de-sac on the property. Is that on --

MR. DASCIA: I think it's just like a pull-off area. It seems people pull off and turn around to go back to 52.

MR. GALLI: There's no garbage.

MS. ARENT: If you could seed that and restore it with landscaping.

Then you'll need to -- oh, the planting soil media as shown in the rain garden, I didn't see any specification for it. If you could just include specs so the contractor knows exactly

what you want in those rain gardens.

A landscape cost estimate is required, as you know. Just make sure you put the Town of Newburgh project number on the estimate, on the checks, on everything to do with the bond.

MR. FETHERSTON: Okay.

MS. ARENT: That's it.

CHAIRMAN EWASUTYN: Additional comments from Board Members?

MR. GALLI: No additional.

MR. BROWNE: The screen on the roof, that's going to be at such a height that you'll not see anything from 84, correct --

MR. GARRETT: Yes.

MR. BROWNE: -- as well as the surrounding properties?

MR. GARRETT: As you pass the building from our site. I mean 84 grades up. If I'm 2,000 feet away, you might be able to see something but you wouldn't even notice it.

CHAIRMAN EWASUTYN: Reasonably speaking.

MR. GARRETT: Reasonable.

CHAIRMAN EWASUTYN: It's mitigating any

potential visual impacts.

MR. BROWNE: Thank you.

MR. MENNERICH: Just to mention that Ken Wersted from Creighton, Manning sent us a letter indicating he reviewed the truck dimensions and the turning movements in there and said that the plan demonstrates the vehicles can adequately maneuver in the loading dock area. So that confirms that.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: Just a question about your business. I'm always the one that asks that. If you only have five or ten people coming into the showroom let's say on a weekend, where is your work coming from? I mean is it from all over the area? How are you collecting this -- the work that you're doing?

MR. DASCIA: Well, we have a website, marble.com. Most of our clients come through the website. We also have a marketing department that does the printing advertising. We advertise in magazines. We cater to the individual homeowners and the contractors as well. There are a variety of efforts to bring the customers

in, and so far it works I guess.

MR. PROFACI: Okay. So this facility would cater to this general area.

MR. DASCIA: To this general area. That's why we like being a local business. That's why we're setting facilities in certain areas, to become a local business for that particular area. We have facilities in Ridgefield Park in New Jersey; South Plainfield, New Jersey; Stroudsburg, Pennsylvania; Danbury, Connecticut; Deer Park, New York, and we're setting up, as we speak, another one in Binghamton, New York, and that's going to be our seventh facility.

MR. PROFACI: Okay. Thank you.

MR. DASCIA: Thank you.

CHAIRMAN EWASUTYN: Tom?

MR. FOGARTY: Are those the samples of the outside of the --

MR. DASCIA: Yes. We didn't show them.

MR. FOGARTY: I don't know if the Board Members saw those.

MR. DASCIA: This is the granite we're going to be planning. There are two finishes.

This is a river wash finish. It's dull, it's not reflective. And more complimentary we have the glossy. The same material. We're going for kind of industrial more than contemporary look.

MR. GARRETT: We also have glass samples. I didn't pull them up. If you want to see them --

CHAIRMAN EWASUTYN: We could go through it and do an architectural --

MR. GARRETT: I'd love to.

CHAIRMAN EWASUTYN: We can do an architectural approval tonight, accomplish that task. I know we're going to be making a SEQRA determination this evening. It might be good to go through.

MR. GARRETT: We're talking about a green glass --

CHAIRMAN EWASUTYN: If you could maybe point to that part on the rendering, we could visually follow you.

MR. GARRETT: The curtain wall --

CHAIRMAN EWASUTYN: Let Andrew do what I think makes sense. Can you move that one easel and bring the other forward? Great. Thanks.



1  
2 MR. GARRETT: The curtain wall and the  
3 strip windows, day lighting the warehouse. We  
4 always wrestle with getting some reflexivity but  
5 not too much because we want to let the daylight  
6 in. It's a weighing option. As I mentioned, we  
7 are day lighting many portions of the building,  
8 including the warehouse and the showroom areas,  
9 and we're proposing a lightly tinted green glass.  
10 This is a Pilkington product. That's a Paragon  
11 product. This gives the range of where it will  
12 be. We'll actually go out on site with the  
13 materials and make sure, under sunlit conditions,  
14 facing north, facing east, south, that it's  
15 appropriate.

16 And the siding material that we're  
17 talking about is this kind of gun metal silvery/  
18 gray material. This would be on the upper  
19 portion of the building and --

20 Robert, do you want to bring that  
21 granite over just to give an idea of the palette  
22 of the selections?

23 We have the polished granite, and they  
24 all kind of relate to one another, and then the  
25 river wash is really on the curbed portions of

the building just to accent that curbed portion of the building into a little differentiation. This is really the color palette.

MR. BROWNE: A question. What's your primary customer's use for your products?

MR. DASCIA: Individual homeowner.

MR. BROWNE: Individual homeowner, countertops and that kind of thing?

MR. DASCIA: Yes. Mainly countertops. We carry all different kinds of natural stone, soap stone, limestone, marble, onyx, gemstone. The granite is basically the major product.

MR. BROWNE: The reason I was going there and asking the question is the company I work for makes equipment -- lighting equipment for visual evaluation type things, and daylight is one of our primary tough things. If you're doing everything under daylight, or trying to, and you're selling your products to customers that are using it under incandescent and fluorescent, how does that work?

MR. DASCIA: In a warehouse we're going to have a mixed light. We're going to have some daylight coming in through the windows. We want

1 ALL GRANITE AND MARBLE CORP. 51  
2 to have as much daylight as possible because in a  
3 kitchen you have a little bit of a tungsten  
4 lighting with a warmer kind of temperature, you  
5 might have under-counter light with a different  
6 temperature, and you have the natural light  
7 coming through the windows. It's all basically  
8 mixed light. Pretty much the same conditions we  
9 want to achieve in the warehouse. A little bit  
10 of everything.  
11 MR. BROWNE: Okay. I'll send our  
12 salesman over to you.  
13 MR. MENNERICH: The granite sections  
14 that are going on the building, is that something  
15 you manufacture?  
16 MR. DASCIA: Yes. Yes.  
17 MR. MENNERICH: Thanks.  
18 MR. DASCIA: We plan out our buildings.  
19 We plan for our commercial clients.  
20 MR. HINES: It's what they do with the  
21 mis-cuts, Ken.  
22 MR. FOGARTY: In the back room.  
23 CHAIRMAN EWASUTYN: Joe Profaci?  
24 MR. PROFACI: Nothing else, no.  
25 CHAIRMAN EWASUTYN: Tom Fogarty?

MR. FOGARTY: I hope it comes out looking like the rendering. It's a good looking building. I wish you good luck with that.

MR. WARD: You covered everything. Thank you.

CHAIRMAN EWASUTYN: I'll make a two-part motion. I'll move for a motion to declare a negative declaration. The second part, to approve the ARB for the All Granite and Marble Corp. That would be subject to you supplying the necessary ARB paperwork with all the necessary information and detail on it.

MR. PROFACI: So moved.

MR. FOGARTY: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

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MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So  
carried.

Andrew, if you'll make it a point of  
getting Bryant the revised sheets so Bryant can  
then coordinate with the Orange County Planning  
Department. And you'll work with Jerry Canfield.

Anything else this evening?

MR. DONNELLY: John, do you want to  
poll the Board as to whether you would require a  
public hearing?

CHAIRMAN EWASUTYN: Please. Thank you.  
Do you want to have a public hearing?

MR. GALLI: No.

MR. BROWNE: No.

MR. MENNERICH: No.

MR. PROFACI: No.

MR. FOGARTY: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: I'll move for a  
motion. Let the record show the Planning Board  
decided not to hold a public hearing. Thank you.

MR. DONNELLY: We need to hear back

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ALL GRANITE AND MARBLE CORP.

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from the County Planning Department before we can  
take action.

MR. FETHERSTON: Okay. Good. Thank  
you very much.

MR. DONNELLY: Dominic, I'll send you  
the proposed language for the land banked parking  
so you can see it.

MR. CORDISCO: I think we discussed  
that with another application. My son was going  
to provide a report.

(Time noted: 7:53 p.m.)

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

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

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DATED: January 9, 2012

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

- - - - - X  
In the Matter of

RIVERA CLEARING & GRADING  
(2011-29)

Countryman Lane  
Section 6; Block 1; Lot 2.14  
AR Zone

- - - - - X

CLEARING & GRADING PERMIT

Date: December 15, 2011  
Time: 7:53 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: MICHAEL BODENDORF

- - - - - X

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



MR. BROWNE: The next item of business is Rivera Clearing and Grading, project 2011-29. This is a clearing and grading permit application being presented by Michael Bodendorf, Hudson Land Design.

MR. BODENDORF: Good evening. My name is Mike Bodendorf, engineer for the applicant, Mr. Angelo Rivera who is here tonight with us.

He wishes to develop his 56.9 acre parcel which is bound by Gidneytown Creek on its westerly property line. It contains a DEC wetland underneath 84 and gains access off of Countryman Lane which is off of Pressler Road. Mr. Rivera also owns Countryman Lane.

The house site will be located approximately 900 feet from the western property line in about this area here. There's an existing farm road that we intend to use for our driveways. It's actually the only access to the site. There's no other available access to the site because it's landlocked around its other property lines.

As I said, we have to get across the Gidneytown Creek and also the DEC wetland. We've

1  
2 approached the DEC for a permit back in the  
3 summer. They reviewed our plans and generated  
4 some comments but were generally acceptable to  
5 our proposal.

6 Since we're using this existing farm  
7 road, the wetland is not within the farm road so  
8 our disturbance will only be to the adjacent area  
9 of the wetland.

10 I'll move to our proposed plan now. The  
11 house location is here. The barn location is  
12 here. Gidneytown Creek does not have a FEMA  
13 study associated with it but we did our own  
14 watershed study and stream modeling to determine  
15 what the height of the creek would be at the  
16 hundred-year storm event. We intend to build an  
17 eighty-foot bridge to span the creek. The farm  
18 road will require some fill to get us above that  
19 hundred-year flood elevation. We met out there  
20 with the DEC and identified a couple areas where  
21 there's overflow. This is extreme overflow which  
22 I think has only occurred maybe once. This is  
23 more prominent overflow here which is in the  
24 wetland itself.

25 We prepared a stormwater pollution

1  
2 prevention plan for the project and also an  
3 erosion sediment control plan as part of our  
4 SWPPP. The proposed barn will be in this  
5 location.

6 Just to give a little history of where  
7 we've been with this, we first went to the DEC to  
8 obtain the wetland permit. At that time they  
9 asked for an MS-4 SWPPP acceptance form from the  
10 Town, and at that time we went to Jim Osborne  
11 with the plans and he recommended submitting to  
12 the -- to Mr. Canfield, and Mr. Canfield  
13 determined, based on that we have more than an  
14 acre of disturbance and that we're going through  
15 DEC wetlands, that we need to appear before the  
16 Board for the clearing and grading permit. So  
17 here we are.

18 CHAIRMAN EWASUTYN: Thank you. We'll  
19 start off with Jerry Canfield and Pat Hines who  
20 are the primary representatives who will be  
21 serving the Board. Jerry?

22 MR. CANFIELD: We talked in the work  
23 session, and I know Pat will continue on with it,  
24 about the need for a flood plain development  
25 permit. I'll leave that for Pat because it's

1 relative to the grading and all the other  
2 disturbance that's happened.  
3

4 You had on your application an  
5 accessory structure which I believe is not part  
6 of this application tonight before this Board.  
7 The clearing and grading permit is before the  
8 Board.

9 MR. BODENDORF: Mm'hm'.

10 MR. CANFIELD: But just kind of a heads  
11 up, you may have issues simply because of --  
12 twofold. Number one, the accessory structure at  
13 this point in time, if that's all you're going to  
14 apply for at the building department, may be an  
15 issue because it's accessory to what? We can't  
16 issue a permit for an accessory structure on a  
17 lot that there's nothing that it's accessory to.  
18 The second issue is if you should submit that at  
19 the time with the building permit application,  
20 that accessory structure would be located in a  
21 front yard which is something that would be  
22 referred to the Zoning Board. Our municipal code  
23 has provisions that do not allow accessory  
24 structures in a front yard. Like I said, I know  
25 that's not part of this application tonight but

we did discuss it at the work session and we felt it was fair to convey that to you. Okay.

MR. BODENDORF: Mm'hm'.

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

CHAIRMAN EWASUTYN: Any questions you have on what he's saying, Mr. Rivera?

MR. RIVERA: Yes. Thank you.

CHAIRMAN EWASUTYN: And I say that respectfully just to help you with the process.

MR. RIVERA: Thank you.

CHAIRMAN EWASUTYN: Pat Hines, Drainage Consultant?

MR. HINES: My office received a stormwater pollution prevention plan because the disturbance is greater than one acre but less than five acres. It's simply a soil erosion and sediment control plan. We found that to be acceptable. It's 1.4 acres of disturbance because of the 900-foot length of the driveway and the improvements associated with the house. The entire parcel is about 58 acres.

We did note a flood plain development permit is required. I think the flood plain is mislabeled in the profile at about station 7 plus

50.

MR. BODENDORF: I'd like to talk about that. What happens is that's in this location here. We get a little but of -- let me go back. You get a little bit of overflow right here. This area here is actually influenced by the lower reaches of the creek. We did a whole HEC-RAS study and did a lot of cross sections through here. The flood plain elevation, because you have a high point in here, is not being influenced by that high impact water --

MR. HINES: I think you have the leader in the wrong location.

MR. BODENDORF: That's all you're saying?

MR. HINES: I'm not doubting the flood plain. It shows more fill there. If you look where the flood plain is labeled --

MR. BODENDORF: I see it now.

MR. HINES: -- that needs to be adjusted. We take no exception to the stormwater management plan. We will issue an MS-4 acceptance letter for the Town's signature upon approval of the clearing and grading permit.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant, do you have anything to add to this?

MR. COCKS: I have nothing additional. I did send comments to Mr. Bodendorf. One was regarding the Orange County Planning Board. Mr. Donnelly informed me that since clearing and grading is not part of the 239 L or M, so it does not need to be referred.

CHAIRMAN EWASUTYN: The action before us this evening is to approve the clearing and grading permit?

MR. DONNELLY: Correct. I believe it is still an action subject to SEQRA, so you have to issue a declaration of significance and then take action on the permit. I have the standard conditions. Jerry will have to review the flood plain development permit later.

CHAIRMAN EWASUTYN: Do you want to go through the conditions?

MR. DONNELLY: Sure. First you'll make reference to the sections of code which govern, 83-10, 83-11. They have to do with standards and site requirements. There's some limitations on

1 hours of operation within certain distances of  
2 homes, and they all come from the code. The  
3 permit will be good, according to the code, for a  
4 duration of one year, and we recite that so  
5 there's no surprise about that. The approval  
6 will be subject to the applicant posting the  
7 performance guarantee required by Section 83-12.  
8 Lastly, we'll make reference to the need for a  
9 flood plain development permit. That should be  
10 issued before any construction or grading work  
11 can begin.  
12

13 CHAIRMAN EWASUTYN: Okay. So we'll  
14 make a SEQRA determination now, move for an  
15 action to approve the clearing and grading permit  
16 subject to the conditions in the resolution.

17 MR. DONNELLY: Correct.

18 MR. MENNERICH: Is there a public  
19 hearing required?

20 MR. DONNELLY: Yes. It's optional.  
21 You should vote to waive that. Thank you.

22 CHAIRMAN EWASUTYN: Let's start with  
23 that. Does the Planning Board want to hold a  
24 public hearing?

25 MR. GALLI: John, I just have a



1 question. I know this is for clearing and  
2 grading, but how much property is going to be  
3 taken when you -- if do you put a house and barn  
4 up there? How much is the total 57 acres that's  
5 going to be used?  
6

7 MR. BODENDORF: It's basically just  
8 going to end pretty much right here at this  
9 stonewall. There really isn't any proposal for  
10 any development beyond that.

11 MR. HINES: There's actually --

12 MR. BODENDORF: We're showing our  
13 accessory structure in the front yard. That may  
14 move to a different location.

15 MR. HINES: There's actually another  
16 wetland area to the rear of the house that's  
17 restricting any further moving back.

18 MR. BODENDORF: And there's also steep  
19 slopes. Here's the house location here and then  
20 there's a pretty steep slope that goes up beyond  
21 that.

22 MR. GALLI: That's all I had, John.

23 CHAIRMAN EWASUTYN: Then I'll continue  
24 on with the motion. Does the Planning Board want  
25 to hold a public hearing?

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MR. GALLI: No.

MR. BROWNE: No.

MR. MENNERICH: No.

MR. PROFACI: No.

MR. FOGARTY: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: Okay. Myself no.

Let the record show that a public hearing -- we waived having a public hearing.

At this time I'll move for a motion to declare a negative declaration and to grant the clearing and grading permit subject to the conditions in the resolution that was presented by our Attorney, Mike Donnelly.

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.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

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

MR. BODENDORF: Thank you very much.

(Time noted: 8:05 p.m.)

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

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

DATED: January 9, 2012

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

- - - - - X  
In the Matter of

ORCHARD HILLS  
(2011-28)

Route 9W and Oak Street  
Section 9; Block 1; Lot 78.1  
R-3 Zone

- - - - - X

AMENDED SITE PLAN

Date: December 15, 2011  
Time: 8:05 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ

- - - - - X

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

1  
2 MR. BROWNE: Our last item of business  
3 is Orchard Hills, project number 2011-28, amended  
4 site plan, being presented by Ross Winglovitz of  
5 Engineering Properties.

6 MR. WINGLOVITZ: Good evening. Ross  
7 Winglovitz, Engineering Properties here on behalf  
8 of JK Scanlon who are the current builders for  
9 the Orchard Hills project.

10 Over the past year-and-a-half the site  
11 had been under construction. There's been many  
12 minor changes, most of them handled through Pat's  
13 office, the Department of Health and so forth.

14 The change that was proposed that I  
15 think kind of said let's bring us all together  
16 and look at everything and make sure we get an  
17 updated site plan was a proposal for a change to  
18 the clubhouse and pool area. The plans that we  
19 submitted have a blowup of this, but that change  
20 really was created by the desire to have a large  
21 deck area around the pool and behind the  
22 building. The way it was originally designed, if  
23 you walked out the back door of the building, you  
24 walked out to the deck of the pool area. They  
25 want to be able to have functions out there and

1 not be on the pool deck with the kids and so  
2 forth. So they created a deck area right behind  
3 the building that will be outside the pool area.  
4 So the fence will be beyond that. So that pushed  
5 the pool back slightly. And then they increased  
6 the size of the sun deck area to the north side  
7 of the pool away from the clubhouse where the sun  
8 would be. That shifted the playground area and  
9 created the need to turn the all sports court  
10 into a half basketball court. That was probably  
11 the most significant change in the plan itself.  
12

13 We prepared a letter that outlined a  
14 number of the changes. Most of them were minor  
15 and technical in nature. There were some  
16 modifications to the layout of the sewer  
17 treatment plant, and that was really to protect  
18 the existing sewer treatment plant that's there  
19 during construction, to give a little bit more  
20 room for that.

21 Pat had a comment about the parking  
22 lot. There is a utility structure on the side of  
23 the building, so we put the parking lot three or  
24 four feet away from the building.

25 MR. HINES: It's only three or four

1 feet. I compared the plans without overlaying  
2 them. I didn't even notice the change.  
3

4 MR. WINGLOVITZ: Probably the only  
5 thing you can see is a little jog in the  
6 sidewalk. We went through with them to sit down  
7 and capture as many things as we could think of  
8 that have happened in the last year-and-a-half to  
9 include them on the plans that we submitted for  
10 amended site plan. We're here to address any  
11 comments you may have.

12 CHAIRMAN EWASUTYN: Just before we talk  
13 about comments, give us an update. From my  
14 understanding, you're close to looking for  
15 certificate of occupancies so that you can begin  
16 renting the units. You're about how close to  
17 having the sewer treatment plant operating? Bring  
18 us along on some of the functional aspects of the  
19 project. Basically, if all goes well, when do  
20 you expect to start renting?

21 MR. WINGLOVITZ: I think the plan is  
22 this spring or earlier. Maybe if we can get in  
23 this winter. A number of these buildings you  
24 mentioned are near completion, ready for the COs.  
25 The sewer treatment plant was delivered about a

1 month ago. Basically large fiberglass structures  
2 that were brought in there. It's currently being  
3 constructed and they're working their way up the  
4 hill in the back to construct the units as they  
5 go around the loop road.  
6

7 The Route 9W work is completed. Those  
8 are being signed off by the DOT. They did an  
9 inspection out there, I want to say last week or  
10 the week before. They're working in the entrance  
11 way and up the entrance way.

12 So since, I want to say, the current  
13 owners have taken control of the project, it's I  
14 think moving along much better. Jerry can  
15 probably tell you better than I can. Much better  
16 than it was previously. These guys are moving to  
17 to fruition hopefully very quickly.

18 CHAIRMAN EWASUTYN: Questions from  
19 Board Members. Frank Galli?

20 MR. GALLI: None. Actually, when do  
21 they expect the sewer plant to be actually done?

22 MR. WINGLOVITZ: When? I don't know.  
23 I'm not doing the day-to-day engineering on that.  
24 That's an engineer actually out of Colorado who  
25 is doing that. I don't know when it's going to



be online. I would assume in the next month or two. It was delivered about a month ago.

MR. GALLI: You can't do anything until it's opened anyway.

MR. WINGLOVITZ: Yup.

MR. GALLI: That's all I had.

MR. BROWNE: We had some discussions about will you have some of the construction trailers and so on now and what not. When do you see those coming out and those buildings being done?

MR. WINGLOVITZ: In this area here. I think right in the area of building 16, building 11 and 10. That probably will be the last thing they do as they work their way back out of the project. The requirement is that they build everything out. So they'll be building everything out including these buildings in the back of the property.

MR. HINES: Ross, that's prior to requesting COs? Is that their intent?

MR. WINGLOVITZ: Pardon me?

MR. HINES: That's prior to them requesting COs on the structures?

1  
2 MR. WINGLOVITZ: That the trailers be  
3 out of there?

4 MR. HINES: That the buildings be  
5 constructed. Where the trailer parking is now,  
6 there's a staging area, that's proposed to be a  
7 building there. The concern is that it's a site  
8 plan, that all the improvements need to be  
9 constructed prior to the COs being issued or  
10 something. I think there's three buildings up  
11 top not constructed yet, and building 5 I think  
12 is where their current construction staging is.  
13 There's an issue of when did those buildings get  
14 constructed and can COs be issued on any of the  
15 buildings until the site plan is done.

16 MR. WINGLOVITZ: I mean I would think  
17 logically, unless it was actually financed in the  
18 way this project is financed, ninety percent of  
19 all the projects would be financed on a  
20 building-by-building basis. If I was the  
21 developer I could come to you and say what  
22 permission do I need to support this building so  
23 I can get COs on it. They're a little different  
24 scenario because the whole thing was financed in  
25 one shot. So it would be my suggestion if those

permits aren't necessary to support those buildings that are asking for COs, that they be allowed to remain.

MR. DONNELLY: As long as there's no public safety issue.

MR. WINGLOVITZ: Obviously there are safety issues. If something needs to happen to protect the general public that's going to be coming in there from the construction area, fencing, so on and so forth, absolutely. I think they need to be able to look at each building independently and say all right, we have safe access to the building, we have secondary access, we've got the parking, landscaping and so forth. A parking lot for building 11 shouldn't affect a CO for building 4, in my opinion, as long as that parking lot is sufficient.

CHAIRMAN EWASUTYN: I think we were discussing at the work session everything was to be built out.

MR. HINES: It was a two-phase project.

CHAIRMAN EWASUTYN: And what we're discussing now would have been -- should be built out in order to get the issuance of the

certificate of occupancy.

MR. HINES: I'm asking the question of Jerry's office.

MR. CANFIELD: That's exactly my concern, Ross. Anticipating that you -- they will be looking for C of Os and knowing that there are still, I believe it's four or five buildings that are not constructed yet, --

MR. WINGLOVITZ: Sure.

MR. CANFIELD: -- I'm not clear on what your response was, or if you're in a position to give a response.

MR. WINGLOVITZ: I'm really not. It's the first time I'm understanding the issue. My opinion would be that we should only be required to construct the improvements necessary to support those buildings. If I have parking lots and buildings on the other side of the site, I don't necessarily need to have them in place in order to get a CO for a building on the other side of the site. If there's safety issues, absolutely. Maybe the answer is to sit down. I'll sit down with Scanlon and say what's your intention here, bring a plan to you and sit down

1 with Pat and say these are the improvements that  
2 we believe support this building, this is how we  
3 have access, this is how we're getting water,  
4 this is how we're getting sewer, we want to  
5 maintain this as a staging area, we'll provide  
6 fencing so it's safe and separate from the other  
7 buildings.  
8

9 MR. CANFIELD: I don't have any issue  
10 with that, but a suggestion would be at this  
11 time, because this is an amended site plan, any  
12 of these proposals I would think would need to be  
13 crafted into a resolution.

14 My biggest concern, Ross, is --

15 MR. WINGLOVITZ: How would you handle  
16 construction phasing like for Brighton Green?  
17 They didn't build all those buildings and get COs  
18 at once. I guess we came for phased approval.  
19 They also issued separate COs, one at a time. It  
20 may have been a phase but one building would have  
21 gotten a CO in the phase and not the last  
22 building. I think it's similar.

23 MR. DONNELLY: In the phasing  
24 resolution we had three conditions under phasing,  
25 and this may indicate what the Planning Board's

1 intent was then. The first of those was this  
2 approval is granted in order to accommodate the  
3 applicant's proposal to develop the project in  
4 two phases. It is the intent of this approval  
5 that the applicant shall be permitted to  
6 complete, or with the Town Board's consent  
7 secure, all public improvements on a  
8 phase-by-phase basis. A construction sequencing  
9 plan is made part of both phases. We then said  
10 that the Oak Street culvert was to be completed  
11 before any activity was to begin. Condition  
12 number 10 was unless the recreational facilities  
13 proposed are completed and operational within  
14 nine months after issuance of the first  
15 residential CO, then no further residential CO  
16 shall be issued until those facilities are  
17 complete and operable. I suggest that that  
18 condition seemed to indicate that this was going  
19 to be an ongoing process and that COs were going  
20 to be issued as buildings were built, but you  
21 couldn't get more COs until the recreational  
22 facilities were complete. I assumed probably the  
23 construction phasing plan and the notes, and this  
24 resolution is the answer to the question.  
25

Obviously it has to be safe and adequate, and the infrastructure, the public improvements, have to either be completed or bonded.

MR. CANFIELD: My question and concern, though, is long term. Let's just say for whatever reason these other five buildings do not get constructed, what enforcing avenue do I have, or the Town have, to ensure that the pad sites or the ground that these buildings were to be constructed on is left in an acceptable manner, whether it be seeded, landscaped rather than it's not left to be either a hole in the ground or a stockpile of material.

MR. HINES: A construction site.

MR. CANFIELD: That it's finished. If it's going to be a long-term duration, then it needs to be finished as such. That's my concern.

MR. DONNELLY: I assume --

MR. HINES: It may not be an issue with your financing either.

MR. WINGLOVITZ: I don't know the answer to that but I know they have a bond in the multi-millions of dollars with the financing entity to ensure that they complete the entire

1  
2 project because they're financing the entire  
3 project.

4 MR. DONNELLY: There's also a financial  
5 security posted with the Town that wouldn't be  
6 returned until the end of the project I would  
7 assume. Right?

8 MR. HINES: Yes.

9 MR. CANFIELD: The securities are for  
10 landscaping and improvements.

11 MR. HINES: Soil erosion, sediment  
12 control, water, sewer, drainage I believe.

13 MR. WINGLOVITZ: We went through this  
14 dance once before. I think we may have included  
15 -- in the landscaping for Brighton Green we may  
16 have included something for that exact concern.  
17 We may have included it in the landscaping that  
18 there was some kind of reclamation.

19 MR. HINES: There was a restoration  
20 bond per acre.

21 MR. CANFIELD: I just would like to  
22 make a statement that bonds get reduced and  
23 returned, okay, and then the Town is left with  
24 what should have, could have, would have been  
25 done. I would feel more comfortable if there was



1 language put into perhaps this resolution, this  
2 amended plan that would allow us a little more  
3 enforcement authority to enforce. Whatever we  
4 come up with would be long term if these  
5 buildings were not constructed, and we could work  
6 on language on that.  
7

8 MR. DONNELLY: There are two other  
9 places we could look. One, remember there was an  
10 EIS with this and we had findings, and I would be  
11 shocked if we didn't have some findings that  
12 talked about the condition of the site and what  
13 not. Secondly, there was a developer's agreement  
14 entered into with the Town, and I suspect there's  
15 probably some provision in there that would  
16 govern it. I don't know that we need to reinvent  
17 the wheel. Maybe we just need to check on those  
18 things because I assume those things were done.  
19 We can certainly add something additional if it  
20 isn't covered there.

21 CHAIRMAN EWASUTYN: So are you  
22 suggesting that maybe we take no action tonight,  
23 we review those documents and any other documents  
24 that relate to this project from the start with  
25 the EIS, and then bring it back before us for a

determination the first meeting in -- you won't be here for the first meeting in January.

MR. DONNELLY: I won't but I can have --

CHAIRMAN EWASUTYN: We'll wait for you to come back. We'll do it the second meeting in January.

Is that all right with you? Are you working under a timeframe right now?

MR. WINGLOVITZ: I don't know what their timeframe is for getting -- obviously they need to get the clubhouse under construction.

CHAIRMAN EWASUTYN: That doesn't affect what we're discussing this evening, though, does it?

MR. WINGLOVITZ: I don't think that will affect that.

MR. HINES: There's layout changes.

MR. WINGLOVITZ: The building hasn't changed.

MR. CANFIELD: The building is up.

MR. WINGLOVITZ: It's really the site work related to the building that we're talking about.

CHAIRMAN EWASUTYN: Can we do that then?

MR. WINGLOVITZ: Sure. In the meantime maybe I can work out the construction phasing of that.

MR. DONNELLY: Look at those documents and see --

MR. WINGLOVITZ: That talked about -- I think that addresses Jerry's concern.

CHAIRMAN EWASUTYN: We were talking about it this evening and that was the project that AJ has, AJ Coppola, that's scheduled for a consultants' work session at the end of this month. Maybe at this particular time, if the Board agrees, we could set this up for a consultants' work session for -- what date was that, Bryant?

MR. COCKS: The 27th.

CHAIRMAN EWASUTYN: The 27th. And the details that we're discussing now or the information that we do not have at our fingertips could be brought forward by the 27th and they could begin memorializing it. Do you want to do that?

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MR. BROWNE: Sure.

MR. FOGARTY: That's fine. I would ask to confirm the second meeting in January with my client. If there's a problem I want to get back to you within the next day or two.

CHAIRMAN EWASUTYN: Meaning that he wouldn't want to hold off until then?

MR. WINGLOVITZ: Yeah. I don't know what exactly their timing issues are. The COs are going to be critical, obviously.

CHAIRMAN EWASUTYN: The COs can't be issued until the sewer treatment plant is up and operating. Do you think that's going to be up and operating between now and --

MR. WINGLOVITZ: It's going to be close.

CHAIRMAN EWASUTYN: That is close then. Closer than I imagined in talking to you.

MR. WINGLOVITZ: When is your second meeting in --

CHAIRMAN EWASUTYN: We haven't set any dates yet because of the reorganizational meeting.

The tentative date for the second

meeting, Bryant?

MR. WINGLOVITZ: The 19th.

CHAIRMAN EWASUTYN: Of January.

Jerry, would that be correct, the 19th?

MR. CANFIELD: Yes.

CHAIRMAN EWASUTYN: The first meeting  
would be scheduled for when?

MR. DONNELLY: The 5th.

MR. GALLI: They're thinking of having  
the sewer plant up and running by then?

MR. WINGLOVITZ: Not by the 5th. The  
19th you're getting close. A month from now.  
Okay.

CHAIRMAN EWASUTYN: All right. For now  
I'll move for a motion from the Board to set  
December 27th for the Orchard Hills amended site  
plan for a consultants' meeting.

MR. FOGARTY: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by  
Tom Fogarty. 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. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself. So  
carried.

MR. DONNELLY: Do you want to poll the  
Board as to whether or not a public hearing will  
be in order?

CHAIRMAN EWASUTYN: Okay. Thank you,  
Mike.

Does the Board want to hold a public  
hearing on the amended site plan for Orchard  
Hills?

MR. GALLI: Are the changes significant  
enough to hold a public hearing?

MR. HINES: No.

MR. GALLI: Then I say no.

MR. HINES: Unless you technically  
reviewed the plans, you would not notice the  
differences.

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ORCHARD HILLS

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MR. BROWNE: No.

MR. MENNERICH: No.

MR. PROFACI: No.

MR. FOGARTY: No.

CHAIRMAN EWASUTYN: John?

MR. WARD: No.

CHAIRMAN EWASUTYN: Let the record show  
that the Planning Board waived the public hearing  
for the amended site plan for Orchard Hills.

MR. WINGLOVITZ: Thank you very much.

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

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

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

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DATED: January 9, 2012



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

- - - - - X  
In the Matter of

LANDS OF TARBEN  
(2004-43)

Request for an Extension of Conditional Final Approval

- - - - - X

BOARD BUSINESS

Date: December 15, 2011  
Time: 8:22 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

- - - - - X

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

MR. BROWNE: The first item of business we have under Board Business is from Zen Design pertaining to the Lands of Tarben, Incorporated, project number 2004-43.

Ken Lytle is writing this letter to request an extension to the approval for above-referenced subdivision. Conditional final approval was granted by the Town of Newburgh Planning Board on January 7, 2010. The approval to extend this extension was granted to give the approval a new expiration date of January 2, 2012. Ken would like to request an additional ninety-day extension, bringing the new expiration to April 1, 2012.

CHAIRMAN EWASUTYN: I'll move for a motion from the Board to grant the ninety-day extension to the Lands of Tarben, project number 2004-43.

MR. GALLI: So moved.

MR. WARD: Second.

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

(No response.)

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LANDS OF TARBEN

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So  
carried.

Thank you, Cliff.

(Time noted: 8:24 p.m.)

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

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

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DATED: January 9, 2012

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

- - - - - X  
In the Matter of

PROPOSED LOCAL LAW FOR SENIOR CITIZEN HOUSING  
MAXIMUM FLOOR AREA

Discussion by Bryant Cocks

- - - - - X

BOARD BUSINESS

Date: December 15, 2011  
Time: 8:25 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

- - - - - X

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

1  
2 MR. BROWNE: The second item under  
3 Board Business is a discussion being led by  
4 Bryant Cocks discussing the proposed local law  
5 for senior citizens maximum floor area.

6 MR. COCKS: This is a very short local  
7 law. The only item that is included is  
8 increasing the maximum size of bonus senior  
9 housing units in mixed multi-family developments  
10 in the R-3 zone from 900 square feet to 1,000  
11 feet for all such units. This is in direct  
12 relation to the Golden Vista project. The  
13 maximum square footage used to be 900, which we  
14 all felt was kind of small, and we brought it up  
15 in the last meeting and Stan Schutzman kind of  
16 said he didn't want to deal with that issue and  
17 we didn't know why. Apparently this is why. We  
18 didn't know this was going forward but it looks  
19 like it is. So increasing it by 100 square feet.

20 I took a look at a few other towns  
21 surrounding us to see if they had any maximum  
22 square footage requirements like this. New  
23 Windsor has one. Affordable units in theirs is  
24 750 max. They do have minimums for just the  
25 normal senior units, which are 400 for

1  
2 efficiencies, 500 for one bedrooms and 650 for  
3 two bedrooms. The last apartment I had was about  
4 1,000 square feet as a one bedroom. It's a  
5 decent size apartment.

6 I'm just still not sure why the Town  
7 Board decided to only increase it in the R-3 zone  
8 and only in mixed multi-family developments. It  
9 doesn't really seem like there's any correlation  
10 between why one senior unit would be 900 and one  
11 would be 1,000 just because it's in a mixed  
12 instead of being in just a senior development.  
13 I'm not sure why they were so exactly site  
14 specific in this. But it is only for the R-3  
15 zone.

16 Me and John happened to go down to Pace  
17 last week -- two weeks ago and we did see a  
18 speaker talk about demographic trends in the  
19 whole region, pretty much the tri-state area. I  
20 went through and I looked at the three county  
21 regional forecast, Orange, Dutchess and Ulster  
22 County, took a look at housing needs. Mostly  
23 affordable units but they included some seniors.  
24 Their trends looked like from 1980 to 2006 the  
25 amount of seniors , 65 plus, increased by about

1 one percent per year. They're forecasting by  
2 2020 it's going to be up to almost thirty-seven  
3 percent per year. So there's definitely going to  
4 be a shift towards an aging population in this  
5 area, and the need for senior units is going to  
6 increase greatly. So we're going to need as many  
7 as we can and, you know, the eighteen that are  
8 provided in Golden Vista are going to be nowhere  
9 close to what the Town of Newburgh and the region  
10 are going to need.  
11

12 CHAIRMAN EWASUTYN: Thank you.

13 Questions or comments from Board  
14 Members?

15 MR. GALLI: Developers tell us there  
16 was no need for any more, right? Senior housing.

17 MR. COCKS: That's not what everyone  
18 else is saying.

19 MR. HINES: They're getting built.

20 MR. FOGARTY: It's a question of  
21 whether or not a senior can sell his home.

22 MR. COCKS: Absolutely.

23 MR. FOGARTY: That's the key.

24 MR. DONNELLY: There's plenty of room  
25 for rental senior housing. There's no room for



1 fee ownership in the market, as Tom said.  
2 Seniors either can not or will not sell their  
3 house at the price that the market will allow it  
4 to be sold, therefore, though they may want to go  
5 to a smaller senior unit with their proceeds,  
6 they can't sell their house short so they stay.  
7 But for those that can sell or for those that  
8 never owned a home, the demand is there and there  
9 is room for more rentals, senior housing. I've  
10 seen a lot of projects shift from being fee  
11 ownership age restricted to rental and they get  
12 financing right away.

14 MR. BROWNE: I would suggest with the  
15 response back to the Town, that we suggest that  
16 they make the increase for all of it, not just  
17 this limited whatever it is.

18 CHAIRMAN EWASUTYN: Good  
19 recommendation.

20 MR. COCKS: I would think so, too. I  
21 was surprised they didn't do it for all zones.

22 MR. CANFIELD: There are no other mixed  
23 projects. Golden Vista is the only mixed project  
24 in the Town.

25 CHAIRMAN EWASUTYN: I think what Cliff

1 is saying is looking into the future and being  
2 planned and sort of being proactive, why not put  
3 it into the regs now rather than go through  
4 another local law to cover a particular area  
5 which was not originally covered. If there seems  
6 to be a growing need, then we should make it  
7 diverse within the Town itself.  
8

9 MR. COCKS: I was surprised if they're  
10 going to change it, why they didn't just go to a  
11 minimum.

12 CHAIRMAN EWASUTYN: Like the other  
13 townss, like New Windsor did.

14 MR. COCKS: I can understand the  
15 affordable units having a maximum. With the  
16 market rate I just don't understand why they want  
17 to have the maximum.

18 CHAIRMAN EWASUTYN: Any additional  
19 comments from Board Members? Ken?

20 MR. MENNERICH: No.

21 CHAIRMAN EWASUTYN: Then we'll move for  
22 a motion from the Board to have Bryant Cocks  
23 write a letter to the Town Board with our  
24 comments and response to your proposed local law.

25 MR. GALLI: So moved.

MR. FOGARTY: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

I would like to close the last meeting of the calendar year 2011, that being the meeting of December 15th. I wish you all a happy holiday.

Somehow we want to discuss a date now. Do you want to try for the 7th of January on a Saturday? Do you want to try that?

MR. WARD: Sounds good.

MR. MENNERICH: Yes.

MR. FOGARTY: What time, John?

CHAIRMAN EWASUTYN: Bryant, would you

e-mail Chris Villari that we're looking to meet there around 9:00 on Saturday, the 7th.

MR. GALLI: Are we going to meet on the upper end of Lattintown Road?

MR. CANFIELD: Did you want to go to Orchard Hills also?

CHAIRMAN EWASUTYN: Yes. In which case I think we'll wind up getting the van and meeting at the rec and then going from there.

Jerry Canfield, who is a member of the fire department. Pat Hines will supply steel tipped shoes.

CHAIRMAN EWASUTYN: Happy holiday to you all.

(Time noted: 8:31 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: January 9, 2012