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

----- X

In the Matter of

NY-POK-004 - Edge Mobile, L.L.C.
(2007-33)

929 Orchard Drive
Section 1; Block 1; Lot 57
AR Zone

----- X

PUBLIC HEARING
AMENDED SITE PLAN & SPECIAL USE PERMIT
Date: December 6, 2007
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: BETH STREIGLE

----- X

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

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CHAIRMAN EWASUTYN: Good evening, ladies and gentlemen. I would like to welcome you to the Town of Newburgh Planning Board meeting of the 6th of December. At this time we'll call the meeting to order with a roll call vote.

MR. GALLI: Present.

MR. BROWNE: Present.

MR. MENNERICH: Present.

MR. O'DONNELL: Present.

MR. PROFACI: Here.

CHAIRMAN EWASUTYN: Myself present.

The Planning Board has experts that provide input and advice to the Planning Board in reaching various SEQRA determinations. They'll introduce themselves at this time.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MR. COCKS: Bryant Cocks with Garling Associates, we're the Planning Consultants.

MS. ARENT: Karen Arent, Landscape Architectural Consultant.

MR. MUSSO: Mike Musso with HDR LMS Wireless Telecommunication Facilities.

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

CHAIRMAN EWASUTYN: At this time I'd like to turn the meeting over to Mike Donnelly.

MR. DONNELLY: If you would kindly join us in the Pledge of Allegiance to the flag.

(Pledge of Allegiance.)

MR. DONNELLY: Would you kindly all turn off your cell phones, pagers and other communication devices so as not to disturb the meeting.

CHAIRMAN EWASUTYN: The first item on the agenda this evening is NY-POK-004 Edge Mobile, L.L.C. It's here tonight for a public hearing on the amended site plan and the special use permit. It's located in an AR Zone. It's being represented by Beth Streigle.

I'll ask Mr. Mennerich to read the notice of hearing.

MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to the Municipal Code of

1
2 the Town of Newburgh, Chapter 185, Section 185-57
3 K and Chapter 168, Section 168-16 A, on the
4 application of NY-POK-004 Edge Mobile for a site
5 plan and special use permit for modification of
6 an existing wireless telecommunication facility
7 consisting of replacing and/or installing
8 antennas and associated unmanned equipment on
9 premises Route 300 in the Town of Newburgh,
10 designated on Town tax map as Section 1; Block 1;
11 Lot 37. Said hearing will be held on the 6th day
12 of December at the Town Hall Meeting Room, 1496
13 Route 300, Newburgh, New York at 7 p.m. at which
14 time all interested persons will be given an
15 opportunity to be heard. By order of the Town of
16 Newburgh Planning Board. John P. Ewasutyn,
17 Chairman, Planning Board Town of Newburgh. Dated
18 October 25, 2007."

19 CHAIRMAN EWASUTYN: Thank you.
20 Dina Haines, Secretary.

21 MS. HAINES: The notice of hearing was
22 published in The Sentinel on November 19th and in
23 The Mid-Hudson Times on November 21st. The
24 applicant's representative sent out fourteen
25 registered letters, fourteen were returned. The

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publications and the mailings are all in order.

MS. STREIGLE: My name is Beth Streigle --

CHAIRMAN EWASUTYN: Would you come up to the easel, please.

MS. STREIGLE: My name is Beth Streigle, I'm with Faulk & Foster representing Edge Mobile. I've been before the Board regarding a co-location, sharing tower space with an existing tower. There's going to be no tower increase, no tower increases are being requested, nor is there any compound expansion being requested.

I don't know if there's any questions. There's going to be antennas placed on the tower, an equipment cabinet placed near the base of the tower.

I guess unless there's any questions. I know the Board is probably familiar with this project.

I know we did have one question raised by Mike regarding whether we could share space with Cell One. We provided a detailed report which he has reviewed regarding the fact that

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we're not only dealing with horizontal separation issues -- vertical and horizontal issues which is one of the reasons why we can't go on that spot.

There was also another question raised regarding the type of service provided. It's going to be an internet access, wireless internet access that is going to be allowing for wireless internet rather than cellular phone service. I wanted to provide those clarifications.

Unless the Board has any questions or if anybody in the audience has any questions, I'd be happy to address those.

CHAIRMAN EWASUTYN: Beth, if it's all right with you I would like to introduce Mike Musso. Mike represents the Town and the Planning Board.

Mike.

MR. MUSSO: Mr. Chairman, Members of the Board, thanks for having me back tonight. Members of the public, thanks for having me here. My name is Mike Musso, I'm a senior project engineer with HDR LMS working on behalf of the Town of Newburgh in reviewing wireless proposals such as this one. I appeared once before the

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Board but of course this is the first public hearing on this application.

Just to reiterate a couple highlights and what we've reviewed, this is an existing tower of 138 feet tall, a lattice tower off of Orchard Drive. There currently is one wireless provider operating, Nextel, with panel antennas located at the top of the tower. There's another approved application for four antennas at the 120-foot level, below that, by Cellular One. That has not been installed yet. This is potentially the third co-locater, Edge Mobile, proposing a total of three panel antennas at the 110-foot level.

What we had looked at as part of our due diligence for the Town and in accordance with the Wireless Ordinance that governs the Town of Newburgh, we looked at the need for the site, justification. This applicant was a bit unique in that this is the first application of its kind by this applicant within the Town of Newburgh. It's a new provider of wireless service in the Hudson Valley, although Edge Mobile does exist in many markets across the country. We looked at

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2 where else they are actively operating. Recently
3 they have had applications approved in the Town
4 of Marlboro, the City of Kingston and in Dutchess
5 County on the other side of the river. I think
6 the applicant has been forthcoming in what their
7 plans are and what their build out is. Right now
8 this is the only application that they do have
9 within the Town of Newburgh. As of now, as of
10 today there's no other foreseeable applications
11 by this applicant.

12 As mentioned, it is a co-location. The
13 height or really the existing configuration of
14 the facility out there, the tower and the fenced
15 area at the base of the tower, are not proposed
16 to be increased at all. There's no additional
17 lighting, and really in our minds no significant
18 increased visual impact would be established if
19 this is approved and this facility is built out.

20 Obviously there is a gap in service
21 because this is the first application by this
22 applicant.

23 We also looked at the radiofrequency
24 emissions that would be emitted from the tower
25 and we made sure that the operational Nextel, the

1
2 approved Cellular One and also these three
3 proposed panel antennas were folded into that
4 study. We looked at the methods and we felt they
5 were accurate and conservative, and from a human
6 health exposure they are going to be about
7 greater than twenty times below the maximum
8 permissible exposure limit, and that's
9 promulgated by the Federal Communications
10 Commission for safe facilities, but that number
11 is also endorsed by New York State Health
12 Department and the EPA. That's something we
13 always look at. They are going to be
14 significantly below the general public exposure
15 limit.

16 We also looked at -- aside from the due
17 diligence I just mentioned, we also confirmed
18 with photo simulations that were provided by the
19 applicant for what the ground based area was
20 going to look like. On behalf of this
21 application and the previous one we reviewed for
22 Cellular One, I have personally visited the site
23 and taken some pictures. I really don't think
24 there's going to be an increased visual at all
25 from this facility.

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2 I did put forth however a few
3 recommendations for the Board to consider should
4 this be approved. They involve security and
5 maintenance of any facility that's approved.
6 They also provide that any equipment, cables, the
7 antennas, do color match what's out there now and
8 what's approved. We also had a condition that we
9 recommended in here, just if there's any kind of
10 mergers or acquisitions, which I think we all
11 know that there has been a lot of activity in the
12 wireless community, the wireless industry, that
13 could continue, as part of the Town code they
14 have to do an annual report. We mentioned within
15 that annual report if they could detail any kind
16 of corporate activity, that would be of interest
17 for the Town to know. Last but not least, we
18 just reiterated if there's any changes to any
19 approved application or any approved
20 configuration, transmit towers, number of
21 antennas, et cetera, it's a reminder as per the
22 Code of the Town of Newburgh the applicant would
23 have to come back and go through the process
24 again.

25 Mr. Chairman, I think those are the

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highlights of our report. Again, you have our October 1st report and also an addendum to the memorandum that was provided.

CHAIRMAN EWASUTYN: Thank you.

At this point we would like to open the meeting up to the public. If there's anyone here this evening who has any questions, please raise your hand and give your name and your address.

(No response.)

CHAIRMAN EWASUTYN: Okay. If there's no comment from the public, at this time I'll turn to Planning Board Members for comments they may have. Frank Galli?

MR. GALLI: No additional comment.

MR. BROWNE: Nothing more.

MR. MENNERICH: No questions.

MR. O'DONNELL: I'm fine.

MR. PROFACI: Thank you, John.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

MR. COCKS: Yes. We forwarded this to the Orange County Planning Department and they sent a letter back approving this project on November 1st.

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For final approval the plans need a
surveyor's and engineer's seal and signature.
We have no issues with the site plan.
CHAIRMAN EWASUTYN: Thank you.
Karen Arent, Landscape Architect?
MS. ARENT: I have no issues.
CHAIRMAN EWASUTYN: I'll ask the public
one more time, is there anyone here who has any
questions or comments?
(No response.)
CHAIRMAN EWASUTYN: Okay. I'll move
for a motion then to close the public hearing on
Edge Mobile's amended site plan and special use
permit.
MR. GALLI: So moved.
MR. O'DONNELL: Second.
CHAIRMAN EWASUTYN: I have a motion by
Frank Galli. I have a second by Ed O'Donnell.
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.

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MR. MENNERICH: Aye.

MR. O'DONNELL: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

Mike, if you would help the Board with a final approval resolution.

MR. DONNELLY: Yes. The approval will be for the site plan, special permit and ARB for the antenna arrays themselves. We'll need a sign-off letter from Bryant Cocks' office on the signed and sealed plans. The typical requirements of the resolution, security fencing to be inspected, a field -- post-construction field measurement test of the -- whatever you call it that comes out of those things.

MR. MUSSO: Emissions.

MR. DONNELLY: Thank you. Satisfactory to Mike Musso's office. The building permit has to be consistent with the architectural rendering submitted for the base station and antenna. There will be a removal security requirement of \$25,000 to be posted which represents one-third of the total the Code requires. An annual

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2 certification letter pursuant to Section 168-23
3 having to do with the NIER levels, but as Mike
4 has pointed out in this case it should also
5 include a report as to whether this corporate
6 applicant has merged with any other provider of
7 cellular services. Any increase in transmission,
8 antennas, et cetera will need amended approval.

9 Is there any additional landscaping
10 that needs to be bonded here?

11 MS. ARENT: No.

12 MR. DONNELLY: No landscape bond. And
13 the standard condition regarding architectural
14 review approval, there's the building permit, and
15 construction plans must be consistent with what
16 is approved. Your standard conditions saying
17 that no other fixtures or equipment can be
18 located on the site that are not shown on the
19 site plan.

20 CHAIRMAN EWASUTYN: Beth Streigle, do
21 you have any questions at this point?

22 MS. STREIGLE: No, I don't.

23 CHAIRMAN EWASUTYN: Having heard the
24 conditions of approval for the amended site plan,
25 the special use permit and ARB for Edge Mobile,

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I'll move for that motion.
MR. PROFACI: So moved.
MR. MENNERICH: Second.
CHAIRMAN EWASUTYN: I have a motion by
Joe Profaci. I have a second by Ken Mennerich.
Any discussion of the motion?
(No response.)
CHAIRMAN EWASUTYN: I'll move for a
roll call vote starting with Frank Galli.
MR. GALLI: Aye.
MR. BROWNE: Aye.
MR. MENNERICH: Aye.
MR. O'DONNELL: Aye.
MR. PROFACI: Aye.
CHAIRMAN EWASUTYN: Myself yes. So
carried.
Thank you.
MS. STREIGLE: Thank you.
MR. MUSSO: Thank you, Mr. Chairman.
MR. DONNELLY: I neglected, as I look
at my notes -- although it was implicit in what
you did with the last application, I don't
believe you had issued a declaration of
significance. I think you need to vote to issue

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a negative declaration as part of the resolution that you've just voted upon.

CHAIRMAN EWASUTYN: I'll move for a motion to declare a negative declaration for the New York Edge Mobile amended site plan, special use permit and ARB.

MR. MENNERICH: So moved.

MR. O'DONNELL: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich. I have a second by Ed O'Donnell. 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. O'DONNELL: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

I think at our meeting on 11/15 we declared a negative declaration and that was how we had the meeting then to set it up for the --

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MR. DONNELLY: I'll fix the resolution to reflect that.

CHAIRMAN EWASUTYN: We did take that action on the 15th. We were waiting for the report from Mike Musso in order to take that action.

MR. DONNELLY: I'm sorry.

CHAIRMAN EWASUTYN: It never hurts to repeat things.

(Time noted: 7:15 p.m.)

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

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

DATED: December 14, 2007

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

----- X

In the Matter of

ORANGE COUNTY TRUST
(2007-03)

Northeast corner of Noel Drive & North Plank Road
Section 76; Block 2; Lot 1
B Zone

----- X

PUBLIC HEARING
SITE PLAN

Date: December 6, 2007
Time: 7:15 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: THOMAS DEPUY

----- X

MICHELLE L. CONERO
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Wallkill, New York 12589
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CHAIRMAN EWASUTYN: The following item of business this evening is Orange County Trust. It's a public hearing for a site plan located on the northeast corner of Noel Drive and North Plank Road. It's in a B Zone. It's being represented by Tom DePuy.

Before I ask Mr. Mennerich to read the notice of hearing, I'll ask our Attorney, Mike Donnelly, to explain to the public the purpose of a public hearing.

MR. DONNELLY: There are four public hearings on the agenda this evening. The first has already been held. The next two are site plan applications and the one after that is a subdivision. A site plan is a specific proposal to use land, in this case they are both commercial proposals. A subdivision is a proposal to subdivide or cut a piece of land into individual parcels. In the subdivision that's before us this evening they are intended to be residential parcels.

The purpose of the public hearing is for the Board to hear from you, the members of the public, before they take action on any

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2 project. The idea is that you may know of some
3 information that would be significant to the
4 Board. You may have some observations you would
5 like to bring to their attention that would help
6 the Board in making their decision, perhaps
7 something that one of the consultants has not
8 already reported. Therefore, after the applicant
9 gives his presentation, the Board Chair will ask
10 those who wish to speak to come forward. That
11 microphone is not really working but we do ask
12 you to step up a little bit so that we can hear
13 you. We would ask you to state your name, spell
14 your name if you would for our Stenographer so we
15 can get it down accurately, and tell us where you
16 live so that we have some idea of the perspective
17 that you bring to bear. We would ask you to
18 address your comments to the Board. If you have
19 questions the Chair will put that question as he
20 deems appropriate either to the applicant's
21 representative or to one of the members of the
22 Town's consultant team.
23 CHAIRMAN EWASUTYN: Thank you.
24 Mr. Mennerich, would you read the
25 notice of hearing.

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MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to the Municipal Code of the Town of Newburgh, Chapter 185, Section 185-57 K, on the application of Orange County Trust for a site plan on premises northeast corner of Noel Drive and North Plank Road in the Town of Newburgh, designated on Town tax map as Section 76; Block 2; Lot 1. Said hearing will be held on the 6th day of December at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7 p.m. at which time all interested persons will be given an opportunity to be heard. By order of the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman, Planning Board Town of Newburgh. Dated October 25, 2007."

CHAIRMAN EWASUTYN: Thank you.
Dina Haines, Planning Board Secretary.

MS. HAINES: The notice of hearing was published in The Sentinel on November 19th and in The Mid-Hudson Times on November 21st. The applicant's representative sent out nineteen

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registered letters, fourteen were returned. All the mailings and publications are in order.

CHAIRMAN EWASUTYN: Tom, would you give your presentation please.

MR. DEPUY: I'm Tom DePuy with DePuy Engineering. I'm representing Orange County Trust. They are proposing a 2,552 square foot branch bank on the corner of Noel Drive and New York State Route 32. It will be accessing the site from the existing drive which now services the North Plank Real Estate building off of 32, and additionally we will be developing a full access on Noel Drive.

The site itself has two existing dwellings on it which will be removed. Also we'll eliminate the driveways that are out on 32 and the driveway in the rear on Noel Drive.

The flow of traffic will be around the building. We will have a drive-up window and a drive-up ATM.

Additionally, with the development of the site we're also going to be involved in doing some off-site improvements in a joint venture with the site directly across Noel Drive. We're

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going to -- Noel Drive will be realigned. We're also developing a sidewalk up Noel Drive to -- past their site and we're also going to have a sidewalk along 32.

Additionally, in a joint venture with them we are going to improve the downstream drainage which has been causing a problem at this intersection. We'll be required to install stormwater -- additional stormwater piping down Gidney and tie into an existing system downstream.

Also in developing the site we will be -- we did a detailed landscape plan. We're required under the new zoning to have a buffer area in the back which will be landscaped with evergreens and deciduous trees. We're also going to put some stonewalls along the perimeter in the front and down the side. We'll landscape around both sides of the site.

We're supplying on-site lighting which will match the lighting across the street so that it gives it a general overall nice appearance through the whole intersection.

CHAIRMAN EWASUTYN: At this time we'll

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take questions and comments from the public. As Mike Donnelly said earlier, please raise your hand and give your name and your address.

The gentleman in the back.

MR. HUGHES: My name is Hughes, I live in Middlehope. You made a reference to amenities downstream. How far downstream and what are you speaking of?

MR. DEPUY: What we're doing is there's a bottleneck on the existing stormwater system. There's a twelve-inch pipe in here and there's some undersized piping down Gidney Avenue. We're going to be installing some new catch basins and a twenty-four inch pipe down to Gidney Avenue, and then there's an existing piping system through here that is adequate. We'll be piping into that and will discharge downstream.

MR. HUGHES: Right. Where you pointed to the turn there, where is that? What reference do you have? What street?

MR. DEPUY: This is Noel.

MR. HUGHES: I'm familiar with that.

MR. DEPUY: 32, Gidney.

MR. HUGHES: There, where your pen just

1
2 stopped. Down. There.
3 MR. DEPUY: Yup.
4 MR. HUGHES: Where is that?
5 MR. DEPUY: That's on Gidney Avenue.
6 MR. HUGHES: Where does the turn take
7 place? Anything that runs from 32 to the City of
8 Newburgh --
9 MR. DEPUY: Oh, the piping. It will go
10 underneath Gidney Avenue and down to an existing
11 storm system.
12 MR. HUGHES: But where is that turn?
13 What's the next closest intersection?
14 MR. GALLI: Gardnertown Road I think.
15 MR. HUGHES: Is that it, Gardnertown
16 Road?
17 MR. DEPUY: Down here. Right.
18 MR. HUGHES: Gardnertown Road comes in
19 to a T intersection and the stream goes
20 underneath the bridge there on Gardnertown Road.
21 MR. DEPUY: Right.
22 MR. HUGHES: There are rocks in the
23 stream that has been diverted over the years by
24 kids or who knows what. That area in there is a
25 wetland and it fills up quite a bit when it rains

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hard or if there's a lot of snow. In the spring when there's a rain and a thaw the tunnel under that bridge fills right up. You can see the high water marks there if you take a good close look.

I've lived close to that place since 1955. The amount of wildlife that's in there and the fish are a big consideration.

I hear there's talk about a roundabout in that area in conjunction with another property. If you have no participation with that then I'll wait for the other applicant, but if you do I would like to bring forth certain evidence of things that exist that you might not be aware of.

MR. DEPUY: That's downstream from --

MR. HUGHES: If I may continue.

CHAIRMAN EWASUTYN: Go ahead.

MR. HUGHES: In the first place, across the street from Noel Drive used to be a huge lake which was filled in illegally many years ago before DEC had jurisdiction over things less than 12.4 acres. The entire parking lot of the Shop Rite parking lot was a lake that went over to the warehouse building they're talking about and the

1
2 bank. Seventy-five percent of the parking paved
3 area in that location was under water at one
4 time. I don't know how much engineering has been
5 done on these properties or if anybody even knows
6 what I'm talking about because I think the pond
7 was filled in in 1962 but I'm not sure. It might
8 be as late as '66. The amount of water that
9 comes through that valley there down Noel Drive,
10 Chestnut Lane and drains into this huge pipe
11 that's underneath the parking lot there, it
12 shoots across the street and contributes more
13 rainfall underneath the Block Buster building
14 into the Gidneytown Creek. The Gidneytown Creek
15 is a continuous running creek and it comes all
16 the way from Ulster County and runs down through
17 many little valleys there. By the time the water
18 gets to where you're talking about I hope you've
19 planned for at least a twelve-foot diameter pipe
20 to accommodate the water that I've seen in my
21 lifetime. I won't tell you how long that is.

22 MR. DEPUY: May I only say that when we
23 did our overall study we did a pre-development/
24 post-development on our site. We do have other
25 stormwater facilities on site.

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MR. HUGHES: I'm familiar with those as well.

MR. DEPUY: We're going to have sand filters and detention chambers on site. We're not adding any additional water. We've only been asked to correct an existing condition downstream that we're not adding to.

MR. HUGHES: Are you speaking about covering the stream with a pipe?

MR. DEPUY: No. No. We're only correcting -- there's a small area in here that the piping is undersized. We're just correcting that. We're not affecting anything to do with the outfall, the piping down at the stream itself.

MR. HUGHES: I see. The piping you're talking about, is it right underneath the road or is it behind in the stream bed?

MR. DEPUY: We're only working in the road area right here. The stream -- the pipe outfalls down here at the stream is way down here. We're not doing any work in that area at all.

MR. HUGHES: And does your company or

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does your cooperative company have any plans about what they are going to do when it comes underneath Gardnertown Road?

MR. DEPUY: From our site we're not creating any more stormwater.

MR. HUGHES: I'm talking about physical construction.

MR. DEPUY: No physical construction.

MR. HUGHES: So the stream channel will remain open and whatever is going to happen at the intersection will remain open?

MR. DEPUY: Remain as it is today.

MR. HUGHES: I have nothing else. Thank you for answering those questions.

CHAIRMAN EWASUTYN: I saw two other hands at the time. The gentleman in the back.

MR. DOBRZYNSKI: My name is Douglas Dobrzynski, D-O-B-R-Z-Y-N-S-K-I. It's 8 Roy Place. The exit that comes out onto Noel Drive, that concerns me because there's a lot of children in that neighborhood. It's a posted 20 mile-an-hour speed limit and the only people who do the 20 mile-an-hour speed limit are the people that live there. Everybody else that goes to cut

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2 through there to miss the light up by -- on the
3 far side of Shop Rite comes through at about 40
4 or 50. There's probably about fifteen to twenty
5 children below the age of 10 in there. How is
6 this going to be controlled so we don't have
7 accidents constantly there? The kids run out in
8 the street. All kids did when they were that
9 age. This is my objection to this whole thing.
10 Plus it's taking an area that's a residential
11 neighborhood and it's killing us. That area is
12 not big enough for anything like this. That's
13 what I have to say. I would like to hear their
14 comments on it.

15 MR. DEPUY: We're not -- we're actually
16 eliminating access on 32 and we're using the same
17 access that's there now.

18 MR. DOBRZYNSKI: You said you're coming
19 out onto Noel.

20 MR. DEPUY: This is not a large traffic
21 generator, the bank itself. There's no -- I
22 don't know what the question about speed is
23 because there's no way that they could go very
24 fast to get to the intersection.

25 MR. DOBRZYNSKI: They'll be going the

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other way to get up to Chestnut. That's what happens all the time.

MR. DEPUY: This would not act as a cut off.

MR. DOBRZYNSKI: That's what the people will use it as.

MR. DEPUY: They would have to go around the bank, around the drive-through and come back around and up like that. That would make it a cut off.

MR. DOBRZYNSKI: No. People leaving the bank is what I'm referring to, okay. They'll exit out onto Noel Drive. If they go left they go to 32, if they go right they come up Noel Drive, around the curve and up to Chestnut. The problem is the only people that do the 20 miles-an-hour are the residents that live in there. I don't know how much thought was put into the children in the neighborhood by anybody but I think it has to be looked at very carefully. I don't think there should be an exit out onto Noel Drive.

CHAIRMAN EWASUTYN: Ken Wersted represents the Town as our Traffic Consultant.

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John Collins represented the applicant in this.

Ken Wersted, will you discuss with us the points of ingress and egress to the site and how they were looked at?

MR. WERSTED: Sure. We looked at the project site. The benefit that Noel Drive has is that it has a traffic signal out to 32. For this project and also the following project on the agenda, for them to have access only onto 32 would be significant because they wouldn't be able to get out to 32 very easily. The benefit of Noel Drive, obviously it has a traffic signal, so to get customers and residents in and out of this area it's beneficial to have those connections to Noel Drive to access the traffic light.

I understand your concern about this traffic and traffic that's already existing going up Noel Drive and using it as a cut through between Route 32 and Chestnut. I think that's my interpretation of the issue that you've got.

MR. DOBRZYNSKI: That's part of my question. Yes, it is. Can they make coming out of the bank a left turn only? Kids don't look

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for cars. That's the problem.

MR. WERSTED: I think it's a possibility. If you're going in that direction I don't think you would obey that no right -- no right turn up Noel Drive. The residents of that area would then have to either make an illegal move to go back to their homes or they would have to come out to 32, go up to Chestnut, drive up Chestnut and then come back down the other end of Noel Drive when you really just want to go around the block to get home.

MR. DOBRZYNSKI: Okay. When you get up to Chestnut and Noel Drive -- if you were coming down Chestnut you can't make a left onto Noel Drive. Those people have to go to the light where there's Shop Rite and -- what's the furniture store there -- Ethan Allen and then they have to make a left to come around. My concern is when they leave the bank and make the right-hand turn coming up on Noel Drive, it comes up a little and makes a right -- a quick left then you go right to Chestnut. Right along that area is where there's a lot of children. That's my concern.

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MR. WERSTED: I guess my point is if you cut off access to the people who are visiting these land uses, you're also cutting access off to the residents who live back there as well.

MR. DOBRZYNSKI: I don't understand how I'm cutting off to the residents that live there. That's the part I'm losing on.

MR. WERSTED: Any of the residents using these facilities, they wouldn't be able to go up in that direction if you restrict the driveways to these uses, to these lane uses.

MR. DOBRZYNSKI: I live there and that wouldn't bother me. I don't know what anybody else has to say.

CHAIRMAN EWASUTYN: Additional comments from the public? This gentleman.

MR. GREENE: My name is Donald Greene and I'm here as a fire commissioner with the Cronomer Valley Fire District. I'm not opposed to it but we do have a new aerial ladder that we haven't put in service. Looking at the width of the internal driveways, it's likely the aerial device would be set up on Noel Drive. We would ask that there be no high trees, all low

1
2 shrubbery along the front so we can extend the
3 tower from the road to the building in case of a
4 fire so the firemen could vent the roof. The new
5 truck we have is 48 1/2 feet long, so it
6 definitely is not going to get in that parking
7 lot. By the time you put the outriggers out
8 you're probably talking 16 feet. That's the only
9 concern we would have, that we would be able to
10 address if there was a fire in the building and
11 people had to vent the roof or anything like
12 that.

13 CHAIRMAN EWASUTYN: Karen, the variety
14 of trees and the mature height that are being
15 suggested?

16 MS. ARENT: I don't think there's
17 anything tall. I will double check. There is
18 nothing tall on the front and one side of the
19 building, and then there's Cusa dogwoods on the
20 other side which you could put a ladder through.

21 CHAIRMAN EWASUTYN: The average mature
22 height of a Cusa dogwood is?

23 MS. ARENT: 20 feet.

24 CHAIRMAN EWASUTYN: That's in how many
25 years?

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MS. ARENT: 20 years.

MR. COCKS: He's talking about this.

CHAIRMAN EWASUTYN: It's more of an ornamental tree. A Cusa dogwood provides a white or pink flower in the spring. It's not like an oak or a maple or anything of that nature.

MS. ARENT: You're concerned with the trees along Noel Road --

MR. GREENE: Right.

MS. ARENT: -- to put your ladder across?

MR. GREENE: We would park the ladder truck probably here, or even come up on here. We would never be able to swing in. We would be so close to the building we couldn't -- the base section of the ladder would be -- it would be impossible.

MS. ARENT: We would have to take out one Pin Oak.

MR. GREENE: We would end up doing it but it's -- you know, we do carry chainsaws. It's a lot easier. We don't want to waste the time doing that.

CHAIRMAN EWASUTYN: Additional comments

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from the public? Before I address your comments I would like to entertain any other people who haven't had the opportunity to speak. Is there anyone here this evening who would like to speak on behalf of Orange County Trust?

(No response.)

CHAIRMAN EWASUTYN: Okay, Mr. Hughes.

MR. HUGHES: Yes. My name is Hughes, I live in Middlehope. I have some traffic comments. Stop me if this is not the proper time in the meeting for this and the co-joining project but I think it should be brought to light at this point so that both of the prospective builders are aware of these situations, and it would be a good opportunity for the Town and this Planning Board to take a responsible proactive position and clean out the mess that exists from McDonald's to Chestnut Lane. You have curb cuts on both sides of the road that are across from each other and they scrape them up there daily. There's curb cuts for this bank and the proposed bank and the pharmacy on the other corner. There are curb cuts close to the Shop Rite curb cuts. The Shop Rite curb cuts are across the street

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2 from the Pizza Hut and the Block Buster curb
3 cuts. The gas station has two entrances, the bank
4 has two entrances, the furniture store has two
5 entrances, Shop Rite has two entrances and
6 everybody on that strip of land there has such a
7 ball of confusion that every day the cops are
8 there and the ambulance is there. It's time for
9 this Board, and this Town, and these builders to
10 get together and look at a way -- and I agree
11 with this gentleman here, traffic control is the
12 most important thing. You have two stop lights,
13 you have two intersections and you only have
14 money in the way of real safety for our citizens
15 and the welfare of what's to take place in this
16 horrible strip of land that exists there now.
17 Behind Block Buster there's Town owned land that
18 could provide alleyways for that side of the road
19 to filter out to one stop light exit. There's
20 Stanley Place, a paper road, that has no
21 residences on the south side of it that could be
22 incorporated in the design of these two projects.
23 Put together with a little commonsense, and good
24 judgment, and proper planning, and left turn out
25 only, and staggered stop lights, and properly

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timed traffic controls this could be a beautiful project.

The group that is coming up next has been referred to the Planning -- to the Zoning Board of the Town of Newburgh. I'm speaking as a citizen, not as a board member which I am. They were before us and didn't get an approval and didn't get a denial because we didn't feel sufficient evidences were presented at the time to make a reasonable, worthwhile decision. We've asked for some substantiating evidence on comments that were made and we haven't received anything as of yet.

These are the minutes of what took place which I would like to enter into tonight's meeting as part of your general minutes for your Board individually to review to see what went on during this meeting so that you can formulate a better opinion to make the Town of Newburgh a shining star in the Hudson Valley here and clean up the mess that exists and make a whole new strip of a good runway there with the safety, and health, and welfare of the citizens in mind and not because we're saving a few dollars to make a

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convenient entrance and exit for these two projects. I'll enter this now with your secretary and ask that you enter it as the minutes to the meeting.

Thank you for hearing what I have to say.

CHAIRMAN EWASUTYN: Okay. As I did when Douglas spoke and I'll do now with Mr. Hughes, I'll refer this to Ken Wersted, our Traffic Consultant, to give a history of how this project was reviewed as far as traffic impacts, curb cuts and the overall corridor's nature.

MR. WERSTED: Currently the site is occupied by a couple of residential dwelling units. One in particular has two different driveways out to Plank Road, the second house has I believe a driveway out to Noel Drive and the third residence has a driveway out to Noel Drive. Those are all being combined. There's two driveways that are being eliminated off of Route 32 and two driveways that are being eliminated off -- consolidated into one driveway on Noel Drive. In addition, access to North Plank Real Estate which houses I believe the laundrymat,

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Subway and the salon, cross access is being provided for those uses such that anybody who is at either of the uses can access Noel Drive or Helene Terrace. The residents of Helene Terrace, they can access the traffic signal and even the bank by using the cross accesses provided, meaning one business is drawing to the other such that if you're going from one to the other you don't have to go back out on 32 to drive one driveway over and then go back into the next business.

Similarly, in the next project agenda we'll talk about the Key Bank and the Walgreen's which has several sections of uncontrolled access to Noel Drive and to Route 32. Those uses have driveways that are thirty, forty, fifty feet wide and there's no control out onto Noel Drive or to 32. With the next project those are being consolidated to two access points, one out to Noel Drive, the other one is out to 32. For that project cross access is being proposed or the possibility is being provided over to the Shop Rite plaza.

CHAIRMAN EWASUTYN: Thank you. Is

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there a fair share contribution that this applicant will be making later on for road improvements, Gardnertown Road and Gidney? Mike or Ken Wersted, will you talk about that please?

MR. WERSTED: Sure. There's an existing project down Gardnertown Road called Gardnertown Commons, it's a townhouse project, and as part of that they have done their traffic study, they have identified improvements at the intersection of Gardnertown Road and Gidney Avenue. There were several options that were thrown out there a year or two ago. One was widening and putting in a traffic signal, one was a roundabout. The conclusion was to provide some widening on Gidney Avenue and to provide a traffic signal. That applicant is responsible for putting in those improvements. I don't believe that project has received final approval. It's certainly not under construction. In that timeframe the Orange County Trust project has come on board, and also the Walgreen's and Key Bank. Those projects have come up in the same study area and they'll be sending traffic in that intersection as well. The desire is to have

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2 those two projects contribute some monies towards
3 that improvement so that the one applicant isn't
4 fronting all the costs. They'll have to front it
5 initially but then as these projects get approved
6 they'll contribute some money towards those. I
7 don't have a timeframe as to when that would
8 happen but as the projects, all three of them,
9 move forward those agreements will be finalized
10 and those improvements will be made.

11 The two projects that are before us
12 tonight, Orange County Trust and also the
13 Walgreen's and Key Bank, they are also sharing in
14 some costs of improvements to Noel Drive.
15 Obviously one of them -- I'm not a drainage
16 expert but I understand there's drainage
17 situations out there.

18 The alignment of Noel Drive opposite
19 Gidney Avenue, the alignment isn't that great so
20 one of the improvements -- because so much
21 pavement is coming out and being removed from the
22 Key Bank side, Noel Drive will be realigned a
23 little bit further to the north to provide a
24 better alignment opposite Gidney Avenue.

25 So the two projects are sharing some of

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the costs of that.

CHAIRMAN EWASUTYN: Mike Donnelly.

MR. DONNELLY: If I can add to that.

Mr. Hughes raised an issue regarding a cooperative effort to improve issues like traffic and drainage. Normally when an application comes to the Planning Board the Planning Board is prohibited from requiring an applicant to make what are called off-site improvements, however the Town and the Planning Board in conjunction with other boards and officials of the Town encourage applicants to see if there's a cooperative way in which problems can be solved. Now, when a project cannot be supported by existing infrastructure, although the Planning Board can't require it be created, it can deny the application or at least delay it until the infrastructure is brought up to speed.

In this case the Town Board did, perhaps not in the priority list that Mr. Hughes raised but did look at the issue of whether this applicant and the next applicant on the agenda would assist in contributing toward a needed roadway improvement that was already being

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2 funded, at least in part, by another applicant.
3 There is an agreement that is under discussion
4 that needs to be finalized, but ultimately a
5 condition of any approval resolution on these two
6 projects will be the contribution, which has been
7 agreed to in principle, of the two applicants
8 toward that other intersection improvement.

9 The issues that Mr. Hughes has raised
10 regarding other improvements are ones that would
11 be wonderful as applicants and developers come
12 along to ask them to assist, and perhaps the Town
13 could do something to cure those problems. If
14 Shop Rite had an amended site plan perhaps some
15 of those driveways could be closed. Those are
16 all good ideas. I think the Town has prioritized
17 what it was willing to discuss with this
18 applicant and that intersection improvement was
19 where that came out.

20 CHAIRMAN EWASUTYN: Additional comments
21 from the public?

22 MR. DURELL: I have a question.

23 CHAIRMAN EWASUTYN: If you would give
24 your name and your address.

25 MR. DURRELL: My name is John Durrell,

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I live at 5 Roy Place. You said you were expanding Noel and I wanted to know when you was talking about the driveways and the sidewalk, was it -- is it going to affect Stanley Place? Is it going to come all the way up to Stanley Place?

MR. DEPUY: Actually, the sidewalk is being developed on the opposite side of our site with the other applicant. It will be going all the way up the length of their property.

MR. DURRELL: All right.

CHAIRMAN EWASUTYN: Thank you. Ma'am.

MS. DURRELL: My name is Pat Durrell and I live at 5 Roy Place. My concern is with the traffic also. We do have a lot of children.

The other thing is that just safety issues. For example, tonight I was making a left onto Noel off of 32 and someone felt I had cut them off because they came around the curve going in the opposite direction. They followed me home and when I pulled -- when they saw I was pulling into my driveway they turned around and just finally left. You know, those are -- there's a lot of traffic there already. People are using it as a cut through to get to Chestnut Lane or to

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get to 9W, you know. It just is not a safe --
it's a safety issue, and also with the children.
So I do have a concern with that.

CHAIRMAN EWASUTYN: Thank you. Ron
Hughes.

MR. HUGHES: Yes. I believe these are
the same gentlemen that were at the meeting the
other evening. The possibility of an inside lane
between Shop Rite and the new proposed pharmacy
and bank were discussed and we were told that
that may never happen. There is no way to force
an existing commercial/industrial building to
cooperate with something like that. So it's a
very big if. I don't think you'll ever see it
happen unless there's some sort of stipulation
and a coordinated effort between Shop Rite and
the new applicants. If the Town has to get in
the middle to negotiate it, then they should. I
know this isn't 239 state law but I know
commonsense isn't so common. Let's see if we can
rattle some of it up here.

MR. DONNELLY: What the Planning Board
was inclined to do in the interim is require this
developer to build the infrastructure that would

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allow that connection if, as and when Shop Rite could be convinced to allow it to continue.
MR. HUGHES: The road to nowhere.
MR. DONNELLY: Hopefully not but maybe.
MR. HUGHES: That's just as bad as what we have now.
CHAIRMAN EWASUTYN: Thank you.
MR. HUGHES: Thank you.
CHAIRMAN EWASUTYN: Additional comments from the public?
(No response.)
CHAIRMAN EWASUTYN: At this time I'll turn to our Planning Board Members. Frank Galli?
MR. GALLI: No additional comment.
CHAIRMAN EWASUTYN: Cliff Browne?
MR. BROWNE: No. Nothing.
CHAIRMAN EWASUTYN: Ken Mennerich?
MR. MENNERICH: No questions.
CHAIRMAN EWASUTYN: Ed O'Donnell?
MR. O'DONNELL: Just one comment about the traffic on Noel Drive and the speeding which you mentioned. Independent of this project and this Board, I would suggest that you go to these Town Board meetings and bring that issue up and

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get a response from the elected officials that can help you with that.

MR. DOBRZYNSKI: I just wanted to let everybody know that's what goes on there.

MR. O'DONNELL: There's no doubt about it. There's no doubt about it. It goes on in a lot of places in the Town, especially where cut throughs are being used.

MR. DOBRZYNSKI: Thank you.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: Nothing additional.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

MR. COCKS: Yes. Ken addressed a lot of the issues with the site plan and the traffic leaving the site.

This does border a residential area. The applicant has provided I think a 25-foot buffer from the back of the site to the nearest residential area. It's the same on the other side of the street.

They've really addressed all of our site plan comments regarding the connection with the realty building next door. They are limiting

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the curb cuts on 32 and Noel Drive. They are providing a sidewalk in the front and the side and also installing a crosswalk across Noel Drive for pedestrian safety.

As of right now they have addressed all of our comments.

CHAIRMAN EWASUTYN: Karen Arent, Landscape Architect?

MS. ARENT: All of my comments have been addressed.

CHAIRMAN EWASUTYN: Ken Wersted, Traffic Consultant?

MR. WERSTED: Nothing additional at this time.

CHAIRMAN EWASUTYN: Having had the opportunity of reviewing Pat Hines' comments, we still at this point don't have a City acceptance letter for sewer.

MR. DEPUY: Okay. I talked to Jim Osborne and I think he was getting that forwarded to you today or something. If he didn't --

CHAIRMAN EWASUTYN: We couldn't take action on the project tonight until we have a sign off from the City.

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There was a comment from Pat Hines talking about the bonding and the realignment of the roadway and the construction of the sidewalks off site. Drainage improvements must be addressed in the agreement. It's subject to Mike Donnelly.

MR. DONNELLY: The draft of the agreement has come in. What I was going to add is the coordination between this project and the next one is essential, and both applicants acknowledge that. The resolutions really should be voted upon at the same time and dovetailed with each other.

The next applicant, as Mr. Hughes mentioned earlier, is before the Zoning Board for variance relief and has not yet obtained, or for that matter been denied that relief, therefore we couldn't act on that proposal either.

The question becomes whether or not you want to continue this hearing, close this hearing and then ask for an extension of the sixty-two day time period because we don't know how long it will take the Zoning Board to conclude their process and whether or not they'll obtain the

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2 sewer allocation letter within that time period.
3 I certainly expect we will on both fronts. Just
4 to be sure, if you're inclined to close the
5 hearing you may not take action tonight, you
6 should ask the applicant for a waiver of that
7 sixty-two day time period. Maybe it won't be
8 needed but in the event --
9 CHAIRMAN EWASUTYN: Would you be
10 willing to waive the sixty-two day time period?
11 MR. DEPUY: Yes.
12 CHAIRMAN EWASUTYN: Is there any
13 comment from the public?
14 (No response.)
15 CHAIRMAN EWASUTYN: I'll move for a
16 motion to close the public hearing for the site
17 plan for Orange County Trust subject to the
18 applicant waiving the sixty-two day timeframe for
19 a decision.
20 MR. MENNERICH: So moved.
21 MR. GALLI: Second.
22 CHAIRMAN EWASUTYN: I have a motion by
23 Ken Mennerich. I have a second by Frank Galli.
24 Any discussion of the motion?
25 (No response.)

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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. O'DONNELL: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: And myself. So carried.

Would you like to take the time to do ARB at this time, Karen?

MS. ARENT: That's fine.

CHAIRMAN EWASUTYN: I think we can make a decision on the ARB at this point.

MR. DONNELLY: Yes.

CHAIRMAN EWASUTYN: Do you want to go through that? Are you prepared to?

UNIDENTIFIED SPEAKER: I wasn't aware we were going to do that tonight.

CHAIRMAN EWASUTYN: Fine. If you're not prepared you're not prepared. Thank you.

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

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

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

DATED: December 14, 2007

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

----- X

In the Matter of

PROPOSED PHARMACY & BANK
(2006-57)

North Plank Road, Noel Drive & Stanley Place
Section 77; Block 2; Lot 5
B Zone

----- X

PUBLIC HEARING
SITE PLAN

Date: December 6, 2007
Time: 8:12 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: NEIL A. WILSON

----- X

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

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CHAIRMAN EWASUTYN: The next item on the agenda this evening is the proposed pharmacy and bank. It's a public hearing for a site plan located on North Plank Road, Noel Drive and Stanley Place. It's in a B Zone and it's being represented by Neil Wilson.

I'll ask Mr. Mennerich to read the notice of hearing.

MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to the Municipal Code of the Town of Newburgh, Chapter 185, Section 185-57 K, on the application of pharmacy and bank for a site plan on premises North Plank Road/Noel Drive/Stanley Place in the Town of Newburgh, designated on Town tax map as Section 77; Block 2; Lot 5. Said hearing will be held on the 6th day of December at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7 p.m. at which time all interested persons will be given an opportunity to be heard. By order of the Town of Newburgh Planning Board. John P. Ewasutyn,

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Chairman, Planning Board Town of Newburgh. Dated
October 25, 2007."

CHAIRMAN EWASUTYN: Thank you.
Dina Haines, Planning Board Secretary.

MS. HAINES: The notice of hearing was
published in The Sentinel on November 19th and in
The Mid-Hudson Times on November 21st. The
applicant's representative sent out thirty
registered letters, twenty-eight were returned.
The publications and the mailings are all in
order.

CHAIRMAN EWASUTYN: Thank you.
Mr. Wilson.

MR. NEIL WILSON: Mr. Chairman, Members
of the Board, Neil Wilson, I'm the attorney
representing the Sembler Company which is the
applicant on this application. Here tonight I
have with me Emile Pierides with BL Companies, he
will be taking you through, as well as the
audience, the site plan.

Sort of as kind of a housekeeping
matter, I had sent over earlier this week a copy
of a proposed cost sharing agreement that we had
worked out with Orange County Trust. I sent it

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2 to Mike Donnelly, to Mark Taylor, a copy to the
3 Planning Board, a copy to Bryant Cocks as well.
4 It's a draft. As I indicated in my cover letter,
5 there's several schedules that detail out the
6 costs that are to be shared but we don't know
7 what those costs are until we have our bid
8 packets prepared, at least the outline of the
9 agreement which establishes also a program, an
10 escrow program for monies to be placed into
11 escrow by both Orange County Trust as well as my
12 client, Sembler Company, to ensure completion of
13 the common improvements. Obviously we're waiting
14 for comments back from Mr. Donnelly and/or Mr.
15 Taylor at a future point in time.

16 At this point I'd like to very quickly
17 turn this over to Emile Pierides from BL
18 Companies to take you through the site plan.

19 MR. PIERIDES: For the record, my name
20 is Emile Pierides, I'm with BL Companies, we're
21 the site engineers on this project. I'm just
22 going to do a quick walk through of the site.
23 I'm sure everybody is familiar with where it's
24 located already from the previous application.
25 We're on the northeast corner of Route 32 and

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Noel Drive. Currently there's an existing Key Bank and I believe it was a Freight Liquidators prior building on the site. The site is about two-and-a-half or two-and-a-quarter acres. We're in a B Zone. We're an allowed use in that zone.

What we're proposing for this site is a 14,490 square foot Walgreen's Pharmacy and a 3,471 square foot Key Bank.

As I mentioned earlier, the Key Bank -- the existing Key Bank is on the site. It's going to be a phased development so that the existing -- the existing Key Bank can stay open while the new bank is constructed, and then the old Key Bank will be taken down after that.

We are proposing 82 parking spaces on the site. Circulation around the site is two way around three sides of the building and one way on the north side of the building. The Walgreen's will have a two-lane drive-through that's meant for pick up of -- pick up and drop off of prescriptions. Key Bank, we're proposing three drive-through lanes for that.

As mentioned by the traffic engineer, there currently are two very big curb cuts on the

1
2 site. Actually, there's three curb cuts, two of
3 them are uncontrolled, one on Noel Drive and one
4 on Route 32, and a smaller existing driveway on
5 Route 32. What we're proposing is to close all
6 three of those driveways down and construct two
7 new driveways, one on Noel Drive and one on Route
8 32. The driveway on Route 32 is going to be
9 about 26 feet wide and the driveway on Noel Road
10 is going to be 30 feet wide and allow access,
11 ingress and egress, from the site in a more
12 controlled manner than exists today. We are
13 proposing new sidewalks along our site frontage
14 on Route 32 and Noel Drive.

15 One of the other things I would like to
16 mention is we are keeping the natural wood buffer
17 along Stanley Street in the condition it is today
18 to act as screening from the neighbors on that
19 side.

20 I think from there I'll just open it up
21 to questions.

22 CHAIRMAN EWASUTYN: Okay. Mr. Wilson,
23 would you like to add anything?

24 MR. PIERIDES: I should have put this
25 up earlier. Just for everybody's reference,

1
2 where this site is in relation to the prior
3 application that was just up. Our site is, again
4 I mentioned, on the northeast corner of the
5 intersection. The previous application is on
6 the, I guess it would be the southeast corner of
7 that same intersection. This kind of gives you a
8 relationship of how Noel Drive is being realigned
9 slightly and the driveway locations.

10 CHAIRMAN EWASUTYN: At this point I
11 would like to open it up to the public for their
12 questions and comments.

13 Mr. Hughes.

14 MR. HUGHES: I think you're a little
15 disoriented. That's the southwest corner.

16 MR. PIERIDES: Southwest. I'm sorry.

17 MR. GREENE: It's the northwest.

18 MR. PIERIDES: It is the southeast.

19 MR. HUGHES: I'm disoriented as well.

20 I heard you give an 82 figure number for the
21 parking spaces when 114 is required for the
22 footage and frontage and everything you've got
23 going on there.

24 MR. PIERIDES: That's correct.

25 MR. HUGHES: I really can't imagine how

1
2 you intend to get a tractor trailer on that site
3 with the curb cuts you're prescribing or
4 recommending at this point, especially off of 32
5 when you have three drive-ins coming out facing
6 that curb cut that you're referencing.

7 MR. PIERIDES: Just to answer the
8 question, we have analyzed the site for access
9 for trucks. We have run -- we do have a program
10 that runs truck turning movements throughout the
11 site. We've run it for a WB-50 tractor trailer
12 which I believe the overall length is 53,
13 54 feet. He can make it into the site and make
14 it out of the site.

15 MR. HUGHES: By going in which
16 entrance?

17 MR. PIERIDES: Excuse me?

18 MR. HUGHES: By going in which
19 entrance?

20 MR. PIERIDES: He can actually go in
21 both entrances. We ran it through Noel Drive and
22 we ran it through here. They can make it around
23 the site. I should mention that the only way he
24 can get out is on North Plank Road if he comes
25 out this driveway.

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MR. HUGHES: And if he has to turn left, what do you do with him then because the traffic light is right at the intersection? The trailer is 53 feet long and the tractor is probably 32.

MR. PIERIDES: No. That's not correct.

MR. HUGHES: 27. I see some heads shaking up there. Are you the traffic man?

MR. MARK WILSON: No, I'm not. I'm Mark Wilson from BL Companies. I'm the project architect. Basically what Emile was saying is we ran the computer program called WB-50 truck. WB stands for wheel base which is from the front wheel of your tractor to the rear wheel of the trailer. So for a WB-50, the length of the entire truck is usually 4 to 5 feet longer than that. So something around 50 feet overall.

MR. HUGHES: I thought there was a little bit more hanging over the back wheels than 5 feet. I'll have to take a better look the next time one of those things passes.

The whole thing with those two things at that intersection, you said there was a 25-foot buffer that you were leaving behind

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there.

MR. PIERIDES: Well, I didn't give a dimension because the tree line -- I should actually go to the other drawing, it shows it a little better. The tree line does vary. We do have 60 feet up to the curb line. The tree line is probably 50 feet or so to the property line plus the additional area within the right-of-way of Stanley Avenue. So we're talking over 50 feet of --

MR. HUGHES: There was a reference to 25 feet earlier in the discussion. That was the other project. I don't know how they're doing 25 when you have 60 there.

Because of the deficiency of parking that exists and two drive-in situations on a lot that is substandard, with parking and size for navigation how would you ever think that a tractor trailer could get in and out of that property, around those two different drive-ins which have five lanes between the two of them? To me this whole thing is a circus on both sides of the road, and if you don't provide a right turn out only here and there and get a way where

1
2 you can bring your tractor trailers in through
3 the Shop Rite parking lot or some other way --
4 the only way I can see you're going to get
5 tractor trailers in there is to go onto Noel
6 Drive. That's a practical observation, not what
7 you can get away with or what the computer says
8 WB-50 does and all that. A driver trying to get
9 out of that parking lot onto 32 at 3 o'clock in
10 the afternoon would start like you and have a
11 beard like mine before he'd be able to get out of
12 there.

13 The other thing is the symmetrical
14 counterpart. Unless you had counter rotating
15 flows of traffic for big truck deliveries on
16 those two sites, and I'm not saying that the bank
17 next door is going to make that much money
18 they'll need tractor trailers, but the 14,500
19 square foot pharmacy is certainly going to have
20 trailers every day. To me I would lean more
21 towards giving you a recommendation on this
22 project if you took away some of that buffer zone
23 and put the required parking spaces or more lanes
24 of traffic to serve the facility for the general
25 safety and traffic flow and never suggest that a

1 tractor trailer go out on 32. Not with a curb
2 cut 20 feet away that's 35 feet wide and their
3 tractor trailers go behind the building on
4 Chestnut Lane. They very rarely come in off 32
5 because of the problem.
6
7 Have you physically been there on the
8 site and observed the curb cuts that I referenced
9 earlier? Are you familiar with the project?
10 MR. PIERIDES: Yes. I mean I
11 haven't --
12 MR. HUGHES: Have you been physically
13 out there to see what goes on during the day?
14 MR. PIERIDES: I haven't actually sat
15 there myself and watched.
16 MR. HUGHES: I have some other comments
17 maybe for later. For now I can't imagine a
18 tractor trailer getting on and off that property.
19 CHAIRMAN EWASUTYN: Ken Wersted, our
20 Traffic Consultant, you worked with the interior
21 layout of the project. Can you speak on that?
22 MR. WERSTED: On a couple of the site
23 plan sheets, I believe it's SP-1 and SP-2, they
24 do demonstrate a tractor trailer. I don't know
25 the WB designation of it but the actual length of

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it is -- between front bumper to back bumper is just shy of 70 feet. Coming in Noel Drive, using the entrance from there to get behind the store then circulate out the north side of the site past the Key Bank drive-throughs.

There was an issue originally with that because the canopy that they were proposing over the drive-through was too low and it would have clipped the top of the truck. They've since revised that to accommodate the truck coming out of there. So they've got the truck circulation there.

MR. HUGHES: May I ask a question?

CHAIRMAN EWASUTYN: I would like for you at this point to acknowledge the fact that Ken Wersted has the floor and he's getting into a discussion that's to the public as a whole and not just to you individually. Thank you.

MR. WERSTED: More recently regarding the parking, we understand that the applicant went before the Zoning Board and the site itself doesn't meet the zoning requirements for parking. They have provided us with calculations demonstrating that the parking that they are

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2 providing is going to be more than adequate to
3 accommodate the traffic parking demand that they
4 are going to have. I think we've provided a
5 review on that and we've copied the Zoning Board.
6 That review is very recent. It just came out on
7 November 30th. I'm sure that will be circulated
8 to the members of your board. I think the
9 applicant's consultant can speak more to that as
10 well.

11 CHAIRMAN EWASUTYN: Mr. Hughes, before
12 I go back to you I would like to keep it open to
13 the public.

14 Is there anyone else here this evening
15 who has comments about the pharmacy and bank
16 proposal before us? Douglas.

17 MR. DOBRZYNSKI: My name is Douglas
18 Dobrzynski again, 8 Roy Place. They want to take
19 a 70-foot tractor trailer up Noel Drive, is that
20 what I heard? I'm just -- the figures have been
21 thrown around from 50 on up.

22 MR. WERSTED: That's the size of the
23 truck that could make it in here. I don't
24 necessarily think that that's what they're going
25 to use simply because it may -- they may have

1
2 just looked at the worst case, what's the largest
3 truck out there, can we accommodate it on the
4 site. The truck will come up Noel Drive for
5 approximately 200 feet and then turn into the
6 site.

7 MR. DOBRZYNSKI: The 25-foot driveway
8 is wide enough?

9 MR. WERSTED: It's 30 feet.

10 MR. DOBRZYNSKI: That's wide enough?

11 MR. WERSTED: Yes.

12 MR. DOBRZYNSKI: Okay. This truck is
13 not going to be allowed to go out on Noel Drive,
14 is it?

15 MR. WERSTED: I don't think it's -- I
16 don't know that there's any restriction but
17 that's a point that we should probably look at.
18 If there's some type of weight restriction on the
19 east end of Noel Drive such that a truck couldn't
20 come out of there and go east into the
21 neighborhood, it knows that it has to come out to
22 32.

23 MR. DOBRZYNSKI: Three-ton I think.

24 MR. WERSTED: We can look for that.

25 CHAIRMAN EWASUTYN: There may even be a

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sign posted somewhere, is there not?

MR. GREENE: I believe it's a three or five-ton limit.

CHAIRMAN EWASUTYN: I can almost remember seeing something. We'll look into that. Good comment.

MR. DOBRZYNSKI: Thank you.

CHAIRMAN EWASUTYN: The gentleman in the back.

MR. RAAB: Rim Raab, 1176 Union Avenue. I think it would help if somebody could speak to how many deliveries there are, tractor trailers in a day, and about what hours they would be delivering, if anybody in your consultant group can do that.

MR. PIERIDES: We can find out that information for you.

CHAIRMAN EWASUTYN: Phil Grealy, I didn't notice you were here. You're the traffic consultant. I apologize. Would you like to speak at this time?

MR. GREALY: Thank you. I was waiting patiently.

CHAIRMAN EWASUTYN: I did not notice

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you up until this point. I apologize. Mr. Wilson's tie caught my eye.

MR. GREALY: Good evening, everyone. My name is Phillip Greal, I'm the traffic consultant for Walgreen's and Key Bank.

Just to kind of start off, we prepared the traffic studies for this project. We're familiar with this section of Route 32. I think your consultant -- the Town's consultant and Mr. Donnelly have given a good synopsis of what has transpired in terms of these projects participating to get improvements done in the area. I think Mr. Hughes' comments are well noted in terms of the multitude of curb cuts that exist along Route 32 today, and I believe that these two projects are really the start of cleaning that whole thing up. Your comments are exactly where we kind of started with the Planning Board. I think, as I said, these two projects really are helping to clean up the multitude of curb cuts that are here. You do have across the street, of course with Sunoco and Dunkin and Block Buster and everything else going on there, still more work to be done in the

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future as those applicants come back in.

In terms of traffic for this site, we talked about parking. We did look at the parking. We feel very comfortable with the 82 spaces. One thing you don't want to do when you build this type of facility is have all those extra parking spaces that never get used. There's published data, we've looked at existing pharmacies and banks ourselves, did our own surveys and the documents demonstrate that the 82 parking spaces is more than sufficient to handle what's proposed on this site.

In terms of the traffic conditions on Route 32, Route 32 is a State highway. Yes, it's a busy road, very difficult getting out of driveways at peak hours. We do have a traffic signal at Noel Drive. Noel Drive is being improved. We're not looking to bring traffic through the neighborhood. I think as Mr. O'Donnell pointed out, you know, that's an issue to bring to the Town Board. There are in other areas of the Town other things that are being done to what we call calm, C-A-L-M, traffic so that you don't have high-speed traffic cutting

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through a neighborhood. There are things that could be done in conjunction with the Town on that. We do not want or encourage traffic to speed or cut through Noel Drive up to Chestnut.

In terms of the functionality of this site, the purpose is to improve the section from our access out to 32, to improve the alignment, improve the pavement condition, improve the operation of the signal there to make it more efficient. We're not looking to bring traffic through the neighborhood by any means.

In terms of getting out onto 32, it was pointed out in peak hours it's difficult to come out and make left turns onto 32. What this plan does do is it allows -- right now or when you had the Key Bank and you had Freight Liquidators and the liquor store, this area right in here was a free for all. It's just a wide open curb cut, uncontrolled movements, people turning from all different directions. That is going to be eliminated. Now what we've done is cleaned up this entire stretch similarly along Noel Drive. That's cleaned up. We have a defined curb cut which is what good planning is. We've been

1
2 working with the Department of Transportation.
3 We have conceptual approval on this plan from the
4 Department of Transportation. This location was
5 chosen to keep it as far away from the traffic
6 signal as possible. When Mr. Hughes I believe
7 and someone else talked about movements in and
8 out being right next to the signal, this plan is
9 developed to get, you know, a good distance,
10 150 feet away from the traffic signal so that
11 when someone is leaving the site they can access
12 32. Yes, you're still going to have times where
13 there will be backups. We have a signalized
14 location here which we can utilize.

15 In terms of the truck flow, we did not
16 really analyze that truck flow. I did see the
17 diagrams. The reason you use a larger truck to
18 run through the site -- I think Mr. Wersted
19 indicated that the total dimension was over
20 70 feet. The reason is that you want to see you
21 can accommodate that truck, then a smaller truck
22 can operate through here. In many of the
23 pharmacy facilities you do end up with what's
24 called a WB-50 truck. I believe what may have
25 been used to check the radii and make sure you

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can accommodate it was probably a WB-60 based on the dimensions he mentioned. In our experience most of the deliveries that occur to these pharmacies would be in that WB-50 category which would be a smaller truck than the 72 feet. When you design a site plan you try to design it to make sure you can accommodate if you did get an occasional vehicle that was oversized.

We talked about the provision for cross access to Shop Rite. That's something that's been worked into the plan. We are going to build it up to the property line. In the past, you know, my experience has been when applications come in on adjacent properties, as long as the first section is set up, that happens in the future. So the table is kind of set for that to occur.

I think in terms of the overall section of Route 32, this is the start of really cleaning this area up. As other applications come in for either redevelopment or development, I think it will continue and you'll end up with a much nicer section of roadway.

This applicant as well as the previous

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applicant is also participating in the improvement at Gidney Avenue and Gardnertown Road which is being really advanced under a different project. They've been working with the Town to solve drainage problems, deal with traffic. I think the Planning Board has been very directive in terms of making sure that these things get addressed.

I think that's pretty much just in addition to what was said by your consultants tonight.

CHAIRMAN EWASUTYN: Additional comments from the public?

MR. HUGHES: Hughes again from Middlehope. I'm looking at your chart there and your flow and the three drive-throughs on the bank and the two drive-throughs in the back and all the stuff that goes with it. How do you get that tractor trailer around when those lanes are full?

MR. GREALY: Well number one, when they operate these facilities they control the time of the deliveries for a Walgreen's. I believe the diagrams that I had seen in terms of what's

1
2 called auto turn, which is conservative in terms
3 of the tracking path, was when the drive-throughs
4 were occupied, when the parking lot was occupied.
5 So the tracks that I saw did take that into
6 account and it maneuvered through the site. All
7 I can tell you is I didn't perform that auto turn
8 run but the plan that I saw addressed those
9 conditions.

10 The one thing about a pharmacy drive-
11 up, you don't get long cues at the pharmacy
12 drive-ups. The reason for providing two -- one
13 of the reasons for providing two is so that you
14 don't end up with more than a one or two-car cue
15 at the facility.

16 MR. HUGHES: Thank you for answering
17 that.

18 One more thing. The deficiency of the
19 buffer zone because of the elevations that exist
20 there between Stanley Place and the parking lot
21 elevation is probably a 25-foot drop. I would
22 prefer to see less buffer zone and more
23 vegetation at the crest of the hill and a
24 reduction of that 60 feet to provide another lane
25 for especially emergency vehicles, fire,

1
2 ambulance and whatever, besides your regular
3 truck lanes and traffic lanes. I think I would
4 be more receptive to giving a nod on a project
5 like that if there was more parking or another
6 lane for traffic. You don't really need 60 feet
7 there because the neighbors are up there.

8 Thank you for allowing me to speak.

9 CHAIRMAN EWASUTYN: John.

10 MR. DURRELL: I was just wondering like
11 on Stanley Place where he was talking about where
12 that drop was at, you're going to build a wall
13 and a fence there? Everybody dumps their debris
14 there, you know. Being that the liquidation
15 place is empty now, now everybody -- you know,
16 it's a dumping spot, you know.

17 Also, between 4 o'clock and 7 o'clock
18 from Chestnut Lane basically to 9W the traffic is
19 backed up because you've got The Gap, IBM'ers.
20 People are going to work and then they're getting
21 off of work and it's hard. As a matter of fact,
22 right at that light someone ran and hit -- ran
23 right into me because, you know, when they're
24 coming down they're really not stopping. Right
25 on red, people are just zooming around, you know

1
2 what I'm saying. The traffic is really bad. The
3 congestion when you're coming from Chestnut Lane,
4 I was thinking about some of the tractor trailers
5 do that little divider when you're coming from
6 Shop Rite. I've seen, you know, some trucks come
7 in and the people that are coming in the opposite
8 direction, it causes problems.

9 MR. GREALY: We're not dealing with the
10 Shop Rite site plan. On that driveway out to
11 Chestnut, the grade there also comes into play
12 because you're coming on an upgrade towards
13 Chestnut at that intersection.

14 I think in terms of this stretch and
15 the improvements we're trying to accommodate
16 everything we can do here to make traffic move
17 more safely, more efficiently, provide
18 pedestrians and also not, as I said before,
19 encourage traffic through the neighborhood and if
20 neighborhood people did want to use these
21 facilities they wouldn't have to necessarily go
22 out into 32 to get there.

23 CHAIRMAN EWASUTYN: Douglas, I think
24 you had your hand up.

25 MR. DOBRZYNSKI: Thank you. The

1
2 drop-off spot off Stanley Place into the parking
3 lot, that right now is vegetation and holds this
4 whole thing together. When you start this project
5 that you're looking to get approval on, what's
6 going to stop erosion from taking everything down
7 and all of a sudden Stanley Place winds up on 32?

8 MR. PIERIDES: That's a good question.
9 We're not proposing any work on the slope. The
10 slope is going to remain vegetated. I don't know
11 if you can see it on this plan but basically the
12 edge of the old parking lot actually goes a
13 little further than we're proposing our parking
14 lot. So we're actually pulling our pavement back
15 from that area. We're not doing any work, any
16 work on the hillside.

17 MR. DOBRZYNSKI: So that whole thing is
18 going to be left alone?

19 MR. PIERIDES: That's correct.

20 CHAIRMAN EWASUTYN: Karen, do you want
21 to talk about the buffer and the need for the
22 buffer to minimize the visual impact to the
23 people living on Stanley Place?

24 MS. ARENT: We're proposing for the
25 buffer to remain. They are also adding evergreen

1
2 trees on the project side so that you can have
3 more of a winter screening. As part of the
4 project they're going to be putting construction
5 fencing up so that they make sure that there's no
6 equipment going into this area at all. It should
7 remain pretty much the same.

8 I'm sure it's in the best interest of
9 the project for them to clean this area up. I
10 can't see them leaving all the junk there and
11 trying to operate a first-class bank out of this
12 facility. Once they're in this area -- I double
13 check, too. I go and make sure the landscaping
14 is installed the way it's supposed to be. If
15 there's junk in here it's easy just to tell them
16 to clean it up if they haven't done it already.
17 That's it.

18 CHAIRMAN EWASUTYN: Don Greene.

19 MR. GREENE: A little thought. As a
20 fire commissioner let's face it, it's the modern
21 buildings that require some reasonable ratables
22 and basically a low fire risk. On the other hand
23 it cleans up the area. I've lived and actually
24 my parents owned some of the land that they are
25 talking about many, many years ago. I think it

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cleans up the area. I rode through Stanley Place today just to look over this site so I would be somewhat prepared tonight.

Accidents. We have a policy, we go to every motor vehicle accident in the fire district. The fire district covers from 9W to Quaker Street, from Gardnertown Road where they're talking about Gardnertown and Gidney, and we go as far up as East Road. We have a pretty large area. There are quite a few accidents here. I'll tell you, compared to 9W and compared to 32 and some of the other areas we go to, 300 west of Holtz Corners, those accidents are killer accidents. These are fender benders. A lot of these are just lack of due caution by the person taking chances, going out at Shop Rite when you could go to Chestnut Lane and use the light. We could probably run a program off our fire computer and tell you when we go to accidents. I think this is a great improvement. Like everybody said, we all know all the entrances along that stretch of 32, North Plank Road, there are accidents. Most of them are fender benders and you have people go to the hospital, but in

1
2 most cases they walk out of the hospitals. You
3 go up on 32 by Mill Street, we go to accidents up
4 there and they end up in White-Venuto or
5 someplace else. So the thing is one of the good
6 things is the speed is down and really can't get
7 into much trouble. There's probably as many
8 accidents at the entrance to the Mid-Valley Mall.
9 If you want to talk about high accidents,
10 Newburgh Mall outweighs it a hundred percent. 75
11 going onto 84, 17K. People don't take their
12 time. We go there. We cover part of the
13 Thruway. So in comparison we go to probably I'd
14 say close to 150 motor vehicle accidents a year.
15 We're up to 420 calls. It's minute, they're
16 there, we wish they weren't there. I don't like
17 getting out of bed at 2 o'clock in the morning
18 any more than anybody else does. I think this is
19 the first step and basically it's going to
20 improve, it's going to make our community look
21 better. It improves the value of all of our
22 property.

23 CHAIRMAN EWASUTYN: Additional comments
24 from the public?

25 (No response.)

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

MR. GALLI: No additional comments.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: I would like to follow up a little bit. On both projects we heard comments about safety for the kids in the area and so on, and speeding with the cut throughs. Again, this Board has no jurisdiction over that. You really need to go to the Town Board and raise cane with those folks to get something done. We don't have that jurisdiction. Everything that we've done so far for this project, they've worked with us, they've done probably a whole lot more than they have to do to make this thing work. Thank you.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Ed O'Donnell?

MR. O'DONNELL: Just one thing with the timing of the deliveries. I don't know how much you can influence that but I think it would be worth it to try to influence the timing of deliveries to be at a point when it's not around rush hour. I mean I don't know how these tractor

1
2 trailers are going to make that turn. It's hard
3 enough turning your car in there. Maybe the next
4 time we see you you might come back and perhaps
5 give us a little idea of what the timing of
6 deliveries would be.

7 I would like you all to know that I
8 agree with Mr. Greene, I think this is a step
9 forward. It is going to aesthetically improve
10 the area tremendously. I really don't think it's
11 going to make the traffic any worse than it is
12 today. As a matter of fact, I'm going to go
13 through there on the way home tonight.

14 I want to tell you something about
15 going through that intersection to Noel Drive or
16 taking a left and going up to the light. For the
17 people that go through Noel Drive, it's faster to
18 go the other way. I do it all the time. The car
19 in front of me goes to Noel Drive, I go to the
20 light. I get to the intersection of Chestnut
21 Lane before they do. Anybody that's smart
22 doesn't make a short cut through there anyway.

23 CHAIRMAN EWASUTYN: Joe Profaci?

24 MR. PROFACI: Not only will it not make
25 traffic worse, it's going to make it considerably

1
2 better. The realignment of Noel Drive and Gidney
3 is a vast improvement to what you have there now.
4 That is a cause of accidents as it stands right
5 now. Once you get those two roads realigned
6 you're going to eliminate a lot of the problems
7 that already exist there. I also agree with Mr.
8 Greene that it's going to be a major improvement.

9 CHAIRMAN EWASUTYN: Thank you.
10 I'll turn to our consultants at this
11 time. Bryant Cocks, Planning Consultant?

12 MR. COCKS: Yes. They addressed a lot
13 of the site plan comments, the buffering and
14 parking spaces and traffic flow in and out of the
15 site.

16 I would just like to add that there's
17 also going to be extensive landscaping on the site,
18 considerably more than what's there now which is
19 practically nothing. They are also going to be
20 including stonewalls on the front of the site.
21 This is really going to set the precedent for
22 every project that's going to come in after this
23 along this corridor.

24 I feel like the applicants have really
25 made a good effort to try to make this as nice as

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possible.

CHAIRMAN EWASUTYN: With that tone in mind, the Town with their comprehensive plan had described preserving hamlets. We would consider this to be a hamlet of the Town of Newburgh.

Karen Arent, our Landscape Architect who reviews the architecture, will brief with you how there will be similarities with stonewalls, similarities with lighting to establish a precedent in the corridor. What we're really looking at here is not an action that will be taking place today but also the future actions that will be developed along North Plank Road. We have always had a strong concern with the traffic impacts. From a planning perspective it's very unique that we're able to get a fair share contribution to the improvement of Gidney and Gardnertown Road. In the many years that I've served on the Planning Board for the Town of Newburgh it's the first and only time that we had a cooperative agreement between developers. So it's probably the best planned project that we've had presented to us and is being -- will be built in the Town of Newburgh hopefully.

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Karen Arent.

MS. ARENT: As John pointed out, when they first came before us they gave us the standard Walgreen's building. I actually have a picture of it. We said -- actually it might have been Ed O'Donnell said we want your Greenwich, Connecticut version. We asked them to go back to the drawing board and they came up with a much nicer plan, more in scale with the neighborhood because there's a lot of smaller buildings than that in the neighborhood. We asked for a different type of building that's more in scale and has more of the natural materials that you see in the Town. They came back with a different building much more in keeping with the neighborhood. It will improve the neighborhood vastly. That's also thanks in part to the Town Board who passed design guidelines for the Town of Newburgh so that people can't give you just your standard building, they have to give you something that looks like Newburgh, as close as they can. There's also in the design guidelines and we as a Planning Board have been requesting stonewalls outside the front of these buildings

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2 depending on how screened the parked cars are so
3 when you're driving down the road you don't see a
4 whole sea of parked cars, you see these beautiful
5 stonewalls. When you drive through the older
6 sections of the Town and the farmlands there's a
7 lot of big, tall stonewalls, and that is
8 Newburgh. That's what we've been asking for on
9 these projects. This project as well as the one
10 next door to it, there's stonewalls to hide the
11 parking and also to give it that Newburgh
12 character. They have coordinated the light
13 fixtures so it's not just your standard shoe box
14 light but a nice fixture that's going to be on
15 both projects.

16 They've done a nice job with the
17 landscaping. We've been asking for street trees.
18 They kind of give you that canopy over the road
19 and the color, the fall color. So they've
20 provided the street trees as well. They've also
21 provided a low shrubbery type of landscaping to
22 dress up the site.

23 CHAIRMAN EWASUTYN: Thank you.

24 Ken Wersted, Traffic Consultant?

25 MR. WERSTED: Nothing additional. Just

1
2 that the actual distances of the driveways that
3 are being closed, the one on Noel Drive is
4 145 feet wide, just open curb cut, and that's
5 being consolidated down to a single driveway of
6 about 30 feet. Then on Route 32 there's is a
7 section -- I'm sorry. The section on Noel Drive
8 is 130 feet. The section on Route 32 is 145 with
9 a second driveway that is 35 feet. So those two
10 large, open curb cuts to those two roads are
11 being narrowed down to 25 to 30 feet wide on each
12 of those.

13 CHAIRMAN EWASUTYN: Additional comments
14 from the public?

15 (No response.)

16 CHAIRMAN EWASUTYN: Mike, just a
17 comment that I raised. Does the Planning Board
18 have authority to ask someone to work within the
19 required buffer area?

20 MR. DONNELLY: That is a provision of
21 the ordinance. That would require a variance.

22 CHAIRMAN EWASUTYN: So we don't have
23 the authority to ask someone to go into the
24 buffer zone. That's not an authority we have.

25 MR. HUGHES: Zoning does.

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CHAIRMAN EWASUTYN: We don't.
Any additional comments from the
public? John.
MR. DURRELL: One question. You said
one side -- this here side is going to be the
pharmacy and there's going to be another bank on
the other side?
CHAIRMAN EWASUTYN: No. Well the bank
is going to be attached to the pharmacy. Would
you show John where the bank is in location?
MR. PIERIDES: Yes. This is -- this
bigger box is the Walgreen's and the smaller box
attached to it is the Key Bank.
MR. DURRELL: All right. I thought you
all was talking about the lot that sits across
from Citgo.
CHAIRMAN EWASUTYN: That is another
bank.
MR. DURRELL: What I wanted to ask is
you know where the Subway is, are they going to
have a driveway coming from behind where the
laundrymat is into Noel?
CHAIRMAN EWASUTYN: Phil Grealy, would
you, for John, explain to him how that works?

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MR. GREALY: I think the previous application is what you're referring to where the Orange County Trust building is.

MR. DURRELL: Yes.

MR. GREALY: Okay. That bank will have a cross connecting access to where the Subway and laundrymat is. That's all interconnected.

MR. DURRELL: Okay.

MR. GREALY: So it will function as one site.

MR. DURRELL: Okay. All right.

CHAIRMAN EWASUTYN: Additional comments from the public?

(No response.)

CHAIRMAN EWASUTYN: Mr. Wilson, we can't make a determination this evening because you're before the ZBA also and we don't have a City flow acceptance letter. I'm prepared to ask the Board to move for a motion to close the public hearing but I will need your acceptance to waive the sixty-two day decision period.

MR. NEIL WILSON: We will. Yes.

CHAIRMAN EWASUTYN: Mike Donnelly, would you like to add anything?

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MR. DONNELLY: No.

CHAIRMAN EWASUTYN: I'll move for a motion from the Board to close the public hearing for the proposed pharmacy and bank site plan.

MR. GALLI: So moved.

MR. O'DONNELL: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by Ed O'Donnell. 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. O'DONNELL: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: And myself. So carried.

Thank you.

(Time noted: 8:38 p.m.)

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

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

DATED: December 14, 2007

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

----- X

In the Matter of

SHYAM, INC.
(2005-51)

Memorandum dated 11/29/07 from Joseph Mattina,
Code Compliance

----- X

BOARD BUSINESS

Date: December 6, 2007
Time: 8:39 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- X

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

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CHAIRMAN EWASUTYN: Jim Raab, I would like to save you some time, you're waiting here. I'll have Mike Donnelly explain to you what we discussed as far as your application.

Jerry Canfield was here earlier in the evening. For the benefit of Jerry we kind of tied it together.

MR. DONNELLY: The issue had to do with whether or not the educational use fits into the professional office use. If it does it's allowed. If parking requirements are met it's okay.

What we'll ask you to do is to provide a narrative to us of exactly what that use is, how many people, who are the teachers in terms of their professional --

MR. RAAB: There are no teachers.

MR. DONNELLY: -- the hours, the likelihood of people staying in the parking lot, and get it to us so we can discuss it at next week's meeting. If the Board reaches a determination that it is consistent and permitted under the professional office use, it can then

SHYAM, INC.

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give you the green light. If it needs an interpretation, and it might, you might need to go to the Zoning Board. We need to work from that.

MR. RAAB: That's not a problem.

CHAIRMAN EWASUTYN: You're welcome to stay. I didn't want to --

MR. RAAB: I may have also been misinformed. Is there going to be any discussion about the Planet Fitness sign stuff?

CHAIRMAN EWASUTYN: No. You were.

MR. RAAB: Thank you very much.

(Time noted: 8:41 p.m.)

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

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

DATED: December 14, 2007

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

----- X

In the Matter of

G.G. PROPERTIES, INC.
(2007-24)

Zeus Court off Pressler Road
Section 6; Block 1; Lot 17.41
AR & RR Zone

----- X

PUBLIC HEARING
FOUR-LOT SUBDIVISION

Date: December 6, 2007
Time: 8:41 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: LAWRENCE MARSHALL

----- X

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

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CHAIRMAN EWASUTYN: The next item of business we have is G.G. Properties, Inc. It's a public hearing for a four-lot subdivision located on Zeus Court and Pressler Road. It's zoned AR and RR and it's being represented by Lawrence Marshall.

I'll ask Mr. Mennerich to read the notice of hearing.

MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to Section 276 of the Town Law on the application of G.G. Properties, Incorporated for a four-lot subdivision on premises Zeus Court off Pressler Road in the Town of Newburgh, designated on Town tax map as Section 6; Block 1; Lot 17.41. Said hearing will be held on the 6th day of December at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7 p.m. at which time all interested persons will be given an opportunity to be heard. By order of the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman, Planning Board Town

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of Newburgh. Dated November 19, 2007."

CHAIRMAN EWASUTYN: Dina Haines,
Planning Board Secretary.

MS. HAINES: The notice of hearing was
published in The Sentinel on November 19th and in
The Mid-Hudson Times on November 21st. The
applicant's representative sent out nine
registered letters, seven were returned. The
publications and mailings are all in order.

CHAIRMAN EWASUTYN: Thank you.
Lawrence.

MR. MARSHALL: The proposed development
is a four-lot residential subdivision that also
includes a lot line change parcel that will be
attached to an existing parcel to the east of the
proposed subdivision.

There is an existing house on the site,
so this will be adding three additional
residential homes.

Involved in this subdivision will be
the improvement of Zeus Court. Zeus Court will
be -- which is currently a gravel drive will be
improved to private road standards that are
currently -- that are current for the Town of

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Newburgh.

All the houses will be served by individual wells and septic systems.

I believe that's it.

CHAIRMAN EWASUTYN: Okay. At this point I would like to turn the meeting over to the public for their comments. Just give your name and address, please.

MR. VESLEY: My name is John Vesley. I actually live on Zeus Court. I was just wondering how or -- my property is -- I actually own half of the driveway coming up to it. I was kind of let's say curious of how we were going to improve it and who was going to take care of it?

MR. MARSHALL: The improvements of Zeus Court are going to be paid for by the applicant, by G & G Properties -- G.G. Properties.

MR. VESLEY: To what point let's say?

MR. MARSHALL: Where your existing driveway comes off, it will extend approximately a hundred feet past that.

MR. VESLEY: Okay.

MR. MARSHALL: We'll be equipping it with a full turnaround to allow emergency

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vehicles, delivery vehicles to properly travel.

MR. VESLEY: Okay. I'm just wondering how they can -- let's say if I own half of the road coming up there, right, it's on my survey when I bought the property, how is it able to use that access to all the other properties?

MR. MARSHALL: There is an existing private road easement that goes over top of that portion of your land that permits the use of the drive.

MR. VESLEY: Okay.

MR. MARSHALL: It is required by the previous subdivision that created this lot. There was a requirement in that that said that any further development would require this road, Zeus Court, to be improved to private road standards.

MR. VESLEY: Okay. Which means what?

MR. MARSHALL: It would be -- basically it would require paving it.

MR. VESLEY: How wide?

MR. MARSHALL: The current plans call for a width of twenty feet of pavement with a two-foot shoulder on either side. So twenty feet

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2 of pavement with two feet shoulders, a total
3 width of twenty-four.
4 MR. VESLEY: And there's four lots?
5 MR. MARSHALL: There's four lots, yes.
6 Three additional houses.
7 MR. VESLEY: So the second lot is
8 already -- well let's say lot 2 is already there
9 or whatever; right?
10 MR. MARSHALL: Yes.
11 MR. VESLEY: Okay. I've got you. It
12 goes all the way down to the stream, huh?
13 MR. MARSHALL: Yeah. It goes all the
14 way down to the existing wetlands. A majority of
15 the wetlands is being transferred for a lot line
16 change parcel to an existing parcel to the east.
17 MR. VESLEY: So he's giving property
18 away to somebody else?
19 MR. MARSHALL: Yeah. This is going to
20 be transferred to be included as part of the
21 existing parcel.
22 MR. VESLEY: How are they accessing?
23 How are the other two lots accessing off of
24 the --
25 MR. MARSHALL: Lots 3 and 4?

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MR. VESLEY: Yes.

MR. MARSHALL: There's an existing --
basically an existing driveway cut --

MR. VESLEY: Mm'hm'.

MR. MARSHALL: -- which I'm not sure
who but somebody had excavated it out. We're
going to utilize that to access the back.

MR. VESLEY: Okay.

CHAIRMAN EWASUTYN: Additional comments
from the public? If would you give your name and
address.

MR. O'BRIEN: Michael O'Brien, 337
Pressler Road. I reviewed this. My farm is to
the north side of this property and I find
nothing wrong with it. I hope they get their
approvals.

I do have a question for the Board as
far as Zeus Court. Two years ago we subdivided a
piece of property so we could put in housing for
the farm because that's the way the Code reads,
you can't have two separate residences on a
parcel. I bought a right-of-way from the Vesleys
to use Zeus Court and then it came that it wasn't
a private road, it was a private driveway, and I

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2 had to come off of Pressler Road. So this being
3 completed, would I be able to bring the driveway
4 for that new residence off Zeus Court and do a
5 lot line change so I don't have to dovetail the
6 driveway coming up?

7 CHAIRMAN EWASUTYN: Mike Donnelly?

8 MR. DONNELLY: I don't know that we're
9 in a position to answer that for you. We were
10 told by the applicant that an existing private
11 easement -- private roadway easement agreement
12 exists. We would have to see from that agreement
13 to whom access was afforded. I assume it was
14 only those lots that were part of this plus these
15 additional lands. I'll need to ensure, although
16 I've been given an updated agreement, that the
17 original agreement does provide that access.
18 Without looking at your deed or the context of
19 that, you may need to have your own lawyer look
20 at that, I couldn't tell you whether you would
21 have the right. The applicant's representative
22 might know but I don't know.

23 MR. MARSHALL: As far as granting you
24 access to that, I don't know as far as legal
25 whether or not Mr. Vesley can grant access to a

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jointly owned easement.

MR. DONNELLY: I would think not. If that's the situation, not unless he got everyone else who had a maintenance obligation under that agreement to agree, and in all likelihood if I were in their shoes I would say as long as that person also agrees to contribute towards maintenance I'll think about it.

MR. MARSHALL: It's my belief that -- again I'm not a lawyer. It's my belief that you would have to get -- you would have to be granted access to it from this applicant as well as Mr. Vesley to access the drive. From what Mr. Donnelly said, as long as you were to contribute to it, most likely you would be permitted to. I can't --

MR. DONNELLY: If you get together and the applicant is willing to redraw a maintenance agreement that provides right of access to all of you and splits the cost of maintenance in some equitable manner, there would be no problem with the Planning Board allowing that to happen.

MR. O'BRIEN: What I was trying to say, and we did have the lawyers involved when we

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2 purchased the agreement. What the Town said was
3 I couldn't use it because they had a problem with
4 so many private driveways.

5 MR. DONNELLY: There's a limit on how
6 many --

7 MR. O'BRIEN: I have the legal use
8 because Mr. Vesley owns that land and he sold me
9 the legal use for it. That's what I'm just
10 asking the Board, how this is all going to work
11 out?

12 MR. DONNELLY: Again I can't answer
13 you. You're correct that the Town limits the
14 number of houses that can access a private
15 driveway. This is now going to be upgraded to
16 the standard of a private roadway. That changes
17 the complexion. I can't answer, nor can the
18 Planning Board, your question as to whether you
19 have a legal right to use that private roadway
20 once it's constructed. It sounds like you might
21 but I can't tell you that for sure.

22 MR. BROWNE: Mike, where would he go to
23 get that answer?

24 MR. DONNELLY: We would have to look at
25 the original private road -- apparently there was

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something recorded.

MR. BROWNE: Is that our jurisdiction or not ours?

MR. DONNELLY: Not to answer Mr. O'Brien's question, no. We need to make sure that this developer has the right to use and improve this roadway so that they can use it, and we want to make sure there's some formula in place for shared maintenance so this thing doesn't get rundown and nobody takes care of it. That's going to be a partially newly created document. I've already been given a copy of it. I will need to see what rights exist of record for this development to utilize that roadway. I would not be looking at whether Mr. O'Brien has a similar right.

MR. BROWNE: For Mr. O'Brien, he needs to do what?

MR. DONNELLY: His title company or his lawyer. He may already have that answer.

MR. O'BRIEN: Thank you.

CHAIRMAN EWASUTYN: Thank you, Cliff.

Any additional comments from the public?

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(No response.)

CHAIRMAN EWASUTYN: There being no additional comments from the public, I'll turn to our Members for their comments. Frank Galli?

MR. GALLI: No additional comment.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: Nothing more.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Ed O'Donnell?

MR. O'DONNELL: Nothing.

MR. PROFACI: Nothing.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

MR. COCKS: I don't know if the applicant mentioned there's two lots that are going to be accessed on the top, lots 3 and 4. There's also a provision on the plans for that drive to be extended and a cul-de-sac be constructed in case the back lot is further subdivided. I don't know if that was mentioned before. That's added in the plans in case it happens so that they don't have three driveways on a common lot -- I'm sorry, three lots on a

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common driveway.

There was just one site plan issue. Lot 2 and lot 1, the driveway for lot 2 still just is over on lot 1 by a couple feet. If that could just be fixed on the site plan. If not, it will have to have its own easement.

MR. MARSHALL: We showed it. It's just not shown well. We'll improve it so you can see it better.

MR. COCKS: We have nothing further.

CHAIRMAN EWASUTYN: Karen, I don't know whether you had a need to look at this.

MS. ARENT: No.

CHAIRMAN EWASUTYN: Okay. Before I move for a motion to close the public hearing, are there any further comments from the public?

(No response.)

CHAIRMAN EWASUTYN: Then I'll move for a motion to close the public hearing for the four-lot subdivision of G.G. Properties, Inc.

MR. PROFACI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Joe Profaci. I have a second by Ken Mennerich.

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Any discussion of the motion?

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. O'DONNELL: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself yes.

Mr. Donnelly, if you would give us conditions of approval for the four-lot subdivision of G.G. Properties.

MR. DONNELLY: One question first. The owner of the lands to whom you're going to convey is also G.G. Properties?

MR. MARSHALL: Yes, it is.

MR. DONNELLY: The first condition is you'll have to show us documents of conveyance and provide proof of recording that that conveyance has been accomplished. The improvements need to be made to Zeus Court, I assume that the requirement of the Town should be before any building permit is issued for any of

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2 the houses in the subdivision. Next there will
3 be a private road security and inspection fee.
4 It is required to be paved. The private roadway
5 easement and maintenance agreement together with
6 the proof of right to utilize the existing
7 section of the roadway. Finally, the payment of
8 fees in lieu of parkland.

9 CHAIRMAN EWASUTYN: Having heard the
10 conditions of approval, I would move for that
11 motion.

12 MR. MENNERICH: So moved.

13 MR. PROFACI: Second.

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

17 (No response.)

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

20 MR. GALLI: Aye.

21 MR. BROWNE: Aye.

22 MR. MENNERICH: Aye.

23 MR. O'DONNELL: Nay.

24 MR. PROFACI: Aye.

25 CHAIRMAN EWASUTYN: Yes. So carried.

G.G. PROPERTIES, INC.

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MR. MARSHALL: Thank you.

(Time noted: 8:55 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: December 14, 2007

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

----- X
In the Matter of

A&L ACRES
(2006-29)
Route 32 - Proposed new road Sofia Court
Section 2; Block 2; Lot 14

----- X

FOUR-LOT SUBDIVISION

Date: December 6, 2007
Time: 8:55 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: LAWRENCE MARSHALL

----- X

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

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CHAIRMAN EWASUTYN: The next item of business we have this evening is A&L Acres. It's a four-lot subdivision located on Route 32. It's a proposed new road, Sofia Court. It's in an RR Zone and it's being represented by Lawrence Marshall.

On 11/2/06 this project received preliminary approval and it's before us this evening for final approval.

Lawrence, do you want to give us a history?

MR. MARSHALL: The proposed four-lot subdivision will access the currently being constructed Sofia Court which was previously approved for Albert Feeney -- for the applicant Albert Feeney. After that approval was received Ms. Lorenzen -- actually, A&L Acres came in to subdivide the property into four lots. We went through the design and the approval and received preliminary approval on the four lots with the stipulation that we would not be able to receive final approval until the road base course was down on Sofia Court. The road base course has been installed. I believe that you have a letter

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stating to that effect. We are back to proceed with the current application.

CHAIRMAN EWASUTYN: Okay. Bryant Cocks, would you like to add anything to this?

MR. COCKS: No. The only outstanding condition was just the improvement of Sofia Court. Jim Osborne has that letter. We have nothing further.

CHAIRMAN EWASUTYN: Mike Donnelly?

MR. DONNELLY: I have the original resolution. I'm sure these are housekeeping items but there was a requirement that there be a revision to allow driveways for lots 2 and 3 to use existing cut-ins once the wall has been made. That was a Garling -- it may predate you, Bryant. I assume that's been resolved.

There was also a note Karen was supposed to certify the deficiencies noted in her plan memo. I assume these things have been done. The approval was in November of 2006. I'll leave them as conditions and we'll make sure each of those two things is signed off on.

The next condition was the completion of the roadway. That's now been satisfied too,

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so that can be removed.

There was a requirement that you deliver to the Town an easement authorizing the Town to plow snow onto the lands during a snow removal operation. That has to be submitted to Mark Taylor and be satisfactory to him. I don't know if that's been done.

MR. MARSHALL: Okay.

MR. DONNELLY: I don't think there was any reason for a landscape security.

MS. ARENT: I have to double check now. I don't think so.

MR. DONNELLY: And the payment of parkland fees. I'll leave those others in but they'll have to be attended to before the plat can be filed.

CHAIRMAN EWASUTYN: Having heard the conditions of approval for A&L Acres for the four-lot subdivision, I'll move for that motion.

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?

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(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. O'DONNELL: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself yes. So
carried.

(Time noted: 9:00 p.m.)

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

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

DATED: December 14, 2007

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

----- X

In the Matter of

THE POLO CLUB
(2006-09)

Route 300
Section 39; Block 1; Lot 78.1
R-3 Zone

----- X

F.E.I.S.

SITE PLAN

Date: December 6, 2007

Time: 9:00 p.m.

Place: Town of Newburgh

Town Hall

1496 Route 300

Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JAY SAMUELSON

----- X

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CHAIRMAN EWASUTYN: The last item of business we have this evening is The Polo Club. It's the F.E.I.S., Final Environmental Impact Statement, for the site plan. It's located on Route 300 and it's in the R-3 Zone. It's being represented by --

MR. SAMUELSON: Jay Samuelson. Good evening. My name is Jay Samuelson, I'm with Engineering Properties. We're here tonight to discuss the changes to the site plan to The Polo Club.

To give a brief little history, we submitted a D.I.S. back in April of 2007. We had a public hearing in September, on September 20th to be exact. At that hearing we received comments from the general public, the consultants and the Planning Board Members. Based upon these comments we revised our plan to address some following issues: One being the lot line change, two being on-street parking and road widths, and three being visual impacts on the street scape.

The changes include -- we'll start with the lot line change. We have removed the parcel that's lot 39-1-78.1 from the application

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therefore eliminating the need for the lot line change.

The road width has been widened to 28 feet. We propose to include on-street parallel parking. In the areas where we don't propose any parking we have brought the road back to a 24 foot width to allow for larger areas between the pavement and the sidewalk to allow for landscaping.

The proposed road network in the revised plan is very similar to what was originally proposed, the big change being we are no longer crossing the wetlands into Gidneytown Brook to access part of our real parcel, and the previous parcel that was on there is now no longer part of this project. A lot of that had to do with the flora and fauna comments that we received and maintaining the corridor, the stream and the wetlands.

We're still proposing a boulevard entrance off of Route 300 with an emergency access out through the neighboring property that extends out to Jeanne Drive.

The townhouse units themselves have

1
2 actually been reduced in size. Our D.I.S. talked
3 about units that were averaging about
4 2,600 square feet. These will be in the 2,000 to
5 2,100 square foot range.

6 Another change that went along with the
7 change in units is we've changed from two-car
8 garages to one-car garages. This helps with the
9 visual impact. As you drive down the street you
10 don't see so much of a sea of garages as you did
11 with the two cars. We were able to do some
12 different things with the architectural to hide
13 the one-car garage a lot better.

14 In reducing the building size we've
15 actually increased the units from 126 to 130 but
16 we've also decreased the overall site
17 disturbance, the impervious surface and the
18 impacts we had to the wetlands.

19 Parking. Overall we do have a
20 reduction in parking, mainly due to the loss of
21 many garage spaces and the wider driveways. We
22 are now proposing 83 parallel spots on the street
23 as opposed to the individual parking lots that we
24 provided in the previous plan. This allows for
25 parking more spread out throughout the community.

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We do have 130 garages and we do have proposed 193 driveway spots. Between units we do have a spot in front of the garage plus two spots between the units and another spot in front of the next unit allowing us to increase that number up from 130 to 193. We also have a parking lot near the clubhouse that will have 27 spaces in it.

Speaking about the clubhouse, we moved the clubhouse more to the front of the project rather than in the back and being hidden. We redesigned the clubhouse. We're maintaining the all sport court, a pool, a children's playground and more of an open area around it to allow for more landscaping and more of an entry feature as we come into the site.

I guess the last thing I want to talk about is the site disturbance. We reduced it by about eight acres and we reduced the impervious disturbance by about four acres. We did meet with the Planning Board consultants to review this plan. We do have some comments from them. We look to incorporate the rest of the changes and all the comments in the D.E.I.S. in the F.E.I.S.

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I believe that summarizes the changes to the plan.

CHAIRMAN EWASUTYN: Let's start by seeing if we have any comments from Board Members before we open it up to a broader discussion. Frank Galli?

MR. GALLI: Now you're going to allow parking on both sides of the street?

MR. SAMUELSON: All the parking is designated on one side of the street. We're proposing to stripe it out so people know where it is. There will be lines with end markers to designate where those parking spots are.

MR. GALLI: So when a car is parked there -- by the time the car parks there the width of the road is going to be 24 feet?

MR. SAMUELSON: 22 feet. It will be 22 feet where the car is parked, yes. We're allowing 6 feet for the car.

MR. GALLI: Who is going to control the parking? Who is going to enforce the parking regulations on this property? Is it going to be turned over to the Town PD?

MR. SAMUELSON: We can do that, yes.

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MR. GALLI: That's the only question I have right now.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: The recreation area in the front, --

MR. SAMUELSON: Yes.

MR. BROWNE: -- are you going to have a proposal as far as safety from the road for the kids?

MR. SAMUELSON: We're proposing a fence around the all sport court, the same type of fence we had in the back.

MR. BROWNE: And for the children's play area?

MR. SAMUELSON: There will be a fence around that also, and the pool.

MR. BROWNE: Are you anticipating what type of fence?

MR. SAMUELSON: I believe around the pool and the children's playground it will be a split rail with the black chain link behind it, that kind of hides it, and around the all sport we're going to put a higher chain link fence to keep the balls in. It's very similar to what was

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originally proposed.

MR. BROWNE: Okay.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Will there be sidewalks in this plan?

MR. SAMUELSON: Yes. We have a sidewalk network that's all the way around the internal portion of the project. They are actually on both sides of the street here. It's all the way around this loop and it extends along the end to access the units on the end here.

MR. MENNERICH: On the streets where the sidewalk is just on one side, which side will the cars be parked on?

MR. SAMUELSON: On the same side as the sidewalk.

MR. MENNERICH: That's it.

CHAIRMAN EWASUTYN: Ed O'Donnell?

MR. O'DONNELL: We went from two garages to one?

MR. SAMUELSON: Correct.

MR. O'DONNELL: In every unit?

MR. SAMUELSON: In every unit.

MR. O'DONNELL: That's why we're

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parking on the street?

MR. SAMUELSON: Well, we went with the on-street parking instead of the individual parking lots. This way we figured we could space the guest parking out throughout the entire site instead of small individual areas here and there.

CHAIRMAN EWASUTYN: Can we back up on that? Were you here the night of the meeting when we talked about on-street parking?

MR. SAMUELSON: I was not.

CHAIRMAN EWASUTYN: My understanding of the purpose of on-street parking was to find a way of coming up with more convenient parking for people living in these dwellings and for when they had company and that the way the site plan had been designed the off-street parking or reserve parking was too far away. Really what we're looking to do with on-street parking, the way I thought about it at the time we were thinking about it, was to find a way of coming up with additional parking to make it a more functional community. In turn we came back with lesser garages, less parking in the front yard and a total overall of 183 less parking spaces.

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2 MR. O'DONNELL: And a smaller road
3 because we talked about a 30 foot road. By the
4 way, how wide is this road?
5 MR. SAMUELSON: 28 where there's
6 parking, 24 where there's not.
7 CHAIRMAN EWASUTYN: That was the
8 purpose of it, was to come up with more parking.
9 MR. SAMUELSON: We actually increased
10 the amount of guest parking. We only decreased
11 the amount of parking for the residents.
12 CHAIRMAN EWASUTYN: You lost 183
13 parking spaces. I'm not quite sure of the exact
14 number, but okay.
15 UNIDENTIFIED SPEAKER: Who is going to
16 clean the snow off the cars?
17 CHAIRMAN EWASUTYN: Bryant will address
18 that.
19 Joe Profaci?
20 MR. PROFACI: The same thing. I have
21 questions about the parking. I would like to
22 hear more about that.
23 CHAIRMAN EWASUTYN: Bryant, what was
24 discussed at the consultant's meeting that Mr.
25 Samuelson said was agreed upon?

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MR. COCKS: I mean it was basically widening the street, putting these additional 83 spots -- we agreed it was about three-quarters of the units so we would have additional parking for guests. We were never factoring in the loss of the garage and the loss of the extra spot in front of the garage. This was really --

MR. O'DONNELL: That didn't come up in the consultant's meeting, that they were taking a garage out of every unit?

MR. COCKS: No. From a visual standpoint that's great but it's not going to function on the site. We were concerned about the amount of parking before with the additional and now it's significantly less.

MR. GALLI: Mr. Greene, can the emergency vehicle -- the size of the ladder truck, is 22 feet enough room for that?

MR. GREENE: Not when you figure we have to take into account you have snow conditions, plowing.

MR. GALLI: You're not going to be able to set --

MR. SAMUELSON: You had said earlier it

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was 16 feet with the outriggers.

MR. GREENE: You need some working room around the truck.

MR. SAMUELSON: Okay.

MR. GREENE: At least a 30 foot road would give us a couple more feet. I think originally when we reviewed it at the firehouse there was no on-street parking.

MR. SAMUELSON: But we had 24 feet of road.

MR. GREENE: With no parking. Yeah. I would like at least 24 foot. Figure there's a lot of excitement and the driver comes in and they're trying to set up. You know, another 2 feet really helps.

CHAIRMAN EWASUTYN: Ken Wersted, any comments at this point? Thank you, Bryant. I think we're at a --

MR. WERSTED: Nothing significant relative to the D.I.S. and the traffic. The D.I.S. had analyzed I believe 133 units and the site plan is still below that even with the loss of the other parcel. We're covered in that respect.

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2 In terms of on-street parking, one of
3 the things that I just noticed was in some of the
4 areas in between on-street parking they've
5 narrowed the road width. Depending on the
6 location, sometimes they're called fall outs or
7 curb extensions. It's kind of a nice feature in
8 the sense that it narrows the roadway visually
9 and it also acts as like a traffic calming in the
10 sense that drivers are -- drivers tend to slow
11 down and drive slower in a narrower roadway than
12 a wider roadway. If the proposed road included a
13 24 foot road plus another 8 feet for on-street
14 parking, when there wasn't anybody parking on the
15 street it would feel very wide and people might
16 tend to drive a little faster. I think it's a
17 good feature to provide for fall outs in between
18 some of that on-street parking. I think from
19 what I'm hearing, 24 feet in width, you know, is
20 being requested. It's widening those narrow
21 sections that you see on the plan another 2 feet.
22 I don't know.

23 MR. SAMUELSON: Those sections are 24
24 feet. We're talking where the parallel parking
25 would only be 22 feet because we're 28 feet at

1
2 that spot and we're allowing 6 feet for the cars.
3 That's where it would be 22 feet is where the
4 parking is proposed, not at the bump-out
5 locations.

6 MR. WERSTED: At the narrowest --
7 visually at the narrowest sections it's 24 feet?

8 MR. SAMUELSON: Correct.

9 MR. WERSTED: Where you've got the cars
10 parked as you drive through there between one
11 curb on one side and the car on the other side is
12 22 feet.

13 MR. BROWNE: The original plan was a 24
14 foot road with no parking on the streets. That
15 was primarily for the emergency vehicles.
16 Allowing the on-street parking was with the
17 understanding that there would still be 24 foot
18 of usable road, not narrower than that.

19 MR. SAMUELSON: Okay.

20 MR. BROWNE: Basically I think this has
21 to go back and get redone again.

22 MR. O'DONNELL: That was the 30 feet,
23 24 and 6.

24 MR. BROWNE: The pocket parking was a
25 problem with all the visitors. That was an

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option. I personally don't care for it but it was an option that was available. It looks like it's been abused to me. I would bring that option back to us.

CHAIRMAN EWASUTYN: Karen, do you have anything you want to say at this point?

MS. ARENT: No. I do like the fact that it's a single-loaded garage just because visually it's very difficult in front of the building. It would look nice to have a prominent pedestrian entrance. When there's a double loaded garage, that takes up almost the whole space of the front facade.

CHAIRMAN EWASUTYN: Let's keep in mind at this point in time we're working on the applicant addressing his F.E.I.S.

I'm going to turn to Mike Donnelly for guidance as far as what we're discussing here.

Bryant, what's your opinion as far as the change in design with one-car parking and the one-car garage?

The size of the units I think were adjusted based upon market conditions.

MR. SAMUELSON: Correct.

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2 MR. COCKS: The units got smaller so I
3 don't know if they are going to be two bedroom or
4 three bedroom. If there are only two bedrooms I
5 would assume there would be less cars per
6 household. If they are bigger households with
7 three, four bedrooms you're going to have
8 situations where there's a couple of teenagers in
9 the house that are going to have cars also. With
10 the smaller units, if there's only two bedrooms
11 usually families by that time move out so there
12 will be less cars, maybe two cars per family.

13 Visually I think it's great. I don't
14 like seeing a whole lot of garages, especially if
15 they're front loaded. Through the site all you
16 will see is garages all over the place. I just
17 don't know if --

18 CHAIRMAN EWASUTYN: What would have to
19 be prepared to accommodate the F.E.I.S. in the
20 process of getting ready to work on, Mike?

21 MR. DONNELLY: There were certain
22 assumptions, I don't remember the particulars, in
23 the D.E.I.S. regarding the need for parking.
24 We've seen a dramatic reduction in the total
25 number of parking spaces with the

1
2 reconfiguration. Certainly the F.E.I.S. would
3 have to reconfigure that study and demonstrate
4 that this is adequate parking for the reduced
5 units and that there is adequate parking for the
6 residents on site. If we were only off by 20 or
7 30 spaces for a project of this size I don't
8 think there would be any strong need to study
9 that further. I think the F.E.I.S. will have to
10 satisfy you that this reduction is equal to the
11 reduction in the demand for parking that's
12 created by the reduction in the size of the
13 units. I don't know quite how that's done but
14 that's what's going to have to be in the F.E.I.S.

15 CHAIRMAN EWASUTYN: What would go hand
16 in hand with that in this site plan would be the
17 road width would be 30 feet.

18 MR. DONNELLY: I don't know that the
19 F.E.I.S. needs to specifically address -- I think
20 it must comment and either demonstrate the 24 is
21 adequate or propose the 30. I think what you
22 have said, even apart from the straight
23 environmental issue, is that when you authorized
24 the parking on the roads, if I understand
25 correctly what I'm hearing, you didn't want to

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2 see a reduction in the size of usable roadway
3 given the need to get emergency services people
4 through there and what not. So if your
5 inclination, even apart from the F.E.I.S., is to
6 return to the 30, if the applicant agrees to that
7 they don't have to address it in the F.E.I.S. If
8 they want to convince you otherwise, they have to
9 do the additional study. It sounds like they
10 should consult with emergency services and fire
11 to make sure that that width doesn't compromise
12 with parking and the ability to fight fires.

13 CHAIRMAN EWASUTYN: In which case we
14 would coordinate with the jurisdictional fire
15 department, which is what we're doing this
16 evening. Let's get back to that issue as far as
17 the road width.

18 MR. SAMUELSON: When we talk about a 30
19 foot road are we talking the entire road? We
20 would like to keep the bump out for the visual
21 aspect.

22 CHAIRMAN EWASUTYN: This is a new,
23 unique situation. I say we'll hear from the
24 jurisdictional fire department now.

25 Don Greene.

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2 MR. GREENE: The 24 foot with the bump
3 out, which I'm familiar with because Spring
4 Valley -- a lot of villages did that years ago,
5 that's not a problem. It's a problem with the
6 parking, the car parking. We can say 6 foot but
7 people -- you know, they might be a foot away
8 from the curb, they might be two foot away from
9 the curb, there's different sizes of vehicles.
10 The thing is when I say there's a 16-foot span on
11 the outriggers, the way the truck is the
12 outriggers go out and then the guy from the back
13 of the truck has to tilt the plates and walk
14 along from the first outrigger to the second
15 outrigger and he's outside, then you've got four
16 inch diameter hose to feed the ladder truck plus
17 your pumpers and everything else. You need
18 enough room to walk around. Normally when things
19 are happening it's at the worst time, it's in a
20 snowstorm, it's a lot of times not ideal
21 conditions. If it was ideal we wouldn't be there
22 in the first place. You've always got to figure
23 something is going to get screwed up without a
24 doubt. The police department is there, they're
25 going to screw us up because they're going to

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2 have a police car in the way. So these are the
3 things that -- and it happens all the time. It's
4 not that it doesn't.

5 CHAIRMAN EWASUTYN: So the recommended
6 width?

7 MR. GREENE: 30-foot curb to curb with
8 parking, we can address that. We would need --
9 we would want 24 feet of working area.

10 MR. SAMUELSON: We're proposing 28 now.
11 For us to go to 30, I don't see that being an
12 issue.

13 CHAIRMAN EWASUTYN: Ken Mennerich?

14 MR. MENNERICH: You were proposing
15 curbside pickup for garbage. That was before
16 there was going to be on-street parking.

17 MR. SAMUELSON: I do not know the
18 answer, if that has changed, but that will be
19 addressed in the F.E.I.S.

20 CHAIRMAN EWASUTYN: Good comment.

21 MR. BROWNE: I have two on that same
22 issue. Most of the guys that do the pick up now,
23 they want the recycles on one side and the
24 garbage on the other side. You're talking about
25 two separate spots for things, for each unit.

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Another issue is Bryant mentioned that an assumption of smaller units is going to two bedroom.

MR. SAMUELSON: These are all proposed as three-bedroom units. They are all three bedroom. No fours, just all threes.

MR. BROWNE: With three bedrooms what does that do as far as the F.E.I.S. and the people studying the kids?

MR. DONNELLY: I think for most issues it would reduce impacts because that's still a smaller population.

On the parking issue I think you would need to know, since the parking is reduced, that the amount of the reduction in parking has some relationship to the reduction of the size of the total population. I don't know where you get that data but I think --

MR. BROWNE: Are there any kind of studies that relate to that kind of thing? Ken, do you know?

MR. WERSTED: I can check in terms of parking data for a residential area. Typically when you talk about parking demand you're talking

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of a retail site or restaurant where you're creating an actual parking lot. I can look at the references that I have and see if there is any information for residential use.

MR. BROWNE: I think it would be interesting because a lot of condos are going in and that three bedroom, four bedroom, two bedroom, it makes a difference. I don't know what that relates to as far as cars.

CHAIRMAN EWASUTYN: I would like to make a recommendation at this point. Between our consultants who are present this evening, Bryant Cocks and Mike Donnelly, they prepare an outline as far as our questions and concerns this evening that will be written in the F.E.I.S.

Also we have an understanding at this point that the road width will be 30 feet wide where you have on- street parking.

MR. SAMUELSON: Okay.

MR. GALLI: So moved.

CHAIRMAN EWASUTYN: Is there anything the Board would like to add for that?

MR. SAMUELSON: I have one additional question. This loop we have proposed on this end

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2 is proposed as one-way traffic. We're proposing
3 where there are no cars to be 18-foot wide, it's
4 one way. How is that going to affect you? It's
5 something I want to discuss now before --

6 MR. GREENE: What we would need -- the
7 18-foot I can give you an off the cuff type.
8 Also, especially with this new truck we have, I
9 would like to know what the radiuses are.

10 MR. SAMUELSON: The radius in here, the
11 inside diameter I believe is 30 -- between 35 and
12 40 feet is the inside radius. The pavement does
13 get wider on this end where the turns are to
14 allow for additional wider turns.

15 MR. GREENE: We could probably --
16 there's no parking. We could probably live with
17 the 18 foot. It would be tight.

18 MR. SAMUELSON: In the areas where
19 there is parking you want to make sure there's
20 still 18?

21 MR. GREENE: I would go back to 24.
22 You're giving me the radius. Give me a day or
23 two and we'll do a check and I can get back in
24 touch with you.

25 MR. SAMUELSON: I'll verify that and

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get a hold of you.

MR. GREENE: We can get together and I'll run a radius on this new apparatus.

CHAIRMAN EWASUTYN: Just for our records, would you cc us on the determinations on that?

MR. SAMUELSON: Right.

CHAIRMAN EWASUTYN: Thank you. I had a motion before the Board. I think Frank Galli moved for that motion. Do I have a second?

MR. MENNERICH: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. O'DONNELL: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried. Okay.

MR. SAMUELSON: Thank you.

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(Time noted: 9:25 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: December 14, 2007

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

----- X

In the Matter of

LANDS OF ZAZON
(2004-29)

Six-Month Extension of Preliminary Approval

----- X

BOARD BUSINESS

Date: December 6, 2007
Time: 9:25 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
EDWARD T. O'DONNELL, JR.
JOSEPH E. PROFACI

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

----- X

MICHELLE L. CONERO
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CHAIRMAN EWASUTYN: We just have two items of Board business.

Dina.

MS. HAINES: The first one is a letter from John Petroccione dated November 16, 2007. It's regarding the lands of Zazon. They wanted a six-month extension of their preliminary approval. Their current approval expires December 20, 2007. With the six-month extension the approval will be effective until June 20th of 2008.

CHAIRMAN EWASUTYN: Okay. I'll move for that motion.

MR. GALLI: So moved.

MR. O'DONNELL: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by Ed O'Donnell. 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.

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MR. O'DONNELL: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself. So
carried.

(Time noted: 9:26 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: December 14, 2007

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

----- X

In the Matter of

GARDNER RIDGE
(2002-29)

One-Year Extension of Final Site Plan Approval

----- X

BOARD BUSINESS

Date: December 6, 2007
Time: 9:27 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- X

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MS. HAINES: The next one is a letter from Tony Ciallella from the BCM Development Company. It's dated November 21st. It's for Gardner Ridge. They want a one-year extension of final site plan approval. The current approval expires on February 1, 2008. A one-year extension will be effective until February 1, 2009.

CHAIRMAN EWASUTYN: Mike, would you like to talk on that at all?

MR. DONNELLY: As you know, a preliminary approval, this was for a site plan, has no limit. However, final approval was granted originally in October of 2005 and that has a two-year outside limit.

I remember for a number of reasons that -- back up. That limit is measured not from when approval is granted but from when the resolution enters in the office of the town clerk. For reasons that I don't remember completely but I do recall vaguely, that resolution was not entered for quite some time. It's a number of years out and I don't know whether or not this date that they've asked for will extend beyond the two

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2 years from filing of that resolution in the
3 office of the town clerk. My suggestion is that
4 the resolution be to that date or --

5 CHAIRMAN EWASUTYN: In their letter
6 they say the resolution was filed in the office
7 of the town clerk on February 2, 2006.

8 MR. DONNELLY: Okay. So it can have
9 two years from that date, which would be --
10 what's the date they're asking for, Dina?

11 MS. HAINES: February 1, 2009.

12 MR. DONNELLY: They can't have that.
13 They can only have two years. It was entered in
14 February of 2006. Two years takes it to 2008.
15 We can give them until the 200 -- February
16 whatever that was -- 6, 2008.

17 MR. BROWNE: They already have that.

18 CHAIRMAN EWASUTYN: Mike, they're
19 allowed two years on a site plan and then they
20 are allowed a one-year extension over that for a
21 total of three years; correct?

22 MR. DONNELLY: I'm sorry. I was
23 forgetting the other year. Two years plus the
24 one-year extension. I'm sorry. I'm making a
25 mess out of it. So they want an extension until

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2 February 1 --
3 MS. HAINES: 2009.
4 MR. DONNELLY: -- `09. That would be
5 the additional year.
6 CHAIRMAN EWASUTYN: Would you agree to
7 that then?
8 MR. DONNELLY: Yes.
9 CHAIRMAN EWASUTYN: I would move for a
10 motion to grant the one-year extension for
11 Gardner Ridge to February 1, 2009.
12 MR. PROFACI: So moved.
13 MR. O'DONNELL: Second.
14 CHAIRMAN EWASUTYN: I have a motion by
15 Joe Profaci. I have a second by Ed O'Donnell.
16 Any discussion of the motion?
17 (No response.)
18 CHAIRMAN EWASUTYN: I'll move for a
19 roll call vote starting with Frank Galli.
20 MR. GALLI: Aye.
21 MR. BROWNE: Aye.
22 MR. MENNERICH: Aye.
23 MR. O'DONNELL: Aye.
24 MR. PROFACI: Aye.
25 CHAIRMAN EWASUTYN: Myself. So

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carried.

Dina, you'll send out letters
acknowledging this action.

MS. HAINES: Absolutely.

CHAIRMAN EWASUTYN: Any further
questions?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a
motion from the Board to close the Planning Board
meeting of December 6th.

MR. GALLI: So moved.

MR. O'DONNELL: Second.

CHAIRMAN EWASUTYN: I have a motion by
Frank Galli. I have a second by Ed O'Donnell.
Roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. O'DONNELL: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: And myself. So
carried.

(Time noted: 9:30 p.m.)

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

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

DATED: December 14, 2007

