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

----- X
In the Matter of

PETCO/NEWBURGH MALL
(2008-13)

1401 Route 300
Section 60; Block 3; Lot 41.21
IB Zone

----- X

ARCHITECTURAL REVIEW

Date: May 1, 2008
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: RON KAHLE

----- X

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

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MS. HAINES: Good evening, ladies and gentlemen. I'd like to welcome you to the Town of Newburgh Planning Board meeting of May 1, 2008.

At this time we will call the meeting to order with a roll call vote starting with Frank Galli.

- MR. GALLI: Present.
- MR. BROWNE: Present.
- MR. MENNERICH: Present.
- MR. PROFACI: Here.

CHAIRMAN EWASUTYN: Present

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

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Court Stenographer.

MR. CANFIELD: Jerry Canfield, Fire Inspector, Town of Newburgh.

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

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MR. COCKS: Bryant Cocks with Garling Associates.

MS. ARENT: Karen Arent, Landscape Architectural Consultant.

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

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

MR. GALLI: Please stand.

(Pledge of Allegiance.)

MR. GALLI: Please turn off all cell phones or pagers.

MS. HAINES: The first item of business we have tonight is Petco at the Newburgh Mall. It's here for ARB approval. It's located at 1401 Route 300 in an IB Zone. It's being represented by Ron Kahle.

MR. KAHLE: Hi. I would like to introduce Craig Taffie, Urban Retail Properties.

MR. TAFFIE: Good evening, Town of Newburgh Planning Board. My name is Craig Taffie, I'm with Urban Retail Properties. This is Ron Kahle with Nudell Architects. This is Kate Lake, the general manager for Newburgh Mall.

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this is Roberta Tamer, head of leasing for the Newburgh Mall.

We'd like to thank you all for hearing us today and presenting the Petco project and considering its review. Thank you.

Here is Ron Kahle.

MR. KAHLE: I would like to bring your attention here. I have the board here with the site plan. As you can tell, this is the main mall building. We have Union Avenue there, two outcrop parcels -- excuse me, two outbuildings, one being McDonald's and this is the former Weis Market. Currently Weis Market has divided into two. Bed, Bath, Beyond has occupied this portion of it. We would like to present Petco as the other tenant. This is a blowup of that particular building.

For Petco to occupy it we'll need to add a new storefront entry.

We're going to add some additional concrete sidewalk in front here along with a new handicap ramp. We're also going to be converting six existing parking spaces into four van accessible handicap parking spaces. This will

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bring our surplus parking to 206 remaining.

We're also going to be adding an exterior scissor lift at the back of the building for receiving of deliveries.

Here I have the front elevation of the existing building. As you see, we do not have a storefront entry. Here is a proposed storefront entry that we have showing the Petco prototypical doghouse entry.

This is a rear elevation of the building as it stands right now.

We have an enlarged plan of the Petco storefront. Again we have the prototypical Petco doghouse entry with the prototypical signage, logo that you can see on the colored rendering, and also the gable end of the roof there. Please do note that the peak of the gable is at the same elevation as the adjacent Bed, Bath & Beyond.

This is a side elevation of the existing building.

My last board here is the truck maneuvering template. The trucks will be coming in off Meadow Hill Road, following the same path that Bed, Bath & Beyond takes for receiving their

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deliveries. The only adjustment is here the trucks will come up, partially back down to the scissor lift, deliver the material and exit using the same path out to Meadow Hill Road.

With that we are ready for any questions you might have.

CHAIRMAN EWASUTYN: The most important point that we'd like to discuss now I'll have Mike Donnelly discuss with you as far as the use in this particular zone.

Mike.

MR. DONNELLY: Right. The retail pet store is of course permitted. The Town Board recently, however, enacted a local law regarding veterinary services where they made it very specific no veterinary services may be conducted in any district other than the B or the AR district, you're in the IB district, including ones that are accessory to a retail store or accessory to some other type of professional office business. So if you're going to continue to include the veterinary component, you're going to need to go to the Zoning Board and apply for a use variance, and that would have to be by

1
2 appealing from a denial from the building
3 department. But you would need to pursue that,
4 and without that use variance you couldn't get a
5 site plan approval from this Board unless you
6 withdrew the veterinary component from the
7 operation.

8 MR. KAHLE: We'll be looking for that
9 variance.

10 MR. DONNELLY: Okay.

11 CHAIRMAN EWASUTYN: If you would like
12 to take the time to go through some of our
13 comments now --

14 MR. KAHLE: Certainly.

15 CHAIRMAN EWASUTYN: -- we can. We'll
16 start with Pat Hines.

17 Pat.

18 MR. HINES: There are some
19 modifications to the site plan proposed on the
20 schematic drawing that he proposed. What I'll
21 need is a site plan application and details for
22 that. Examples being the parking lot striping
23 details, handicap spaces and signage details.

24 The sidewalk is proposed to be extended
25 out from the existing building facade, so details

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of that work will need to be provided.

 Curb details for the new curbing.
Pavement replacement details for any pavement
that is disturbed.

 I just have a note here that the
signage on the site needs to be reviewed and in
compliance with the entire site. I know that
exercise was recently done for, I think it was
the Office Depot facility. I think that
information is available to you.

 And there's some discrepancy in the
building layout that you have before me right now
versus that which is on the survey. There's some
-- there's some pieces and jogs. That's not the
survey we had.

 MR. KAHLE: Actually, this is the
actual survey that you have. I went through and
took a magic marker to make the building stand
out a little more so you can see it. I believe
-- are you referring to the --

 MR. HINES: There's loading dock areas
or something not depicted there.

 MR. KAHLE: This actually was -- when
Weis had the market there it was a walk-in cooler

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2 on a concrete pad. When they vacated the space
3 the walk-in cooler was removed of that building.
4 That's why it was picked up here as originally
5 part of the footprint but it's actually not.
6 This is a concrete pad off the back. We scooted
7 it all the way across.

8 MR. HINES: The survey should be
9 consistent with what is there.

10 MR. KAHLE: We'll make sure.

11 MR. HINES: That's all I have on this.

12 CHAIRMAN EWASUTYN: Bryant Cocks,
13 Planning Consultant?

14 MR. COCKS: With your application to
15 the ZBA we're just asking for a narrative letter
16 stating what kind of veterinary services are
17 going to be performed on the site, whether it's
18 grooming or full veterinary services. If you
19 could just indicate that for us.

20 MR. KAHLE: We'll provide it.

21 MR. COCKS: As Pat mentioned, we're
22 going to need details on the sidewalks and
23 planting beds that are going to be installed.
24 That should be included with the site plan
25 application.

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The scissor lift is going to have to also be detailed on the site plan sheet.

You mentioned a truck turning movement plan. We need to see that. That wasn't included.

On the architectural drawings, we're going to need you to label the exact colors of materials on there.

Pat mentioned the signage details that need to be shown on the plans.

The Town of Newburgh recently enacted design guidelines which state that internally illuminated signs are not allowed. We know that all the rest of the buildings on the Newburgh Mall and Bed, Bath & Beyond have internally illuminated signs, so that needs to be addressed later on in the process.

And then I also mentioned that HVAC units on the roof are going to need to be shown, and they need to be screened from public view.

CHAIRMAN EWASUTYN: You had a question as far as this being a site plan application.

MR. COCKS: Yes. Pat also mentioned that. We feel that the detail that is needed and

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the inclusion of the scissor lift would warrant a site plan application.

CHAIRMAN EWASUTYN: If you would speak to Dina Haines at a later time, Dina will walk you through that part of the application.

MR. KAHLE: Okay.

CHAIRMAN EWASUTYN: Karen Arent, Landscape Architect?

MS. ARENT: I was wondering if something could be done to the Petco facade to make it blend better with the Bed, Bath & Beyond to make the building more cohesive looking. I just offer the suggestion but anything you come up with would be -- you know, we would welcome.

MR. KAHLE: This elevation is the actual Petco prototypical and it's one of the things we would like to maintain as much as possible, the elements being their signage and of course their logo itself. And this whole doghouse, the whole entry system is a typical Petco.

MS. ARENT: The Town of Newburgh has design guidelines and specifically it's so that the prototypical stores throughout the United

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2 States aren't in the Town of Newburgh, that it's
3 more -- it helps better establish a sense of
4 place. In fact, Dunkin Donuts was recently
5 before us with one of their prototypical
6 buildings and they're going to design something
7 that is more Newburgh in character. It's
8 something for the Planning Board to discuss with
9 you, whether or not this is a concern. I'm just
10 bringing that to your attention.

11 As Bryant said, we have to see where
12 exactly your mechanical condenser units are going
13 to be located and how they're going to be
14 screened. I know Bed, Bath & Beyond raised the
15 parapet so they could be screened behind the
16 parapet.

17 And then the illuminated sign issue.

18 There's a lot of dead landscaping in
19 the parking lot. There's dead trees, trees that
20 are missing.

21 MR. KAHLE: That I understand is under
22 a maintenance issue of being replaced.

23 MS. ARENT: We ask -- if it's replaced
24 we ask that you show it on the plan.

25 MR. KAHLE: Okay.

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MS. ARENT: You know, we make sure that you get it -- that it's installed properly.

The plants that you're showing as Junipers are really Yues. You have to take a closer look at the plant material that you're spec'ing. I don't think -- do you think the plants are going to live when you're working on the building so close, right behind it?

MR. KAHLE: Well, I think you're correct in your notes that I had seen earlier. Yes, we'll probably have to replace those. I'm just concerned we damage those during construction.

MS. ARENT: Okay. And there's also a damaged curb to the east of the drive aisle. That should be shown on the plan to be repaired.

MR. KAHLE: Okay.

MS. LAKE: It got hit by the snowplow.

MS. ARENT: That's it. Thank you.

CHAIRMAN EWASUTYN: Are you finished?

MS. ARENT: Yes.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: Just on the ARB, I just --

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2 as Karen was saying, I just -- the red stands
3 out. The Bed, Bath & Beyond is nice, it blends
4 in, the colors are nice. I don't have a problem
5 with the actual doghouse design. Maybe they want
6 it to stand out. That's what they're looking for
7 and stuff. People that go to Petco are not
8 looking for Petco. People with dogs know where
9 they have to go.

10 MR. KAHLE: We're not introducing any
11 new colors.

12 MR. GALLI: I'm just saying it would
13 look nicer, it's so close to Bed, Bath & Beyond,
14 if it was blended in like Bed, Bath & Beyond.
15 Maybe the brownish colors. Something besides the
16 red.

17 MR. KAHLE: Okay.

18 MR. GALLI: That's my only comment.

19 CHAIRMAN EWASUTYN: Cliff Browne?

20 MR. BROWNE: I believe the mechanicals
21 were mentioned. The parapet and what not, that's
22 a concern also. The work out there at that
23 intersection, that side in the back of the
24 building is now pretty much exposed. I think we
25 need to take a good look at that.

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MR. GALLI: The stonewall. The State is putting a stonewall in.

MR. BROWNE: How high?

MR. KAHLE: We did finally just get a roof layout before I was -- before this package -- I should say while this package was sent out before I received the layout, so I didn't know where to put the appropriate screening. We're hoping to maintain most of that behind our logo here, behind the prototypical doghouse entry. Now that we are exposed in the back we'll have to take care of some screening there as well.

MR. BROWNE: That as well as the side of the building. Just the whole side of it. Basically the whole thing is going to be exposed now. We want to make sure that that is also from the highway attractive.

MR. KAHLE: Okay.

MR. BROWNE: Not just the back of a building, a loading dock. That's pretty ugly.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: A question on the signage. The overall mall, are you going to exceed the allowable signage with the addition of

1
2 the Petco?
3 MR. KAHLE: That I'll have to defer to
4 Kate.
5 MS. LAKE: We are within the limits. I
6 can do a calculation for you and show you what we
7 currently have in inventory on the property and
8 how it fits it.
9 MR. MENNERICH: You won't need a
10 variance for that?
11 MS. LAKE: No.
12 CHAIRMAN EWASUTYN: Joe Profaci?
13 MR. PROFACI: You said the peak of that
14 roof is at the same elevation as the Bed, Bath &
15 Beyond?
16 MR. KAHLE: Yes.
17 MR. PROFACI: What part of the sign?
18 The ark?
19 MR. KAHLE: No. The peak is the same
20 height as this whole realm.
21 MR. PROFACI: It's an optical illusion
22 or something.
23 MR. KAHLE: Yes, it is.
24 MR. PROFACI: I mean if that red roof,
25 at least that portion, could be made a more

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neutral color, I think it would blend in better.

MR. KAHLE: Perhaps a darker color.

Would that be acceptable?

MR. PROFACI: I think so. That's just my opinion.

MR. KAHLE: Thank you.

MR. GALLI: Did anybody bring up the lighting in the front to match the lighting in front of Bed, Bath & Beyond?

See the lighting that Bed, Bath & Beyond has on the walls? Continue that maybe down further to make a uniformity.

MR. KAHLE: Certainly.

CHAIRMAN EWASUTYN: Karen, you said at a work session one time the consultants had an opportunity to see an overall site plan or expansion plan for the Newburgh Hall.

MS. ARENT: Yes. We reviewed the overall plan and we were wondering how this would fit in with that.

CHAIRMAN EWASUTYN: If we could have a copy of that also for our files.

MR. KAHLE: The pilasters will be duplicated in the same proportion and height -- I

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2 should say proportion of the height and width
3 along with a masonry base with efface. That is
4 going to be a consistent element throughout both
5 the projects.

6 CHAIRMAN EWASUTYN: We're talking about
7 the overall Newburgh Mall in its entirety. Are
8 you expanding the Newburgh Mall?

9 MS. LAKE: No, sir.

10 CHAIRMAN EWASUTYN: Good. Thank you.
11 You know your next step?

12 MR. KAHLE: Yes.

13 CHAIRMAN EWASUTYN: And that is?

14 MR. KAHLE: Contact Dina about getting
15 the Zoning --

16 CHAIRMAN EWASUTYN: No, no, no. That's
17 why I think we better -- Mike, would you explain
18 to him what the next step is?

19 MR. DONNELLY: You're going to need to
20 go to the building department and speak to them
21 about how you're going to apply for a use
22 variance. You're probably going to need to apply
23 for a building permit for this use and then
24 they'll deny that building permit on the ground
25 that the use is not permitted, then you can take

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an appeal to the Zoning Board.

MR. KAHLE: Okay.

MR. DONNELLY: It's an issue that you should probably resolve before you come back here because there's no sense processing the application until you've either made it conforming or obtained that use variance.

MR. KAHLE: Thank you.

CHAIRMAN EWASUTYN: Mr. Minuto, do you have any comments? I know we were cc'ing you on correspondence because your plans were part of the attachment to this.

MR. MINUTO: Mr. Chairman, actually my plans are not an attachment to this. Although I'm associated with the mall, the plans that were sent were actually part of a survey that we had previously done.

CHAIRMAN EWASUTYN: So you're satisfied with that now?

MR. MINUTO: Yes.

CHAIRMAN EWASUTYN: Thank you. You'll be speaking with Dina later on as far as a site plan application.

MR. KAHLE: Okay.

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(Time noted: 7:20 p.m.)

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

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

DATED: May 14, 2008

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

- - - - - X

In the Matter of

THE MARKET PLACE AT NEWBURGH
(2004-54)

Route 300

Section 60; Block 3; Lots 41.3,41.4,48,49.1 & 49.22

Section 71; Block 4; Lots 8,9,10,11,12,13 & 14

Section 71; Block 5; Lots 15 & 16

Section 97; Block 1; Lots 13.3 & 20.3

IB Zone

- - - - - X

SITE PLAN

Date: May 1, 2008

Time: 7:21 p.m.

Place: Town of Newburgh

Town Hall

1496 Route 300

Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman

FRANK S. GALLI

CLIFFORD C. BROWNE

KENNETH MENNERICH

JOSEPH E. PROFACI

ALSO PRESENT: DINA HAINES

MICHAEL H. DONNELLY, ESQ.

BRYANT COCKS

PATRICK HINES

KAREN ARENT

GERALD CANFIELD

KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: ROBERT WILDER, JR.

- - - - - X

MICHELLE L. CONERO

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MS. HAINES: The next item of business is The Market Place at Newburgh. It is a site plan located on Route 300 in an IB Zone. It's being represented by Bob Wilder.

CHAIRMAN EWASUTYN: If you don't mind, if we could start out with the -- some of the architectural. Are you prepared to do that? No? Okay. Then we'll go straight into the site plan.

MR. GRATZ: Good evening, Mr. Chairman, Members of the Planning Board. Primarily the --

CHAIRMAN EWASUTYN: For the record your name, sir?

MR. GRATZ: Sure. I'm sorry. Mark Gratz with the firm of Divney, Tung, Schwalbe. We're the site engineers for The Market Place.

Primarily what you have before you is the latest set of site plans dated April 2nd. Those site plans were amended to address comments which we have received from both staff and the consultant reviews.

Primarily one of the major changes throughout was to address a comment from Mr. Canfield relating to fire access throughout the

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2 site and making sure we have a minimum of 26-foot
3 wide roads throughout. Pretty much we were fine
4 throughout the entire site plan. It required
5 some minor modification within the lifestyle
6 center to provide that 26-foot access. There
7 were some -- a lot of technical questions which
8 we've been responding to over the past month or
9 two. Some related to fire hydrant locations. I
10 think all those have now been resolved to the
11 satisfaction of the Town.

12 There was also --

13 CHAIRMAN EWASUTYN: Jerry, can you hear
14 him well?

15 MR. CANFIELD: No.

16 CHAIRMAN EWASUTYN: Can you speak
17 louder, please?

18 MR. GRATZ: Sure. There was
19 coordination with the fire hydrant locations from
20 that of earlier plans. I know myself and Jerry
21 Canfield had reviewed the plans over the phone,
22 and I believe now the locations that are now
23 shown are -- coincide with the locations that you
24 had originally intended. I believe a memo was
25 sent to that effect to the Board as well

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acknowledging that.

In terms of plan modifications, there was also general coordination which took place between project signage, way finding signs throughout the site, and also identification signs at the various entries. Those have now been coordinated and the updated plan is in the possession of the Board. This is actually an older plan that you're seeing right here. We have a new one here. But basically now there should be a coordinated set of site plans between the architectural and the site plans.

At a recent consultant meeting there were some additional comments that were presented to the applicant. Those have not yet been addressed but from everything that we can see they're generally minor in nature. I mean I hate to be the one saying that. I've read that from your consultants. A lot has to do with some slight shifting of signs, adding some additional information to the plans in terms of summary information on the title sheet related to handicap parking. These were comments that were addressed from previous memos in terms of

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locations and numbers and now it's just a matter of memorializing those changes on the cover sheet.

Questions came up too in terms of permitting, in terms of the Department of Health for example. We have recently received a comment letter from our application to the Health Department. We are actually in the process of responding to them. We have actually issued a response today. Members of the staff will be receiving tomorrow morning our response. From our standpoint we've satisfied all their technical comments, which is generally what they were. There were no major comments from the Health Department that had any sort of a major impact on the site plan per se. Again, a lot of it had to do with pipe conflicts. Resolving, you know, pipe crossings, adding some additional details to the site plan drawings. They were even asking for some additional information which in essence went to amend the Town standard specifications which we're using. So there was some coordination between myself and Jim Osborne which took place because in essence these are the

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type of comments that will affect the Town in times to come.

So we feel that now has all been, in our eyes, adequately resolved and sent in. Like I said, it actually went out today. I would imagine another two weeks or so before we hear from the Health Department as to whether or not they're satisfied or if there are any further changes or questions.

DEC, we're in a similar situation. We've responded to all their technical comments based on a recent memo that we had received from them and we are just now in the process of awaiting for their response to see if we've adequately addressed all their issues. They've had that now the good part of two weeks plus. We're expecting that we will be hearing from them shortly.

CHAIRMAN EWASUTYN: Army Corp.?

MR. BAINLARDI: John Bainlardi.

CHAIRMAN EWASUTYN: Army Corp.?

MR. BAINLARDI: The Army Corp. The responses to the public comments that were received by the Army Corp. during the public

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comment period have been responded to, and actually have gone out today as well. So staff and the Board will be receiving a copy of those comments and responses tomorrow as well.

The DEC public comment period expires on -- tomorrow afternoon, and at that point in time we will be receiving the full extent of whatever comments may have come in on that application and to prepare our responses accordingly.

DOT. We have obtained our permit for the three access points from the DOT. That portion is complete. The DOT transferred parcels. The DOT has an internal real estate committee that is the decision-making process that they need to appear before. The parcel transfer has been submitted to -- it's called Perg and Perg has granted a conditional or conceptual approval and we are now completing the technical process of getting to a point where we can have a finalized legal document to evidence the transfer.

CHAIRMAN EWASUTYN: Okay. Jerry, Mark started out by discussing his meetings and review

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with you as far as fire safety and a memo that you had presented. Can you, for the Board, bring us where you are today with this?

MR. CANFIELD: Yes. All of our fire protection concerns have been addressed with respect to hydrant location, water line placement, pressures.

There's an outstanding issue which cannot be addressed until they have tenants. There may be a need for fire pumps on some of the buildings for the sprinkler systems. Basically that's going to be based on their tenant requirements, their actual system design. That's a wait and see type thing. If they're needed then of course they have to put them in. There should be enough water and pressure to get to the pump.

We also had a concern -- also I may add, Charlie Piper from the Orange Lake Fire District is in the crowd this evening. I have been in communication with Charlie and his department on reviewing the project. His department also had a concern about the traffic and the impacts on the -- of the runabout and

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Innis Avenue remaining two-way traffic simply because a large portion of their members reside in that area, Sherwood Forest in the back there. I did speak with Phil Grealy regarding that and he assured me that Innis Avenue would remain two way. On the 52 side it will be right in and right out, so that's not an issue.

Other than that, we don't have anything outstanding fire protection wise.

CHAIRMAN EWASUTYN: At this point I'd like to turn the meeting over to our consultants and our attorney to speak about the involved agencies.

A presentation was made this evening at what point they are as far as writing and responding to additional information that was wanted from the Department of Health. They are submitting to the Army Corp of Engineers. As of tomorrow I think the DEC will be responded to.

Again, I mentioned to you we would like to be cc'd on all that correspondence. There may have been some early deficiencies in that.

I'll turn it over to our consultants so they can address the Board on the involved

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agencies and the point that we're at this evening.

Pat Hines.

MR. HINES: My first comment had to do with the disposition of the DOT parcels which Mr. Bainlardi had just discussed.

My office is working with the building department and most recently discussed with Tilford the flood plain development permit requirements.

We are satisfied with the technical information that has been submitted regarding the crossing of the Quassaick Creek and are recommending to the building department that that permit can be issued once their procedural requirements are met.

Jim Osborne -- the applicants are pursuing a sign off from Jim Osborne for the water and sewer layout. Obviously he had a lot of input prior to the submission to the Health Department, and we need to keep him in the loop as the plans are modified in response to the Health Department's March 31st comments.

Our next comment just reiterates the

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\$4,000 per acre security for reclamation of the site. It will be \$4,000 per acre times the 127 acres of the site. That will cover the reclamation and stormwater management on the site.

Also, just referencing the provision of the agreement as identified in the Findings, on-site review of the stormwater management facilities during construction will be undertaken by the Town of Newburgh.

Our comment 5 has to do with the well monitoring plan. The Health Department has provided numerous comments regarding the well monitoring plan including a request that a design for the interim or mitigation water main servicing -- potentially servicing any impacted wells in the area, that that actually be designed. There were some other changes that they are suggesting which will probably or will have to be modified -- modifications of the Findings as the Findings were very specific as to the well monitoring plan.

We requested copies of the Army Corp comment letters which we have received and have

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reviewed those. I know the applicant is responding to those.

In addition to that there was a discussion at the work session regarding the Findings versus the actual site plans with regard to recharge and infiltration. The Findings had identified pervious pavement being utilized on a portion of the site during development of the site plans over the last couple of years. That has been removed from the table in favor of an infiltration treatment type system that has been designed into the plans through several iterations, and we need to clarify the status of that right now. It looks like the details are still on the plans but the actual location of those infiltration trenches, for lack of a better term, have been removed from the site plan. They'll probably need to be re-added back in.

In addition to that, Karen can address the landscaping system has been designed to allow infiltration to water the landscaping. So there's some additional capacity there.

At work session the Board discussed that a calculation showing the equivalent volumes

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of the infiltration system versus that pervious pavement was going to be requested in order to document the modifications to the Findings.

The outstanding permits are Health Department, Army Corp, DEC, stormwater SPDES were addressed by Mr. Bainlardi. That's where we're at with our review.

CHAIRMAN EWASUTYN: Okay. Any comments from the Board Members at this point about the discussion Pat Hines has presented. Frank Galli?

MR. GALLI: On the public health part of it Pat, for them they have to put a complete design like they were going to put a water system in?

MR. HINES: The Health Department's comments from March 31st identified that as the -- the mitigation measure identified the potential for the installation of a permanent connection to the Town's water distribution system. The Health Department wanted that design reviewed and approved so that there would not be a time delay should implementation of that be required.

MR. GALLI: I know it affects only

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certain homes on the top. They would have to design a system for the whole area? It has to come from 52 up?

MR. HINES: That's correct.

MR. GALLI: Okay.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: No.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: No.

CHAIRMAN EWASUTYN: Mike, do you want to add anything to what Pat said?

MR. DONNELLY: No. As you know, we spent the better part of the work session talking about this. I had earlier prepared a draft resolution. I keep taking notes. We changed it, we modified it. We keep moving forward. I can go over that quickly at the end after we hear from the other consultants.

MR. HINES: Frank, I haven't seen the applicant's response to the Health Department. They may have a different response to that which --

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MR. GALLI: Okay.

MR. HINES: I don't know if they provided the design or have taken an exception to that in working with the Health Department.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

MR. COCKS: With the outside agency approvals I think Pat covered everything.

There also would be a memorandum of understanding that they have to work out with the Town Board that I believe Mike knows a lot more about than I do.

Other than that, Pat addressed all the outside agency approvals that are outstanding.

CHAIRMAN EWASUTYN: Ken Wersted, Traffic Consultant?

MR. WERSTED: Just a clarification on something earlier. Did DOT issue a highway work permit to construct the improvements or just to gain access to the site?

MR. BROOKS: To construct the improvements.

MR. WERSTED: Okay. Because I know in my records I have a permit calling for

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construction access for The Market Place but I don't think I have a copy of the highway work permit to construct the improvements.

MR. BAINLARDI: We'll get you a copy of it.

MR. WERSTED: Thank you.

CHAIRMAN EWASUTYN: I don't think we received a copy either. The copy that he received from the permits I believe he received from us.

MR. BAINLARDI: We'll make sure everybody has a copy.

CHAIRMAN EWASUTYN: It's rather important.

Karen Arent, Landscape Architect?

MR. WERSTED: Do you want me to go through?

CHAIRMAN EWASUTYN: Do you have more? Please.

MR. WERSTED: In reviewing the latest set of plans we made a number of notes on the plans and transmitted those to the applicant.

Just briefly to summarize those, on the cover sheet we'd like to see the number of

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required handicap parking spaces shown in the table along with the amount that's being provided.

A general comment that's applicable on multiple sheets is showing the delineation of where the site plan work will be constructed up to and where the off-site highway improvement plans will be constructed to, just so both of them are -- they don't have the overlap and are consistent between the two sets.

We also talked about a couple different easement areas, one being along Road A at the entrance of Route 300, and that would be an easement from the CB Driscoll's property onto the Road A access.

I've spoken to Mr. Gratz earlier today. We had thought that that access was primarily for pedestrians but if you refer to the second plan sheet in the set of plans under the Findings, I believe it's number 8 under traffic, it talks about the levels of service and the access to the Newburgh Commons, CB Driscoll's property and that being difficult and that the access that you provided -- the ability for access will be

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2 provided from CB Driscoll's to Road A to help
3 facilitate vehicles to get out of the site during
4 those times. What I would envision is something
5 along the site plan just showing an area for that
6 easement. Although nothing will be constructed
7 at this point, in the future I could see
8 something where a right in/right out might get
9 constructed if CB Driscoll's ever redevelops to
10 gain access to Road A.

11 Similarly, at the other end of Road A
12 at the intersection of Route 52 there is the
13 Spagnoli property which is between Road A and the
14 I-84 ramps. We'd like to see the easement area
15 for that area also shown for the potential for
16 some future access from the Spagnoli property to
17 the mall access road. Those areas are
18 highlighted on the plans that were transmitted
19 and we discussed at the work session.

20 As mentioned before, there are a number
21 of directory signs for way finding on site. In
22 general those are located pretty close to the
23 intersections of the intersecting driveways and
24 roadways to the site. The signs are
25 approximately six feet wide and about seven feet

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2 high, and in the locations that they are shown I
3 believe they will block some sight distance lines
4 as drivers are exiting from the side roads. So
5 on the plans I marked up I showed some potential
6 areas where they could be moved to help aid the
7 motorist in determining where they need to go and
8 what lane they need to be in, and also to reduce
9 the impact on the sight lines.

10 In addition, on site plan sheet 3.0
11 there are road profiles of the internal roadways.
12 The Town of Newburgh standards for Town roads for
13 minor and local roads has a K-value factor of 50.
14 At the work session we discussed that these roads
15 would be private and that that factor or that
16 standard may not be applicable to this. The
17 private road standards developed by the Town, and
18 I can't speak to this fully but Jim Osborne, Town
19 Engineer, might be able to, but those standards
20 for private roads may be more applicable to
21 private roadways going up to, you know, some
22 number of residential lots versus a fairly high-
23 use road like this. In that sense the standards
24 may be applicable for these roads here and should
25 be discussed further with the Town Engineer.

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I also provided a site plan sheet 3.8 -- I'm sorry, 8.0 to Phil Grealy at John Collins Engineers. That has to do with the on-site traffic signal, and there's some detailed comments in that plan.

Also, there are a number of off-site improvement plans with various dates from July of '07, November of '07 and January of '08. If those updated or most recent plans could just be forwarded to our office and the Town if they don't have them, we'd appreciate that.

And lastly, there are a number of light poles and signs across the whole site. At the scale that the plans are at it's not clear where those light poles and signs may wind up being. So we believe that there should be a note somewhere on the plans to just say that the signs and light poles won't be put into sidewalks and if they are there will be an adequate width of five feet to go around those obstructions such that it's ADA compliant and they don't encroach on the sidewalk.

That was the extent of our comments.
CHAIRMAN EWASUTYN: Thank you. Follow

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2 up questions. Frank Galli?
3 MR. GALLI: No.
4 CHAIRMAN EWASUTYN: Cliff Browne?
5 MR. BROWNE: No.
6 CHAIRMAN EWASUTYN: Ken Mennerich?
7 MR. MENNERICH: No.
8 CHAIRMAN EWASUTYN: Joe Profaci?
9 MR. PROFACI: No, John.
10 CHAIRMAN EWASUTYN: Okay. Karen Arent,
11 planning -- Karen, before you get into the site
12 plan would you like to -- we received comments
13 from you as far as ARB. I'd like to have you
14 bring that forward if possible tonight. The
15 Board could move for a resolution approving the
16 conditional ARB, so if you could start with that.
17 MS. ARENT: Okay. I believe the plans
18 are ready for conceptual approval. The
19 conceptual approval is not conceptual
20 architectural. This doesn't constitute approval
21 of individual buildings because they need to come
22 back to the Board for final architectural
23 approval.
24 We look at -- when they come back for
25 final architectural approval, mechanical units

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2 need to be shown, landscaping around each
3 building needs to be shown. The street scape,
4 material size, building elements, et cetera
5 should be shown. So this is the conceptual
6 approval for the plaza areas and all the concept
7 architectural drawings of street scapes.

8 There's a few items that still need to
9 be detailed that would not be detailed when the
10 individual buildings come back before the Board.
11 These items include the bandstand, the flag pole
12 and the lighting. There's also some stonewalls
13 and benches built in that also need to be
14 detailed.

15 And the other important element that
16 needs to be put on the plan is the signage in
17 accordance with the Zoning Board of Appeals so
18 that we have a concise document that shows all of
19 the requirements for signage.

20 CHAIRMAN EWASUTYN: Questions and
21 comments from Board Members. Frank Galli?

22 MR. GALLI: No.

23 CHAIRMAN EWASUTYN: Cliff Browne?

24 MR. BROWNE: With the crosswalks and
25 that, are we looking at the different materials

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for crosswalks or just -- that was the earlier part also; correct?

MS. ARENT: I have that listed under site plan. It's difficult to say exactly where that should be. I think it should be under site plan so that it carries throughout the entire site. That information will be found under the site plan.

MR. BROWNE: I was thinking that was more of an architectural aspect to it than wherever. As long as we did it someplace.

MS. ARENT: It is. We'll make sure it coordinates with the paver that they're choosing for the street scape as well. It's a catch 22 because it could go in both places. I think it's probably better on the site plan so that it goes throughout the whole plaza.

MR. BROWNE: I think we would like to do a visual of what we're seeing, the buildings, so it would be tied in to that somehow. Okay. As long as we pick it up someplace.

MS. ARENT: We'll make sure it coordinates.

CHAIRMAN EWASUTYN: Ken Mennerich?

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MR. MENNERICH: I have no questions on the architectural.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: No questions.

CHAIRMAN EWASUTYN: Would you like to add anything to Karen's comment?

MR. BAINLARDI: We're aware of the comments. We're working on the additional details in the village center area with respect to the landscape beds and also the -- some of the architectural features that you wanted detailed. I'll have that.

As far as ARB conceptual approval, unless I'm mistaken I thought that your Board moved and passed the resolution approving conceptual architectural back in December.

MR. DONNELLY: On December 20, 2007 we did. I think what the Board is saying is based upon the additional level of detail we're going to re-approve that.

MR. BAINLARDI: Thank you.

CHAIRMAN EWASUTYN: Mike, would you give us the conditions of the resolution for granting conceptual approval for the

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architectural for the site plan?

MR. DONNELLY: There would be two parts to the resolution. One would be the Findings portion of your resolution in which you determined that -- you had determined as Architectural Review Board that on a conceptual basis the renderings submitted and approved by you on both December 20, '07 and this evening are architecturally appropriate and blend in with the existing character of the neighborhood.

What you would do in terms of conditions, and it's, because of the conceptual nature, a little bit more involved on pages 8 and 9 of the draft resolution you have before you, I've proposed three conditions, and without reading all the language of them, we did discuss it earlier, the essence is this: That the concept is approved. The elements of the concept will need to be met when each individual building site plan is submitted to the Board, and at that time the architectural details, the conformance to the cohesive plan, the landscaping details, the sidewalk details, et cetera all need to be shown and will be given specific building-by-building

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2 final approval at that time. Those conditions
3 state at the end that, as usual, no building
4 permit will be issued for construction of
5 structures that are not consistent with the
6 conceptual plan that has now been endorsed as
7 well as until the site specific ARB permits are
8 given on a building-by-building basis. And those
9 would be a little bit more elaborate than your
10 standard conditions given the nature of what's
11 going to be built here and the time period and
12 the as-of-yet uncertain nature of all the stores,
13 but we think it's appropriate to handle the
14 concept to make sure it's cohesive.

15 CHAIRMAN EWASUTYN: Karen, the level of
16 detail we receive from that original approval has
17 improved to the point you prepared this e-mail
18 saying that you move that the Board should grant
19 the conceptual approval?

20 MS. ARENT: Yes. We still need the
21 bandstand detail and flag pole, that kind of
22 thing. But besides that we -- it's -- there is
23 more detail now than there was before.

24 CHAIRMAN EWASUTYN: Any questions from
25 the Board Members before I move for a motion to

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grant conceptual architectural approval for the site plan?

MR. GALLI: No.

MR. BROWNE: No.

MR. MENNERICH: No.

CHAIRMAN EWASUTYN: Joe?

MR. PROFACI: No, John.

CHAIRMAN EWASUTYN: Final architectural approval for each and every building will be reserved for a later time.

MR. DONNELLY: That's correct.

MS. ARENT: Bryant is bringing up the point about the bollard details should be coordinated with the architectural.

CHAIRMAN EWASUTYN: That was an important point we discussed at the work session.

Having heard the conditions for granting conceptual architectural approval along with the language that the bollards be similar in color to the building that they would be protecting, I would move for that motion.

MR. PROFACI: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself. So
carried.

Karen, if you'd discuss your comments
as it relates to the site plan now.

MS. ARENT: Yes. In response to a
request that I made for the sound barrier fences
to be installed as early in the construction
process as possible, the consultants added a note
on the first sheet stating that, however when
reviewing the phasing plan it looks that -- it
appears that this fencing will not be installed
early in the construction process and will be
installed after all the blasting of the rock has
occurred. So I reviewed the plans and thought
that if the sound barrier fencing was moved to

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2 the disturbance limit line, that it could be
3 installed earlier in the construction process
4 before the blasting begins to help protect the
5 neighbors from -- help mitigate the effects of
6 the blasting from the neighbors. And so one of
7 my requests is to show that the fencing is along
8 this line and then define the linear footage, and
9 the fencing -- and for it to be installed in
10 phase II. The fencing will need to be installed
11 in two different phases because further to the
12 west the fencing will be installed. So that
13 can't be installed until towards the end of the
14 project. But there are no houses nearby so that
15 the level of protection wouldn't be as great.

16 My comment number 8 is that there's a
17 six-foot high chain-link fence proposed around
18 the stormwater management around along the
19 entrance drive at Meadow Avenue. Usually a ranch
20 style fence, PVC coated chain-link is used. If
21 this is acceptable with regard to safety, the
22 fence should be revised.

23 There's also another stormwater
24 management basin with a fence shown around it
25 that's not culled out. If the fence could be the

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same over there as well.

And the fence is also located very close to the road. If the fence could be moved as far away from the road as possible so it's not such a visual obtrusion -- obstruction. There's a four-foot high chain-link fence shown on top of a retaining wall adjacent to Best Buy. It should be at least PVC coated or another nicer style fencing selected.

Stormwater infiltrators. The proposal to use stormwater to water the planting islands. There should be -- it should be shown on the legend what that symbol is so that it's clear to the contractor reading the site plan that these stormwater infiltrators are supposed to go in. There should also probably be a note so that whoever is constructing the curbs knows that these units are going in so that the curbs aren't installed and then have to be broken later to put the units in. I was thinking right by the -- on the legend it should say stormwater infiltrator and to see the detail and install, you know, before curbing is set or something like that.

The diamond tree planting should be

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shown in the legend. The details for these pits are shown on the landscape plan so it should be cross referenced.

Detail number 9 shows a water infiltration detail with pervious pavement near curbs. We had a discussion about that and I think that they need -- it sounds like -- well, Pat spoke about this earlier, that it should be located on the site plan again and listed.

On the detail sheet you should show the brick or concrete pavers that are shown in the lifestyle center. It should be detail selected and pavement patterns either on that detail sheet or on the architectural drawings, whatever makes the most sense.

I have another note that -- on SP-6 the note says 200 feet of -- this is on the phasing plan -- 200 feet of wooded area will remain along Route 300 whereas the plan dimension is 150 feet and it's 150 feet in the Findings. So that should be revised.

Crosswalks and raised crosswalks should be shown on the detail sheet. Again, wherever it makes sense, whether it's on the architectural

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drawings and cross referenced on the site plan drawings.

Stamped or colored asphalt we discussed. Will they be using this type of material?

The color of the segmental block retaining wall should be specified.

The color of the proposed sound barrier fencing should be specified.

To add to the tree preservation detail notes there should be no equipment allowed -- there shall be no equipment within tree preservation areas, or storage of equipment or materials in these areas.

On the grading plan the clearing limit shown on SP-2.3 should be revised so they're only ten feet away from grading. In most areas they're twenty feet or more. Locating the clearing limits ten feet from proposed grading in one case will preserve a significant tree.

The water quality and detention basin sections and details, the comprehensive planting plans and techniques for plantings were included in the E.I.S. These plans should be included in

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the set of documents.

The landscape plan. The limit of disturbance on the landscape plan along the hill, the top of the property is not accurate. That needs to be revised, and it should be the same as shown on the grading plan.

And then there's just instead of locating the evergreen trees within the wooded area that we're preserving, the consultants should move the evergreen trees to the cleared area between the fence and the rock cut. They should still install some of the Viburnum to help soften the view of the fence from the neighbors.

The tree grade detail, this is not listed. The tree grade detail shown on the detail sheet is very difficult to read and that needs to be clarified.

Tree preservation notes should be included on the landscape plan so that it's clear that there will be no excavation machinery or storage of equipment in these areas because most likely the landscaper will not get a complete site plan, he'll just get the landscape plan package.

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And just to do a little more landscaping around the proposed stormwater management areas so they're aesthetically pleasing from the road. Coordinate the architectural drawings with the landscape drawings.

Note 1 on LA-3.6 should specify the landscape architectural consultant from the Town shall approve.

Add a plant note that says all plantings shall conform to guidelines set forth in the latest edition of nursery standards for nursery stock. That should be shown on the planted note section and not the landscape management plan notes. That's it.

CHAIRMAN EWASUTYN: Thank you. Comments or questions from Board Members. Frank Galli?

MR. GALLI: No.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: Just on the sound barrier, you need to make sure there's a dimension and specific detail given on that.

MS. ARENT: Yes. I have a note to make

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sure that we have a dimension listed on the phasing plan.

MR. BROWNE: That's it.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: No questions.

CHAIRMAN EWASUTYN: I'll turn to John Bainlardi, response to questions or --

MR. BAINLARDI: With respect to the majority of Karen's comments, we have her memo. We'll address those before the next resubmission.

A couple of items that I just would like to talk about briefly. With respect to the sound barrier, there is a full detail for the sound barrier indicating height, what the barrier is composed of. There's a detail sheet on that. We also understand the importance of having the sound barrier installed as early in the process as possible. I think we should have -- be able to accommodate that in coordination with the erosion control plan. Much of that area in the back will not be disturbed during the first couple of phases of the erosion control plan and

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so there will be a need to get materials and what not to the back. So there will be some work that will need to be accomplished, cutting in roads, as sort of indicated in the first two phases of the erosion control plan. No blasting actually occurs during that period of time.

As far as the --

CHAIRMAN EWASUTYN: In what phase does the blasting occur? That's the phase that -- when that blasting occurs is the time that we would like to see the installation of the sound barrier, at least so many linear feet of it. Can you let us know what phase that is in? We had discussed during our work session it seemed as if it was in phase III possibly.

MR. GRATZ: Correct.

CHAIRMAN EWASUTYN: Maybe on or about between II and III so many linear feet of sound barrier will be installed. Is that possible?

MR. GRATZ: We can do that. One of the things I wanted to kind of throw out there was maybe if I could quickly walk you through the process a little bit how generally the project will be constructed in sequence.

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The first phase is generally the tree clearing. There's really no soil disturbance in and around that time. Phase II is when we start to prep some of the access roads throughout the site. There will be some limited clearing to get those access roads established, but that's one of the main reasons why the barrier isn't necessary in either of the first two phases, because to construct that barrier fencing there's a certain amount of disturbance just to get material and equipment back there. The earliest we would be starting would have been in phase III at which time the initial rock blasting is going to occur basically at around this portion of the site and generally will work you're way out. So we would start to construct the sound barrier fencing probably in the east, and we could continue to grow that as the excavation started to move along, but there's still going to be a significant distance. I mean you probably have close to almost 500 feet between the areas where we're going to start our initial blasting and the closest residence.

Rock crushing activities are slated

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to --

MS. ARENT: Could we say before blasting begins the sound barrier fencing needs to be installed?

MR. GRATZ: A portion of it.

MS. ARENT: Yeah, X number.

CHAIRMAN EWASUTYN: There's a difficulty with that also, though, because the blasting and the drilling -- I mean there's an equal amount of sound that's created from drilling as there is from blasting. I think the emphasis could almost be put on the drilling --

MS. ARENT: Sure.

CHAIRMAN EWASUTYN: -- as compared to the blasting because drilling will be an all day event. They could set their charges based upon the holes that were set.

Pat.

MR. HINES: The noise from drilling is a constant, monotonous noise that can become irritating if it's not mitigated.

MR. BROWNE: I think I heard two different things as far as the sound barrier. What I heard this gentleman say is that he

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intended -- as he moved further to the left of the drawing that he would put more sound barrier in. What we're saying is we want sound barrier over to a certain point initially, wherever that point is that Karen's going to come up with.

MR. GRATZ: I think the point that, Karen, you're looking for is the cut and fill divide. Once we start filling, because we're not going to be filling in that area --

MS. ARENT: Just stop at the cut and fill before the drilling begins.

MR. GRATZ: All I'm saying is we may end up having to do more disturbance to get that fence in earlier than we'd like to.

MS. ARENT: Was it going to be disturbed anyway?

MR. GRATZ: It will be but not from a soil standpoint, and that's where the DEC phasing comes in. They've looked at our plans and have kind of agreed to a certain phasing.

MS. ARENT: So the tree clearing will begin in that area?

MR. GRATZ: The tree clearing is not considered soil disturbance. Stumps will be left

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in place for a period of time.

MS. ARENT: But if we put it along the disturbance limit line there needs to be no grading. It appears that there will be.

MR. GRATZ: And that's basically where the fence is located now.

MS. ARENT: So what disturbance would occur?

MR. GRATZ: It's just a matter of running vehicles back there. There's no access road.

MS. ARENT: Can vehicles be run back there, Pat, just to put up a fence?

MR. HINES: It could be carried in with smaller equipment. It can be. You could do an access road.

CHAIRMAN EWASUTYN: The uprights for the fence, they're shown on your detail sheet as being four foot; correct? The supports for the fence.

MR. GRATZ: The supports for them in terms of drill down depth, yes.

CHAIRMAN EWASUTYN: Right. So the equipment can come in for that?

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MR. HINES: Yeah.

MR. BROWNE: The primary concern is to protect the residents back there as much as possible. The other thing is, fine, I understand where you're coming from with the DEC and all that. Our main concern is making sure that the residents back there are protected from as much noise as possible.

MR. BAINLARDI: We share your concern.

CHAIRMAN EWASUTYN: We'll reach a point that the project will actually begin, and that's the point -- you may find humor in it but I don't find humor in it. It's been a long process. At that point we have an obligation to the citizens of the community to see that the mitigation measures that we spoke about are in place. That's what we're discussing now.

MR. BAINLARDI: Karen also talked about the fencing detail. Karen had actually required that we have PVC coated fencing at an earlier meeting, and that detail is also on the plans as well. We talked about the area around the detention basins and consider using the alternative. We'll work that out as part of the

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submission package.

As far as the details on the benches in the lifestyle center, the benches, the garbage receptacles, so on and so forth, we had submitted with the ARB application a separate detail sheet, and just -- and we made no changes to those proposals.

MS. ARENT: That's fine.

MR. BAINLARDI: So what we'll do is have those added in to the detail sheet and the actual site plan itself so there's no --

MS. ARENT: There's just one -- there's one showing stonewalls with a bench and it's just that detail isn't there.

MR. BAINLARDI: We'll make sure those details find their way on to this set of plans as well. That's it.

CHAIRMAN EWASUTYN: Any additional comments from the Board Members?

MR. GALLI: No.

MR. BROWNE: No.

MR. MENNERICH: One question on the pervious pavement and the tradeoff with using the --

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CHAIRMAN EWASUTYN: Infiltration.

MR. MENNERICH: -- infiltration. Did we have the discussion about some sort of analysis to show --

MR. HINES: Yes. I mentioned it in my comments.

MR. MENNERICH: Okay.

CHAIRMAN EWASUTYN: Mike Donnelly?

MR. DONNELLY: Yes. I just might have a question first. Ken Wersted suggested that we make easement provision to the Spagnoli and the CB Driscoll's property. Obviously the connections would be at the cost of and proposed by others at an unspecified future date, but do you have any difficulty with the concept of providing that access easement in locations that are mutually agreeable between your traffic engineer and the Town?

MR. BAINLARDI: The short answer is no, we have no objection to that. As far as the CB Driscoll, that's clearly stated and committed to in the Findings. With respect to Spagnoli, we've had conversations. We'd like to do that at an arm's length type of scenario but the DOT did not

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require, and I don't think they're prepared to force Mr. Spagnoli to move his current entrance out onto 52. We did express a willingness to allow an access into the driveway.

MR. DONNELLY: I think that's what Ken is suggesting, not that we command anything either but in the event it ultimately makes sense that the easement might be specified as to location and the agreement reached now. So if you could have your traffic engineer at least discuss the location with ours and then report back as to what progress you made, that would be helpful.

What we have done since preliminary approval was granted in October of 2007 is work periodically with new sets of plans and hear from the various other involved agencies. I had been working from the preliminary resolution of approval, crossing out the conditions that are satisfied, modifying those that need to be modified and adding the new conditions that make sense, and we've made a lot of progress on that score.

I would put the outstanding items into

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2 several groups. First, you've heard the
3 technical memos from your consultants, and I
4 think what you would want to see is that those
5 outstanding technical issues be resolved before
6 you take action on the final resolution. It is
7 possible, if not likely, that there will still be
8 a few outstanding issues. Many of your
9 resolutions require that you receive sign-off
10 letters from one or more of your consultants, but
11 I think you heard from the flavor of what there
12 is, and it's not surprising, it's a large
13 project, that we need to pare down that list of
14 outstanding issues, and that I think will be done
15 in due course.

16 Next we need to decide how to handle
17 the various other agency approvals. We had a
18 list of them in the preliminary resolution. Many
19 of them have been satisfied. What really remains
20 I think is the Health Department approval because
21 it has the potential of modifying your plans at
22 the current level of uncertainty, and if we hear
23 back from the current round of comments I think
24 we'll be close enough that you will probably be
25 able to act. You have certainly granted site

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plan approvals in the past that are conditioned upon obtaining a Health Department approval, you just usually wait until there seem to be a few issues left outstanding.

The DOT had issued their concept approval on January 7, 2008, and we hear they have actually issued their highway work permit approvals for the three connections. When we see those I'll modify the condition to reflect that.

There is obviously the issue of the conveyance of land necessary for that one connection way. Of course, as you heard, there's a process left to conclude. You've heard the same thing on another application with the Thruway Authority. But one thing is for sure, the DOT is not going to convey the land necessary to make the connection until the local municipality has actually approved the project. So my suggestion is that we include a condition in the resolution that says that no building permit for any structure will be issued until the applicant has delivered proof of the conveyance of the land to it by the Department of Transportation.

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We have a number of other issues of detail that need to be reported to you by the Town Engineer, Jim Osborne. I had a conversation with him earlier today. They relate to a whole series of issues but many of them have overlapping approval authority with the Health Department, water main, so on and so forth, and I think we should have that letter in short order from him.

The fire hydrant connections as we've heard have been resolved.

The water department we're told has approved the water main designs. We'll hear that from Mr. Osborne in his letter.

The sewer flow allocation letter has been received from the City of Newburgh.

Obviously there will be ongoing jurisdiction by the code compliance department for building permits, blasting permits, demolition -- additional demolition permits and ultimately a flood plain development permit, the technical aspects of which Pat Hines has already signed off on.

I'm not going to go through all of the

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other permits. We've talked a little bit about the DEC, the Army Corp. We have provisions in the resolution regarding the -- as you typically do, the cohesive sign plan. There may be some implication on that after the Zoning Board acts.

Conditions require ongoing landscape maintenance, parking lot maintenance, a code enforcement -- what I've called in the resolution a Town/owner pact which the applicant has already delivered a copy of, it's been reviewed by Mark Taylor, it's satisfactory, but that will need to be executed and signed as a condition of the approval.

There are a number of conditions relating to traffic issues, some of them relate to payment of fair share traffic improvements, others to the posting of money for an ongoing traffic study at a certain level of occupancy. The particulars of those agreements have been reviewed by Mark Taylor, he has approved those including the most recent change to the condition that I put on your desk this evening that relates to the deposit first of a letter of credit for the money for the traffic study to be replaced

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when a building permit is issued at a later date with cash to conduct that study.

One of the issues that we discussed was the traffic management plan, the need to have in place an ongoing method by which the emergency services organizations of the Town and the developer can meet, plan and then react to the kind of traffic conditions that might -- may occur at holiday shopping periods. I know the applicant has met with the Town, with the emergency services divisions. What I said earlier is that it's always going to be a moving target, and since this much progress has been made my suggestion as to how to handle it is that the plan or the initial version of the plan needs to be in place not during the construction phase but before the stores begin to open. So I'm suggesting that the condition that that plan be beefed up to the extent that the Town has signed off on it can be a condition of approval to be completed before the first store goes into occupancy.

We had conditions relating to implementation of the SEQRA findings, and there

1
2 were several conditions that the solutions to the
3 issue identified in the E.I.S. have changed since
4 the Findings were issued. The for instance I
5 will give you is in the well monitoring protocol
6 finding you had required the applicant to either
7 obtain or to drill a well in the vicinity of the
8 project that could be utilized to connect any
9 well that might be impacted by the blasting
10 activities. That sounded reasonable to all of us
11 at the time. What the Health Department,
12 however, has said is well, if you create that
13 well it's subject to communal water supply
14 regulations, and they're not about to approve it
15 for this type of use. I think Jim Osborne, the
16 Town Engineer, had also felt that a superior
17 first line would be the provision for water tanks
18 that can be connected far more quickly than a
19 well could. The resolution will carry forth the
20 recommendations of the Town Engineer and the
21 Health Department in that regard. However, your
22 Findings Statement will need to be amended to
23 reflect your modified finding that this change in
24 the well monitoring protocol is satisfactory to
25 you.

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Further, as you heard earlier, there has been a shift in the best way to handle the mitigation measure that required a method of groundwater recharge, and the shift has been from the primary use of pervious pavements to a mix of infiltrator, I think Pat called them trenches so I'll use that word again, as well as a method of diverting the stormwater in the parking lots into some of the planters which is primarily intended to help with irrigation but has a secondary groundwater recharge benefit. We're missing a piece there and that is the analysis that this is a roughly proportionate or equal method of obtaining the same level of groundwater recharge, but we will need to modify the Findings to reflect that change in position.

Lastly, because the DEC has imposed a slightly different phasing plan that had been referred to earlier, the Findings need to be amended to bring them -- to bring those Findings into conformance with that DEC plan.

You have before you this evening a proposed amended Findings Statement that carries forth those three issues. However, because we

1
2 still have the outstanding study on the recharge
3 issue I don't think you should take action on it.
4 I think if you see any changes to it or you have
5 any questions of any of your consultants
6 regarding it, you can follow up with them as the
7 case may be. Before you take action on the final
8 site plan resolution, you will need to review,
9 consider and then issue those amended Findings
10 either in that form or something like that.

11 There's a series of requirements
12 regarding traffic improvements, phasing, a
13 limitation on how many square feet of store area
14 can be opened depending upon when the connections
15 are put in place. There's a lengthy provision
16 regarding the posting of financial security for
17 both of restoration and performance and
18 maintenance nature.

19 In terms of the landscape security, we
20 had talked at various times about phasing the
21 posting of the landscaping security, and I guess
22 we've come full circle and we're now back to a
23 proposal that the entire landscape security will
24 be posted at the beginning of the project.
25 However, when the individual building site plan

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2 proposals come before you which will each have
3 their own landscaping component, then at that
4 time there will need to be an additional posting
5 that will guarantee and secure and provide the
6 ability to inspect that landscaping. I think
7 that's a benefit for everyone. It's fair to the
8 applicant because they shouldn't have to post
9 security for landscaping they haven't yet
10 designed because they don't have the tenant for
11 the building, and it benefits the Town because
12 the maintenance period and the replacement period
13 will begin to run from each of those individual
14 approvals rather than from the initial approval
15 for the site itself.

16 The provision regarding stormwater
17 security, water main, sewer main, although we
18 need to determine the extent to which the
19 security is going to be required by Jim Osborne
20 for the water main and sewer main, there will
21 certainly be the need for an inspection fee.
22 That's one of the things we're waiting for in his
23 letter.

24 Town road security. There will be
25 certain offers of dedication.

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Typical limitations on outdoor storage fixtures. Outdoor fixtures and amenities, if they are not shown on the plan may not be built.

And of course the separate agency permit issued by the code compliance department known as a flood plain development permit.

I guess my report to you is this: We've made a lot of progress, the consultants have spent a good deal of time going over the issues. We can not recommend to you this evening that you take action, there are too many outstanding issues and a handful of unresolved questions that need resolution before we can recommend that.

Similarly, we have one issue to recommend to you that you consider the amended Findings and that has to do with the study. I don't know quite what the timetable is. I think it's probably driven more by when we get some reasonable assurances from the Health Department that they are not going to impose further changes. But it seems to me that if the other agencies, which are the primary outstanding issues beyond those of your consultants, are of a relatively routine or minor nature, it would be

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2 your normal practice to grant final approval
3 conditioned upon the delivery of those permits
4 pegging the time of the delivery as needed to
5 either signing of the plans, issuance of building
6 permits or in some limited cases prior to
7 issuance of COs, and we'll carry out all that
8 language in that final resolution but we're not
9 ready for action yet. I think we're close. I
10 think we have a good handle on what needs to be
11 done. I don't think it's too far before the
12 conditions will be finalized and you'll be in a
13 position to take action.

14 If there's anything we've missed or any
15 questions you have of any of us, now would be a
16 good time to raise them. John I know has pointed
17 out some that we've missed, and I'm sure that
18 some of the rest of you may have noticed things
19 as well. We think we have given you an all-
20 inclusive report on where things stand, and we
21 should be able to have the rest of this under
22 control in the not too distant future.

23 CHAIRMAN EWASUTYN: John, do you have
24 comments at this point?

25 MR. BAINLARDI: No. I think Mike

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covered it pretty concisely.

MR. DONNELLY: Not concisely.

MR. BAINLARDI: Given the amount of --
I think you did.

There's one thing I just would like to clarify in my response to a question that Ken Wersted asked earlier about the DOT permits. He asked that they were issued for construction approval, and I believe they are, however we can't commence construction under those permits until we have a pre-construction meeting with the DOT. So the permit that we have is what we have presented to you. I'll resubmit that as well. I just wanted to clarify that.

MR. DONNELLY: The difference for us is that the condition of our resolution will become that you must comply with the terms of the highway work permit issued by the DOT rather than an approval conditioned upon your obtaining that highway work permit, and there's an important distinction there and I think we want to be clear.

CHAIRMAN EWASUTYN: Comments from our Planning Board Members at this time. Frank

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Galli?

MR. GALLI: No additional.
CHAIRMAN EWASUTYN: Cliff Browne?
MR. BROWNE: Nothing more at this time.
CHAIRMAN EWASUTYN: Ken Mennerich?
MR. MENNERICH: Nothing more.
CHAIRMAN EWASUTYN: Joe Profaci?
MR. PROFACI: Nothing. Thank you,

John.

CHAIRMAN EWASUTYN: From a processing standpoint in the Planning Board office, and I would hope there would be an attempt made in the course of the next couple of weeks that we begin to come up with three worksheets. One, what will be necessary for signing of the site plan, the conditions that are outstanding that would have to be met, posting of bonds, securities, so on and so forth. The other is the outstanding issues that would need to be satisfied before a building permit is issued. And the last one of course is the outstanding issues as it relates to certificate of occupancy. As an example, item number 17, the maintenance plan, calls for that a copy of the maintenance plan be given to the

1
2 building department, and that would be I believe
3 prior to -- I'm not even sure myself whether it
4 would be prior to a building permit or a
5 certificate of occupancy. All these fine details
6 that we've discussed over the course of time.
7 And more importantly there will come a point in
8 time when it will be necessary to sign the site
9 plans and there will be a reason to bring them
10 into the office. We need to have the checklist
11 to make sure we have all those things. It's
12 rather important.

13 I'll turn to our consultants at this
14 time for final comments. Pat Hines?

15 MR. HINES: I have nothing more.

16 CHAIRMAN EWASUTYN: Bryant Cocks?

17 MR. COCKS: Nothing further on the site
18 plan.

19 CHAIRMAN EWASUTYN: Karen Arent?

20 MS. ARENT: Nothing.

21 CHAIRMAN EWASUTYN: Ken Wersted?

22 MR. WERSTED: Nothing additional.

23 CHAIRMAN EWASUTYN: Jerry Canfield?

24 MR. CANFIELD: Nothing more.

25 CHAIRMAN EWASUTYN: Charlie Piper,

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since you're here would you like to add anything
this evening?

MR. PIPER: No, thank you.

CHAIRMAN EWASUTYN: Okay. Do you have
any idea when you might have the recharge
comparison completed as far as the four acres of
impervious surface?

MR. BAINLARDI: About a week.

CHAIRMAN EWASUTYN: All right.

Do you know if there's anyone here
representing The Market Place as it relates to
the next item on the agenda?

MR. BAINLARDI: Yes.

(Time noted: 8:28 p.m.)

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

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

DATED: May 14, 2008

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

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In the Matter of

THE MARKET PLACE AT NEWBURGH
(2007-35)

Route 300

Section 60; Block 3; Lots 41.3, 41.4, 48, 49.1 & 49.22

Section 71; Block 4; Lots 8, 9, 10, 11, 12, 13 & 14

Section 71; Block 5; Lots 15 & 16

Section 97; Block 1; Lots 13.3 & 20.3

IB Zone

- - - - - X

FOUR-LOT SUBDIVISION

Date: May 1, 2008

Time: 8:28 p.m.

Place: Town of Newburgh

Town Hall

1496 Route 300

Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman

FRANK S. GALLI

CLIFFORD C. BROWNE

KENNETH MENNERICH

JOSEPH E. PROFACI

ALSO PRESENT: DINA HAINES

MICHAEL H. DONNELLY, ESQ.

BRYANT COCKS

PATRICK HINES

KAREN ARENT

GERALD CANFIELD

KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: ROBERT WILDER, JR.

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MICHELLE L. CONERO

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MS. HAINES: The next item we have is The Market Place at Newburgh. It's a four-lot subdivision located on Route 300 in an IB Zone. It's being represented by which one?

MR. BAINLARDI: John Bainlardi.

MS. HAINES: John Bainlardi.

MR. BAINLARDI: This is the proposed subdivision plan. It's the same plan that was submitted to the Board and been reviewed and then ultimately referred to the Zoning Board of Appeals for some variances. The variances were granted. We're awaiting a copy of the resolution. We'll provide that as soon as we're in receipt.

Just to give you an overview, the proposal is to divide the entire parcel -- entire project and site into four separate lots, the primary lot being -- comprising the majority of the site and consisting of about 107 acres. We've proposed carving out two separate parcels, one which includes proposed building E and a second which includes proposed building A. The purpose of doing that was that those particular tenants require ownership of the fee -- title to

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the property.

There is a fourth lot which is out in the Brookside Road location that is -- had some homes. Those homes have been demolished and we're proposing to combine those lots into a single residential parcel.

That pretty much covers it. I think tonight we're looking to -- we're requesting that the application be set forth for a public hearing.

CHAIRMAN EWASUTYN: Comments from our consultants. Jerry Canfield, do you have anything to add at this point?

MR. CANFIELD: Nothing on the subdivision.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: I have no outstanding comments on the subdivision.

CHAIRMAN EWASUTYN: Bryant Cocks?

MR. COCKS: We're asking for a note on the plans stating that the maintenance of all these parcels are going to be done by one entity. That's just to ensure that if something has to be done on the Costco site they're not pointing

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fingers at someone else. That was included in the Findings Statement. We feel it should be included in the subdivision plans also.

The applicant is going to have to submit any access easements for Mike Donnelly's review. We mentioned that in the resolution for the ZBA -- from the ZBA.

They mentioned the need for a public hearing.

The plans have been forwarded to the Orange County Planning Department.

CHAIRMAN EWASUTYN: Karen Arent?

MS. ARENT: No comments.

CHAIRMAN EWASUTYN: Ken Wersted?

MR. WERSTED: No comments.

CHAIRMAN EWASUTYN: Mike Donnelly, recommendations to the Board. Mike, do we need to make a SEQRA determination now or is there a consistency --

MR. DONNELLY: No. Your Findings were amended on March 6th. That covered the issues that were raised in the subdivision.

CHAIRMAN EWASUTYN: As far as the environmental impacts --

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2 MR. DONNELLY: SEQRA has been complied
3 with. You amended your Findings to announce that
4 there are no new environmental issues raised by
5 the subdivision that aren't already covered by
6 the E.I.S. and the mitigation measures in the
7 original Findings Statement, so no further SEQRA
8 compliance is required.
9 CHAIRMAN EWASUTYN: Comments from Board
10 Members. Frank Galli?
11 MR. GALLI: No additional.
12 CHAIRMAN EWASUTYN: Cliff Browne?
13 MR. BROWNE: Nothing.
14 CHAIRMAN EWASUTYN: Ken Mennerich?
15 MR. MENNERICH: I assume that the
16 subdivision is being presented and was approved
17 through the ZBA?
18 MR. DONNELLY: Yes.
19 MR. MENNERICH: And they got all their
20 variances that they needed?
21 MR. DONNELLY: The variances for the
22 subdivision. The sign variance application has
23 not been decided. The subdivision portions of it
24 have been decided.
25 MR. MENNERICH: The ZBA held a public

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2 hearing relative to the variances but the
3 Planning Board has to have --
4 MR. DONNELLY: You have to have one.
5 MR. MENNERICH: Thank you.
6 CHAIRMAN EWASUTYN: Joe Profaci?
7 MR. PROFACI: Nothing additional.
8 CHAIRMAN EWASUTYN: Dina, what's the
9 next available date for a public hearing?
10 MS. HAINES: May 29th.
11 CHAIRMAN EWASUTYN: I'll move for a
12 motion to set the public hearing for the four-lot
13 subdivision of The Market Place at the Newburgh
14 Mall for the 29th of May.
15 MR. PROFACI: So moved.
16 MR. MENNERICH: Second.
17 CHAIRMAN EWASUTYN: I have a motion by
18 Joe Profaci. I have a second by Ken Mennerich.
19 Any discussion of the motion?
20 (No response.)
21 CHAIRMAN EWASUTYN: I'll move for a
22 roll call vote starting with Frank Galli.
23 MR. GALLI: Aye.
24 MR. BROWNE: Aye.
25 MR. MENNERICH: Aye.

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MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

John, would you contact Dina as far as the mailing and circulation?

MR. BAINLARDI: Yes, sir.

MR. DONNELLY: John, I don't know if you discussed it while I was out of the room. The Orange County Planning Department I think has reported twice on this application. I think that technically a subdivision component was not, to my knowledge, reported on yet. It might, in the abundance of caution, be a good idea to ask the Orange County Planning Department if there's anything else additional they want to bring to our attention. I don't think it's mandatory. They have reported this is a matter of local concern. I can't image how lines on a piece of paper would change that opinion. But as you know, we have faced multiple lawsuits in which allegations of a rather particularized nature were made. I think it would be a cautious idea to send it to the Orange County Planning Department and ask them to update their report

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and advise them of the subdivision.

CHAIRMAN EWASUTYN: Mike, we had this report that Bryant Cocks earlier this week coordinated, and I believe the date was somewhere around the --

MR. COCKS: I think Tuesday I sent it out. Thirty-one days.

CHAIRMAN EWASUTYN: We'll depend upon you to follow up throughout the course of the next couple of weeks.

Thank you for reminding Mike.

Thank you for coming.

MR. BAINLARDI: Thank you.

(Time noted: 8:34 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: May 14, 2008

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

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In the Matter of

WOODFIELD MANOR PHASE II

Brewer Road
Section 43; Block 1; Lot 24.4
R-2 Zone

----- X

34-LOT SUBDIVISION
AMENDED RESOLUTION

Date: May 1, 2008
Time: 8:34 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: MICHELE L. BABCOCK

----- X

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MS. HAINES: The next item of business is Woodfield Manor Phase II. It's a 34-lot subdivision here for an amended resolution. It's located on Brewer Road in an R-2 Zone and it's being represented by Michele Babcock.

MS. BABCOCK: Good evening. How is everyone? Based on the request at the last meeting we have submitted a revised grading plan basically to depict the ability to construct walk-out basements on lots number 1, 12, 15 and 23 as well as the lower elevation on lot 34.

We presented this plan at the Planning Board work session which at that time the consultants had requested that we include a note on the plan requiring for cross-grading easements as well as that if the grading was to change at the time of construction, a revised plan would be submitted for the approval of the building inspector. We agreed to include both of those notes on this plan, and accordingly would request that the Board grant re-approval to this application.

CHAIRMAN EWASUTYN: Okay.

MS. BABCOCK: Thank you.

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CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: I had the opportunity to review the revised grading and walk-out type basements were shown. There were some minor retaining walls which were discussed with the building department. They didn't feel it would be an issue and they would be handled at building permit.

As Ms. Babcock said, the cross-grading easements and a note stating that any modification to the grading would have to have a plot plan submitted.

Our only condition is we would suggest these notes be placed on the plan sheets that were not approved by the Health Department such that it won't affect that resubmission. With that I think it's ready for approval.

CHAIRMAN EWASUTYN: Okay. Bryant Cocks?

MR. COCKS: We had nothing further. The only outstanding issue was regarding the drainage and grading.

CHAIRMAN EWASUTYN: Mike Donnelly, would you give us the language for moving for the

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amended resolution for Woodfield Manor?

MR. DONNELLY: You'll recall this involves phase II of the Woodland Estates Woodfield Manor subdivision. I had taken your resolution for final subdivision approval that was approved in June of 2007 and I have added -- I removed the condition that prohibited basements for lots 1, 2, 12, 15, 22, 23, 33 and 34 and replaced that with the condition that reads as follows: Any building permit application for lots, and the numbers I just mentioned are recited, that proposed grading different from what is shown on the filed plat shall require submission of a building plot plan with revised grading depicted thereon which building plot plan shall be satisfactory to the code compliance supervisor. We then added an additional condition that cross-grading easements satisfactory to the Planning Board Attorney must be submitted and approved before the amended -- before the plat is signed. I think those are the only changes. The rest of the resolution remains as is.

CHAIRMAN EWASUTYN: Questions from the

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Board Members. Frank Galli?
MR. GALLI: No. I'm good.
MR. BROWNE: No.
CHAIRMAN EWASUTYN: Okay. I'll move
for a motion to approve the amended resolution
for Woodfield Manor Phase II based upon the
resolution that will be prepared by Attorney Mike
Donnelly.
MR. MENNERICH: So moved.
MR. PROFACI: Second.
CHAIRMAN EWASUTYN: I have a motion by
Ken Mennerich. I have a second by Joe Profaci.
Any discussion of the motion?
(No response.)
CHAIRMAN EWASUTYN: I'll move for a
roll call vote starting with Frank Galli.
MR. GALLI: Aye.
MR. BROWNE: Aye.
MR. MENNERICH: Aye.
MR. PROFACI: Aye.
CHAIRMAN EWASUTYN: Myself. So
carried.
(Time noted: 8:39 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: May 14, 2008

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

----- X

In the Matter of

NEW APPLICATIONS

Comparison between April 2007 - April 2008

----- X

BOARD BUSINESS

Date: May 1, 2008
Time: 8:40 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

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BOARD BUSINESS

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MS. HAINES: On Board business tonight the only thing we have is the comparison of new applications between April `07 and April `08. 2008 is kind of lacking. We only had one this year and last year we had three, so we're kind of slowing down a little bit.

CHAIRMAN EWASUTYN: Any questions or comments from the Board?

(No response.)

CHAIRMAN EWASUTYN: I'll move to close the Planning Board meeting of the 1st of May.

MR. GALLI: So moved.

MR. PROFACI: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

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

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DATED: May 14, 2008

