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

----- X

In the Matter of

CHADWICK LAKE/CROWN (VERIZON)
(2014-13)

409 Quaker Street
Section 11; Block 1; Lot 143
AR Zone

----- X

PUBLIC HEARING
SITE PLAN - WIRELESS COMMUNICATION

Date: July 17, 2014
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
WILLIAM J. HAUSER
KENNETH WERSTED
PAUL RUGGIERO
STACEY CALTA

APPLICANT'S REPRESENTATIVE: SCOTT OLSON

----- X

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

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MR. PROFACI: Good evening, ladies and gentlemen. Welcome to the Town of Newburgh Planning Board meeting of July 17, 2014. At this time I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. PROFACI: Here.

MR. DOMINICK: Present.

MR. WARD: Present.

MR. PROFACI: The Planning Board employs various consultants to advise the Board on matters of importance including State Environmental Quality Review Act, otherwise known as SEQRA, issues. I ask them to introduce themselves at this time.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MR. HAUSER: Bill Hauser, Planning Board Engineer.

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

MR. RUGGIERO: Paul Ruggiero, Town of

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CHADWICK LAKE/CROWN

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Newburgh Town Board.

MS. CALTA: Stacey Calta, HDR Wireless
Consultant.

MR. PROFACI: Thank you. At this time
I'll turn the meeting over to John Ward.

MR. WARD: Please stand to say the
Pledge.

(Pledge of Allegiance.)

MR. WARD: Please turn off your phone
or on vibrate.

MR. PROFACI: The first item on
tonight's agenda is Chadwick Lake/Crown
(Verizon), project 2014-13, located at 409 Quaker
Street, Section 11, Block 1, Lot 143. It's in
the AR Zone. It's a site plan, wireless
communication, and this is a public hearing.

MR. MENNERICH: "Notice of hearing,
Town of Newburgh Planning Board. Please take
notice that the Planning Board of the Town of
Newburgh, Orange County, New York will hold a
public hearing pursuant to the Municipal Code of
the Town of Newburgh, Chapter 185-57 Section K
and Chapter 168-16 Section A, on the application
of Verizon Wireless, Chadwick Lake co-location,

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project 2014-13 for a site plan and special permit for twelve collated panel antennas on premises 409 Quaker Street in the Town of Newburgh, designated on Town tax map as Section 11, Block 1, Lot 143, AR Zone. Said hearing will be held on the 17th day of July 2014 at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7 p.m. at which time all interested persons will be given an opportunity to be heard. By order of the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman, Planning Board Town of Newburgh. Dated June 27, 2014."

CHAIRMAN EWASUTYN: Thank you. At this point Scott Olson, the attorney representing the NB&C project, why don't you come forward, Scott.

MR. OLSON: Sure. Good evening. My name is Scott Olson, the representative for Verizon Wireless. I'm here tonight to present our application to install twelve antennas on an existing tower. The tower is owned by Crown Castle or Crown Atlantic Company at 409 Quaker Street.

Our antennas are going to be located at

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the 112 foot level. The tower is currently 150 foot, so we're not talking about any type of a tower extension. We will also include a 12 foot by 30 foot equipment shelter that's going to be ground mounted. Within that shelter, a section of it is proposed to have an emergency generator. It's going to be diesel fueled. We have -- it's a double lined tank that will contain the diesel. Underneath it there's a concrete -- polyurethane lined concrete basin that will be able to capture one-and-a-half times the volume of the tank itself if there were to be a leak. So we have basically three different types of protection to protect against releases.

With regard to that, there was an issue that was raised by Mike Musso concerning noise. We've been working with him offline before this meeting and we submitted to Mike, and I believe the Town, a noise study that we had our consultants prepare. Essentially they looked at the specs of our generator and they looked at the new subdivision lines -- the new boundary lines that were produced as a result of the recent subdivision of the property, and they confirmed

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that in this zoning district our generator will be within your guidelines. It will fall below the maximum thresholds for both the day and nighttime hours.

One of the other issues -- a couple of the issues that were raised by Mike also, again we went back and forth with Mike and I'm sure Stephanie --

MS. CALTA: Stacey.

MR. OLSON: Stacey, I apologize, will probably talk about those also.

One of the issues was the structural analysis and the antenna specs. There apparently was some confusion about what antennas we were proposing. I hope we clarified that. Essentially the structural analysis is consistent with what we've shown on the plans. There's just a technical -- one of the antennas has a different letter but it's basically the same size antenna as the others, it just does one extra thing for the antenna but it's the same one as the ones reported in the structural analysis. Hopefully our engineer clarified that.

Our plans have been revised. I have a

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CHADWICK LAKE/CROWN

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copy of them here. I believe a copy was sent to the Town probably late, probably not until today unfortunately. I apologize. I was on vacation last week and we were trying to get things coordinated. That didn't go so smoothly.

CHAIRMAN EWASUTYN: We got three sets. I left one for Jerry Canfield. They came in at 4:00 this evening. Bill Hauser has a set and he'll give one to Pat Hines. We have a set that's in the office.

MR. OLSON: I'm happy to provide more if you would like. I'm just glad you have some of the plans.

What they show is -- I think it's sheet Z-1 has been revised to show the subdivision of that property and the setbacks. Although we were not aware of that subdivision until the last meeting, we can report no variances will be required as a result of it. We are within the setback requirements.

I guess with that, if the Board has any questions, I'd be happy to answer them.

CHAIRMAN EWASUTYN: At this point I'd like to turn the meeting over to the public. If

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there's anyone here this evening that has any comments or questions on the Chadwick Lake plan, wireless communication, would you please raise your hand and give your name and your address.

(No response.)

CHAIRMAN EWASUTYN: Let the record show that there's no one here this evening for the public hearing.

At this point I'd like to turn to Stacey who is with HDR LMS, our Telecommunications Consultant, to speak to the Board on behalf of the application.

MS. CALTA: Sure. As Mr. Olson suggested, we have been working with them for the last couple of weeks for the outstanding information that HDR had asked for since the last meeting. The structural analysis and the antenna specifications have been received and are satisfactory.

We did have a couple concerns on the noise analysis itself, although the conclusions did seem to be reasonable. We can continue to work with the applicant to answer the questions that we did have on the noise analysis.

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At this point HDR has not seen the copy of the updated plans that show the subdivision lines. As Mr. Olson suggested, the plans have been submitted to the Planning Board.

CHAIRMAN EWASUTYN: They were overnigheted in last night. When I walked in the office today around 4 there were three sets. Again, they've been distributed.

MS. CALTA: Right. The only other outstanding issue that HDR would have is in our report in review of the application is the SEQRA part 2 documentation which I believe the applicant is ready to address tonight if the Board so chooses.

CHAIRMAN EWASUTYN: Would you like to discuss that now?

MR. OLSON: I'd be happy to.

CHAIRMAN EWASUTYN: Please. Thank you.

MR. OLSON: Okay. You may recall at the last meeting I think the Board was contemplating completing the SEQRA process but we had not provided the complete part 2. We tend not to do that when we introduce a project because some towns -- some towns get mad at us if

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we do, but we're also happy to do it upon request. I think that request was made at the last meeting. If you'd like, I can provide suggested answers to the part 2. Hopefully I have enough.

This is the short environmental assessment form that was provided with our application. Part 2 starts on page 3. I think it's pretty self-explanatory. We went through -- it asked a bunch of questions, eleven in total, and each one of these we at least proposed or suggested that it was either no impact or only a small impact would occur. If you would like, I can certainly go through the different questions and see if the Board concurs with me.

CHAIRMAN EWASUTYN: While you have the floor, please.

MR. OLSON: Sure. First is will the proposed action create a material conflict with an adopted land use plan or zoning regulation? Our answer to that is we believe no. We believe that because it's a co-location and we're basically in compliance with your zoning law that we're seeking a special use permit, we complied

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with your hierarchy of locations and we're trying to co-locate instead of provide a new tower. So we believe that we're fully compliant with your land use plans and zoning.

Number 2, will the proposed action result in a change in the use or intensity of use of land? Again, we propose that the answer is either no or, at worst case, small. We're only talking about the introduction of a 12 foot by 30 foot equipment shelter. A little bigger than what most people have for sheds out on their property. It will be an unmanned shelter. It will be fully automated. It will be visited maybe once or twice -- once or twice or once every sixty days just to make sure everything is in working order.

Number 3, will the proposed action impair the character or quality of the existing community? We believe the answer is no for the simple fact that we are proposing to co-locate on an existing communications tower, we're not proposing to increase the height of the tower in any way.

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the environmental characteristics that caused the establishment of a critical environmental area? We believe the answer is no, this is not a critical environmental area.

5, will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? No. Unmanned, we're not going to generate any new traffic out there.

6, will the action cause an increase in the use of energy and it fails to incorporate reasonable energy conservation or renewable energy opportunities? While the facility will use energy, it's fairly minor in nature. I think the answer is small in this case.

7, will the proposed action impact existing public or private water supplies or public or private wastewater treatment utilities? No, neither water nor wastewater will be used and/or generated.

8, will the proposed action impair the character or quality of important historic, archeological, architectural or aesthetic

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resources? The answer again is no. This is a previously developed site, we're simply adding a 12 by 30 foot shelter at the base of the existing tower.

9, will the proposed action result in an adverse change in natural resources and wetland, water bodies, et cetera? No. There are no such natural resources in the area.

10, will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? Again, no. While we're adding some impervious surface, it's minor in nature.

11, will the proposed action create a hazard to environmental resources or human health? No. We don't see any potential issue for that as a result of this fairly minor action.

CHAIRMAN EWASUTYN: Any questions or comments from the Board in reference to the citing of the eleven components of part 2?

MR. GALLI: I have none.

MR. MENNERICH: No.

MR. PROFACI: No.

MR. WARD: No.

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CHAIRMAN EWASUTYN: Bill Hauser?

MR. HAUSER: I have no comments.

CHAIRMAN EWASUTYN: Mike Donnelly,
Planning Board Attorney?

MR. DONNELLY: If none of those answers
are changed, then a negative declaration seems to
be appropriate.

CHAIRMAN EWASUTYN: Before I move for a
negative declaration, if there's no further
comment from the public, I'll move to close the
public hearing for the Chadwick Lake/Crown
(Verizon) application.

MR. WARD: So moved.

MR. PROFACI: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself. So

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carried.

Mike, as far as the SEQRA determination and declaring a negative declaration, we're waiting for the final sign off from LMS HDR as far as the noise analysis. Can we make that SEQRA determination now and if we need to we can amend it at a later date?

MR. DONNELLY: You could. I think what we heard in the work session discussion is the problem is solvable, meaning there isn't an environmental impact that can't be addressed. It's just a question of verifying whether the appropriate soundproofing material is included. You could rescind the negative declaration and find some other mitigation measure or you can wait. Either way.

CHAIRMAN EWASUTYN: I'll poll the Board Members as to whether they want to wait or take action for SEQRA. Frank Galli?

MR. GALLI: Take action tonight.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I agree, take action.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: Yes, take action.

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MR. DOMINICK: Take action.

MR. WARD: Take action.

CHAIRMAN EWASUTYN: Having polled the Board Members, all Board Members are in favor of making a SEQRA determination at this point in the meeting, then I'll move to declare a negative declaration for the Chadwick Lake/Crown (Verizon) application.

MR. PROFACI: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Joe Profaci.

MR. HAUSER: Mr. Chairman, just a question. What's the grade of the silencer on the generator?

MR. OLSON: I don't know the answer to that question. I don't know if it's in our specs that we provided. I certainly can get that answer.

MR. HAUSER: The highest level of a silencer is a critical grade silencer which is what you would use in a dense residential area. In fact, we use them in hospitals. If that's the case, then I would have no issue with the neg dec

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CHADWICK LAKE/CROWN

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because I'm sure it will be well below any disturbance level.

CHAIRMAN EWASUTYN: Would you supply that information to Bill Hauser's office and if we need to then we'll rescind the negative declaration?

MR. OLSON: Will do.

CHAIRMAN EWASUTYN: I have a motion by Joe Profaci. I have a second by John Ward. I had a question from Bill Hauser from McGoey, Hauser & Edsall. Any further questions?

(No response.)

CHAIRMAN PORCO: I'll move for a roll call vote on the negative declaration for the Chadwick Lake/Crown (Verizon) application starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself yes. So carried.

Mike, where are we now in the process?

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MR. DONNELLY: If I understood what Scott had said earlier, we still have a few outstanding minor deficiencies in the plans. If they haven't been worked out yet and Bill hasn't had a chance, or Pat, to look to make sure the subdivision is properly superimposed, you have two choices. Either you can approve it subject to letters being received from each of those consultants that the issues they raised have been satisfied or you can put this on your next agenda to make sure those things are accomplished.

CHAIRMAN EWASUTYN: I'll poll the Board Members as to how they would like to proceed. Frank Galli?

MR. GALLI: Next agenda.

MR. MENNERICH: Letters from the consultants.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: Letters.

MR. DOMINICK: Letters.

MR. WARD: Yes, letters.

CHAIRMAN EWASUTYN: Then I'll move for a motion to set this up for board business for our meeting of the 7th of August in which case we

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would hope to have all the necessary letters in place.

MR. OLSON: Will do.

MS. CALTA: Excuse me, Chairman. Just so you know, Mike Musso would also not be available that night but I certainly can attend in his absence.

CHAIRMAN EWASUTYN: You're more than welcome to. Thank you.

MR. OLSON: Okay. A point of clarification. If all the letters are in place by then would the Board require my presence here?

CHAIRMAN EWASUTYN: Not necessarily. That would be up to you. You would be notified.

MR. OLSON: Sure. We'll follow up with everybody.

CHAIRMAN EWASUTYN: Stacey and everyone. You and Stacey can keep in the loop on that decision.

MR. OLSON: Okay. Thank you.

CHAIRMAN EWASUTYN: Thank you.

(Time noted: 7:20 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: August 12, 2014

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

----- X

In the Matter of

DIXON SUBDIVISION II
(2014-15)

85 Forest Road
Section 3; Block 1; Lot 103.31
AR Zone

----- X

SUBDIVISION
INITIAL APPEARANCE

Date: July 17, 2014
Time: 7:20 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
WILLIAM J. HAUSER
KENNETH WERSTED
PAUL RUGGIERO

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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

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MR. PROFACI: The next item on tonight's agenda is the Dixon Subdivision II, project 2014-15, 85 Forest Road, Section 3, Block 1, Lot 103.31. It's located in the AR Zone. It's a subdivision, initial appearance, and it's being represented by Charles Brown.

MR. BROWN: Thank you, Joe. This is an existing 6.85 acre parcel with a single-family residence on it which was accessed off a common driveway to Forest Road, which is County Route 23.

The proposal is to cut off one more building lot in the rear leaving 2.5 acres, roughly, with lot 1 which contains an existing house, and the balance would go to the new lot in the rear.

The lot would be serviced by a proposed on-site septic. The well that exists now would service the new residence and a new well would have to be drilled for the existing residence. We should probably add a note to the plans to make sure that's done. Either that or we would have that well drilled before -- the subdivision approved before the map is signed.

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A large portion of lot 2 is Federal wetland. That's been delineated and surveyed.

Again, we're here for an initial appearance. We would have to go to the Town Board for three houses on a common driveway. We only have 12.5 foot of frontage for the two proposed lots.

CHAIRMAN EWASUTYN: Okay. I think what we discussed, and I'll have Bill Hauser and Mike Donnelly chime in on this 12.5 feet of frontage. Bill.

MR. HAUSER: Under 280-A of the Town Law we need 30 feet of frontage. Basically what you've got is in fee ownership two 12.5 foot strips, one being associated with proposed lot number 2 and one being associated with proposed lot number 1.

MR. BROWN: 30 foot is per lot? I thought it was 15 per lot.

MR. HAUSER: It would be 15 per lot.

MR. DONNELLY: I'm not as concerned with whether you need 30 feet as to whether or not you have fee access and fee ownership of the access way that you're using. Your driveway is

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well outside the straddled line so you have a very strange configuration.

MR. BROWN: That's the existing driveway that services the existing lot, which we actually subdivided back in '05, and the existing primary residence.

MR. DONNELLY: The problem is you're creating a fee interest in a strip of land that goes out to the roadway but you're not using that strip of land to access that roadway. Your driveway is essentially by easement completely across other lands. That would not satisfy the requirements of 280-A. You either need to get the 280-A variance or you have to align that driveway in a fashion that is on the land that you're reserving for your fee to the roadway. I think it would be helpful to straighten that out before you go to the Town Board for your authorization for three lots on a common drive. The way it's set now, it would have to go to the Zoning Board as well for a 280-A variance.

MR. BROWN: We have to also go to the Zoning Board for the 12.5 feet versus the 15 for each lot, too?

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MR. DONNELLY: I disagree with Bill. I don't see a footage requirement in 280-A of the Town Law. You do have an issue of your lot width and where you measure it. I haven't checked the code on that. You have, I don't know how many feet of that little strip of land that you have before you get to the lot. It's a very strange configuration.

MR. BROWN: The Town of Newburgh lot width is measured at the front yard setback.

MR. DONNELLY: Which is?

MR. BROWN: Up in here. That's this dashed line.

MR. DONNELLY: That's where you propose to put the house. The front yard setback would be the required front yard setback which is something significantly less than that. I don't know that you achieve that.

MR. BROWN: I'm sorry?

MR. DONNELLY: I didn't look at the code provision. Usually when you say you measure the lot width at the front yard setback, you're talking about the requirement that must be met for your setback. You're saying you're measuring

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it at the proposed location of the house. Is that what Newburgh's code says?

MR. BROWN: No. Newburgh's code, the flag pole is not included.

MR. DONNELLY: Regardless of it's length?

MR. BROWN: Regardless of it's length. The front yard setback, which is this dashed line, is established based on the front yard. That is defined in the Newburgh code unlike other towns.

MR. HAUSER: Charlie, help me here. The line you're referring to as the front yard setback is that dashed line that's not labeled?

MR. BROWN: Right here. Correct. The other line for the proposed lot is right here.

MR. HAUSER: I would like to see those labeled just for clarification.

Carrying Mr. Donnelly's thought, you're showing the limits of what's called common driveway area as per filed map 956-05.

MR. BROWN: That's the easement that was put on that filed map.

MR. HAUSER: Is that defined by metes

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and bounds somewhere?

MR. BROWN: Yes.

MR. HAUSER: Okay. Well that should show on here then, because regardless of where your driveway ends up, if you move it to be within the limits of your 25 foot strip, that's one thing, but if you move it to -- if you don't move it and leave it outside that 25 foot strip, then this new lot would have to derive benefit of an easement over that as well. So there's a lot of paperwork -- I defer to Mike, but there's a lot of paperwork that's required in order to create the proper permissions to utilize these strips for ingress and egress.

MR. BROWN: Okay.

MR. DONNELLY: I think our suggestion is that perhaps you straighten this out at the Planning Board level before you go to either the Town Board or to the Zoning Board for your 280-A variance so all three boards are looking at the same plan, otherwise you may end up going to the Zoning Board twice or the Town Board misunderstanding what your proposal is.

MR. BROWN: I understand. All right.

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Well again, my client is not here tonight. I will have to talk that over with him. It may be very simple for him to realign that driveway.

The easement does include all the way to the south property line there, Bill. I will -- we'll define that. We'll do a pull off.

MR. HAUSER: It may just require notes on the plan just to clarify that so everybody has a clear understanding, particularly the potential buyer of that third lot.

MR. BROWN: Right.

MR. DONNELLY: Charlie, the other choice, if you can't get that or your client is unwilling, because it's not practical, to do so, to get that existing driveway and that easement within the fee ownership of the strip you could apply to the Town Board for an open development area as well rather than a 280-A variance.

MR. BROWN: That may be more of an issue with the neighbor not wanting the driveway realigned. They do get along very well so I don't anticipate that being a problem.

MR. DONNELLY: You can leave the other driveway serving the other lot and split it off

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here and follow your straddled line.

MR. BROWN: Yes.

MR. DONNELLY: That's another choice I guess. You're going to need to have a travel way to the new house that's at least partially in fee ownership all the way to the County road, the actual traveled way, to satisfy the first prong of 280-A.

MR. HAUSER: Carrying the next step from that, if you're going to modify that entrance off of County Route 23, that's going to require County Highway approval and also a County Highway work permit if you're going to modify that entrance.

MR. BROWN: Right.

MR. HAUSER: If you're going to try to move that driveway within the limits of your 25 foot strip, obviously you're going to be working in the County right-of-way, and that's going to generate a 239 review by the County as well.

MR. BROWN: I guess I have to knock this one back to Mike. When we're talking about realigning it, you were talking about all the way back to the County road? Here we've got the

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three lots on the common driveway and it's --

MR. DONNELLY: What happens is where the existing driveway is located, no part of that is on land owned by the new lot.

MR. BROWN: Right.

MR. DONNELLY: If you want to satisfy the first prong of 280-A, you have to have the traveled way for it's entire length at least partially on your fee ownership. So you would have to reorient it. And then at some point you could split off, keep the other driveway the way it is serving the other lot but continue to have the new driveway follow this corridor you've created to the new proposed house. I don't know how workable that is but that would satisfy the first prong of 280-A.

MR. BROWN: The only way to do that would be to make the driveway wider than 12.5 feet. He would have to modify his pillars too, which actually they look nice.

MR. GALLI: He said it was because of the pillars.

MR. MENNERICH: Drive up and see what those pillars look like.

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MR. BROWN: I thank you for your time.
I'll take it up with my client.

MR. HAUSER: One other thing. Can you clarify on the plan how you intend to utilize the well? Our thought was you were probably going to do a trade with the wells.

MR. BROWN: Right.

MR. HAUSER: I think the plans should reflect that and show the lines going to the well.

MR. BROWN: Okay. That would be something that the Board would probably want done before the map was signed like they suggested before.

CHAIRMAN EWASUTYN: That's like what we did up in Middlehope.

MR. BROWN: Yeah. Okay. Thank you very much.

MR. HAUSER: In the meantime, an indication on here as to what is proposed would be helpful.

MR. BROWN: As far as service lines?

MR. HAUSER: Yes. Or just who is using which well.

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MR. BROWN: Noted. Yup.

MR. HAUSER: Thank you.

CHAIRMAN EWASUTYN: Mike, I think the intention before us now is to declare our intent for lead agency and circulate to the Orange County Planning Department?

MR. DONNELLY: Yes.

CHAIRMAN EWASUTYN: Then I'll move for a motion to declare our intent for lead agency and have Charles Brown prepare maps for Patrick Hines to circulate to the Orange County Planning Department under 239-M of the Municipal Law.

MR. MENNERICH: So moved.

MR. DOMINICK: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. DOMINICK: Aye.

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MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself.

Well done, Charlie. Thank you.

MR. BROWN: Thank you.

(Time noted: 7:32 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: August 12, 2014

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

----- X
In the Matter of

BRITAIN PLAZA
(2013-13)

169 Old Little Britain Road
Section 97; Block 3; Lots 1 & 2
IB Zone

----- X

SITE PLAN

Date: July 17, 2014
Time: 7:32 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
WILLIAM J. HAUSER
KENNETH WERSTED
PAUL RUGGIERO

APPLICANT'S REPRESENTATIVE: DAWN KALISKY &
ROBERT DiNARDO

----- X

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

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MR. PROFACI: The next project on tonight's agenda is Britain Plaza, project number 2013-13. It's located at 169 Old Little Britain Road, Section 97, Block 3, Lots 1 and 2. It's located in the IB Zone. It's a site plan and it's represented by Dawn Kalinsky (sic).

MS. KALISKY: Kalisky. No N.

Good evening. The last time we were here we presented a concept plan of the Britain Plaza, a 900 square foot mixed use commercial structure in a section on a corner lot at the intersection of Union Avenue and Old Little Britain Road. I had some input from the Board, got some comments from the consultants, took it back, incorporated what we could, developed a full plan set minus the lighting plan. We haven't gotten that far yet but that is in the works.

We have some changes, tweaks that were discussed and some that weren't discussed, the first one being that we used to have a proposed bank, a proposed Dunkin Donuts and 4,000 square feet of retail. Since that time Mr. Danza has gotten an interest for a, we're calling it a fast

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food in so far as that it's a sandwich/salad shop, limited seating, a limited menu, like eight soups and sixteen sandwiches that you can go in and choose from. More of a takeout but a few seats inside.

We've readdressed the parking calculations. We still are -- with the revised uses we require 55.3 and we're still keeping the 58 parking spaces.

We developed the grading, the drainage.

We did discuss relocating the refuse storage, you know, the dumpster enclosure. We wouldn't want it up in this corner. One, we have the visual -- a clear vision on the corner. We wouldn't want it up on this corner. Mr. Hines had recommended perhaps moving it here. We do have room between the access drive and the property line to include it in this corner, more closer to the Crystal Run Healthcare facility. However, I don't know how I'm going to get a refuse truck to actually access that if we put it in this corner here unless they kind of pull in, put it on a diagonal, but then they would be, one, blocking the access drive and, two, have to

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back out. You'll recall the traffic pattern that we have is two-way at the rear of the building. This is a drive-through, one way, two lanes for the bank and a one-way loop around for a bypass of that. Once again, two way traffic here. Our thought being with garbage removal, a truck coming in, hitting straight on, dumping the dumpsters, backing up slightly in the loading area and following the one way around and back out. If the Board has any other -- we did try to move it back a bit further. We pulled it in as much as we could. Once again, this is not going to be a slatted chain link fence. We're proposing the split faced brick enclosure. The gates would be on the inside, interior to the site side, so driving down Old Little Britain, driving up Old Little Britain or coming into the site, you're going to see split faced block construction with the landscaping around it as indicated in our landscaping plan. As I said, I did try every other way. If there's another direction the Board thinks or if the Board takes no exception to the traffic -- the truck having to back out or block the intersection, I'd be

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more than happy to move it.

Additionally, on the plans we did include all the construction details. As I said, the drainage facility, this was actually designed as part of the Crystal Run Healthcare/Britain Plaza combined stormwater pollution prevention plan. The basin itself is a little larger than what was specified in the SWPPP. More is always better, less is unacceptable.

We did do the landscaping plan, and my apologies on my submission letter. I said the landscaping is the same and never finished my thought or my sentence. As requested, we followed suit with the planting species types that were on the Crystal Run Healthcare facility for the Britain Plaza. So it's the same plantings. The types of course. Not the same numbers but the same types for the Britain Plaza for consistency with that.

That's what we have so far.

CHAIRMAN EWASUTYN: Okay. Before we turn to our consultants, I guess the question that the Planning Board Members would have to decide on at this point is can they accept the

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refuse enclosure in the location that it's currently being proposed and do they want to tweak it in any way or do they want to relocate it to where it's on the side yard or contiguous to the side yard to Crystal Run? So I'll start with Frank Galli.

MR. GALLI: It's going to be constructed out of cinder block you said?

MS. KALISKY: The split faced. Not cinder. Actual attractive block.

MR. GALLI: I don't have a problem with them leaving it there then.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: It will be at least as high as the dumpsters?

MS. KALISKY: Yes. Six foot high per the detail.

MR. MENNERICH: That's all right with me.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: I'm fine with it there.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: You said there will be vegetation surrounding it?

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MS. KALISKY: Yes. As incorporated in the landscaping plan as well.

MR. DOMINICK: It's okay.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: My question is we were talking about weight limited truck access and going around in the parking lot. The garbage truck going out, basically that's a big truck, too.

MS. KALISKY: Yes. Yes. And we actually modified the radii. It has run through and it has been reviewed, and the trucks had no issue now. Just to make sure, we'll include a mountable curb on this one here in case there is a little overhang. We had done that on quite a few of the radii on Crystal Run as well just to make sure if there is, we don't have an issue, it's just a mountable curb.

MR. WARD: Okay.

CHAIRMAN EWASUTYN: Let the record show that the Planning Board is in agreement to locate the refuse enclosure where it's currently proposed on the site plan before us. The applicant's representative will finalize this

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with landscape plantings which are similar to that being -- the same material and varieties that are being shown on the CRH Realty site plan.

Now we go back to an important question, and I'll turn the table to Bill Hauser, in reference to the front yard setback.

MR. HAUSER: You mentioned you measured your front yard setback from a line that is interior to your property or -- let me rephrase that. You're measuring your front yard setback to what I'm going to refer to, for lack of a better term, as the existing right-of-way line of Union Avenue, ignoring the fact that on your plan you say previous New York State DOT taking for a right-turn lane dated 2008.

MS. KALISKY: Right.

MR. HAUSER: If indeed that's a taking, you don't own that and therefore you can not measure --

MS. KALISKY: In fact, I need to change that word taking to an offering. Back in 2008 this parcel was part of the entire -- it was what, four lots here that was going to be the South Union Plaza. At that time they had

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multiple uses as shopping centers more or less. They had multiple accesses. The traffic study prepared for the South Union Plaza indicated that the DOT may require a right-turn lane northbound on Union Avenue. Now, The Shoppes at Union Plaza did not -- South Union Plaza, excuse me, did not happen. The site has -- the properties have been sold, redeveloped as other parcels. So the offering that was there, that project never actually made it to the DOT. That would have been covered under the highway work permit. Now since that time our initial discussion with our concept plan, Ken had said well gee, remember that, can you show where it was, because I said we knew that it was there and, in good planning, some day the DOT might say hey, we need a turning lane there. So I said we made sure that our sidewalks, that our parking, everything, the site would be fine. If the DOT ever had to come in and do a taking or ask for an offering, a dedication of property, it would not have any impact on the site itself.

Now with the 9,000 square foot building, the traffic just doesn't warrant the

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construction of a right-turn lane. We don't have -- we're accessing off the interior road to our shared access to the Crystal Run facility. We have no need to go to the DOT. Ken has been in discussions with Phil Grealy's submission of the traffic study. Once again, the turning lane itself is not. We just showed where it was to demonstrate that if there is a need for it some time in the future, the site is not affected by it. So our property line is in fact our property line.

MR. HAUSER: So what you're saying then -- I understand that it was an offering. I guess the question then comes to mind -- you're extending my previous question. You're now showing the sidewalk being offset to the east at the end of the Crystal Run site. I'm assuming, based on what you just told me, that the reason you're offsetting it is only to provide room for that turning lane to be constructed and not encroach on the sidewalk?

MS. KALISKY: That is correct. If in fact it ever needs to be constructed. I know that doesn't make sense. We're trying to be a

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little more proactive. We can actually run it down our property line. Let me rephrase that. We are running it down our property line. The sidewalk on the Crystal Run parcel is not on Crystal Run's parcel, it's being constructed in the DOT right-of-way.

MR. HAUSER: I understand that. My point being that rather than -- obviously this is my thought process. Rather than put this hard offset in a sidewalk, which we must admit is kind of hokey, why not extend the sidewalk, staying in the right-of-way, and if indeed it ever needs the right-turn lane, relocate the sidewalk at that time. At least that way we have a decent looking sidewalk. Unless you feel that -- I mean the proximity of the sidewalk to the travel way of Union Avenue isn't any worse further to the north than it is in front of the Crystal Run site.

MS. KALISKY: Oh, no. That wasn't -- if in fact a turning lane would ever be constructed here, that's where the sidewalk would have to be, outside of said turning lane.

MR. HAUSER: And I understand that. I leave it up to the Board as to whether they want

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BRITAIN PLAZA

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to see this right turn --

CHAIRMAN EWASUTYN: Let me stop you because you're kind of wandering off into design elements. I think more than taking it back and forth to the Board, let's get the advice of Ken Wersted, our Traffic Consultant, because the discussion before us really relates to --

MR. HAUSER: The turn lane.

CHAIRMAN EWASUTYN: -- the DOT and how the DOT would relate to the overall design.

Ken Wersted, please.

MR. WERSTED: As Dawn had mentioned, the previous plan had a right-turn lane in there originally. It wasn't completed so the actual dedication of the land had never occurred. As we progress through, both for the Crystal Run project and also with this one, we coordinated to make sure that that lane at least was shown to see where it would go so that any of the design elements that were presented as part of this project weren't going to interfere with that future construction.

So with the sidewalk in that area I would only suggest that perhaps where that

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BRITAIN PLAZA

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ninety-degree section occurs, it be --

CHAIRMAN EWASUTYN: Can you go up to the board and point to that for the benefit of the Planning Board Members and those in the audience?

MR. WERSTED: The sidewalk on the Crystal Run project is approximately right here. Here is the edge of the roadway. Here is the sidewalk for Crystal Run. It's shown getting to the property line, it makes a short ninety-degree angle, a zig-zag, and then it continues down in front of the Britain Plaza.

My suggestion would be instead of making that ninety-degree angle there, it simply becomes an angle so it's more natural as you're walking through. You didn't come up to a ninety-degree turn, take two steps and turn again. You're simply walking along and the sidewalk angles into the new alignment that goes across the Britain Plaza section of it.

MS. KALISKY: Okay.

CHAIRMAN EWASUTYN: We ran into a similar design like that with The Mansion and Quick Chek. There was that awkward

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BRITAIN PLAZA

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configuration. Do you remember that?

MR. GALLI: They didn't line up.

CHAIRMAN EWASUTYN: They didn't line up. And then there was a question of who was responsible for --

MR. GALLI: In between.

CHAIRMAN EWASUTYN: -- in between.

For the record then, would you let us know what we're agreeing with one more time?

MR. WERSTED: I think the change in the plan essentially is the angle of the sidewalk at the property line, and then in future submissions they can clarify that. It essentially would be aligning the sidewalk as if that right turn actually was there and it would follow the taper of the right-turn lane. It's also clarifying that the area shown along the property frontage isn't currently a taking by DOT but simply updating the vocabulary of the plan to say it was originally an offering but that the property line currently is as it's shown.

CHAIRMAN EWASUTYN: Bill, is that okay with you?

MR. HAUSER: That's perfect.

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BRITAIN PLAZA

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CHAIRMAN EWASUTYN: Comments from Board Members?

MR. GALLI: No additional.

MR. MENNERICH: I just want to be clear. If they come in and require the right-turn lane to be put in, will the sidewalk be able to stay where it is?

MS. KALISKY: Yes. Yes. In here. In fact, to modify that, seeing as the sidewalk on the Crystal Run piece, I think we'll actually change that now to angle it up to the property line of Britain Plaza and basically tie it in from the Crystal Run portion since that is under our -- being permitted under DOT, and that way Britain Plaza does not require DOT review. We can make that modification because that has not been filed as of yet.

MR. MENNERICH: It looks to me from the drawing, unless I'm interpreting it wrong, that the sidewalk is running basically where the taking is going to be.

MS. KALISKY: So it would be within the new DOT right-of-way. Yes, that is correct.

MR. DONNELLY: Just like Crystal Run.

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MS. KALISKY: Just like Crystal Run, the sidewalk would be within. We had done it this way because in order to construct the turning lane, the curb line would actually be kind of right where the existing property line is. So then if the DOT would like more, they could construct a turning lane here right now but it would be right up to the property line. They could do it without taking any property. Because it's not needed so we don't know, but in the future there is a lot more development, I would assume, on Union Avenue coming up in the next twenty years or so.

MR. MENNERICH: Okay.

CHAIRMAN EWASUTYN: Bill, what other outstanding comments do you have at this point?

MR. HAUSER: The water supply line, you show your sprinkler line and the domestic lines. In the Town of Newburgh --

MS. KALISKY: We need to move that valve.

MR. HAUSER: You need to move the valve so if you shut the sprinkler off you don't have any domestic water.

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I'm going to eliminate my comment on the dumpster. My opinion is you can still put it over there by making a K turn with the garbage truck and get back out of there. Your bioretention area requires --

MS. KALISKY: We need a forebay.

MR. HAUSER: -- a forebay and pretreatment. Okay.

No signage is depicted on your plan, --

MS. KALISKY: That is correct.

MR. HAUSER: -- which should be part of the Planning Board approval.

MS. KALISKY: Yes.

MR. HAUSER: The June comment number 2 requesting compliance with the design guidelines has yet to be addressed. If you're going to request any variance from those design guidelines, the most important, as I see it, is no parking in the front yard. If you're going to request a variance from that, that should be discussed with the Board. I misspoke. Let's not call it a variance. Let's call it a waiver of compliance with the design guideline. You should discuss that with the Board.

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BRITAIN PLAZA

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Of course you mentioned the site lighting.

MS. KALISKY: Yes.

MR. HAUSER: That's all I have, Mr. Chairman.

CHAIRMAN EWASUTYN: Okay. We'll wait until we see the final landscape plans to see how that would mitigate and offset the parking in the front yard.

MS. KALISKY: Okay. The landscaping plan was in fact part of your plan set.

CHAIRMAN EWASUTYN: We'll review that in it's entirety next time around and see --

MS. KALISKY: Okay.

CHAIRMAN EWASUTYN: -- what you can do to interrupt the view along that corridor. We've done that in the past.

MS. KALISKY: Yes.

CHAIRMAN EWASUTYN: We try and interrupt that look.

MS. KALISKY: Yes. You'll see on the landscaping plan we tried to address that, very similar to what's up and down the area right now. Once again, consistent with the Crystal Run

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BRITAIN PLAZA

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plantings, they'll be --

CHAIRMAN EWASUTYN: Do you want to discuss that now? Are you prepared to or do you want to wait?

MS. KALISKY: Absolutely. No, I'm prepared. I didn't mount the entire plan set on the board but --

CHAIRMAN EWASUTYN: I didn't pronounce your last name correctly.

MS. KALISKY: So we're even. My apologies for the wrinkled plan here. The wrinkles can actually make you see it a little bit.

What we have actually between the sidewalk and the back of the curb, we're proposing one, two, three -- four Hedge Maple trees, and then in between the Hedge Maples we're having a row of -- bear with me, I did not prepare this -- Little Princess Spyrea, or something to that effect. Once again, the types --

CHAIRMAN EWASUTYN: They're deer resistant, they're drought resistant. They're something Karen had always recommended.

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MS. KALISKY: That, once again, is just along the parking area between -- running along Union Avenue. Along the side, we need to keep clear forty feet, no obstruction setback, and that's where we do have a monument sign. I thought I put one in here somewhere. My apologies for not including it on the first sheet.

We'll have some Cloud Nine Flowering Dogwoods in this corner here. Then running down between the single parking lane, the employee parking here, we have once again the Hedge Maples. We have around the dumpster enclosure is Holly bushes. We could augment that with something as well should the Board desire that. Once again, the split faced block refuse enclosure, it's a decorative block as opposed to just painted concrete. We could augment that area, once again, should you so desire. And then once again our bioretention area. There's also street trees from the Crystal Run project, which I should probably show on here. Although they're not proposed as part of this project, there are street trees in that area as well going out the

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access drive. Once again, the plantings in the bioretention area. And then once again decorative on the corner.

CHAIRMAN EWASUTYN: Questions from Board Members. Frank Galli?

MR. GALLI: I have none.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No.

MR. PROFACI: No questions.

CHAIRMAN EWASUTYN: David Dominick?

MR. DOMINICK: The Holly Maple by the dumpster, that only grows I think four or five feet. Is there anything we can do? I'm still having a hard time seeing that dumpster by the intersection. Maybe a little higher.

MS. KALISKY: We can certainly augment that, change it up, add more. I need to tomorrow -- she's on vacation but first thing on Monday I'll speak with Lucy from our office who does the landscaping plans and see what her best thought is on that. We'll see if it's acceptable to you.

MR. DOMINICK: It is part of the entrance/exit area.

MS. KALISKY: Understanding that, of

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course.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Ditto on what Dave says.

We're emphasizing seeing it from the street. If you're going to have it there, make it look like it's not there.

MS. KALISKY: Right. Make it actually look like -- the thought with these is the block, having it look like a building as opposed to a dumpster enclosure. But we'll augment that and make that just as nice as we can.

CHAIRMAN EWASUTYN: Ken Wersted, do you have anything to add to the information that you've been working with with Phil Grealy of Maser Consulting?

MR. WERSTED: Yes. We had reviewed the traffic study that was provided with the most recent submission and we have run through a couple of the comments. I requested some clarifications. I know Phil had provided a letter in response to my comments which will be submitted to the Board and likely arrive to your office next week.

In relation to that, our comments had

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to do with the design year 23 which seemed kind of far out there for the length of time that it will actually take to build the project. As I understand it, that was a request from DOT, to look further out into the future. By doing so, that includes a longer and a higher amount of background growth because you're compounding a smaller yearly growth out over more years. So it provides a much more conservative analysis.

In reference to the trip generation, as we were reviewing it we had called into question some of the differences that we saw based on our review versus what was in the study. They will be clarifying some of the uses, particularly the sandwich shop and also the fast food restaurant -- I'm sorry, the Dunkin Donuts basically operates at different peak hours than what the typical adjacent street traffic will operate, therefore they made some adjustments in the trip generation to reflect those.

As we looked at the previous South Union Plaza project with the combination of Crystal Run and Britain Plaza, generally speaking on an overall basis the two projects are

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generating comparable amounts of traffic. The most significant difference between the old proposal and the current one is the use of the bank, and the sandwich shop, and the Dunkin Donuts operate with more pass-by traffic. Pass-by traffic are those trips where you happen to be driving by going somewhere else but you decide to stop and use the facility and continue on your trip. They don't represent new traffic to the area but it represents a capture of the traffic that's already driving by the site.

In looking at the analysis, we had noted that there were some level of service increase in delays. That's pretty much attributable to the long-term forecasting of the project, that being the 2023 design year, but also the differences in the passby rates and the trip generation that was used in the study. Based on that, it would appear that the analysis is looking out so far that it provides a much more conservative analysis and that the short-term operations are going to be much better than kind of what's shown in the study.

Then the last two things that we had,

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we had talked about already the right-turn lane in that area which is shown on the plan.

Then the truck access for a garbage truck as it enters the refuse area has been moved around a little bit, and a truck can still access that. Now with the radius changes shown on the plan, it can circulate around the building and won't be hung up in any particular location.

So that had satisfied our site plan comments.

CHAIRMAN EWASUTYN: Paul, do you have any questions or comments?

MR. RUGGIERO: No, I don't.

CHAIRMAN EWASUTYN: Mike Donnelly?

MR. DONNELLY: I had two. I think my notes are incorrect, and it might have been from the earlier plan. There was then a need for a front yard variance for a canopy. That's no longer required?

MS. KALISKY: That is -- I've actually dimensioned it now. It was hard to tell. Pat said it looks like it doesn't meet the 5 percent and I said it's 4.86 feet and I'm allowed 5. I actually did dimension it. To ensure that we

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could comply with that as well, the canopy used to cover both lanes. The architect -- it's basically a canopy-and-a-half now because he felt it really had to be in the center of the building. Let me take my landscape plan back down so it's a little more clear. It's only basically covering half of the vehicle in the second lane. It should be reflected on that small sheet.

MR. DONNELLY: The variance that was discussed as a possible requirement is no longer required?

MS. KALISKY: That is correct.

MR. DONNELLY: Number two, can you update the Board on where the zone change application stands?

MS. KALISKY: Mr. DiNardo, if I may.

MR. DiNARDO: August 4th it's on the Town Board agenda. I believe that's a week from Monday.

MR. DONNELLY: All right.

CHAIRMAN EWASUTYN: Any additional questions or comments from Board Members or consultants?

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MR. GALLI: No.

MR. MENNERICH: No.

MR. PROFACI: No.

CHAIRMAN EWASUTYN: Okay.

MS. KALISKY: Okay. So we will make our resubmission addressing the comments that we have, the lighting plan, and we'll be back before the Board, I would assume after our public hearing for the zone change.

CHAIRMAN EWASUTYN: The 4th, Paul, is when there's a public hearing?

MR. RUGGIERO: Yes.

MS. KALISKY: Okay. Thank you very much.

(Time noted: 8:04 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: August 12, 2014

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

----- X
In the Matter of

HAMPTON INN & SUITES AND RESTAURANT
(2014-16)

Route 17L & Crossroads Court
Section 95; Block 1; Lot 45.12
IB Zone

----- X

SITE PLAN

Date: July 17, 2014
Time: 8:02 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
WILLIAM J. HAUSER
KENNETH WERSTED
PAUL RUGGIERO

APPLICANT'S REPRESENTATIVE: JUSTIN DATES

----- X

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

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MR. PROFACI: The next item on tonight's agenda is Hampton Inn & Suites and restaurant, project 2014-16. It's on Route 17K and Crossroads Court, Section 95, Block 1, Lot 45.12, located in the IB Zone. It's an initial appearance for a site plan. It's represented by Maser Consulting.

MR. DATES: Good evening. My name is Justin Dates with Maser Consulting here to present the proposed Hampton Inn & Suites project on 17K.

To orient everybody to the plan, north is facing up, so 17K is running north, the Thruway is along the east boundary of the site, Crossroads Court is along the west. So the adjacent uses are the Thruway, Hilton Garden Inn on the south and then Orange County Choppers is over on the western side of the site.

The parcel in total is 5.9 acres in size. It does include Crossroads Court. There's an agreement in place for the other three lots, the fourth one being this project site, for access into the developed area here.

It is in the IB District, so hotels and

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restaurants are a permitted use subject to site plan review by the Planning Board.

The project is a five-story Hampton Inn & Suites.

To make one clarification, we are looking at 139 rooms and not 137 which was in the narrative on the plan. That's been updated to 139.

There's a 6,500 square foot restaurant which is closest to Crossroads Court.

The property itself sits up high along Crossroads Court and Route 17K and then kind of falls down into the site along the Thruway property.

So with our site layout and our parking, what we're looking to do is step the parking down to get to the hotel. We've provided some substantial islands in between the parking to do so. That also gets up the required landscape area/island area for the Town Code.

Access into the site, we're proposing one on the north end here, a two-way access, and then also another two-way access down closer to the cul-de-sac there into the site.

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The parking. We meet the proposed parking based on requirements of the Town Code.

We are proposing a refuse or dumpster enclosure down at the southern end of the site, out of sight along that 17K corridor. They're ducked in down at the back of the site.

We're proposing a pedestrian bridge. There's a drainage easement that comes through here that's in benefit of the United States Government, and that's more or less an open swale that runs through there. So we are proposing a cross connection to encourage patrons from the Hilton Garden Inn to have access to the restaurant, or vice versa, the Hilton Garden Inn has a restaurant to it. We're trying to propose some pedestrian access in that manner.

The site is within the Town's water and sewer districts. There is water and sewer in Crossroads Court. Being the topography of the site, we will need a pump station for each of the sewer connections, a force main up to those existing utilities. Water would be proposed each connection separate from the restaurant and the hotel.

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Now, the IB District allows a fifty-foot maximum building height. We are looking for a variance from that. The plans that were provided to you, the elevation sheet 201 is probably the best one to look at just for me to run through the building heights. So fifty feet is where the top of our roof deck is, the entire extent of the building. However, from there what we have is a four-foot parapet, and that's substantially the height along most of the building. That is fifty-four feet. Where we go above that is where we have some decorative cornices on the ends. The highest point of those cornices is over the entrance way which goes up to sixty-two feet nine inches. So twelve foot nine inches above that fifty-foot max. It is isolated to where the access point is. Those parapets and cornices are in place to do some screening of rooftop mechanicals and also the elevator overrun. So none of that is seen based on those parapets.

That summarizes the project.

CHAIRMAN EWASUTYN: Mr. Milano, would you like to add anything since you're familiar

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with the project? Sometimes it's good to hear from the owner and the applicant to be more familiar with what you'd like to accomplish, why you may need to accomplish that and the requirements that the chain may be kind of expecting of you?

MR. MILANO: Well, in this particular project here, the five-story building is necessary to give it a more efficient layout for the guests, they don't have as far to walk to their rooms. It also allows me to give more landscaping on the site which I like to do to make it attractive. It is on the highway and it is a big building, but with the additional landscaping I think it will soften it and tie it into the Hilton Garden Inn complex type of style where it's more appealing than most of the hotels you see. It sits off the road nice and it's on a stream and it gives you -- even though it's in the middle of all the commercial area, it gives you more of a parklike setting, which I think gives a better feel for the customers when they come in.

The decorative parapets that

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necessitate this height variance, that's part of the Hampton design which gives the building a little more character so it's not just a square box. That's necessary and that's part of their design, and we need to follow that.

You know, I laid the building out in a way so that it doesn't impede the view of the Hilton Garden Inn from the highway, so when the travelers are going up and down the highway, this is really the entrance way to Newburgh and our area, these two buildings will be laid out attractively and, you know, aesthetically pleasing and hopefully draw the general public off our exit here to patronize our facilities and the rest of the Town's facilities. That is our concept how we laid it out.

When I bought that property in 1999 and built the Hilton Garden Inn thereafter, this was something that I wanted to hold on to until the right concept came up. When I sold the Hampton Inn, this was a natural way to upgrade the facility and give it a better, more modern and efficient operation. I think we're going to be able to do that . So it was actually a very good

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upgrade and modernization of my other hotel.

CHAIRMAN EWASUTYN: Questions from Board Members. Frank Galli?

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Similar to your other hotel, is there going to be a sign along the Thruway?

MR. MILANO: I don't believe we're going to need that sign because the way the other hotel sits, it's not parallel to the highway. I believe that the signage on the building will be sufficient, you know. A free-standing sign, although I like it and it's a good advertising device, there's a lot of maintenance involved. I think we can just get away with the signage on the building so when they drive by on the Thruway they'll see that and hopefully there won't be a need for an additional free-standing sign.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: No questions.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: No questions.

CHAIRMAN EWASUTYN: John Ward?

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MR. WARD: I was going to ask about your proposed sidewalk, extending it down, even down to the hotel. Where you have it going around the circle, going into the restaurant, if you could extend it down to the crosswalk, right down where you go into the Hilton. If anybody is walking from the restaurant, they could walk on the sidewalk to the Hampton Inn one way or another.

MR. DATES: We do have this central access corridor kind of between the restaurant and the Hampton Inn, that goes from entrance to entrance, and then the sidewalk extends along the cul-de-sac. We have the crosswalk to get us to that same location or what we're saying is the main access to the restaurant.

MR. WARD: Well, I'm basically saying where you have your land banked parking spaces, --

MR. DATES: Okay.

MR. WARD: -- that way. You're going to have people from all over going to Orange County Choppers, everything else, walking around. Try to make it safe one way or another with the

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parking lot and the traffic and say to cross in the cross. It's going to be a lot of people no matter how you look at it, and they're going to walk in the middle of the parking lot to cross.

MR. DATES: You're looking for a more direct route to the hotel itself?

MR. WARD: It will help.

MR. DATES: We can look at that.

MR. WARD: And do you know, do you have any idea of a proposed restaurant, what type of restaurant would be there?

MR. MILANO: The type of restaurant that I envision for that is, and I'm very picky of what I'm going to put there, it's going to be something that ties into the whole complex. It's not a money matter, it's more of what's going to service my guests better. It's probably going to be an upper end restaurant, not a fast food restaurant. More of an upscale restaurant that will cater to the hotel guests for both hotels, you know, hopefully so they don't have to leave the site if they don't want to, or if there's inclement weather they don't have to leave.

MR. WARD: That's why I'm saying about

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the sidewalk.

MR. MILANO: The other location has an exact similar situation. There is no sidewalk to the hotel. You have to walk a little bit through the parking lot to get to the other sidewalk, which, you know, when you park you normally have to do that in any restaurant that you go to. I don't think it's an impediment. I think, you know, it's similar at the Hilton Garden Inn and I've never had any issues there.

CHAIRMAN EWASUTYN: Thank you. I'm going to leave the discussion. At this point I'll turn to our consultants for their comments. Bill Hauser?

MR. HAUSER: You've already mentioned the five-story variance requirement, so I'll leave that aside.

I call your attention to Section 185-18 C(4)(c) of the Town regulations which requires a thirty-five foot wide landscape buffer along Route 17K. You're precluded from the construction of roadway and parking areas within the limits of that thirty-five foot buffer. So your entire north access way and the ends of all

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those parking areas go away if that's the case. Obviously if you want to pursue this configuration, you're going to have to seek a variance from that requirement.

MR. DATES: And correct me if I'm wrong, but in that code section I believe it says an access drive is permitted within that.

MR. HAUSER: It says except for. It specifically excepts access drives. Let me read it to you. "For all new development projects, the first thirty-five feet of the front yards of all properties fronting on 17K from City of Newburgh to the Town of Montgomery shall be landscaped. Private service or marginal roads (except for access driveways and parking of vehicles) shall not be permitted in these landscaped areas. So yes, you can put that there but the purpose for this, as I read it, is to create a buffer. It requires some clarification, and I think that in reading this it looks to me like you would -- yes, you indeed can build that access way. It depends on how you read this I think. It depends on where the parenthesis is.

MR. DATES: I was reading it as private

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service or marginal roads except for access driveways.

MR. HAUSER: Period. But it doesn't -- do you see where the parenthesis is? It's before "and parking of vehicles."

MR. DONNELLY: Take out the parenthesis and it says, "Private service or marginal roads and parking of vehicles shall not be permitted in the thirty-five or forty foot area, and excepted from that prohibition are access driveways. So you're allowed to have an access driveway but you can't have private service, marginal roads or parking.

MR. HAUSER: That's the way I read it.

MR. DONNELLY: Your access driveway is permitted --

MR. DATES: Correct.

MR. DONNELLY: -- but you can't have other service roads. Are you showing a thirty-five foot landscaped area?

MR. HAUSER: No.

MR. DATES: No. This is from the property line to -- this first cut is about ten feet and then the access drive would be after

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that.

MR. DONNELLY: Well, I think what they mean by an access drive is your cul-de-sac road, service roads or marginal roads. I don't think they mean an internal circulation road. I mean if it's an issue the Zoning Board will have to decide it. I think an access drive is the roadway that goes from 17K into the site, provides access.

MR. DATES: You're speaking of Crossroads Court and not --

MR. DONNELLY: Sure.

MR. DATES: -- our access drive into the site?

MR. DONNELLY: That to me is an internal private or marginal road. That's what they're prohibiting. If you disagree, you're certainly entitled to go to the Zoning Board for an interpretation.

MR. HAUSER: Which I think is -- obviously this layout is configured to conform to the development of the hotel on the site, and we clearly understand that. I think the answer to it -- if I were standing over there my gut would

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be to go to the Zoning Board of Appeals, at least for interpretation, to interpret exactly what this means. If it means what we say it means, seek a variance. The purpose for this, and I think if you go back to the original intent, this was to allow for widening of the corridor along 17K.

MR. DATES: I'm just going to point out --

MR. HAUSER: You've got room there. If you look at the size of the right-of-way there, there's significant space there. So I think as Mr. Donnelly has suggested, maybe that's the way to go. Again, this is a suggestion, not a recommendation. I think that would be the way to seek definition -- further definition just so everybody is on the same page.

MR. DATES: Yeah. I was going to point out that from edge of pavement to the property line, it ranges between seventy-five and eighty-five feet.

MR. HAUSER: Clearly that's what we looked at as well.

MR. DONNELLY: That might be a

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rationale for granting the variance if you don't get a favorable interpretation.

MR. DATES: Understood. Okay.

MR. DONNELLY: You have to go to the Zoning Board for a height variance anyway. With the Planning Board's permission, we could refer you for an interpretation of the language we just read in that section and/or consideration of a variance from the requirement of the landscaped buffering area.

Are we at the thirty-five foot buffer segment or the forty-five foot? It depends upon whether there are intersections within three hundred and fifty feet.

MR. HAUSER: We don't have an intersection unless we consider the intersection of Crossroads Court as an actual intersection.

MR. DONNELLY: That would need to include that piece as well I guess. I would think they mean other intersections.

MR. HAUSER: I would think they would too, because Crossroads Court really isn't a dedicated Town road per se so therefore it would be an intersection of a driveway or access road

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with a highway. I wouldn't classify that as a road intersection by definition. Again, you're going -- you're being suggested to go to the Zoning Board of Appeals. That's the prime place to get an interpretation of that as well. I would put the whole thing in one basket. If they make the interpretation such that we're right, then your next step in that same application is to seek a variance from that based upon the mitigating circumstances and the existing width of the landscaping available.

MR. DATES: All right.

MR. HAUSER: You're adjacent to a class A stream which is tributary to a water supply, so typically a project like this within a watershed requires treatment of 110 percent of the water quality volume. So you need to look at that.

MR. DATES: Yes.

MR. HAUSER: I know other developments on this site have gone to a zero based zero discharge program, so that's food for consideration on your part.

MR. DATES: We would be proposing some type of subsurface --

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MR. HAUSER: Understood. You're proposing to land bank eighteen out of a significant number of parking spaces. I guess my question is at this point in time don't you, and this is more of a question for Mr. Milano, aren't you -- aren't you going to secure a significant -- and it's not my job to guard your profits, but aren't you going to gain a significant economy of scale to go ahead and build them at this point rather than land bank them and build them later at greater cost? If that's the case, what's the trigger point at which point those eighteen spaces would be taken out of the land bank and improved?

MR. DATES: I think land banking at this point -- again, with no restaurant user identified, we were leaving that open to once that's secured it gives us some flexibility and not creating more impervious just to have it at this point.

MR. HAUSER: It was just a question. Eighteen is a very small percentage of what you're already paving and it just seemed to me you'd get a greater economy of scale.

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You're showing the dumpster enclosure and you mentioned that you looked at the circulation capabilities. I'm looking at it wondering how you're going to turn a garbage truck into that dumpster and pick up a front-loaded dumpster. Take a look at the radius there and see if that really works.

MR. DATES: Okay.

MR. HAUSER: The grading along the Thruway, I think you need to take a good look at that simply because you don't have a lot of distance to make up your grade transition there. You might have some retaining structures that are necessary there in order to match your grades.

MR. DATES: We did look at some initial grades at that point in an effort to minimize the wall.

MR. HAUSER: On your sanitary pump stations, you're aware that those -- both of these pump stations are going to be tying into a force main. We're going to require a design and substantiation that you're not exceeding head requirements and creating backflow conditions that you really don't want. We all know

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2 eventually check valves fail. They fail in every
3 sanitary system. I don't care what you do and
4 how good you are about not flushing a toothbrush
5 down the drain, it's going to happen.

6 MR. DATES: Understood.

7 MR. HAUSER: Now we go to the
8 interesting one. Your calculation of developed
9 area and your percentage, you want to ignore the
10 full development of Crossroads Court even though
11 it's in fee owned by this parcel in order to stay
12 under the sixty percent development requirement.

13 MR. DATES: We did present it in a
14 manner of a potential dedication of Crossroads
15 Court to the Town, hopefully if that were to
16 occur, to show that the lot had met the
17 requirements.

18 MR. HAUSER: I understand what you're
19 doing. I'm just saying you need to -- I'm not
20 sure, sitting in this chair, whether the Town
21 really wants Crossroads Court.

22 MR. DATES: Understood.

23 MR. HAUSER: That's an exploration that
24 you folks have to conduct. Because if not, then
25 obviously you exceed your development percentage.

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MR. DONNELLY: But you're using it for calculating the amount of restaurant and conference room space you're showing; right?

MR. DATES: The 5.24 acres. Yes.

MR. DONNELLY: You've got to be consistent. Either it's included for all purposes or --

MR. HAUSER: They are using the 5.24 which is without the road for the -- what we don't know is you've got 6,500 square feet of restaurant. We don't know how much conference space is in the hotel.

MR. DATES: That's about 600 square feet.

MR. HAUSER: See, that basically addresses it then because even at 5.24, you're okay then.

MR. DATES: Yes, because we're under the 10,000.

MR. HAUSER: You're under the 10,200 or 400, whatever that calculation. You need to show that on here, otherwise there's no way to substantiate compliance.

MR. DATES: Understood. Just to

1
2 clarify that comment then, we'll present 6,500
3 square foot restaurant, the 600 for that
4 conference meeting room that we're saying is
5 accounted for on the plan, and then our bulk
6 requirements will be substantially --

7 MR. HAUSER: Your bulk requirements
8 will be okay but your percentage of surface
9 development still is in question because that
10 again is subject to interpretation because you do
11 in fee own that Crossroads Court which is part of
12 this parcel. It's not a separate parcel, --

13 MR. DATES: Understood.

14 MR. HAUSER: -- therefore your lot area
15 -- if Crossroads Court wasn't fully paved, you
16 might be okay, but you're adding an additional
17 .7, for lack of a better term, .64, .66 acres
18 that is fully paved which throws you over the 60
19 percent development limit.

20 MR. DONNELLY: What you might also want
21 to tell the board about is whether or not that
22 area was included in, for instance, the Orange
23 County Choppers site plan.

24 MR. DATES: I was just going to say
25 because this road does service four lots.

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MR. DONNELLY: Was it shown on another plan where it was included in lot coverage? I think that's a relevant consideration for the board as to whether or not it should or should not be considered here. It's already been part of somebody else's lot coverage, maybe it shouldn't be part of your lot coverage here, merely because the roadway is owned by the same entity.

MR. DATES: Understood.

MR. DONNELLY: If it's never been charged to somebody's coverage, maybe it should be charged here.

MR. DATES: The fact that it is access for all four of these parcels here, divying that up, the impervious coverage over the four parcels, could it be looked at in that manner?

MR. DONNELLY: Perhaps. I think the first step is let's find out if it's already been charged to another lot. If that's the other proposal, to divide it up among the others, show what's on those site plans and those calculations. It's going to be the Board that will decide it. Right now you're showing it as

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part of this site plan. It is impervious. I question whether or not it may have already been included in another site plan. Let's find out.

MR. DATES: Okay.

CHAIRMAN EWASUTYN: Bill, any additional comments?

MR. HAUSER: No. That's all I have, Mr. Chairman.

CHAIRMAN EWASUTYN: Ken Wersted, Traffic Consultant?

MR. WERSTED: We looked at the site plan submission and we generally didn't have any real comments on the circulation. It seems very straightforward.

Expanding on Bill's comment about the dumpster, it does look like a garbage truck could access it but it would probably be coming in at an angle. I'm thinking the forks on the garbage truck might be a little askewed. It might be advantageous to look at orienting it towards one of the drive aisles so a truck could have a straighter shot at it.

As we looked at the sidewalk connections, future plans obviously you'll

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provide curb ramps and show where those are located --

MR. DATES: Correct.

MR. WERSTED: -- throughout the site.

As for the hotel, we looked at a preliminary estimate of traffic based on two scenarios. Hotels in itself, many of them have an amenity of a restaurant, so we had said if this proposed restaurant, even though it's an out parcel, it's an amenity to the site as a whole, would generate around sixty-four trips -- I'm sorry, around eighty trips. If the restaurant is I think occupied by a tenant that is more well known and it starts to generate traffic independent of it being part of the hotel, then it would be an additional amount of traffic. The hotel would still have approximately eighty trips and then the restaurant as a separate entity would generate around sixty-five trips during the p.m. peak hour.

As a whole, we looked at some previous studies based on OCC and the Roadhouse Cafe to look at how much traffic might be coming and going from Crossroads Court. In previous

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applications on the intersection, signal warrants previously were not met, although a full signal design has been completed. We had asked -- we are asking the engineer to take a look at updating that to see with this proposal are there any changes to the signal warrants.

As part of our workshop discussion, the Board asked the potential for an accident warrant being met given some of the difficulty in turning left out of Crossroads Court during a busy time. I had mentioned that that is a possible warrant that would be met if the accident records, you know, show that there's an issue there. In addition to looking at the volume warrants I would ask you look at any accident history at that intersection to see if that's applicable to it.

MR. DATES: Okay. I did speak to Phil Grealy from our office. We definitely agreed we'd look into this warrant. I'll pass this information along.

MR. WERSTED: That was all the comments that we had.

CHAIRMAN EWASUTYN: Okay. Any

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additional questions or comments from Board Members? Frank Galli?

MR. GALLI: No additional.

MR. MENNERICH: On the impervious surface, the eighteen land banked parking spots, are they included as impervious surface in that calculation?

MR. DATES: In the 5.24 acre parcel, yes.

MR. MENNERICH: They are?

MR. DATES: Yes.

MR. MENNERICH: Thank you.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: No questions.

MR. DOMINICK: I think what John was trying to mention is where that sidewalk is, the crosswalk by the restaurant, to extend that parallel with the existing tied into the foot bridge there so when you come off that pedestrian food bridge you take the sidewalk up or down to the restaurant.

MR. DATES: Is that correct?

MR. WARD: Yeah.

MR. DATES: I misunderstood. I thought

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you were looking for it along the --

MR. DOMINICK: Right now you don't have the foot bridge. If it was me, I would go right through this right here.

MR. WARD: Or behind your parking. Behind the proposed storage parking right there. The borderline of your -- what is it? You have the dotted line there for New York State.

MR. DATES: The easement line.

MR. WARD: Right in between there. I'm emphasizing it because you want the atmosphere but you have family and children and that's important with this situation. It's not your basic -- you're going to have traffic from both hotels going to the restaurant and Orange County Choppers and you want to make it safe, and it looks nicer. That's why I'm pushing it.

MR. DOMINICK: If you're worried about aesthetics and making it a park atmosphere, I think that bridge would be much safer.

MR. DATES: We can look at that.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: John Ward, additional comments?

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MR. WARD: I just said it. Thank you.

CHAIRMAN EWASUTYN: Okay. We will declare our intent for lead agency and we will circulate to the Orange County Planning Department. We'll get plans to Pat Hines' office.

I guess the question for you now is Mike Donnelly prepared a referral letter to the ZBA. What would you like to have mentioned in that referral letter? Do you want to speak to your client about it and let us know and/or are you ready to address it now?

MR. DATES: Can we just go over the things we spoke about? Obviously the height variance is definitely one that's required and was mentioned. The second which we discussed was the landscape buffer and the allowance of our drive aisle within that. The third factor would be the coverage; correct? If I understand correctly, the Board is looking at the full parcel, the full 5.9 acres, and what the impervious coverage is on that.

MR. DONNELLY: We can certainly send it for that purpose. You may be able to satisfy the

1 Board depending on how that was treated in an
2 earlier application as not required, but if
3 you're going to put an application in you can
4 always withdraw that part if you satisfy the
5 Board here. Yes, you can include that.

7 MR. MILANO: It sounds good.

8 CHAIRMAN EWASUTYN: For the record,
9 could you --

10 MR. DONNELLY: I would refer it to the
11 Zoning Board. You'll have to make the
12 application, I'll simply send a letter and copy
13 you. First, an application for a height variance
14 for the five-story hotel. Secondly, for an
15 interpretation of the terms used in Section
16 185-18 C(4)(c), specifically the requirement of a
17 thirty-five foot buffer. We'll ask the Board
18 whether an internal circulation road is an access
19 driveway and hence exempted from the buffer
20 requirement or a private service or marginal road
21 prohibited within the buffer area. That will be
22 for an interpretation and/or a variance. Next,
23 whether the forty-five foot buffer area
24 requirement is triggered by virtue of your access
25 driveway. The question is is that an

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intersecting street within the meaning of that section. And finally, we'll refer it for consideration of a lot coverage variance depending upon whether the access driveway, the cul-de-sac access driveway there is to be included within your development coverage.

CHAIRMAN EWASUTYN: Any additional questions, or comments, or additions?

MR. DATES: No.

CHAIRMAN EWASUTYN: I'll move from the Board to declare our intent for lead agency, to circulate to the Orange County Planning Department --

MR. WARD: So moved.

CHAIRMAN EWASUTYN: -- excuse me -- and to have Mike Donnelly prepare a referral letter to the ZBA outlining the issues that were just discussed this evening. I'll move for that motion.

MR. WARD: So moved.

MR. PROFACI: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward and a second by Joe Profaci. Any discussion of the motion?

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(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Just going back for one quick minute.

I know it's getting late. What the Planning Board will be entertaining soon is the return of The Market Place for that site plan. One of the issues that we're going to be discussing and referring to the Zoning Board of Appeals is very similar to what you discussed with us this evening, the parapets as they relate to the design of the buildings. The Market Place will be very similar to your site plan where what's being dictated by the national chains as far as a parapet or design does in fact exceed the allowable height. So I guess in the future there may be need to look at the zoning, to amend the zoning to allow for the type of design elements

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that are just being dictated by change today. So you're kind of right in tune with everyone else is what I'm trying to say.

Thank you. We look forward to seeing you again.

MR. DATES: Thank you.

MR. HAUSER: Can I just raise one very quick question? As it relates to the question of the variance, and the front yard, and also as far as circulation, are you at a point, and I don't know what you normally do, this borders a State highway and will require DOT consultation even though we're not -- it should go to DOT as part of the SEQRA review.

CHAIRMAN EWASUTYN: That would be one of the agencies.

MR. HAUSER: I just wanted to clarify that.

CHAIRMAN EWASUTYN: That's standard.

MR. HAUSER: Okay.

CHAIRMAN EWASUTYN: Any additional questions or comments?

(No response.)

MR. DATES: Thank you.

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(Time noted: 8:43 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: August 12, 2014

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

----- X
In the Matter of

ELM FARM SUBDIVISION
(2000-09)

Request For a 180-Day Extension of Preliminary
Subdivision Approval from September 1, 2014 until
February 1, 2015

----- X

BOARD BUSINESS

Date: July 17, 2014
Time: 8:43 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
WILLIAM J. HAUSER
PAUL RUGGIERO

----- X

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

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MR. PROFACI: Elm Farm Subdivision, project 2000-09. The applicant is requesting a 180-day extension of preliminary subdivision approval from 1 September 2014 to 1 February 2015.

CHAIRMAN EWASUTYN: Who would like to make a motion to grant that extension?

MR. PROFACI: So moved.

MR. GALLI: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself. So carried.

I'll move for a motion to close the Planning Board meeting of July 17th.

MR. MENNERICH: So moved.

MR. WARD: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 8:44 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: July 28, 2014