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

----- X

In the Matter of

VOLKSWAGEN OF NEWBURGH
(2013-11)

Route 17K and McDonald Street
Section 95; Block 1; Lot 53
IB Zone

----- X

CONCEPTUAL SITE PLAN

Date: August 15, 2013
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
THOMAS P. FOGARTY
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: DOMINIC CORDISCO

----- X

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

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CHAIRMAN EWASUTYN: Good evening, ladies and gentlemen. I'd like to welcome you to the Town of Newburgh Planning Board meeting of August 15th.

At this time I'll call the meeting to order with a roll call vote.

MR. GALLI: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. FOGARTY: Here.

MR. WARD: Present.

CHAIRMAN EWASUTYN: The Town of Newburgh Planning Board has professionals who represent us, and at this time I'll ask that they introduce themselves.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield, Town of Newburgh Code Compliance Supervisor.

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

MR. COCKS: Bryant Cocks, Planning

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VOLKSWAGEN OF NEWBURGH

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Consultant.

CHAIRMAN EWASUTYN: At this time I'll ask John Ward to lead the Pledge.

MR. WARD: Please stand to say the Pledge.

(Pledge of Allegiance.)

MR. WARD: Please turn off your cell phones.

CHAIRMAN EWASUTYN: The first item on the agenda this evening is Volkswagen of Newburgh. It's a conceptual site plan, it's located in an IB Zone and it's being represented by Dominic Cordisco.

MR. CORDISCO: Yes. Thank you. Thank you, Mr. Chairman. Dominic Cordisco from Drake, Loeb for the record. I didn't sit down because I'm itching to get going. I'm very happy to appear before the Board on this new project. This is our first appearance.

Before we turn to the site, I'd just like to introduce -- we have the full project team here tonight. I'm happy to introduce Eric Kahn, he is the owner of the project. He's also the owner of Friendly Honda and Friendly Ford as

1
2 well as a Land Rover dealership in upstate New
3 York. His partner is Peter Burack who is right
4 here. Chris Thomas, all from the Friendly
5 organization. They're looking to bring the
6 Volkswagen business and dealership here on Route
7 17K. We also have Joe Sarchino from John Meyer
8 Consulting, the project engineer. And behind him
9 wearing blue is Doug Kenyon. He's with Claris
10 Construction, as well as Phil Clark who is the
11 project architects and design build
12 professionals. We also have Taylor Palmer from
13 my office here. He's hiding. He did a lot of the
14 leg work in putting together the application, so
15 I really wanted him to come out tonight.

16 We received comments from your
17 consultants, and before we get into any of those
18 issues I think it would be helpful for Joe
19 Sarchino to give an overview of the project site,
20 some of the engineering issues, and then I'd like
21 to turn it over to Doug Kenyon to talk about the
22 specific building that we could expect to happen
23 at the site as well.

24 MR. SARCHINO: Thanks. Just to orient
25 the Board to the site, I'm not sure if everybody

1 knows where it is. Route 17K is here, the
2 National Guard access driveway is here. There's
3 a traffic signal in this location. The site is
4 outlined in green here. It's 5 acres --
5 approximately 5 acres in size in the IB Zone, as
6 previously stated. You might remember the
7 trooper barracks in this location has been demo'd
8 -- demolished recently. The idea is to have
9 access to the property opposite the traffic
10 signal which would provide the best and most
11 convenient access to the site.
12

13 The site plan which was submitted shows
14 the building here in beige located in this
15 portion of the property. Again as I said, the
16 access driveway opposite the National Guard
17 driveway would come into the property here and we
18 would have the front entrance -- the front
19 entrance of the building would be in this
20 location with customer parking here, additional
21 customer parking here and some car inventory --
22 car inventory in the front. There would also be
23 some display cars proposed along the frontage of
24 the property, but rather than putting them all in
25 line and close to each other we have them

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separated by a little landscaped area just to highlight them a little better and soften the look that's proposed.

The breakdown of the parking is customer parking 19 spaces, service parking 23 spaces, inventory parking 27 spaces and employee parking 17, for a total of 186. The Board may have noticed that we do show some dashed spaces in the back. That's an additional 51 spaces which would bring the total up to 237. They would be built in the future depending on the need. If the need is there, we would request to come back or check with the building department, whatever the Planning Board decides to arrange it if it's approved, to build those additional spaces.

We are proposing right now to have the storm drainage along the lower end of the site. The site generally slopes from low to high in this direction, so we're kind of proposing to cut it in the middle and drop -- and take the cut in this portion of the property, put it in the lower portion of the property, the balance the cut and fill of the property. Stormwater would be along

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the eastern side of the property.

There's a small 2,000 square foot wetland located here. It's an isolated wetland. We're processing the necessary documents with the Army Corp of Engineers to fill that because it would be part of the stormwater area or the stormwater management area, and the Army Corp is not -- does not see that to be a problem at all.

That's a general overview of the property. I'll turn it over to Doug.

MR. KENYON: Good evening, Board. Doug Kenyon with Claris Construction. Phil Clark is the architect of record. We're the architects and designers for the project.

I have a couple of plans here that are in your package already. I'll go over the floor plan and outside of the building. I have some typical drawings of what Volkswagen shows as the typical building. I have some proposed building elevations, floor plans and photos.

Essentially the building dealership is 122 foot wide by 166 foot long. It encompasses 21,325 square feet on the first floor footprint, and there is a 2,000 square foot parts mezzanine

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as a second floor. It also houses a car wash appurtenant to the building, that's 17 by 50. The total building height is 22 feet. We're obviously dealing with the FAA and the airport. There's no issues there but that's the building height. So the total is 22,000 square foot.

The exterior envelop is -- I'll show you the pictures of a typical Volkswagen. That will probably give you a better understanding of what the building looks like. Their program is essentially known as a white frame facility. It's a global program that they have. Essentially it's basically white. There is a lot of glass. As architects we don't have a lot of latitude on what they allow us to do. They have three very distinct frames on the front of the building. There's a service frame where cars enter for service reception, a dealer frame that says the dealer name, and then an entry door frame for the main portal into the building. Really the only accent color is the signage which is the blue. The Volkswagen logo is in blue. The service sign and the dealer sign.

It's a good clean looking building.

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2 The front is all ACM, aluminum composite metal,
3 panels. Around the sides there is a mix of split
4 faced block, EFIS, which is external insulation
5 finish system, stucco, and some more high tech
6 corrugated metal panel which it barely shows on
7 one of these pictures. It's kind of a mix. I'll
8 show you on our elevation as well. The
9 storefront glass is clear with anodized aluminum
10 frames. The garage entry doors to the service
11 bays or reception are all full glass doors with
12 anodized aluminum frames as well.

13 The site plan will show vehicle display
14 pads. There are vehicle display pads with a nice
15 terrace of pavers in front of the building and
16 the walkways as well as some part of the parking
17 lot behind the setbacks there.

18 Friendly is going to abide by an echo
19 friendly program that VW has actually called
20 Think Blue but it's really a green program,
21 sustainability. Although it's not -- it does not
22 need to be LEED certified, they don't mandate
23 that, there are certain things we're doing that
24 relate to the site, landscape, irrigation is
25 minimized with using native plants, site

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stormwater bio-swales, providing things like a bicycle rack and shower, fuel efficient vehicle parking, electric recharge stations. We're using LED lighting on the site pole lights as well as inside. It will have a white roof. The building is essentially a Butler pre-engineered structure. The front of it will be conventional steel with an EPDM white roof. The roof will reduce the height island effect and absorbing heat in the building. Use of waterless urinals, low flow fixtures and motion sensors, energy management systems, occupancy sensors. All the normal things that are LEED attainable. And then the dealer actually abides by an ongoing sustainable operation program to enhance the customer experience.

On the interior essentially a six-car -- there's a six-car -- a six-car showroom display on the interior. The flooring there is ceramic tile and hardwood -- laminate hardwood flooring mix. There's a four-car service recession display. I'll show you the elevations here. There's two garage doors there. That has a tile floor. There's three customer lounges

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throughout the facility. They have really focused on customer experience. Those are laminate wood floors. The service shop has 12 bays. That's epoxy or tile floor. We have the automatic car wash. And then obviously the appurtenant structures in the facility, the offices, break rooms, parts storage, special tools, restrooms and what have you. It's fully conditioned space and fully fire sprinklered.

I'll show you just a couple of the actual -- I know they are in your package but the actual elevations of the building. They're probably a little more mundane. This is just the parts storage second floor. It's a very minimal steel structure with one staircase going up. That's under 2,000 square feet. I know these are hard to see for some of you. Basically these are the three -- this is the front of the building that faces Route 17K. The three dealer frames that they call two service doors, those are the glass doors, the dealer identification frame and the main entry here. There's also a side entry on the building here. This is the mix of split faced block with EFIS. This would be the

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corrugated. We're kind of just mixing those in according to their program.

And then I do have a couple of interior photos that are typical if you care to see them. This is the interior of the building.

Are there any questions or anything that I didn't cover that you'd like me to?

CHAIRMAN EWASUTYN: It's going well.

MR. KENYON: Okay. All the roof drainage and everything will be gutters and leader drains into the stormwater basin.

It's about a nine-month build.

Thank you for your time.

MR. CORDISCO: We've began discussions already with the Port Authority. We met with them today and we provided them with a copy of our submission to this Board because we wanted to make sure that they were aware of us. A portion of the property, actually a fair portion of the property is within the runway protection zone that the airport establishes.

The building itself we estimate is going to be about the same height as the existing house that's on the property now. It's certainly

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a lot lower than the trees that are out there.

Port Authority has asked for more information but they were receptive, and I think that process will continue.

We will have to be referred to the FAA as part of this process. Before that occurs we would like to continue our dialogue with Stewart Airport and the Port Authority so that when we do make our referral to the FAA, the FAA could then turn to Port Authority and ask them their opinion and they'll hopefully by that time have formed one. So we did that.

Joe mentioned that there was a small isolated wetland on site. We've decided to treat that as jurisdictional with the Army Corp rather than arguing that it's an isolated wetland, and we did submit our preconstruction notice to the Army Corp. We received communications from them today that they're going to treat that as a standard approval. In other words, they're going to allow it to obtain the default approval. It doesn't rise to the level of any mitigation that's required as part of it because there's not enough fill to trigger the need to create

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2 compensatory wetland, and so that timeframe --
3 the default period hasn't run yet. When we have
4 confirmation that the default period has run, we
5 will get that from the Army Corp and supply that
6 to the Board. It's a 45-day period. It's
7 running but they said that they are going to let
8 it run out.

9 We did submit a traffic study
10 separately afterwards. If the Board would like,
11 Joe could run through the traffic report and the
12 improvements that we're proposing along 17K.

13 MR. SARCHINO: We prepared a report.
14 We did counts on Saturday between noon and 2 and
15 on a weekend -- week night between the hours of 4
16 and 6 p.m. We studied the intersection of Route
17 300 and 17K, our site driveway and 17K. We
18 basically found -- just to cut it short, we
19 basically found that the project does not impact
20 the levels of service from the no build condition
21 in 2014 to the -- along with the proposed
22 condition except for one minor leg which is the
23 through movement going through Route 300 and 17K
24 intersection going east. It changed two seconds
25 which turned it from a D to an E, just by two

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seconds. So basically from no build to no build with the project there was virtually no change, which was good news for us.

Mr. Wersted issued a review memorandum. Mr. Chairman, if you'd like I could kind of go through those quickly.

CHAIRMAN EWASUTYN: Please.

MR. SARCHINO: He had indicated, it was interesting, the truck movements into the property. We completed an analysis of that, and it always comes up on one of these projects how and where the car carriers come in and where they will unload. This is an auto turn analysis of a car carrier coming in from 84 to the exit on 17K, coming down 17K east. Basically this darker line here is what we anticipate that the car carrier will do. So he will enter in. We're proposing a separate left-turn lane into the property here headed east on 17K. So traffic signal modifications will be proposed as part of this project. So headed east we have a separate left-turn lane, is what we're proposing, to turn into the property here. The car carrier would use that left-turn lane to enter the site, traverse

1 down the property here, come up into this area
2 here and then back into this -- this is the car
3 inventory area and employee parking area. He
4 would unload his vehicles here and then come back
5 down the aisle and then leave heading in the same
6 direction. That's what's proposed right now.
7 You know, we'll submit -- when we do submit our
8 full package to the Board we'll include the truck
9 analysis plan along with that. We will have to
10 apply to the New York State Department of
11 Transportation to modify this traffic signal, and
12 we have not done that yet. Of course this is our
13 first Planning Board meeting. Once we make the
14 full submission to the Board, we will also
15 include a traffic study and application to the
16 DOT. Let's see. That was his first comment.

17
18 The second one was to show the truck
19 circulation route, which we have done here, which
20 we'll submit to Mr. Wersted.

21 The next one was just noting that we
22 followed the recommended practices to complete
23 the study.

24 Again he concurred on our general peak
25 generation rates.

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The fifth item that he had indicated, he's looking for us to complete our analysis based on a different methodology, which we're working on. We'll coordinate with Mr. Wersted on that and we'll provide him the information requested.

Again, he commented on the last item, the width of this left-turn lane which we'll have to work out with the DOT, and we'll also coordinate with Mr. Wersted on that as well.

CHAIRMAN EWASUTYN: Any comments from Board Members as far as Joe's presentation on traffic?

MR. FOGARTY: As I was going through the traffic plan, you mentioned that I think at peak hours, I may be off on the numbers, but there was like 28 expected coming in and 38 coming out. It could be reversed. 64. I was wondering if that has any impact on the number of handicap spots that you have?

MR. SARCHINO: No. The handicap spots are based on the criteria outlined in the Federal manual depending on how many parking spots you have. Right now we're showing 2 handicap spots.

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We could check on that a little bit further as far as the handicap requirements, and check with VW well. I'll make a note of that, just to review the handicap.

MR. FOGARTY: The only other question I have is what will trigger developing those additional parking spaces?

MR. CORDISCO: Those parking spaces are storage spaces.

MR. SARCHINO: Right.

MR. CORDISCO: They're inventory storage spaces. I think from our perspective it's business driven at this point.

MR. FOGARTY: I see.

MR. SARCHINO: I guess depending on how successful the dealership is. If it's very successful and they need additional room for inventory, which we're hoping it's very successful --

MR. FOGARTY: Are they going to be asphalt?

MR. SARCHINO: It is proposed to be asphalt but I'm thinking we might propose impervious pavement. That's something that we're

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going to discuss as well. That would be another green practice, as Doug mentioned a few. So we will -- we're going to look into that as well.

MR. DONNELLY: Are you going to propose to fully design that, ask for the site plan to be approved but not built rather than come back?

MR. CORDISCO: Correct. If I may, the stormwater I believe is being designed to accommodate that full buildout now. It's just that it may not be fully built at first construction.

MR. SARCHINO: We're not a hundred percent sure whether we would grade it all out now. That's generally pretty flat. This would be very easy construction in here. Between now and when we make our full submission to the Board we'll see what we want to do with that and we'll talk to the owners and see if we want to grade it out and put grass in there or what. We'll see what we're going to do.

CHAIRMAN EWASUTYN: Does anybody else have questions on traffic or parking?

(No response.)

CHAIRMAN EWASUTYN: Dominic, back to

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you.

MR. CORDISCO: Thank you. At this point, if the Board doesn't have any other questions based on our presentation, we'd welcome any other comments that you have or questions or comments from your consultants.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: Just one comment with respect to Tom's comments. On the handicap parking, 185-13 of the Zoning Code cites that the building code requirement is what's applicable for handicap requirements. So whatever the building code requirements are. I'm sure Mr. Sarchino will research them and include that.

MR. SARCHINO: Yes.

MR. CANFIELD: In the project readiness session of tonight's meeting we had discussed the need for a zoning variance. Bryant Cocks and myself have agreed that this is a corner lot due to the fact of the existence of Mulberry Lane. I did research the assessment records. I went back as far as the 1972 tax parcels and that lane was there in existence. I believe back in the day it

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served as an entrance and accessibility to what was known as Newburgh Country Club in the back. In any event, it does deem this lot as a corner lot. So your options are either to move the building or apply for a ZBA area variance.

MR. CORDISCO: We were looking at that as well in light of Bryant's comment. My only other thought on that, and we don't have an answer yet, was whether or not there is legal access from Mulberry Lane to one lot or more than one lot. We thought that it might be worthwhile perhaps to take a look at the deed records to see whether or not anyone actually has legal access or legal rights to Mulberry Lane. I believe it serves one house now. If it only served one house, we would suggest that it could be treated as a driveway rather than an actual private road. I don't know the answer to that. It's something that we would like to look into. Otherwise you're absolutely correct, we either have to move the building, which we would prefer not to do, or we have to obtain a variance. In light of that -- we don't know exactly which direction we're going, we would ask that the Board actually make

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the referral to the Zoning Board tonight so that if we decide that we don't want to move the building and that we want to apply for a variance, that the Zoning Board could accept our application without the need to come back and report further.

On the referral also, we're looking into designing our signage right now. We're hopeful that our signage will comply with the requirements, but it's possible that our signage might not. So we would also ask, as long as we're asking for a referral to the Zoning Board regarding the corner lot setback --

MR. COCKS: Mulberry Lane will give you frontage also.

MR. HINES: If it's a road.

MR. CORDISCO: That's right. That's right. But we would trade the setback for the signage, as you might imagine. But in any event, at least that would set us up potentially for a Zoning Board variance on both the setback and the signage.

MR. DONNELLY: Dominic, while you're doing your record search will you see if Mulberry

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Lane ever showed up on a filed map shown as a road or private road or something of the kind?

MR. CORDISCO: Yes.

MR. DONNELLY: Which ever side of the fence that falls on may be indicative of what status it is.

MR. CORDISCO: Yes. And just to clarify, if we decide to apply for a variance on that or if we decide to meet actually the 60-foot setback that's triggered, I don't think we're going to actually do the research on Mulberry Lane.

MR. DONNELLY: If you're going to treat it as if, our curiosity will just have to go unsatisfied.

MR. CORDISCO: I'm so sorry. If the Board would entertain a referral, at least that way we can start that process simultaneously.

We have other things that we need to submit to the Board. We know that we have to submit a landscaping plan. We're working on that. It wasn't ready for submission at this time, especially now we're at this preliminary stage. And of course we're also working on the

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stormwater design. We've set aside area for stormwater, but we of course have to submit our full stormwater report.

CHAIRMAN EWASUTYN: I was going to turn to Pat Hines.

MR. FOGARTY: Let Pat.

MR. HINES: That's a good lead in for our comment. We're awaiting the stormwater pollution prevention plan. I did have an opportunity to speak to Mr. Sarchino and others in his office regarding the fact that the project is located in the Washington Lake watershed and they are discharging to a class A stream. What we've done in the past was provide the required treatment of 110 percent of the water quality volume as an additional treatment standard. That has been done on other projects and accepted by the City of Newburgh. They don't have any watershed regulations but it often comes up in the County's planning review. The Lowe's project for one, the Hampton Inn -- the Hilton Gardens was another one that did that. Several projects have a history of complying with that and were successful in obtaining approvals.

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Site utilities we're looking for,
drainage, grading and other detailed plans.

The project will require a City of
Newburgh flow acceptance letter which could also
be started sooner rather than later. That often
takes a little while to get through the channels,
through the Town and the City.

A letter from your consultant to Jim
Osborne, the Town engineer's office, identifying
that loading, and then he'll forward that on to
the City. DOT and County Planning are obvious.
We did mention the FAA review which has been
coming up in some projects along this corridor
also. Sooner than later is better for that also.
That's all we have on the concept.

CHAIRMAN EWASUTYN: Bryant Cocks,
Planning Consultant?

MR. COCKS: Most of my questions have
actually been answered. I was confused about the
interior of the building and that exit at the
top. I guess that's the second floor then, that
middle section?

MR. HINES: On our plan there doesn't
appear to be a connection between the service

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entrance and the service bays.

MR. COCKS: Then you're showing the turning movement of those four cars.

MR. KENYON: On the site plan is that?

MR. HINES: The plan you have in front of you there. That west exit there.

MR. COCKS: In the middle of the building.

MR. KENYON: The service entrance. They're received here and they exit out the west side, the left side of the building, come back around and enter into the service bays from the rear -- the rear face.

MR. COCKS: They come in and that's just like a storage area, then they go out and come back around?

MR. KENYON: Yeah. Bryant, here is the front of the building. They come in here, exit here, come back around and enter for service into the service shop.

MR. COCKS: Okay. So that is the waiting area there in the middle?

MR. KENYON: Yes. This is the customer service reception right up --

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MR. HINES: On the site plan the exit doesn't work.

MR. COCKS: The exit is shown right in the middle of the service center and the turning movements for the four cars.

MR. HINES: It looks like the lounge is located where the exit is interior.

MR. SARCHINO: We'll clean that up. The building changed a little bit in between.

MR. COCKS: That's what I figured. I didn't know if that was a prototype. I was just confused about it.

The front forward cars that are displayed, it just says there's a retaining wall there.

MR. SARCHINO: You know what that is. That was the existing condition shown through the plan. The flag pole, for instance, is existing. That's going to be taken out. That was the confusion.

MR. COCKS: That's fine. I think everything else we've discussed previously.

We will need to send out the adjoiner notice for the property owners within 500 feet

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within ten days of this.

If the Planning Board wants to discuss their intent for lead agency, it looks like we have six outside agencies to send the plans to.

CHAIRMAN EWASUTYN: Mike Donnelly, Planning Board Attorney, any comments?

MR. DONNELLY: No. I'm prepared to write the ZBA referral letter if you'd like me to.

I agree with Bryant, that lead agency is in order.

I will suggest in my letter to the Zoning Board that if the variance is Type II, that they handle their portion under review on an uncoordinated basis so we don't run into an issue. If we can't close that environmental review you can't get your variances. They have usually been cooperative on that.

CHAIRMAN EWASUTYN: So your referral to the ZBA would be for the area variance and signage?

MR. DONNELLY: Yes. The area variance for a side yard of 40 feet where 60 is required if Mulberry Lane is determined to be a street.

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In other words, the letter will say that these variances are likely but not necessarily established. And then the signage plan may need variance relief as well.

CHAIRMAN EWASUTYN: The other referral we have, Dominic, is the FAA?

MR. CORDISCO: At some point in the process there would be a referral to the FAA. We're asking that you not make that referral yet because, like I said, we're in conversations with Port Authority.

MR. HINES: They're a Federal agency so they're not subject to SEQRA. You don't need to do that now.

MR. CORDISCO: Correct. They don't need to receive the lead agency notice. They couldn't be lead agency.

CHAIRMAN EWASUTYN: Okay. All right. At this point I'll move for a motion that would consist of conceptual approval.

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli, a second by Ken Mennerich. Any

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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. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself yes. So carried.

At this point we'll move for a motion to declare our intent for lead agency.

MR. MENNERICH: So moved.

MR. GALLI: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

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CHAIRMAN EWASUTYN: And myself yes. So carried.

Mike Donnelly is preparing the referral letter to the ZBA.

MR. FOGARTY: John -- I'm sorry, John. Dominic, you mentioned that one of the things you're going to go to the ZBA for is a variance on the signage.

MR. CORDISCO: Potentially. We're not sure. We may have a signage plan that actually meets the requirements. We're working with Volkswagen now on exactly what signage they would like to see on this building.

MR. FOGARTY: I'm thinking this is a brand new building, I don't understand why it can't be within our guidelines. Why do you automatically need a variance? We have the guidelines there for a reason.

MR. CORDISCO: You have guidelines but Volkswagen has guidelines. We're working between the two at this point. We're trying. We prefer to meet the requirements rather than to seek an additional variance for the project. The Town's requirements regarding signage are --

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MR. FOGARTY: I understand what you're saying, all right. I understand Volkswagen, on a national and international basis, have what they want as a corporate thing. They also have to understand they are in different communities that have different guidelines and they have to maybe compromise from the corporate image to, you know, fit into our community.

MR. CORDISCO: Right. I understand.

MR. FOGARTY: Thank you.

MR. MENNERICH: Dominic, in your discussions with Port Authority, have you indicated the height on the signage that you're going to be seeking?

MR. CORDISCO: No. Not yet. Not yet. We discussed the height of the building, the finished floor elevation and the height of the building as well as we also took surveys of -- height surveys of the trees that are existing on site, which are about 80 feet higher than the top of what the building will be when it's constructed. Of course Port Authority would very much like to see those trees come down.

CHAIRMAN EWASUTYN: John Ward?

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MR. WARD: My question was about your displays for the cars. Possibly if you can consider like a curbing around it, because the cars moving around and everything else, 17K. Even if it's like a display railing, a post.

At the same time we're trying to match the corridor of 17K with the landscaping design more. If you go down 17K, you see the Auto Auction, Toyota. We're trying to keep it that type of atmosphere.

MR. SARCHINO: Okay.

MR. WARD: Thank you.

MR. SARCHINO: We'll work on that.

CHAIRMAN EWASUTYN: So we moved for conceptual approval. We're referring to the agencies. We're doing the referral to the ZBA. You'll do the mailing to the adjoining property owners. You'll follow the requirements as far as the posting of the 11 by 18 sign with adjoining property owner notice, and that will be laminated.

MR. CORDISCO: Yes.

CHAIRMAN EWASUTYN: Okay. That's in the code. Anything else?

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(No response.)

CHAIRMAN EWASUTYN: Okay.

MR. COCKS: Just the public hearing needs that posting, not the adjoiner's notice.

CHAIRMAN EWASUTYN: Is that right? I didn't realize that. Like we said at the work session, it's still new to realize. Fine.

MR. DONNELLY: Do we make the County referral?

CHAIRMAN EWASUTYN: Thank you. Good one. I knew I kept going back because something was missing.

I'll move for a motion to --

MR. HINES: They're going to want more detail. It's early for that.

CHAIRMAN EWASUTYN: Do you think so?

MR. HINES: Yeah. They're going to want lighting and signage.

MR. CORDISCO: Chad Wade would like the stormwater plan I'm sure.

MR. HINES: You're going to get a laundry list of comments if you send it.

CHAIRMAN EWASUTYN: Then we'll wait.

MR. CORDISCO: Perhaps at our next

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appearance when we hope to have the details for
you.

CHAIRMAN EWASUTYN: Thank you.

MR. CORDISCO: Thank you all very much.

(Time noted: 7:40 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: September 5, 2013

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

----- X
In the Matter of

JPJR HOLDINGS, LLC
(2011-19)

Rockwood Drive, Route 32 & Chestnut Lane
Section 75; Block 1; Lot 36.2
R-3/B Zones

----- X

ELEVEN-LOT SUBDIVISION

Date: August 15, 2013
Time: 7:40 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
THOMAS P. FOGARTY
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: JOHN BODENDORF

----- X

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

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CHAIRMAN EWASUTYN: The next item before us this evening is JPJR Holdings, LLC. It's an eleven-lot subdivision in an R-3 Zone. It's represented -- is it Michael or John?

MR. BODENDORF: It's John.

CHAIRMAN EWASUTYN: That's what I thought. John Bodendorf.

MR. BODENDORF: John Bodendorf for Hudson Land Design here on behalf of the applicant.

Since we were before you last we've advanced the plans in accordance with your consultants' comments.

Particularly with the stormwater comments, we submitted the stormwater pollution prevention plan. We complied with the notice to the adjoiners within 500 feet.

The only other significant change, it's not that significant, is we reconfigured some of the lots. Primarily all the flag lots previously were shown -- the flag portions were shown at 50-foot width. We reduced those to 25 feet and that allowed us to show the stormwater management on

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it's own and also allowed us to increase the size of some of the smaller lots up front. Previously we had a few lots that were just over the minimum size requirement, and now our smallest lot is just over 15,000 square feet.

So we believe we're at a point where it makes sense to solicit public input, so we're requesting the Board consider setting a public hearing.

CHAIRMAN EWASUTYN: Okay. I'll first start with comments from Board Members and then we'll close with our consultants.

Frank Galli?

MR. GALLI: No comments.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Could you update the Board as far as your approach to Shop Rite and the drainage?

MR. BODENDORF: Yes. We met with the town engineer and your engineer and consultant to discuss that because currently all the drainage from the original subdivision on Rockwood to the east basically ends up at the corner of Rockwood and Chestnut. With the larger storms it backs

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into the applicant's property and sometimes overtops Chestnut Lane and ends up flooding Shop Rite out. So we approached the owner of the plaza and offered to replace that 15-inch culvert that currently exists on Chestnut with a larger pipe and connect it with their system, because they have a system that could handle much more flow. However, the owners did not want to entertain that even though our client offered to do it all at his expense. So there's really -- there's nothing we can do for them if they don't want to get something for free basically. By providing a pond here, it's going to help alleviate some of that. We can't alleviate it all, there's just too much water coming down that hill.

CHAIRMAN EWASUTYN: Michael Donnelly, is that --

MR. DONNELLY: My suggestion during work session was perhaps a conversation with the Town Board to see if the Town Board could speak to the owner. Or conceivably, if it was important enough to the area in general, the Town, and I can't speak for them, could consider

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condemning an easement and replacing the pipes.
It may look to you for the cost of that, but --

MR. BODENDORF: I think my client would be willing to do that but we would need help because we did everything we could to try and deal with them but they won't talk to us any further.

MR. DONNELLY: I can't speak for the Town Board but I gather we will hear at the public hearing from the surrounding property owners that they have an extensive problem with unresolved drainage whenever there's a major storm event. If that's a large enough problem the Town might be interested in looking for a solution, and either cajole the property owner into accepting your offer or consider condemning the easement necessary to do that. I think a visit to them might be in order to talk about that issue. Or we could do it after the public hearing because we're certainly going to hear that. It might be better to get to work on it now. I can't promise you they would be inclined to do it but it might be worth a discussion.

MR. BODENDORF: I guess I'll leave it

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up to the Board, what their pleasure is. I mean obviously we'd like to get public input sooner than later. If we know this is going to be an issue with the public, then if it makes sense to approach the Town Board now, we can certainly do that.

MR. DONNELLY: Let me mention it -- perhaps I can reach out to Mark Taylor, the Town Attorney, and see what his thoughts are as to the potential willingness of the Town and get back to you. I'm sure they have something in the file.

I think you have a problem with Section 280-A of the Town Law, and Pat was going to mention this. I'm sure he will. But it's with the lot that is in the center. The lot whose driveway on straddling the line of the two most rear lots. 280-A requires that your -- if you point I'll show you what I mean.

MR. BODENDORF: You're talking about --

MR. DONNELLY: That one is okay. Keep going. One over to the right. No. Down.

MR. BODENDORF: This one. Okay.

MR. DONNELLY: That, though it has fee access and frontage, it's access to the road is

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not on it's own land, it's by easement on someone else's land, and that's not permitted. Straddling the line as you've done for the other lots --

MR. BODENDORF: Okay. So if we straddle this line it complies?

MR. DONNELLY: Yeah. Each lot's driveway is going to have to have a portion of it in fee to the roadway to satisfy 280-A.

MR. BODENDORF: Right. That was probably just an oversight. That's an easy fix.

MR. HINES: It also cleans up that issue of lot 11 having someone else's driveway that doesn't benefit upon it's lot.

MR. BODENDORF: Right.

CHAIRMAN EWASUTYN: Thank you, Michael. Anything else?

MR. DONNELLY: Perhaps you can give me an e-mail address before you go and I can --

MR. BODENDORF: I'll give you one of my cards.

MR. HINES: As I told the Board during the work session, the Town has -- I think it was in the mid `80s, had a design to correct that

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problem through the Shop Rite parcel which we provided to the applicant for their discussions. So it's an existing condition that the Town has been aware of for awhile.

CHAIRMAN EWASUTYN: Okay. Do you want to continue on with your review?

MR. HINES: At our meeting that we had with the applicant's representative, there's a ponded area that exists in the rear yard of the properties, I want to say to the north.

MR. BODENDORF: Here.

MR. HINES: They have made provisions to allow that to free drain. We had a concern about the driveway there and what impacts that would have. So that -- the most recent plans show that existing condition to be cleaned up by providing some drainage swales in that area.

We just talked about the common driveway.

A City of Newburgh flow acceptance letter is going to be required for connection to the sanitary sewer, and that will entail a letter to Jim Osborne's office with the anticipated hydraulic loading from the eleven houses, and

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then he will forward that on to the City. It's a procedural matter.

MR. BODENDORF: Is it appropriate to do that now?

MR. HINES: Yeah.

MR. BODENDORF: I thought -- I thought I heard we should wait until we have preliminary approval and then --

MR. HINES: I think you can start it now, otherwise it's -- it sometimes takes a couple months to get back.

MR. BODENDORF: Okay. Not a problem.

MR. HINES: The detention pond is going to be required to be fenced. It's a Town requirement for drainage districts. They have in the past used split rail fences. Also, because of the location of the detention pond at that intersection, there's going to be a need for guide rails to protect the vehicle traffic.

The rest of the comments have to do with the stormwater management plan. That we'll work through with the applicant's representative as we proceed forward.

CHAIRMAN EWASUTYN: Jerry Canfield,

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JPJR HOLDINGS, LLC

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Code Compliance?

MR. CANFIELD: I have nothing.

CHAIRMAN EWASUTYN: Bryant Cocks,
Planner?

MR. COCKS: The applicant will ensure
the bulk table with the actual dimensions of the
setback on the next submission. The setback
lines that are shown on the lots meet all the
requirements.

The one other zoning issue is just the
buildable lot area requirement. That needs to be
a regular rectangle.

MR. BODENDORF: Right angles,
rectangle. Okay. In those cases where the
building envelop is small, we can go over that as
long as there's no environmentally sensitive
land?

MR. COCKS: Yes. Just as long as the
house is in it and it's 3,750 square feet, that's
all that matter.

The applicant indicated they'll be
providing a landscape plan and tree protection
plan in the future submission.

We did have some comments from Orange

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County Planning Department, none which is binding. They wanted the lots to be larger. This is an R-3 Zone with municipal water and sewer. This is -- the surrounding lots are all about the same size as this, across the street and adjacent to it. I'm not really sure what the County meant by not being in the community character. The Planning Board does have the option to override this comment for a majority plus one, which would be five votes. The applicant wouldn't have to take this into consideration.

They also commented upon maybe providing a crosswalk at the intersection of Rockwood Drive and Chestnut Lane. There's no sidewalks in this area at all, so I don't see the point of building a crosswalk when there's no sidewalks. That wasn't a binding comment, though. That was just a suggestion.

If the plans are ready, by the Planning Board standards, then the public hearing date would be September 19, 2013.

MR. DONNELLY: We'd have to issue a declaration of significance?

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MR. COCKS: Yes.

CHAIRMAN EWASUTYN: Comments from anyone else on the Board?

(No response.)

CHAIRMAN EWASUTYN: Would someone give us the verbiage so the Board could now act on the Orange County Planning Department's comments?

MR. COCKS: I would say because the surrounding community has lots of similar size -- houses of similar size, that the County comments -- that these lots would fit in the community character of the surrounding neighborhood.

MR. CANFIELD: You want to also mention it's in the R-3 Zone. The requirement with public utilities is only 1,250 square feet, which is consistent with the rest of the neighborhood.

MR. FOGARTY: So moved.

CHAIRMAN EWASUTYN: I have a motion by Tom Fogarty.

MR. WARD: Second.

CHAIRMAN EWASUTYN: A second by John Ward. Any discussion of the motion?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a

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roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye myself. So
carried.

Bryant, you're saying the meeting date
is the 13th?

MR. COCKS: 19th. September 19.

CHAIRMAN EWASUTYN: I'll move for a
motion to declare a negative declaration and to
set a public hearing for the 19th of September.

MR. WARD: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by
John Ward and 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. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself. So

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carried.

John, Bryant will walk you through the public hearing, the notice, and when the time comes to mail them, that Friday, maybe a day before you could give me a call. Cindy Martinez at the Town Hall, you will speak with her about you bringing in the material that Friday and she'll work on the affidavit as far as the notary signing it and such.

MR. BODENDORF: Right. Bryant had previously sent me the information for the public hearing notice. I have that. I'll check to make sure I understand it completely and we'll be in contact.

MR. COCKS: Do you still have the mailing list or do you need a new one?

MR. BODENDORF: We still have that.

MR. COCKS: Okay.

MR. BODENDORF: It shouldn't have changed.

CHAIRMAN EWASUTYN: I misunderstood. I thought -- I'm just saying I thought the adjoining property owner notice had to be posted, too.

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MR. COCKS: Just the public hearing notice.

CHAIRMAN EWASUTYN: Thank you.

MR. BODENDORF: Thank you.

MR. HINES: Bryant is leaving in two weeks so everything after that will go through my office.

MR. BODENDORF: Okay. Good to know.

Good luck.

MR. COCKS: Thank you.

(Time noted: 7:53 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: September 5, 2013

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

----- X
In the Matter of

PATTON RIDGE SUBDIVISION
(2012-18)

Request to Reschedule Public Hearing
from 9/5/13 to 10/3/13

----- X

BOARD BUSINESS

Date: August 15, 2013
Time: 7:53 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
KENNETH MENNERICH
THOMAS P. FOGARTY
JOHN A. WARD

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

----- X

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

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CHAIRMAN EWASUTYN: We have three items of Board Business. The first item we have is Patton Ridge Subdivision. The applicant is requesting to move the scheduled public hearing date from the 5th of September 2013 to October 3, 2013.

I'll move for that motion.

MR. WARD: So moved.

MR. FOGARTY: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself. So carried.

MR. MENNERICH: I have a comment on that. On the list that they give you for the notification of people, I happen to be on it for my house. Just looking at it, I saw two, 22 Patton Road, 26 Patton Road weren't listed; 381,

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PATTON RIDGE SUBDIVISION

54

388 and 390 South Plank Road weren't listed. I think they ought to relook at that list. Some of these properties are right adjacent to it.

MR. COCKS: Okay.

MR. FOGARTY: Do they have to do a new posting on the property for the public hearing?

CHAIRMAN EWASUTYN: For the public hearing they would.

MR. COCKS: What were the properties?

MR. MENNERICH: 381 South Plank Road, 388, 390; 22 Patton Road and 26 Patton Road.

My nephew lives on Patton Road and my sister-in-law lives on Patton Road, so --

CHAIRMAN EWASUTYN: You know it well.

MR. MENNERICH: -- I know their names and they weren't on the list.

CHAIRMAN EWASUTYN: Thank you.

(Time noted: 7:55 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: September 5, 2013

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

----- X
In the Matter of

TRINITY SQUARE SITE PLAN
(2006-53)

Request for an Extension of Conditional Preliminary
Site Plan Approval

----- X

BOARD BUSINESS

Date: August 15, 2013
Time: 7:55 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
THOMAS P. FOGARTY
JOHN A. WARD

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

----- X

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

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CHAIRMAN EWASUTYN: The next item we have is we have a letter for Trinity Square Site Plan. The applicant is requesting extension of conditional preliminary site plan approval which will run from the 16th of September through the 16th of March 2014.

I'll move for that motion.

MR. MENNERICH: So moved.

MR. FOGARTY: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

(Time noted: 7:56 p.m.)

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DATED: September 5, 2013

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

----- X
In the Matter of

LANDS OF ZAZON
(2004-29)

Request for an Extension of Conditional Final
Site Plan Approval

----- X

BOARD BUSINESS

Date: August 15, 2013
Time: 7:56 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
THOMAS P. FOGARTY
JOHN A. WARD

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

----- X

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

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CHAIRMAN EWASUTYN: This is the last extension we have. If you look at the dates on some of these projects, this one here is 2004. It's almost ten years old. It's the Lands of Zazon. The applicant is requesting an extension of conditional final site plan approval which will run from the 19th of September 2013 through the 19th of March 2014. I'll move for that motion.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself.

At this point I'll move for a motion to close the Planning Board meeting of the 15th of August 2013.

Since it's the last meeting officially

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LANDS OF ZAZON

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with Bryant Cocks, I would like to thank him for his great service --

MR. COCKS: Thank you.

CHAIRMAN EWASUTYN: -- and wish him much success in the near future.

MR. GALLI: So moved.

MR. FOGARTY: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 7:58 p.m.)

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DATED: September 5, 2013